

In the House of Representatives, U. S.,

December 21, 2020.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 133) entitled “An Act to promote economic partnership and cooperation between the United States and Mexico.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 SECTION 1. SHORT TITLE.

2 *This Act may be cited as the “Consolidated Appropria-*
3 *tions Act, 2021”.*

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Title XXI—COVID-19 Regulatory Relief and Work From Home Safety Act

1 SEC. 3. REFERENCES.

2 *Except as expressly provided otherwise, any reference*
 3 *to “this Act” contained in any division of this Act shall*
 4 *be treated as referring only to the provisions of that divi-*
 5 *sion.*

6 SEC. 4. EXPLANATORY STATEMENT.

7 *The explanatory statement regarding this Act, printed*
 8 *in the House section of the Congressional Record on or*

1 *about December 21, 2020, and submitted by the Chair-*
2 *woman of the Committee on Appropriations of the House,*
3 *shall have the same effect with respect to the allocation of*
4 *funds and implementation of divisions A through L of this*
5 *Act as if it were a joint explanatory statement of a com-*
6 *mittee of conference.*

7 **SEC. 5. STATEMENT OF APPROPRIATIONS.**

8 *The following sums in this Act are appropriated, out*
9 *of any money in the Treasury not otherwise appropriated,*
10 *for the fiscal year ending September 30, 2021.*

11 **SEC. 6. AVAILABILITY OF FUNDS.**

12 *(a) Each amount designated in this Act by the Con-*
13 *gress as an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985 shall be available (or rescinded,*
16 *if applicable) only if the President subsequently so des-*
17 *ignates all such amounts and transmits such designations*
18 *to the Congress.*

19 *(b) Each amount designated in this Act by the Con-*
20 *gress for Overseas Contingency Operations/Global War on*
21 *Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-*
22 *anced Budget and Emergency Deficit Control Act of 1985*
23 *shall be available (or rescinded, if applicable) only if the*
24 *President subsequently so designates all such amounts and*
25 *transmits such designations to the Congress.*

1 **SEC. 7. ADJUSTMENTS TO COMPENSATION.**

2 *Notwithstanding any other provision of law, no adjust-*
3 *ment shall be made under section 601(a) of the Legislative*
4 *Reorganization Act of 1946 (2 U.S.C. 4501) (relating to*
5 *cost of living adjustments for Members of Congress) during*
6 *fiscal year 2021.*

7 **SEC. 8. DEFINITION.**

8 *In divisions A through M of this Act, the term*
9 *“coronavirus” means SARS-CoV-2 or another coronavirus*
10 *with pandemic potential.*

11 **SEC. 9. OFFICE OF MANAGEMENT AND BUDGET REPORTING**
12 **REQUIREMENT.**

13 *Notwithstanding the “7 calendar days” requirement in*
14 *section 251(a)(7)(B) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)(B)),*
16 *for any appropriations Act for fiscal year 2021 enacted be-*
17 *fore January 1, 2021, the Office of Management and Budget*
18 *shall transmit to the Congress its report under that section*
19 *estimating the discretionary budgetary effects of such Acts*
20 *not later than January 15, 2021.*

1 ***DIVISION A—AGRICULTURE, RURAL DE-***
2 ***VELOPMENT, FOOD AND DRUG ADMIN-***
3 ***ISTRATION, AND RELATED AGENCIES***
4 ***APPROPRIATIONS ACT, 2021***

5 *TITLE I*

6 *AGRICULTURAL PROGRAMS*

7 *PROCESSING, RESEARCH, AND MARKETING*

8 *OFFICE OF THE SECRETARY*

9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For necessary expenses of the Office of the Secretary,*
11 *\$46,998,000, of which not to exceed \$5,101,000 shall be*
12 *available for the immediate Office of the Secretary; not to*
13 *exceed \$1,324,000 shall be available for the Office of Home-*
14 *land Security; not to exceed \$7,002,000 shall be available*
15 *for the Office of Partnerships and Public Engagement, of*
16 *which \$1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to*
17 *exceed \$22,321,000 shall be available for the Office of the*
18 *Assistant Secretary for Administration, of which*
19 *\$21,440,000 shall be available for Departmental Adminis-*
20 *tration to provide for necessary expenses for management*
21 *support services to offices of the Department and for general*
22 *administration, security, repairs and alterations, and other*
23 *miscellaneous supplies and expenses not otherwise provided*
24 *for and necessary for the practical and efficient work of the*
25 *Department: Provided, That funds made available by this*

1 *Act to an agency in the Administration mission area for*
2 *salaries and expenses are available to fund up to one ad-*
3 *ministrative support staff for the Office; not to exceed*
4 *\$3,908,000 shall be available for the Office of Assistant Sec-*
5 *retary for Congressional Relations and Intergovernmental*
6 *Affairs to carry out the programs funded by this Act, in-*
7 *cluding programs involving intergovernmental affairs and*
8 *liaison within the executive branch; and not to exceed*
9 *\$7,342,000 shall be available for the Office of Communica-*
10 *tions: Provided further, That the Secretary of Agriculture*
11 *is authorized to transfer funds appropriated for any office*
12 *of the Office of the Secretary to any other office of the Office*
13 *of the Secretary: Provided further, That no appropriation*
14 *for any office shall be increased or decreased by more than*
15 *5 percent: Provided further, That not to exceed \$22,000 of*
16 *the amount made available under this paragraph for the*
17 *immediate Office of the Secretary shall be available for offi-*
18 *cial reception and representation expenses, not otherwise*
19 *provided for, as determined by the Secretary: Provided fur-*
20 *ther, That the amount made available under this heading*
21 *for Departmental Administration shall be reimbursed from*
22 *applicable appropriations in this Act for travel expenses in-*
23 *cident to the holding of hearings as required by 5 U.S.C.*
24 *551–558: Provided further, That funds made available*
25 *under this heading for the Office of the Assistant Secretary*

1 *for Congressional Relations and Intergovernmental Affairs*
2 *may be transferred to agencies of the Department of Agri-*
3 *culture funded by this Act to maintain personnel at the*
4 *agency level: Provided further, That no funds made avail-*
5 *able under this heading for the Office of Assistant Secretary*
6 *for Congressional Relations may be obligated after 30 days*
7 *from the date of enactment of this Act, unless the Secretary*
8 *has notified the Committees on Appropriations of both*
9 *Houses of Congress on the allocation of these funds by*
10 *USDA agency: Provided further, That during any 30 day*
11 *notification period referenced in section 716 of this Act, the*
12 *Secretary of Agriculture shall take no action to begin imple-*
13 *mentation of the action that is subject to section 716 of this*
14 *Act or make any public announcement of such action in*
15 *any form.*

16 *EXECUTIVE OPERATIONS*

17 *OFFICE OF THE CHIEF ECONOMIST*

18 *For necessary expenses of the Office of the Chief Econo-*
19 *mist, \$24,192,000, of which \$8,000,000 shall be for grants*
20 *or cooperative agreements for policy research under 7*
21 *U.S.C. 3155.*

22 *OFFICE OF HEARINGS AND APPEALS*

23 *For necessary expenses of the Office of Hearings and*
24 *Appeals, \$15,394,000.*

1 *to the 1984 delegation of authority from the Administrator*
2 *of General Services to the Department of Agriculture under*
3 *40 U.S.C. 121, for programs and activities of the Depart-*
4 *ment which are included in this Act, and for alterations*
5 *and other actions needed for the Department and its agen-*
6 *cies to consolidate unneeded space into configurations suit-*
7 *able for release to the Administrator of General Services,*
8 *and for the operation, maintenance, improvement, and re-*
9 *pair of Agriculture buildings and facilities, and for related*
10 *costs, \$108,124,000, to remain available until expended.*

11 *HAZARDOUS MATERIALS MANAGEMENT*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For necessary expenses of the Department of Agri-*
14 *culture, to comply with the Comprehensive Environmental*
15 *Response, Compensation, and Liability Act (42 U.S.C.*
16 *9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C.*
17 *6901 et seq.), \$6,514,000, to remain available until ex-*
18 *pended: Provided, That appropriations and funds available*
19 *herein to the Department for Hazardous Materials Manage-*
20 *ment may be transferred to any agency of the Department*
21 *for its use in meeting all requirements pursuant to the*
22 *above Acts on Federal and non-Federal lands.*

23 *OFFICE OF SAFETY, SECURITY, AND PROTECTION*

24 *For necessary expenses of the Office of Safety, Security,*
25 *and Protection, \$23,218,000.*

1 *OFFICE OF INSPECTOR GENERAL*

2 *For necessary expenses of the Office of Inspector Gen-*
3 *eral, including employment pursuant to the Inspector Gen-*
4 *eral Act of 1978 (Public Law 95-452; 5 U.S.C. App.),*
5 *\$99,912,000, including such sums as may be necessary for*
6 *contracting and other arrangements with public agencies*
7 *and private persons pursuant to section 6(a)(9) of the In-*
8 *spector General Act of 1978 (Public Law 95-452; 5 U.S.C.*
9 *App.), and including not to exceed \$125,000 for certain con-*
10 *fidential operational expenses, including the payment of in-*
11 *formants, to be expended under the direction of the Inspec-*
12 *tor General pursuant to the Inspector General Act of 1978*
13 *(Public Law 95-452; 5 U.S.C. App.) and section 1337 of*
14 *the Agriculture and Food Act of 1981 (Public Law 97-98).*

15 *OFFICE OF THE GENERAL COUNSEL*

16 *For necessary expenses of the Office of the General*
17 *Counsel, \$45,390,000.*

18 *OFFICE OF ETHICS*

19 *For necessary expenses of the Office of Ethics,*
20 *\$4,184,000.*

21 *OFFICE OF THE UNDER SECRETARY FOR RESEARCH,*
22 *EDUCATION, AND ECONOMICS*

23 *For necessary expenses of the Office of the Under Sec-*
24 *retary for Research, Education, and Economics, \$809,000:*
25 *Provided, That funds made available by this Act to an*

1 *agency in the Research, Education, and Economics mission*
2 *area for salaries and expenses are available to fund up to*
3 *one administrative support staff for the Office.*

4 *ECONOMIC RESEARCH SERVICE*

5 *For necessary expenses of the Economic Research Serv-*
6 *ice, \$85,476,000.*

7 *NATIONAL AGRICULTURAL STATISTICS SERVICE*

8 *For necessary expenses of the National Agricultural*
9 *Statistics Service, \$183,921,000, of which up to \$46,300,000*
10 *shall be available until expended for the Census of Agri-*
11 *culture: Provided, That amounts made available for the*
12 *Census of Agriculture may be used to conduct Current In-*
13 *dustrial Report surveys subject to 7 U.S.C. 2204g(d) and*
14 *(f).*

15 *AGRICULTURAL RESEARCH SERVICE*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Agricultural Research*
18 *Service and for acquisition of lands by donation, exchange,*
19 *or purchase at a nominal cost not to exceed \$100, and for*
20 *land exchanges where the lands exchanged shall be of equal*
21 *value or shall be equalized by a payment of money to the*
22 *grantor which shall not exceed 25 percent of the total value*
23 *of the land or interests transferred out of Federal ownership,*
24 *\$1,491,784,000: Provided, That appropriations hereunder*
25 *shall be available for the operation and maintenance of air-*

1 *craft and the purchase of not to exceed one for replacement*
2 *only: Provided further, That appropriations hereunder shall*
3 *be available pursuant to 7 U.S.C. 2250 for the construction,*
4 *alteration, and repair of buildings and improvements, but*
5 *unless otherwise provided, the cost of constructing any one*
6 *building shall not exceed \$500,000, except for headhouses*
7 *or greenhouses which shall each be limited to \$1,800,000,*
8 *except for 10 buildings to be constructed or improved at*
9 *a cost not to exceed \$1,100,000 each, and except for two*
10 *buildings to be constructed at a cost not to exceed*
11 *\$3,000,000 each, and the cost of altering any one building*
12 *during the fiscal year shall not exceed 10 percent of the cur-*
13 *rent replacement value of the building or \$500,000, which-*
14 *ever is greater: Provided further, That appropriations here-*
15 *under shall be available for entering into lease agreements*
16 *at any Agricultural Research Service location for the con-*
17 *struction of a research facility by a non-Federal entity for*
18 *use by the Agricultural Research Service and a condition*
19 *of the lease shall be that any facility shall be owned, oper-*
20 *ated, and maintained by the non-Federal entity and shall*
21 *be removed upon the expiration or termination of the lease*
22 *agreement: Provided further, That the limitations on alter-*
23 *ations contained in this Act shall not apply to moderniza-*
24 *tion or replacement of existing facilities at Beltsville, Mary-*
25 *land: Provided further, That appropriations hereunder*

1 *shall be available for granting easements at the Beltsville*
2 *Agricultural Research Center: Provided further, That the*
3 *foregoing limitations shall not apply to replacement of*
4 *buildings needed to carry out the Act of April 24, 1948 (21*
5 *U.S.C. 113a): Provided further, That appropriations here-*
6 *under shall be available for granting easements at any Ag-*
7 *ricultural Research Service location for the construction of*
8 *a research facility by a non-Federal entity for use by, and*
9 *acceptable to, the Agricultural Research Service and a con-*
10 *dition of the easements shall be that upon completion the*
11 *facility shall be accepted by the Secretary, subject to the*
12 *availability of funds herein, if the Secretary finds that ac-*
13 *ceptance of the facility is in the interest of the United*
14 *States: Provided further, That funds may be received from*
15 *any State, other political subdivision, organization, or in-*
16 *dividual for the purpose of establishing or operating any*
17 *research facility or research project of the Agricultural Re-*
18 *search Service, as authorized by law.*

19

BUILDINGS AND FACILITIES

20 *For the acquisition of land, construction, repair, im-*
21 *provement, extension, alteration, and purchase of fixed*
22 *equipment or facilities as necessary to carry out the agricul-*
23 *tural research programs of the Department of Agriculture,*
24 *where not otherwise provided, \$35,700,000 to remain avail-*

1 *able until expended, of which \$11,200,000 shall be allocated*
2 *for ARS facilities co-located with university partners.*

3 *NATIONAL INSTITUTE OF FOOD AND AGRICULTURE*
4 *RESEARCH AND EDUCATION ACTIVITIES*

5 *For payments to agricultural experiment stations, for*
6 *cooperative forestry and other research, for facilities, and*
7 *for other expenses, \$992,642,000, which shall be for the pur-*
8 *poses, and in the amounts, specified in the table titled “Na-*
9 *tional Institute of Food and Agriculture, Research and*
10 *Education Activities” in the explanatory statement de-*
11 *scribed in section 4 (in the matter preceding division A of*
12 *this consolidated Act): Provided, That funds for research*
13 *grants for 1994 institutions, education grants for 1890 in-*
14 *stitutions, Hispanic serving institutions education grants,*
15 *capacity building for non-land-grant colleges of agriculture,*
16 *the agriculture and food research initiative, veterinary*
17 *medicine loan repayment, multicultural scholars, graduate*
18 *fellowship and institution challenge grants, and grants*
19 *management systems shall remain available until expended:*
20 *Provided further, That each institution eligible to receive*
21 *funds under the Evans-Allen program receives no less than*
22 *\$1,000,000: Provided further, That funds for education*
23 *grants for Alaska Native and Native Hawaiian-serving in-*
24 *stitutions be made available to individual eligible institu-*
25 *tions or consortia of eligible institutions with funds award-*

1 *ed equally to each of the States of Alaska and Hawaii: Pro-*
 2 *vided further, That funds for education grants for 1890 in-*
 3 *stitutions shall be made available to institutions eligible to*
 4 *receive funds under 7 U.S.C. 3221 and 3222: Provided fur-*
 5 *ther, That not more than 5 percent of the amounts made*
 6 *available by this or any other Act to carry out the Agri-*
 7 *culture and Food Research Initiative under 7 U.S.C. 3157*
 8 *may be retained by the Secretary of Agriculture to pay ad-*
 9 *ministrative costs incurred by the Secretary in carrying out*
 10 *that authority.*

11 *NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND*

12 *For the Native American Institutions Endowment*
 13 *Fund authorized by Public Law 103–382 (7 U.S.C. 301*
 14 *note), \$11,880,000, to remain available until expended.*

15 *EXTENSION ACTIVITIES*

16 *For payments to States, the District of Columbia,*
 17 *Puerto Rico, Guam, the Virgin Islands, Micronesia, the*
 18 *Northern Marianas, and American Samoa, \$538,447,000,*
 19 *which shall be for the purposes, and in the amounts, speci-*
 20 *fied in the table titled “National Institute of Food and Agri-*
 21 *culture, Extension Activities” in the explanatory statement*
 22 *described in section 4 (in the matter preceding division A*
 23 *of this consolidated Act): Provided, That funds for facility*
 24 *improvements at 1890 institutions shall remain available*
 25 *until expended: Provided further, That institutions eligible*

1 *to receive funds under 7 U.S.C. 3221 for cooperative exten-*
2 *sion receive no less than \$1,000,000: Provided further, That*
3 *funds for cooperative extension under sections 3(b) and (c)*
4 *of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and sec-*
5 *tion 208(c) of Public Law 93–471 shall be available for re-*
6 *tirement and employees’ compensation costs for extension*
7 *agents.*

8 *INTEGRATED ACTIVITIES*

9 *For the integrated research, education, and extension*
10 *grants programs, including necessary administrative ex-*
11 *penses, \$39,000,000, which shall be for the purposes, and*
12 *in the amounts, specified in the table titled “National Insti-*
13 *tute of Food and Agriculture, Integrated Activities” in the*
14 *explanatory statement described in section 4 (in the matter*
15 *preceding division A of this consolidated Act): Provided,*
16 *That funds for the Food and Agriculture Defense Initiative*
17 *shall remain available until September 30, 2022: Provided*
18 *further, That notwithstanding any other provision of law,*
19 *indirect costs shall not be charged against any Extension*
20 *Implementation Program Area grant awarded under the*
21 *Crop Protection/Pest Management Program (7 U.S.C.*
22 *7626).*

1 *OFFICE OF THE UNDER SECRETARY FOR MARKETING AND*
2 *REGULATORY PROGRAMS*

3 *For necessary expenses of the Office of the Under Sec-*
4 *retary for Marketing and Regulatory Programs, \$809,000:*
5 *Provided, That funds made available by this Act to an*
6 *agency in the Marketing and Regulatory Programs mission*
7 *area for salaries and expenses are available to fund up to*
8 *one administrative support staff for the Office.*

9 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*
10 *SALARIES AND EXPENSES*
11 *(INCLUDING TRANSFERS OF FUNDS)*

12 *For necessary expenses of the Animal and Plant*
13 *Health Inspection Service, including up to \$30,000 for rep-*
14 *resentation allowances and for expenses pursuant to the*
15 *Foreign Service Act of 1980 (22 U.S.C. 4085),*
16 *\$1,064,179,000, of which \$478,000, to remain available*
17 *until expended, shall be available for the control of out-*
18 *breaks of insects, plant diseases, animal diseases and for*
19 *control of pest animals and birds (“contingency fund”) to*
20 *the extent necessary to meet emergency conditions; of which*
21 *\$13,597,000, to remain available until expended, shall be*
22 *used for the cotton pests program, including for cost share*
23 *purposes or for debt retirement for active eradication zones;*
24 *of which \$38,093,000, to remain available until expended,*
25 *shall be for Animal Health Technical Services; of which*

1 \$2,009,000 shall be for activities under the authority of the
2 Horse Protection Act of 1970, as amended (15 U.S.C. 1831);
3 of which \$63,213,000, to remain available until expended,
4 shall be used to support avian health; of which \$4,251,000,
5 to remain available until expended, shall be for information
6 technology infrastructure; of which \$196,553,000, to remain
7 available until expended, shall be for specialty crop pests;
8 of which, \$10,942,000, to remain available until expended,
9 shall be for field crop and rangeland ecosystem pests; of
10 which \$19,620,000, to remain available until expended,
11 shall be for zoonotic disease management; of which
12 \$41,268,000, to remain available until expended, shall be
13 for emergency preparedness and response; of which
14 \$60,456,000, to remain available until expended, shall be
15 for tree and wood pests; of which \$5,736,000, to remain
16 available until expended, shall be for the National Veteri-
17 nary Stockpile; of which up to \$1,500,000, to remain avail-
18 able until expended, shall be for the scrapie program for
19 indemnities; of which \$2,500,000, to remain available until
20 expended, shall be for the wildlife damage management pro-
21 gram for aviation safety: Provided, That of amounts avail-
22 able under this heading for wildlife services methods devel-
23 opment, \$1,000,000 shall remain available until expended:
24 Provided further, That of amounts available under this
25 heading for the screwworm program, \$4,990,000 shall re-

1 *main available until expended; of which \$20,252,000, to re-*
2 *main available until expended, shall be used to carry out*
3 *the science program and transition activities for the Na-*
4 *tional Bio and Agro-defense Facility located in Manhattan,*
5 *Kansas: Provided further, That no funds shall be used to*
6 *formulate or administer a brucellosis eradication program*
7 *for the current fiscal year that does not require minimum*
8 *matching by the States of at least 40 percent: Provided fur-*
9 *ther, That this appropriation shall be available for the pur-*
10 *chase, replacement, operation, and maintenance of aircraft:*
11 *Provided further, That in addition, in emergencies which*
12 *threaten any segment of the agricultural production indus-*
13 *try of the United States, the Secretary may transfer from*
14 *other appropriations or funds available to the agencies or*
15 *corporations of the Department such sums as may be*
16 *deemed necessary, to be available only in such emergencies*
17 *for the arrest and eradication of contagious or infectious*
18 *disease or pests of animals, poultry, or plants, and for ex-*
19 *penses in accordance with sections 10411 and 10417 of the*
20 *Animal Health Protection Act (7 U.S.C. 8310 and 8316)*
21 *and sections 431 and 442 of the Plant Protection Act (7*
22 *U.S.C. 7751 and 7772), and any unexpended balances of*
23 *funds transferred for such emergency purposes in the pre-*
24 *ceding fiscal year shall be merged with such transferred*
25 *amounts: Provided further, That appropriations hereunder*

1 *shall be available pursuant to law (7 U.S.C. 2250) for the*
2 *repair and alteration of leased buildings and improve-*
3 *ments, but unless otherwise provided the cost of altering any*
4 *one building during the fiscal year shall not exceed 10 per-*
5 *cent of the current replacement value of the building.*

6 *In fiscal year 2021, the agency is authorized to collect*
7 *fees to cover the total costs of providing technical assistance,*
8 *goods, or services requested by States, other political sub-*
9 *divisions, domestic and international organizations, foreign*
10 *governments, or individuals, provided that such fees are*
11 *structured such that any entity's liability for such fees is*
12 *reasonably based on the technical assistance, goods, or serv-*
13 *ices provided to the entity by the agency, and such fees shall*
14 *be reimbursed to this account, to remain available until ex-*
15 *pended, without further appropriation, for providing such*
16 *assistance, goods, or services.*

17 *BUILDINGS AND FACILITIES*

18 *For plans, construction, repair, preventive mainte-*
19 *nance, environmental support, improvement, extension, al-*
20 *teration, and purchase of fixed equipment or facilities, as*
21 *authorized by 7 U.S.C. 2250, and acquisition of land as*
22 *authorized by 7 U.S.C. 2268a, \$3,175,000, to remain avail-*
23 *able until expended.*

1 *AGRICULTURAL MARKETING SERVICE*2 *MARKETING SERVICES*

3 *For necessary expenses of the Agricultural Marketing*
4 *Service, \$188,358,000, of which \$6,000,000 shall be avail-*
5 *able for the purposes of section 12306 of Public Law 113-*
6 *79: Provided, That this appropriation shall be available*
7 *pursuant to law (7 U.S.C. 2250) for the alteration and re-*
8 *pair of buildings and improvements, but the cost of altering*
9 *any one building during the fiscal year shall not exceed 10*
10 *percent of the current replacement value of the building.*

11 *Fees may be collected for the cost of standardization*
12 *activities, as established by regulation pursuant to law (31*
13 *U.S.C. 9701), except for the cost of activities relating to the*
14 *development or maintenance of grain standards under the*
15 *United States Grain Standards Act, 7 U.S.C. 71 et seq.*

16 *LIMITATION ON ADMINISTRATIVE EXPENSES*

17 *Not to exceed \$61,227,000 (from fees collected) shall be*
18 *obligated during the current fiscal year for administrative*
19 *expenses: Provided, That if crop size is understated and/*
20 *or other uncontrollable events occur, the agency may exceed*
21 *this limitation by up to 10 percent with notification to the*
22 *Committees on Appropriations of both Houses of Congress.*

1 *controllable factors occur, this limitation may be exceeded*
2 *by up to 10 percent with notification to the Committees*
3 *on Appropriations of both Houses of Congress.*

4 *OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY*

5 *For necessary expenses of the Office of the Under Sec-*
6 *retary for Food Safety, \$809,000: Provided, That funds*
7 *made available by this Act to an agency in the Food Safety*
8 *mission area for salaries and expenses are available to fund*
9 *up to one administrative support staff for the Office.*

10 *FOOD SAFETY AND INSPECTION SERVICE*

11 *For necessary expenses to carry out services authorized*
12 *by the Federal Meat Inspection Act, the Poultry Products*
13 *Inspection Act, and the Egg Products Inspection Act, in-*
14 *cluding not to exceed \$10,000 for representation allowances*
15 *and for expenses pursuant to section 8 of the Act approved*
16 *August 3, 1956 (7 U.S.C. 1766), \$1,075,703,000; and in*
17 *addition, \$1,000,000 may be credited to this account from*
18 *fees collected for the cost of laboratory accreditation as au-*
19 *thorized by section 1327 of the Food, Agriculture, Conserva-*
20 *tion and Trade Act of 1990 (7 U.S.C. 138f): Provided, That*
21 *funds provided for the Public Health Data Communication*
22 *Infrastructure system shall remain available until ex-*
23 *pendent: Provided further, That no fewer than 148 full-time*
24 *equivalent positions shall be employed during fiscal year*
25 *2021 for purposes dedicated solely to inspections and en-*

1 *forcement related to the Humane Methods of Slaughter Act*
2 *(7 U.S.C. 1901 et seq.): Provided further, That the Food*
3 *Safety and Inspection Service shall continue implementa-*
4 *tion of section 11016 of Public Law 110–246 as further*
5 *clarified by the amendments made in section 12106 of Pub-*
6 *lic Law 113–79: Provided further, That this appropriation*
7 *shall be available pursuant to law (7 U.S.C. 2250) for the*
8 *alteration and repair of buildings and improvements, but*
9 *the cost of altering any one building during the fiscal year*
10 *shall not exceed 10 percent of the current replacement value*
11 *of the building.*

12 *TITLE II*

13 *FARM PRODUCTION AND CONSERVATION*

14 *PROGRAMS*

15 *OFFICE OF THE UNDER SECRETARY FOR FARM*

16 *PRODUCTION AND CONSERVATION*

17 *For necessary expenses of the Office of the Under Sec-*
18 *retary for Farm Production and Conservation, \$916,000:*
19 *Provided, That funds made available by this Act to an*
20 *agency in the Farm Production and Conservation mission*
21 *area for salaries and expenses are available to fund up to*
22 *one administrative support staff for the Office.*

1 *FARM PRODUCTION AND CONSERVATION BUSINESS*2 *CENTER*3 *SALARIES AND EXPENSES*4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For necessary expenses of the Farm Production and*
6 *Conservation Business Center, \$231,302,000: Provided,*
7 *That \$60,228,000 of amounts appropriated for the current*
8 *fiscal year pursuant to section 1241(a) of the Farm Secu-*
9 *rity and Rural Investment Act of 1985 (16 U.S.C. 3841(a))*
10 *shall be transferred to and merged with this account.*

11 *FARM SERVICE AGENCY*12 *SALARIES AND EXPENSES*13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For necessary expenses of the Farm Service Agency,*
15 *\$1,142,924,000, of which not less than \$15,000,000 shall be*
16 *for the hiring of new employees to fill vacancies and antici-*
17 *pated vacancies at Farm Service Agency county offices and*
18 *farm loan officers and shall be available until September*
19 *30, 2022: Provided, That not more than 50 percent of the*
20 *funding made available under this heading for information*
21 *technology related to farm program delivery may be obli-*
22 *gated until the Secretary submits to the Committees on Ap-*
23 *propriations of both Houses of Congress, and receives writ-*
24 *ten or electronic notification of receipt from such Commit-*
25 *tees of, a plan for expenditure that (1) identifies for each*

1 *project/investment over \$25,000 (a) the functional and per-*
2 *formance capabilities to be delivered and the mission bene-*
3 *fits to be realized, (b) the estimated lifecycle cost for the*
4 *entirety of the project/investment, including estimates for*
5 *development as well as maintenance and operations, and*
6 *(c) key milestones to be met; (2) demonstrates that each*
7 *project/investment is, (a) consistent with the Farm Service*
8 *Agency Information Technology Roadmap, (b) being man-*
9 *aged in accordance with applicable lifecycle management*
10 *policies and guidance, and (c) subject to the applicable De-*
11 *partment's capital planning and investment control re-*
12 *quirements; and (3) has been reviewed by the Government*
13 *Accountability Office and approved by the Committees on*
14 *Appropriations of both Houses of Congress: Provided fur-*
15 *ther, That the agency shall submit a report by the end of*
16 *the fourth quarter of fiscal year 2021 to the Committees on*
17 *Appropriations and the Government Accountability Office,*
18 *that identifies for each project/investment that is oper-*
19 *ational (a) current performance against key indicators of*
20 *customer satisfaction, (b) current performance of service*
21 *level agreements or other technical metrics, (c) current per-*
22 *formance against a pre-established cost baseline, (d) a de-*
23 *tailed breakdown of current and planned spending on oper-*
24 *ational enhancements or upgrades, and (e) an assessment*
25 *of whether the investment continues to meet business needs*

1 *as intended as well as alternatives to the investment: Pro-*
2 *vided further, That the Secretary is authorized to use the*
3 *services, facilities, and authorities (but not the funds) of*
4 *the Commodity Credit Corporation to make program pay-*
5 *ments for all programs administered by the Agency: Pro-*
6 *vided further, That other funds made available to the Agen-*
7 *cy for authorized activities may be advanced to and merged*
8 *with this account: Provided further, That funds made avail-*
9 *able to county committees shall remain available until ex-*
10 *pendent: Provided further, That none of the funds available*
11 *to the Farm Service Agency shall be used to close Farm*
12 *Service Agency county offices: Provided further, That none*
13 *of the funds available to the Farm Service Agency shall be*
14 *used to permanently relocate county based employees that*
15 *would result in an office with two or fewer employees with-*
16 *out prior notification and approval of the Committees on*
17 *Appropriations of both Houses of Congress.*

18 *STATE MEDIATION GRANTS*

19 *For grants pursuant to section 502(b) of the Agricul-*
20 *tural Credit Act of 1987, as amended (7 U.S.C. 5101–5106),*
21 *\$6,914,000.*

22 *GRASSROOTS SOURCE WATER PROTECTION PROGRAM*

23 *For necessary expenses to carry out wellhead or*
24 *groundwater protection activities under section 1240O of*

1 *the Food Security Act of 1985 (16 U.S.C. 3839bb–2),*
2 *\$6,500,000, to remain available until expended.*

3 *DAIRY INDEMNITY PROGRAM*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses involved in making indemnity*
6 *payments to dairy farmers and manufacturers of dairy*
7 *products under a dairy indemnity program, such sums as*
8 *may be necessary, to remain available until expended: Pro-*
9 *vided, That such program is carried out by the Secretary*
10 *in the same manner as the dairy indemnity program de-*
11 *scribed in the Agriculture, Rural Development, Food and*
12 *Drug Administration, and Related Agencies Appropria-*
13 *tions Act, 2001 (Public Law 106–387, 114 Stat. 1549A–*
14 *12).*

15 *AGRICULTURAL CREDIT INSURANCE FUND PROGRAM*

16 *ACCOUNT*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For gross obligations for the principal amount of di-*
19 *rect and guaranteed farm ownership (7 U.S.C. 1922 et seq.)*
20 *and operating (7 U.S.C. 1941 et seq.) loans, emergency*
21 *loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition*
22 *loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989),*
23 *guaranteed conservation loans (7 U.S.C. 1924 et seq.), re-*
24 *lending program (7 U.S.C. 1936c), and Indian highly*
25 *fractionated land loans (25 U.S.C. 5136) to be available*

1 *from funds in the Agricultural Credit Insurance Fund, as*
2 *follows: \$3,300,000,000 for guaranteed farm ownership*
3 *loans and \$2,500,000,000 for farm ownership direct loans;*
4 *\$2,118,482,000 for unsubsidized guaranteed operating loans*
5 *and \$1,633,333,000 for direct operating loans; emergency*
6 *loans, \$37,668,000; Indian tribe land acquisition loans,*
7 *\$20,000,000; guaranteed conservation loans, \$150,000,000;*
8 *relending program, \$33,693,000; Indian highly fractionated*
9 *land loans, \$5,000,000; and for boll weevil eradication pro-*
10 *gram loans, \$60,000,000: Provided, That the Secretary shall*
11 *deem the pink bollworm to be a boll weevil for the purpose*
12 *of boll weevil eradication program loans.*

13 *For the cost of direct and guaranteed loans and grants,*
14 *including the cost of modifying loans as defined in section*
15 *502 of the Congressional Budget Act of 1974, as follows:*
16 *\$38,710,000 for direct farm operating loans, \$23,727,000*
17 *for unsubsidized guaranteed farm operating loans, \$207,000*
18 *for emergency loans, \$5,000,000 for the relending program,*
19 *and \$742,000 for Indian highly fractionated land loans, to*
20 *remain available until expended.*

21 *In addition, for administrative expenses necessary to*
22 *carry out the direct and guaranteed loan programs,*
23 *\$307,344,000: Provided, That of this amount, \$294,114,000*
24 *shall be transferred to and merged with the appropriation*
25 *for “Farm Service Agency, Salaries and Expenses”.*

1 tion and land drainage and such special measures for soil
2 and water management as may be necessary to prevent
3 floods and the siltation of reservoirs and to control agricul-
4 tural related pollutants); operation of conservation plant
5 materials centers; classification and mapping of soil; dis-
6 semination of information; acquisition of lands, water, and
7 interests therein for use in the plant materials program by
8 donation, exchange, or purchase at a nominal cost not to
9 exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C.
10 2268a); purchase and erection or alteration or improvement
11 of permanent and temporary buildings; and operation and
12 maintenance of aircraft, \$832,727,000, to remain available
13 until September 30, 2022: Provided, That appropriations
14 hereunder shall be available pursuant to 7 U.S.C. 2250 for
15 construction and improvement of buildings and public im-
16 provements at plant materials centers, except that the cost
17 of alterations and improvements to other buildings and
18 other public improvements shall not exceed \$250,000: Pro-
19 vided further, That when buildings or other structures are
20 erected on non-Federal land, that the right to use such land
21 is obtained as provided in 7 U.S.C. 2250a: Provided fur-
22 ther, That of the amounts made available under this head-
23 ing, \$3,000,000 shall remain available until expended for
24 planning and implementation assistance associated with
25 land treatment measures that address flood damage reduc-

1 *tion, bank stabilization and erosion control in the water-*
2 *sheds identified under section 13 of the Flood Control Act*
3 *of December 22, 1944 (Public Law 78–534).*

4 *WATERSHED AND FLOOD PREVENTION OPERATIONS*

5 *For necessary expenses to carry out preventive meas-*
6 *ures, including but not limited to surveys and investiga-*
7 *tions, engineering operations, works of improvement, and*
8 *changes in use of land, in accordance with the Watershed*
9 *Protection and Flood Prevention Act (16 U.S.C. 1001–1005*
10 *and 1007–1009) and in accordance with the provisions of*
11 *laws relating to the activities of the Department,*
12 *\$175,000,000, to remain available until expended: Pro-*
13 *vided, That for funds provided by this Act or any other*
14 *prior Act, the limitation regarding the size of the watershed*
15 *or subwatershed exceeding two hundred and fifty thousand*
16 *acres in which such activities can be undertaken shall only*
17 *apply for activities undertaken for the primary purpose of*
18 *flood prevention (including structural and land treatment*
19 *measures): Provided further, That of the amounts made*
20 *available under this heading, \$65,000,000 shall be allocated*
21 *to projects and activities that can commence promptly fol-*
22 *lowing enactment; that address regional priorities for flood*
23 *prevention, agricultural water management, inefficient ir-*
24 *rigation systems, fish and wildlife habitat, or watershed*
25 *protection; or that address authorized ongoing projects*

1 *under the authorities of section 13 of the Flood Control Act*
2 *of December 22, 1944 (Public Law 78–534) with a primary*
3 *purpose of watershed protection by preventing floodwater*
4 *damage and stabilizing stream channels, tributaries, and*
5 *banks to reduce erosion and sediment transport: Provided*
6 *further, That of the amounts made available under this*
7 *heading, \$10,000,000 shall remain available until expended*
8 *for the authorities under 16 U.S.C. 1001–1005 and 1007–*
9 *1009 for authorized ongoing watershed projects with a pri-*
10 *mary purpose of providing water to rural communities.*

11 *WATERSHED REHABILITATION PROGRAM*

12 *Under the authorities of section 14 of the Watershed*
13 *Protection and Flood Prevention Act, \$10,000,000 is pro-*
14 *vided.*

15 *CORPORATIONS*

16 *The following corporations and agencies are hereby au-*
17 *thorized to make expenditures, within the limits of funds*
18 *and borrowing authority available to each such corporation*
19 *or agency and in accord with law, and to make contracts*
20 *and commitments without regard to fiscal year limitations*
21 *as provided by section 104 of the Government Corporation*
22 *Control Act as may be necessary in carrying out the pro-*
23 *grams set forth in the budget for the current fiscal year for*
24 *such corporation or agency, except as hereinafter provided.*

1 *FEDERAL CROP INSURANCE CORPORATION FUND*

2 *For payments as authorized by section 516 of the Fed-*
3 *eral Crop Insurance Act (7 U.S.C. 1516), such sums as may*
4 *be necessary, to remain available until expended.*

5 *COMMODITY CREDIT CORPORATION FUND*

6 *REIMBURSEMENT FOR NET REALIZED LOSSES*

7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For the current fiscal year, such sums as may be nec-*
9 *essary to reimburse the Commodity Credit Corporation for*
10 *net realized losses sustained, but not previously reimbursed,*
11 *pursuant to section 2 of the Act of August 17, 1961 (15*
12 *U.S.C. 713a-11): Provided, That of the funds available to*
13 *the Commodity Credit Corporation under section 11 of the*
14 *Commodity Credit Corporation Charter Act (15 U.S.C.*
15 *714i) for the conduct of its business with the Foreign Agri-*
16 *cultural Service, up to \$5,000,000 may be transferred to*
17 *and used by the Foreign Agricultural Service for informa-*
18 *tion resource management activities of the Foreign Agricul-*
19 *tural Service that are not related to Commodity Credit Cor-*
20 *poration business.*

21 *HAZARDOUS WASTE MANAGEMENT*

22 *(LIMITATION ON EXPENSES)*

23 *For the current fiscal year, the Commodity Credit Cor-*
24 *poration shall not expend more than \$15,000,000 for site*
25 *investigation and cleanup expenses, and operations and*

1 *maintenance expenses to comply with the requirement of*
 2 *section 107(g) of the Comprehensive Environmental Re-*
 3 *sponse, Compensation, and Liability Act (42 U.S.C.*
 4 *9607(g)), and section 6001 of the Solid Waste Disposal Act*
 5 *(42 U.S.C. 6961).*

6 *TITLE III*

7 *RURAL DEVELOPMENT PROGRAMS*

8 *OFFICE OF THE UNDER SECRETARY FOR RURAL*

9 *DEVELOPMENT*

10 *For necessary expenses of the Office of the Under Sec-*
 11 *retary for Rural Development, \$812,000: Provided, That*
 12 *funds made available by this Act to an agency in the Rural*
 13 *Development mission area for salaries and expenses are*
 14 *available to fund up to one administrative support staff for*
 15 *the Office.*

16 *RURAL DEVELOPMENT*

17 *SALARIES AND EXPENSES*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *For necessary expenses for carrying out the adminis-*
 20 *tration and implementation of Rural Development pro-*
 21 *grams, including activities with institutions concerning the*
 22 *development and operation of agricultural cooperatives; and*
 23 *for cooperative agreements; \$264,024,000: Provided, That*
 24 *notwithstanding any other provision of law, funds appro-*
 25 *riated under this heading may be used for advertising and*

1 *promotional activities that support Rural Development*
2 *programs: Provided further, That in addition to any other*
3 *funds appropriated for purposes authorized by section*
4 *502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any*
5 *amounts collected under such section, as amended by this*
6 *Act, will immediately be credited to this account and will*
7 *remain available until expended for such purposes.*

8 *RURAL HOUSING SERVICE*
9 *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*
10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *For gross obligations for the principal amount of di-*
12 *rect and guaranteed loans as authorized by title V of the*
13 *Housing Act of 1949, to be available from funds in the rural*
14 *housing insurance fund, as follows: \$1,000,000,000 shall be*
15 *for direct loans and \$24,000,000,000 shall be for unsub-*
16 *sidized guaranteed loans; \$28,000,000 for section 504 hous-*
17 *ing repair loans; \$40,000,000 for section 515 rental hous-*
18 *ing; \$230,000,000 for section 538 guaranteed multi-family*
19 *housing loans; \$10,000,000 for credit sales of single family*
20 *housing acquired property; \$5,000,000 for section 523 self-*
21 *help housing land development loans; and \$5,000,000 for*
22 *section 524 site development loans.*

23 *For the cost of direct and guaranteed loans, including*
24 *the cost of modifying loans, as defined in section 502 of*
25 *the Congressional Budget Act of 1974, as follows: section*

1 502 loans, \$55,400,000 shall be for direct loans; section 504
2 housing repair loans, \$2,215,000; section 523 self-help hous-
3 ing land development loans, \$269,000; section 524 site de-
4 velopment loans, \$355,000; and repair, rehabilitation, and
5 new construction of section 515 rental housing, \$6,688,000:
6 *Provided, That to support the loan program level for section*
7 *538 guaranteed loans made available under this heading*
8 *the Secretary may charge or adjust any fees to cover the*
9 *projected cost of such loan guarantees pursuant to the provi-*
10 *sions of the Credit Reform Act of 1990 (2 U.S.C. 661 et*
11 *seq.), and the interest on such loans may not be subsidized:*
12 *Provided further, That applicants in communities that have*
13 *a current rural area waiver under section 541 of the Hous-*
14 *ing Act of 1949 (42 U.S.C. 1490q) shall be treated as living*
15 *in a rural area for purposes of section 502 guaranteed loans*
16 *provided under this heading: Provided further, That of the*
17 *amounts available under this paragraph for section 502 di-*
18 *rect loans, no less than \$5,000,000 shall be available for*
19 *direct loans for individuals whose homes will be built pur-*
20 *suant to a program funded with a mutual and self-help*
21 *housing grant authorized by section 523 of the Housing Act*
22 *of 1949 until June 1, 2021: Provided further, That the Sec-*
23 *retary shall implement provisions to provide incentives to*
24 *nonprofit organizations and public housing authorities to*
25 *facilitate the acquisition of Rural Housing Service (RHS)*

1 *multifamily housing properties by such nonprofit organiza-*
2 *tions and public housing authorities that commit to keep*
3 *such properties in the RHS multifamily housing program*
4 *for a period of time as determined by the Secretary, with*
5 *such incentives to include, but not be limited to, the fol-*
6 *lowing: allow such nonprofit entities and public housing*
7 *authorities to earn a Return on Investment on their own*
8 *resources to include proceeds from low income housing tax*
9 *credit syndication, own contributions, grants, and developer*
10 *loans at favorable rates and terms, invested in a deal; and*
11 *allow reimbursement of organizational costs associated with*
12 *owner's oversight of asset referred to as "Asset Management*
13 *Fee" of up to \$7,500 per property.*

14 *In addition, for the cost of direct loans, grants, and*
15 *contracts, as authorized by sections 514 and 516 of the*
16 *Housing Act of 1949 (42 U.S.C. 1484, 1486), \$15,093,000,*
17 *to remain available until expended, for direct farm labor*
18 *housing loans and domestic farm labor housing grants and*
19 *contracts: Provided, That any balances available for the*
20 *Farm Labor Program Account shall be transferred to and*
21 *merged with this account.*

22 *In addition, for administrative expenses necessary to*
23 *carry out the direct and guaranteed loan programs,*
24 *\$412,254,000 shall be transferred to and merged with the*

1 appropriation for “Rural Development, Salaries and Ex-
2 penses”.

3 *RENTAL ASSISTANCE PROGRAM*

4 *For rental assistance agreements entered into or re-*
5 *newed pursuant to the authority under section 521(a)(2)*
6 *of the Housing Act of 1949 or agreements entered into in*
7 *lieu of debt forgiveness or payments for eligible households*
8 *as authorized by section 502(c)(5)(D) of the Housing Act*
9 *of 1949, \$1,410,000,000, of which \$40,000,000 shall be*
10 *available until September 30, 2022; and in addition such*
11 *sums as may be necessary, as authorized by section 521(c)*
12 *of the Act, to liquidate debt incurred prior to fiscal year*
13 *1992 to carry out the rental assistance program under sec-*
14 *tion 521(a)(2) of the Act: Provided, That rental assistance*
15 *agreements entered into or renewed during the current fiscal*
16 *year shall be funded for a one-year period: Provided further,*
17 *That upon request by an owner of a project financed by*
18 *an existing loan under section 514 or 515 of the Act, the*
19 *Secretary may renew the rental assistance agreement for*
20 *a period of 20 years or until the term of such loan has*
21 *expired, subject to annual appropriations: Provided further,*
22 *That any unexpended balances remaining at the end of such*
23 *one-year agreements may be transferred and used for pur-*
24 *poses of any debt reduction, maintenance, repair, or reha-*
25 *ilitation of any existing projects; preservation; and rental*

1 *assistance activities authorized under title V of the Act: Pro-*
2 *vided further, That rental assistance provided under agree-*
3 *ments entered into prior to fiscal year 2021 for a farm labor*
4 *multi-family housing project financed under section 514 or*
5 *516 of the Act may not be recaptured for use in another*
6 *project until such assistance has remained unused for a pe-*
7 *riod of 12 consecutive months, if such project has a waiting*
8 *list of tenants seeking such assistance or the project has*
9 *rental assistance eligible tenants who are not receiving such*
10 *assistance: Provided further, That such recaptured rental*
11 *assistance shall, to the extent practicable, be applied to an-*
12 *other farm labor multi-family housing project financed*
13 *under section 514 or 516 of the Act: Provided further, That*
14 *except as provided in the fourth proviso under this heading*
15 *and notwithstanding any other provision of the Act, the*
16 *Secretary may recapture rental assistance provided under*
17 *agreements entered into prior to fiscal year 2021 for a*
18 *project that the Secretary determines no longer needs rental*
19 *assistance and use such recaptured funds for current needs.*

20 *MULTI-FAMILY HOUSING REVITALIZATION PROGRAM*

21 *ACCOUNT*

22 *For the rural housing voucher program as authorized*
23 *under section 542 of the Housing Act of 1949, but notwith-*
24 *standing subsection (b) of such section, and for additional*
25 *costs to conduct a demonstration program for the preserva-*

1 *tion and revitalization of multi-family rental housing prop-*
2 *erties described in this paragraph, \$68,000,000, to remain*
3 *available until expended: Provided, That of the funds made*
4 *available under this heading, \$40,000,000, shall be avail-*
5 *able for rural housing vouchers to any low-income household*
6 *(including those not receiving rental assistance) residing in*
7 *a property financed with a section 515 loan which has been*
8 *prepaid after September 30, 2005: Provided further, That*
9 *the amount of such voucher shall be the difference between*
10 *comparable market rent for the section 515 unit and the*
11 *tenant paid rent for such unit: Provided further, That funds*
12 *made available for such vouchers shall be subject to the*
13 *availability of annual appropriations: Provided further,*
14 *That the Secretary shall, to the maximum extent prac-*
15 *ticable, administer such vouchers with current regulations*
16 *and administrative guidance applicable to section 8 hous-*
17 *ing vouchers administered by the Secretary of the Depart-*
18 *ment of Housing and Urban Development: Provided fur-*
19 *ther, That if the Secretary determines that the amount*
20 *made available for vouchers in this or any other Act is not*
21 *needed for vouchers, the Secretary may use such funds for*
22 *the demonstration program for the preservation and revital-*
23 *ization of multi-family rental housing properties described*
24 *in this paragraph: Provided further, That of the funds made*
25 *available under this heading, \$28,000,000 shall be available*

1 *for a demonstration program for the preservation and re-*
2 *talization of the sections 514, 515, and 516 multi-family*
3 *rental housing properties to restructure existing USDA*
4 *multi-family housing loans, as the Secretary deems appro-*
5 *priate, expressly for the purposes of ensuring the project has*
6 *sufficient resources to preserve the project for the purpose*
7 *of providing safe and affordable housing for low-income*
8 *residents and farm laborers including reducing or elimi-*
9 *nating interest; deferring loan payments, subordinating, re-*
10 *ducing or reamortizing loan debt; and other financial as-*
11 *sistance including advances, payments and incentives (in-*
12 *cluding the ability of owners to obtain reasonable returns*
13 *on investment) required by the Secretary: Provided further,*
14 *That the Secretary shall as part of the preservation and*
15 *revitalization agreement obtain a restrictive use agreement*
16 *consistent with the terms of the restructuring: Provided fur-*
17 *ther, That if the Secretary determines that additional funds*
18 *for vouchers described in this paragraph are needed, funds*
19 *for the preservation and revitalization demonstration pro-*
20 *gram may be used for such vouchers: Provided further, That*
21 *if Congress enacts legislation to permanently authorize a*
22 *multi-family rental housing loan restructuring program*
23 *similar to the demonstration program described herein, the*
24 *Secretary may use funds made available for the demonstra-*
25 *tion program under this heading to carry out such legisla-*

1 *tion with the prior approval of the Committees on Appro-*
2 *priations of both Houses of Congress: Provided further, That*
3 *in addition to any other available funds, the Secretary may*
4 *expend not more than \$1,000,000 total, from the program*
5 *funds made available under this heading, for administra-*
6 *tive expenses for activities funded under this heading.*

7 *MUTUAL AND SELF-HELP HOUSING GRANTS*

8 *For grants and contracts pursuant to section*
9 *523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c),*
10 *\$31,000,000, to remain available until expended.*

11 *RURAL HOUSING ASSISTANCE GRANTS*

12 *For grants for very low-income housing repair and*
13 *rural housing preservation made by the Rural Housing*
14 *Service, as authorized by 42 U.S.C. 1474, and 1490m,*
15 *\$45,000,000, to remain available until expended.*

16 *RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For gross obligations for the principal amount of di-*
19 *rect and guaranteed loans as authorized by section 306 and*
20 *described in section 381E(d)(1) of the Consolidated Farm*
21 *and Rural Development Act, \$2,800,000,000 for direct loans*
22 *and \$500,000,000 for guaranteed loans.*

23 *For the cost of direct loans, loan guarantees and*
24 *grants, including the cost of modifying loans, as defined*
25 *in section 502 of the Congressional Budget Act of 1974, for*

1 *rural community facilities programs as authorized by sec-*
2 *tion 306 and described in section 381E(d)(1) of the Consoli-*
3 *dated Farm and Rural Development Act, \$74,000,000, to*
4 *remain available until expended: Provided, That*
5 *\$6,000,000 of the amount appropriated under this heading*
6 *shall be available for a Rural Community Development Ini-*
7 *tiative: Provided further, That such funds shall be used sole-*
8 *ly to develop the capacity and ability of private, nonprofit*
9 *community-based housing and community development or-*
10 *ganizations, low-income rural communities, and Federally*
11 *Recognized Native American Tribes to undertake projects*
12 *to improve housing, community facilities, community and*
13 *economic development projects in rural areas: Provided fur-*
14 *ther, That such funds shall be made available to qualified*
15 *private, nonprofit and public intermediary organizations*
16 *proposing to carry out a program of financial and technical*
17 *assistance: Provided further, That such intermediary orga-*
18 *nizations shall provide matching funds from other sources,*
19 *including Federal funds for related activities, in an amount*
20 *not less than funds provided: Provided further, That*
21 *\$6,000,000 of the amount appropriated under this heading*
22 *shall be to provide grants for facilities in rural communities*
23 *with extreme unemployment and severe economic depression*
24 *(Public Law 106–387), with up to 5 percent for adminis-*
25 *tration and capacity building in the State rural develop-*

1 *ment offices: Provided further, That of the amount appro-*
2 *priated under this heading, \$25,000,000 shall be available*
3 *to cover the subsidy costs for loans or loan guarantees under*
4 *this heading: Provided further, That if any such funds re-*
5 *main unobligated for the subsidy costs after June 30, 2021,*
6 *the unobligated balance may be transferred to the grant pro-*
7 *grams funded under this heading: Provided further, That*
8 *any unobligated balances from prior year appropriations*
9 *under this heading for the cost of direct loans, loan guaran-*
10 *tees and grants, including amounts deobligated or cancelled,*
11 *may be made available to cover the subsidy costs for direct*
12 *loans and or loan guarantees under this heading in this*
13 *fiscal year: Provided further, That no amounts may be*
14 *made available pursuant to the preceding proviso from*
15 *amounts that were designated by the Congress as an emer-*
16 *gency requirement pursuant to a Concurrent Resolution on*
17 *the Budget or the Balanced Budget and Emergency Deficit*
18 *Control Act of 1985: Provided further, That \$5,000,000 of*
19 *the amount appropriated under this heading shall be avail-*
20 *able for community facilities grants to tribal colleges, as*
21 *authorized by section 306(a)(19) of such Act: Provided fur-*
22 *ther, That sections 381E–H and 381N of the Consolidated*
23 *Farm and Rural Development Act are not applicable to the*
24 *funds made available under this heading.*

1 *RURAL BUSINESS—COOPERATIVE SERVICE*2 *RURAL BUSINESS PROGRAM ACCOUNT*3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *For the cost of loan guarantees and grants, for the*
5 *rural business development programs authorized by section*
6 *310B and described in subsections (a), (c), (f) and (g) of*
7 *section 310B of the Consolidated Farm and Rural Develop-*
8 *ment Act, \$56,400,000, to remain available until expended:*
9 *Provided, That of the amount appropriated under this*
10 *heading, not to exceed \$500,000 shall be made available for*
11 *one grant to a qualified national organization to provide*
12 *technical assistance for rural transportation in order to*
13 *promote economic development and \$9,000,000 shall be for*
14 *grants to the Delta Regional Authority (7 U.S.C. 2009aa*
15 *et seq.), the Northern Border Regional Commission (40*
16 *U.S.C. 15101 et seq.), and the Appalachian Regional Com-*
17 *mission (40 U.S.C. 14101 et seq.) for any Rural Commu-*
18 *nity Advancement Program purpose as described in section*
19 *381E(d) of the Consolidated Farm and Rural Development*
20 *Act, of which not more than 5 percent may be used for ad-*
21 *ministrative expenses: Provided further, That \$4,000,000 of*
22 *the amount appropriated under this heading shall be for*
23 *business grants to benefit Federally Recognized Native*
24 *American Tribes, including \$250,000 for a grant to a quali-*
25 *fied national organization to provide technical assistance*

1 *for rural transportation in order to promote economic de-*
2 *velopment: Provided further, That of the amount appro-*
3 *priated under this heading, not to exceed \$2,000,000 shall*
4 *be for Rural Business Development Grants in rural coastal*
5 *communities, with priority given to National Scenic Areas*
6 *that were devastated by wildfires that are in need of eco-*
7 *nomie development assistance, to support innovation and*
8 *job growth: Provided further, That sections 381E–H and*
9 *381N of the Consolidated Farm and Rural Development Act*
10 *are not applicable to funds made available under this head-*
11 *ing.*

12 *INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For the principal amount of direct loans, as authorized*
15 *by the Intermediary Relending Program Fund Account (7*
16 *U.S.C. 1936b), \$18,889,000.*

17 *For the cost of direct loans, \$2,939,000, as authorized*
18 *by the Intermediary Relending Program Fund Account (7*
19 *U.S.C. 1936b), of which \$557,000 shall be available through*
20 *June 30, 2021, for Federally Recognized Native American*
21 *Tribes; and of which \$1,072,000 shall be available through*
22 *June 30, 2021, for Mississippi Delta Region counties (as*
23 *determined in accordance with Public Law 100–460): Pro-*
24 *vided, That such costs, including the cost of modifying such*

1 *loans, shall be as defined in section 502 of the Congressional*
2 *Budget Act of 1974.*

3 *In addition, for administrative expenses to carry out*
4 *the direct loan programs, \$4,468,000 shall be transferred*
5 *to and merged with the appropriation for “Rural Develop-*
6 *ment, Salaries and Expenses”.*

7 *RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM*

8 *ACCOUNT*

9 *For the principal amount of direct loans, as authorized*
10 *under section 313B(a) of the Rural Electrification Act, for*
11 *the purpose of promoting rural economic development and*
12 *job creation projects, \$50,000,000.*

13 *The cost of grants authorized under section 313B(a)*
14 *of the Rural Electrification Act, for the purpose of pro-*
15 *moting rural economic development and job creation*
16 *projects shall not exceed \$10,000,000.*

17 *RURAL COOPERATIVE DEVELOPMENT GRANTS*

18 *For rural cooperative development grants authorized*
19 *under section 310B(e) of the Consolidated Farm and Rural*
20 *Development Act (7 U.S.C. 1932), \$26,600,000, of which*
21 *\$2,800,000 shall be for cooperative agreements for the ap-*
22 *propriate technology transfer for rural areas program: Pro-*
23 *vided, That not to exceed \$3,000,000 shall be for grants for*
24 *cooperative development centers, individual cooperatives, or*
25 *groups of cooperatives that serve socially disadvantaged*

1 *groups and a majority of the boards of directors or gov-*
2 *erning boards of which are comprised of individuals who*
3 *are members of socially disadvantaged groups; and of which*
4 *\$15,000,000, to remain available until expended, shall be*
5 *for value-added agricultural product market development*
6 *grants, as authorized by section 210A of the Agricultural*
7 *Marketing Act of 1946, of which \$3,000,000, to remain*
8 *available until expended, shall be for Agriculture Innova-*
9 *tion Centers authorized pursuant to section 6402 of Public*
10 *Law 107–171.*

11 *RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM*

12 *For the cost of loans and grants, \$6,000,000 under the*
13 *same terms and conditions as authorized by section 379E*
14 *of the Consolidated Farm and Rural Development Act (7*
15 *U.S.C. 2008s): Provided, That such costs of loans, including*
16 *the cost of modifying such loans, shall be defined in section*
17 *502 of the Congressional Budget Act of 1974.*

18 *RURAL ENERGY FOR AMERICA PROGRAM*

19 *For the cost of a program of loan guarantees, under*
20 *the same terms and conditions as authorized by section*
21 *9007 of the Farm Security and Rural Investment Act of*
22 *2002 (7 U.S.C. 8107), \$392,000: Provided, That the cost*
23 *of loan guarantees, including the cost of modifying such*
24 *loans, shall be as defined in section 502 of the Congressional*
25 *Budget Act of 1974.*

1 *RURAL UTILITIES SERVICE*
2 *RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT*
3 *(INCLUDING TRANSFERS OF FUNDS)*
4 *For gross obligations for the principal amount of di-*
5 *rect and guaranteed loans as authorized by section 306 and*
6 *described in section 381E(d)(2) of the Consolidated Farm*
7 *and Rural Development Act, as follows: \$1,400,000,000 for*
8 *direct loans; and \$50,000,000 for guaranteed loans.*
9 *For the cost of loan guarantees and grants, including*
10 *the cost of modifying loans, as defined in section 502 of*
11 *the Congressional Budget Act of 1974, for rural water,*
12 *waste water, waste disposal, and solid waste management*
13 *programs authorized by sections 306, 306A, 306C, 306D,*
14 *306E, and 310B and described in sections 306C(a)(2),*
15 *306D, 306E, and 381E(d)(2) of the Consolidated Farm and*
16 *Rural Development Act, \$621,567,000, to remain available*
17 *until expended, of which not to exceed \$1,000,000 shall be*
18 *available for the rural utilities program described in section*
19 *306(a)(2)(B) of such Act, and of which not to exceed*
20 *\$5,000,000 shall be available for the rural utilities program*
21 *described in section 306E of such Act: Provided, That not*
22 *to exceed \$15,000,000 of the amount appropriated under*
23 *this heading shall be for grants authorized by section*
24 *306A(i)(2) of the Consolidated Farm and Rural Develop-*
25 *ment Act in addition to funding authorized by section*

1 306A(i)(1) of such Act: Provided further, That \$68,000,000
2 of the amount appropriated under this heading shall be for
3 loans and grants including water and waste disposal sys-
4 tems grants authorized by section 306C(a)(2)(B) and sec-
5 tion 306D of the Consolidated Farm and Rural Develop-
6 ment Act, and Federally Recognized Native American
7 Tribes authorized by 306C(a)(1) of such Act: Provided fur-
8 ther, That funding provided for section 306D of the Consoli-
9 dated Farm and Rural Development Act may be provided
10 to a consortium formed pursuant to section 325 of Public
11 Law 105–83: Provided further, That not more than 2 per-
12 cent of the funding provided for section 306D of the Consoli-
13 dated Farm and Rural Development Act may be used by
14 the State of Alaska for training and technical assistance
15 programs and not more than 2 percent of the funding pro-
16 vided for section 306D of the Consolidated Farm and Rural
17 Development Act may be used by a consortium formed pur-
18 suant to section 325 of Public Law 105–83 for training and
19 technical assistance programs: Provided further, That not
20 to exceed \$35,000,000 of the amount appropriated under
21 this heading shall be for technical assistance grants for
22 rural water and waste systems pursuant to section
23 306(a)(14) of such Act, unless the Secretary makes a deter-
24 mination of extreme need, of which \$8,000,000 shall be
25 made available for a grant to a qualified nonprofit multi-

1 *State regional technical assistance organization, with expe-*
2 *rience in working with small communities on water and*
3 *waste water problems, the principal purpose of such grant*
4 *shall be to assist rural communities with populations of*
5 *3,300 or less, in improving the planning, financing, devel-*
6 *opment, operation, and management of water and waste*
7 *water systems, and of which not less than \$800,000 shall*
8 *be for a qualified national Native American organization*
9 *to provide technical assistance for rural water systems for*
10 *tribal communities: Provided further, That not to exceed*
11 *\$20,157,000 of the amount appropriated under this heading*
12 *shall be for contracting with qualified national organiza-*
13 *tions for a circuit rider program to provide technical assist-*
14 *ance for rural water systems: Provided further, That not*
15 *to exceed \$4,000,000 of the amounts made available under*
16 *this heading shall be for solid waste management grants:*
17 *Provided further, That \$10,000,000 of the amount appro-*
18 *priated under this heading shall be transferred to, and*
19 *merged with, the Rural Utilities Service, High Energy Cost*
20 *Grants Account to provide grants authorized under section*
21 *19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a):*
22 *Provided further, That any prior year balances for high-*
23 *energy cost grants authorized by section 19 of the Rural*
24 *Electrification Act of 1936 (7 U.S.C. 918a) shall be trans-*
25 *ferred to and merged with the Rural Utilities Service, High*

1 *Energy Cost Grants Account: Provided further, That sec-*
2 *tions 381E–H and 381N of the Consolidated Farm and*
3 *Rural Development Act are not applicable to the funds*
4 *made available under this heading.*

5 *RURAL ELECTRIFICATION AND TELECOMMUNICATIONS*

6 *LOANS PROGRAM ACCOUNT*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *The principal amount of direct and guaranteed loans*
9 *as authorized by sections 305, 306, and 317 of the Rural*
10 *Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g)*
11 *shall be made as follows: loans made pursuant to sections*
12 *305, 306, and 317, notwithstanding 317(c), of that Act,*
13 *rural electric, \$5,500,000,000; guaranteed underwriting*
14 *loans pursuant to section 313A of that Act, \$750,000,000;*
15 *5 percent rural telecommunications loans, cost of money*
16 *rural telecommunications loans, and for loans made pursu-*
17 *ant to section 306 of that Act, rural telecommunications*
18 *loans, \$690,000,000: Provided, That up to \$2,000,000,000*
19 *shall be used for the construction, acquisition, design and*
20 *engineering or improvement of fossil-fueled electric gener-*
21 *ating plants (whether new or existing) that utilize carbon*
22 *subsurface utilization and storage systems.*

23 *For the cost of direct loans as authorized by section*
24 *305 of the Rural Electrification Act of 1936 (7 U.S.C. 935),*
25 *including the cost of modifying loans, as defined in section*

1 502 of the Congressional Budget Act of 1974, cost of money
2 rural telecommunications loans, \$2,277,000.

3 *In addition, for administrative expenses necessary to*
4 *carry out the direct and guaranteed loan programs,*
5 *\$33,270,000, which shall be transferred to and merged with*
6 *the appropriation for “Rural Development, Salaries and*
7 *Expenses”.*

8 *DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND*
9 *PROGRAM*

10 *For the principal amount of broadband telecommuni-*
11 *cation loans, \$11,869,000.*

12 *For grants for telemedicine and distance learning serv-*
13 *ices in rural areas, as authorized by 7 U.S.C. 950aaa et*
14 *seq., \$60,000,000, to remain available until expended: Pro-*
15 *vided, That \$3,000,000 shall be made available for grants*
16 *authorized by section 379G of the Consolidated Farm and*
17 *Rural Development Act: Provided further, That funding*
18 *provided under this heading for grants under section 379G*
19 *of the Consolidated Farm and Rural Development Act may*
20 *only be provided to entities that meet all of the eligibility*
21 *criteria for a consortium as established by this section.*

22 *For the cost of broadband loans, as authorized by sec-*
23 *tion 601 of the Rural Electrification Act, \$2,000,000, to re-*
24 *main available until expended: Provided, That the cost of*

1 *direct loans shall be as defined in section 502 of the Con-*
 2 *gressional Budget Act of 1974.*

3 *In addition, \$35,000,000, to remain available until ex-*
 4 *pended, for the Community Connect Grant Program au-*
 5 *thorized by 7 U.S.C. 950bb–3.*

6 *TITLE IV*

7 *DOMESTIC FOOD PROGRAMS*

8 *OFFICE OF THE UNDER SECRETARY FOR FOOD,*

9 *NUTRITION, AND CONSUMER SERVICES*

10 *For necessary expenses of the Office of the Under Sec-*
 11 *retary for Food, Nutrition, and Consumer Services,*
 12 *\$809,000: Provided, That funds made available by this Act*
 13 *to an agency in the Food, Nutrition and Consumer Services*
 14 *mission area for salaries and expenses are available to fund*
 15 *up to one administrative support staff for the Office.*

16 *FOOD AND NUTRITION SERVICE*

17 *CHILD NUTRITION PROGRAMS*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *For necessary expenses to carry out the Richard B.*
 20 *Russell National School Lunch Act (42 U.S.C. 1751 et seq.),*
 21 *except section 21, and the Child Nutrition Act of 1966 (42*
 22 *U.S.C. 1771 et seq.), except sections 17 and 21;*
 23 *\$25,118,440,000 to remain available through September 30,*
 24 *2022, of which such sums as are made available under sec-*
 25 *tion 14222(b)(1) of the Food, Conservation, and Energy Act*

1 of 2008 (Public Law 110–246), as amended by this Act,
2 shall be merged with and available for the same time period
3 and purposes as provided herein: Provided, That of the total
4 amount available, \$18,004,000 shall be available to carry
5 out section 19 of the Child Nutrition Act of 1966 (42 U.S.C.
6 1771 et seq.): Provided further, That of the total amount
7 available, \$15,299,000 shall be available to carry out stud-
8 ies and evaluations and shall remain available until ex-
9 pended: Provided further, That of the total amount avail-
10 able, \$30,000,000 shall be available to provide competitive
11 grants to State agencies for subgrants to local educational
12 agencies and schools to purchase the equipment, with a
13 value of greater than \$1,000, needed to serve healthier
14 meals, improve food safety, and to help support the estab-
15 lishment, maintenance, or expansion of the school breakfast
16 program: Provided further, That of the total amount avail-
17 able, \$42,000,000 shall remain available until expended to
18 carry out section 749(g) of the Agriculture Appropriations
19 Act of 2010 (Public Law 111–80): Provided further, That
20 section 26(d) of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1769g(d)) is amended in the first
22 sentence by striking “2010 through 2021” and inserting
23 “2010 through 2022”: Provided further, That section
24 9(h)(3) of the Richard B. Russell National School Lunch
25 Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence

1 *by striking “For fiscal year 2020” and inserting “For fiscal*
2 *year 2021”:* *Provided further, That section 9(h)(4) of the*
3 *Richard B. Russell National School Lunch Act (42 U.S.C.*
4 *1758(h)(4)) is amended in the first sentence by striking*
5 *“For fiscal year 2020” and inserting “For fiscal year*
6 *2021”.*

7 *SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR*
8 *WOMEN, INFANTS, AND CHILDREN (WIC)*

9 *For necessary expenses to carry out the special supple-*
10 *mental nutrition program as authorized by section 17 of*
11 *the Child Nutrition Act of 1966 (42 U.S.C. 1786),*
12 *\$6,000,000,000, to remain available through September 30,*
13 *2022: Provided, That notwithstanding section 17(h)(10) of*
14 *the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)),*
15 *not less than \$90,000,000 shall be used for breastfeeding*
16 *peer counselors and other related activities, and*
17 *\$14,000,000 shall be used for infrastructure: Provided fur-*
18 *ther, That none of the funds provided in this account shall*
19 *be available for the purchase of infant formula except in*
20 *accordance with the cost containment and competitive bid-*
21 *ding requirements specified in section 17 of such Act: Pro-*
22 *vided further, That none of the funds provided shall be*
23 *available for activities that are not fully reimbursed by*
24 *other Federal Government departments or agencies unless*
25 *authorized by section 17 of such Act: Provided further, That*

1 *upon termination of a federally mandated vendor morato-*
2 *rium and subject to terms and conditions established by the*
3 *Secretary, the Secretary may waive the requirement at 7*
4 *CFR 246.12(g)(6) at the request of a State agency.*

5 *SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM*

6 *For necessary expenses to carry out the Food and Nu-*
7 *trition Act of 2008 (7 U.S.C. 2011 et seq.),*
8 *\$114,035,578,000, of which \$3,000,000,000, to remain*
9 *available through September 30, 2023, shall be placed in*
10 *reserve for use only in such amounts and at such times as*
11 *may become necessary to carry out program operations:*
12 *Provided, That funds provided herein shall be expended in*
13 *accordance with section 16 of the Food and Nutrition Act*
14 *of 2008: Provided further, That of the funds made available*
15 *under this heading, \$998,000 may be used to provide nutri-*
16 *tion education services to State agencies and Federally Rec-*
17 *ognized Tribes participating in the Food Distribution Pro-*
18 *gram on Indian Reservations: Provided further, That this*
19 *appropriation shall be subject to any work registration or*
20 *workfare requirements as may be required by law: Provided*
21 *further, That funds made available for Employment and*
22 *Training under this heading shall remain available through*
23 *September 30, 2022: Provided further, That funds made*
24 *available under this heading for section 28(d)(1), section*
25 *4(b), and section 27(a) of the Food and Nutrition Act of*

1 2008 shall remain available through September 30, 2022:
2 Provided further, That with respect to funds made available
3 under this heading for section 28(d)(1), the Secretary shall
4 use 2 percent for administration, training and technical as-
5 sistance, and pilot projects under section 28: Provided fur-
6 ther, That none of the funds made available under this
7 heading may be obligated or expended in contravention of
8 section 213A of the Immigration and Nationality Act (8
9 U.S.C. 1183A): Provided further, That funds made avail-
10 able under this heading may be used to enter into contracts
11 and employ staff to conduct studies, evaluations, or to con-
12 duct activities related to program integrity provided that
13 such activities are authorized by the Food and Nutrition
14 Act of 2008.

15 **COMMODITY ASSISTANCE PROGRAM**

16 *For necessary expenses to carry out disaster assistance*
17 *and the Commodity Supplemental Food Program as au-*
18 *thorized by section 4(a) of the Agriculture and Consumer*
19 *Protection Act of 1973 (7 U.S.C. 612c note); the Emergency*
20 *Food Assistance Act of 1983; special assistance for the nu-*
21 *clear affected islands, as authorized by section 103(f)(2) of*
22 *the Compact of Free Association Amendments Act of 2003*
23 *(Public Law 108–188); and the Farmers’ Market Nutrition*
24 *Program, as authorized by section 17(m) of the Child Nutri-*
25 *tion Act of 1966, \$426,700,000, to remain available through*

1 *September 30, 2022: Provided, That none of these funds*
2 *shall be available to reimburse the Commodity Credit Cor-*
3 *poration for commodities donated to the program: Provided*
4 *further, That notwithstanding any other provision of law,*
5 *effective with funds made available in fiscal year 2021 to*
6 *support the Seniors Farmers' Market Nutrition Program,*
7 *as authorized by section 4402 of the Farm Security and*
8 *Rural Investment Act of 2002, such funds shall remain*
9 *available through September 30, 2022: Provided further,*
10 *That of the funds made available under section 27(a) of*
11 *the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)),*
12 *the Secretary may use up to 20 percent for costs associated*
13 *with the distribution of commodities.*

14 *NUTRITION PROGRAMS ADMINISTRATION*

15 *For necessary administrative expenses of the Food and*
16 *Nutrition Service for carrying out any domestic nutrition*
17 *assistance program, \$156,805,000: Provided, That of the*
18 *funds provided herein, \$2,000,000 shall be used for the pur-*
19 *poses of section 4404 of Public Law 107–171, as amended*
20 *by section 4401 of Public Law 110–246.*

1 *TITLE V*
2 *FOREIGN ASSISTANCE AND RELATED PROGRAMS*
3 *OFFICE OF THE UNDER SECRETARY FOR TRADE AND*
4 *FOREIGN AGRICULTURAL AFFAIRS*

5 *For necessary expenses of the Office of the Under Sec-*
6 *retary for Trade and Foreign Agricultural Affairs,*
7 *\$887,000: Provided, That funds made available by this Act*
8 *to any agency in the Trade and Foreign Agricultural Af-*
9 *fairs mission area for salaries and expenses are available*
10 *to fund up to one administrative support staff for the Office.*

11 *OFFICE OF CODEX ALIMENTARIUS*

12 *For necessary expenses of the Office of Codex*
13 *Alimentarius, \$4,805,000, including not to exceed \$40,000*
14 *for official reception and representation expenses.*

15 *FOREIGN AGRICULTURAL SERVICE*

16 *SALARIES AND EXPENSES*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For necessary expenses of the Foreign Agricultural*
19 *Service, including not to exceed \$250,000 for representation*
20 *allowances and for expenses pursuant to section 8 of the*
21 *Act approved August 3, 1956 (7 U.S.C. 1766),*
22 *\$221,835,000, of which no more than 6 percent shall remain*
23 *available until September 30, 2022, for overseas operations*
24 *to include the payment of locally employed staff: Provided,*
25 *That the Service may utilize advances of funds, or reim-*

1 *burse this appropriation for expenditures made on behalf*
2 *of Federal agencies, public and private organizations and*
3 *institutions under agreements executed pursuant to the ag-*
4 *ricultural food production assistance programs (7 U.S.C.*
5 *1737) and the foreign assistance programs of the United*
6 *States Agency for International Development: Provided fur-*
7 *ther, That funds made available for middle-income country*
8 *training programs, funds made available for the Borlaug*
9 *International Agricultural Science and Technology Fellow-*
10 *ship program, and up to \$2,000,000 of the Foreign Agricul-*
11 *tural Service appropriation solely for the purpose of offset-*
12 *ting fluctuations in international currency exchange rates,*
13 *subject to documentation by the Foreign Agricultural Serv-*
14 *ice, shall remain available until expended.*

15 *FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR*
16 *PROGRESS PROGRAM ACCOUNT*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For administrative expenses to carry out the credit*
19 *program of title I, Food for Peace Act (Public Law 83-*
20 *480) and the Food for Progress Act of 1985, \$112,000, shall*
21 *be transferred to and merged with the appropriation for*
22 *“Farm Production and Conservation Business Center, Sal-*
23 *aries and Expenses”.*

1 *FOOD FOR PEACE TITLE II GRANTS*

2 *For expenses during the current fiscal year, not other-*
3 *wise recoverable, and unrecovered prior years' costs, includ-*
4 *ing interest thereon, under the Food for Peace Act (Public*
5 *Law 83-480), for commodities supplied in connection with*
6 *dispositions abroad under title II of said Act,*
7 *\$1,740,000,000, to remain available until expended.*

8 *MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION*
9 *AND CHILD NUTRITION PROGRAM GRANTS*

10 *For necessary expenses to carry out the provisions of*
11 *section 3107 of the Farm Security and Rural Investment*
12 *Act of 2002 (7 U.S.C. 1736o-1), \$230,000,000, to remain*
13 *available until expended: Provided, That the Commodity*
14 *Credit Corporation is authorized to provide the services, fa-*
15 *cilities, and authorities for the purpose of implementing*
16 *such section, subject to reimbursement from amounts pro-*
17 *vided herein: Provided further, That of the amount made*
18 *available under this heading, not more than 10 percent, but*
19 *not less than \$23,000,000, shall remain available until ex-*
20 *pended to purchase agricultural commodities as described*
21 *in subsection 3107(a)(2) of the Farm Security and Rural*
22 *Investment Act of 2002 (7 U.S.C. 1736o-1(a)(2)).*

1 *COMMODITY CREDIT CORPORATION EXPORT (LOANS)*

2 *CREDIT GUARANTEE PROGRAM ACCOUNT*

3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *For administrative expenses to carry out the Com-*
5 *modity Credit Corporation's Export Guarantee Program,*
6 *GSM 102 and GSM 103, \$6,381,000, to cover common over-*
7 *head expenses as permitted by section 11 of the Commodity*
8 *Credit Corporation Charter Act and in conformity with the*
9 *Federal Credit Reform Act of 1990, of which \$6,063,000*
10 *shall be transferred to and merged with the appropriation*
11 *for "Foreign Agricultural Service, Salaries and Expenses",*
12 *and of which \$318,000 shall be transferred to and merged*
13 *with the appropriation for "Farm Production and Con-*
14 *servation Business Center, Salaries and Expenses".*

15 *TITLE VI*

16 *RELATED AGENCY AND FOOD AND DRUG*

17 *ADMINISTRATION*

18 *DEPARTMENT OF HEALTH AND HUMAN SERVICES*

19 *FOOD AND DRUG ADMINISTRATION*

20 *SALARIES AND EXPENSES*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For necessary expenses of the Food and Drug Adminis-*
23 *tration, including hire and purchase of passenger motor ve-*
24 *hicles; for payment of space rental and related costs pursu-*
25 *ant to Public Law 92-313 for programs and activities of*

1 *the Food and Drug Administration which are included in*
2 *this Act; for rental of special purpose space in the District*
3 *of Columbia or elsewhere; in addition to amounts appro-*
4 *priated to the FDA Innovation Account, for carrying out*
5 *the activities described in section 1002(b)(4) of the 21st*
6 *Century Cures Act (Public Law 114–255); for miscellaneous*
7 *and emergency expenses of enforcement activities, author-*
8 *ized and approved by the Secretary and to be accounted*
9 *for solely on the Secretary’s certificate, not to exceed*
10 *\$25,000; and notwithstanding section 521 of Public Law*
11 *107–188; \$5,876,025,000: Provided, That of the amount*
12 *provided under this heading, \$1,107,199,000 shall be de-*
13 *rived from prescription drug user fees authorized by 21*
14 *U.S.C. 379h, and shall be credited to this account and re-*
15 *main available until expended; \$236,059,000 shall be de-*
16 *rived from medical device user fees authorized by 21 U.S.C.*
17 *379j, and shall be credited to this account and remain*
18 *available until expended; \$520,208,000 shall be derived*
19 *from human generic drug user fees authorized by 21 U.S.C.*
20 *379j–42, and shall be credited to this account and remain*
21 *available until expended; \$42,494,000 shall be derived from*
22 *biosimilar biological product user fees authorized by 21*
23 *U.S.C. 379j–52, and shall be credited to this account and*
24 *remain available until expended; \$33,340,000 shall be de-*
25 *rived from animal drug user fees authorized by 21 U.S.C.*

1 379j–12, and shall be credited to this account and remain
2 available until expended; \$22,797,000 shall be derived from
3 generic new animal drug user fees authorized by 21 U.S.C.
4 379j–21, and shall be credited to this account and remain
5 available until expended; \$712,000,000 shall be derived
6 from tobacco product user fees authorized by 21 U.S.C.
7 387s, and shall be credited to this account and remain
8 available until expended: Provided further, That in addi-
9 tion to and notwithstanding any other provision under this
10 heading, amounts collected for prescription drug user fees,
11 medical device user fees, human generic drug user fees, bio-
12 similar biological product user fees, animal drug user fees,
13 and generic new animal drug user fees that exceed the re-
14 spective fiscal year 2021 limitations are appropriated and
15 shall be credited to this account and remain available until
16 expended: Provided further, That fees derived from prescrip-
17 tion drug, medical device, human generic drug, biosimilar
18 biological product, animal drug, and generic new animal
19 drug assessments for fiscal year 2021, including any such
20 fees collected prior to fiscal year 2021 but credited for fiscal
21 year 2021, shall be subject to the fiscal year 2021 limita-
22 tions: Provided further, That the Secretary may accept pay-
23 ment during fiscal year 2021 of user fees specified under
24 this heading and authorized for fiscal year 2022, prior to
25 the due date for such fees, and that amounts of such fees

1 *assessed for fiscal year 2022 for which the Secretary accepts*
2 *payment in fiscal year 2021 shall not be included in*
3 *amounts under this heading: Provided further, That none*
4 *of these funds shall be used to develop, establish, or operate*
5 *any program of user fees authorized by 31 U.S.C. 9701:*
6 *Provided further, That of the total amount appropriated:*
7 *(1) \$1,099,160,000 shall be for the Center for Food Safety*
8 *and Applied Nutrition and related field activities in the*
9 *Office of Regulatory Affairs, of which no less than*
10 *\$15,000,000 shall be used for inspections of foreign seafood*
11 *manufacturers and field examinations of imported seafood;*
12 *(2) \$1,996,126,000 shall be for the Center for Drug Evalua-*
13 *tion and Research and related field activities in the Office*
14 *of Regulatory Affairs; (3) \$437,071,000 shall be for the Cen-*
15 *ter for Biologics Evaluation and Research and for related*
16 *field activities in the Office of Regulatory Affairs; (4)*
17 *\$244,350,000 shall be for the Center for Veterinary Medicine*
18 *and for related field activities in the Office of Regulatory*
19 *Affairs; (5) \$609,121,000 shall be for the Center for Devices*
20 *and Radiological Health and for related field activities in*
21 *the Office of Regulatory Affairs; (6) \$66,712,000 shall be*
22 *for the National Center for Toxicological Research; (7)*
23 *\$681,513,000 shall be for the Center for Tobacco Products*
24 *and for related field activities in the Office of Regulatory*
25 *Affairs; (8) \$188,707,000 shall be for Rent and Related ac-*

1 *tivities, of which \$52,944,000 is for White Oak Consolida-*
2 *tion, other than the amounts paid to the General Services*
3 *Administration for rent; (9) \$235,112,000 shall be for pay-*
4 *ments to the General Services Administration for rent; and*
5 *(10) \$318,153,000 shall be for other activities, including the*
6 *Office of the Commissioner of Food and Drugs, the Office*
7 *of Food Policy and Response, the Office of Operations, the*
8 *Office of the Chief Scientist, and central services for these*
9 *offices: Provided further, That not to exceed \$25,000 of this*
10 *amount shall be for official reception and representation ex-*
11 *penses, not otherwise provided for, as determined by the*
12 *Commissioner: Provided further, That any transfer of funds*
13 *pursuant to section 770(n) of the Federal Food, Drug, and*
14 *Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from*
15 *amounts made available under this heading for other activi-*
16 *ties: Provided further, That of the amounts that are made*
17 *available under this heading for “other activities”, and that*
18 *are not derived from user fees, \$1,500,000 shall be trans-*
19 *ferred to and merged with the appropriation for “Depart-*
20 *ment of Health and Human Services—Office of Inspector*
21 *General” for oversight of the programs and operations of*
22 *the Food and Drug Administration and shall be in addition*
23 *to funds otherwise made available for oversight of the Food*
24 *and Drug Administration: Provided further, That funds*
25 *may be transferred from one specified activity to another*

1 *with the prior approval of the Committees on Appropria-*
2 *tions of both Houses of Congress.*

3 *In addition, mammography user fees authorized by 42*
4 *U.S.C. 263b, export certification user fees authorized by 21*
5 *U.S.C. 381, priority review user fees authorized by 21*
6 *U.S.C. 360n and 360ff, food and feed recall fees, food rein-*
7 *spection fees, and voluntary qualified importer program*
8 *fees authorized by 21 U.S.C. 379j–31, outsourcing facility*
9 *fees authorized by 21 U.S.C. 379j–62, prescription drug*
10 *wholesale distributor licensing and inspection fees author-*
11 *ized by 21 U.S.C. 353(e)(3), third-party logistics provider*
12 *licensing and inspection fees authorized by 21 U.S.C.*
13 *360eee–3(c)(1), third-party auditor fees authorized by 21*
14 *U.S.C. 384d(e)(8), medical countermeasure priority review*
15 *voucher user fees authorized by 21 U.S.C. 360bbb–4a, and*
16 *fees relating to over-the-counter monograph drugs author-*
17 *ized by 21 U.S.C. 379j–72 shall be credited to this account,*
18 *to remain available until expended.*

19 *BUILDINGS AND FACILITIES*

20 *For plans, construction, repair, improvement, exten-*
21 *sion, alteration, demolition, and purchase of fixed equip-*
22 *ment or facilities of or used by the Food and Drug Adminis-*
23 *tration, where not otherwise provided, \$12,788,000, to re-*
24 *main available until expended.*

1 *FDA INNOVATION ACCOUNT, CURES ACT*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses to carry out the purposes de-*
4 *scribed under section 1002(b)(4) of the 21st Century Cures*
5 *Act, in addition to amounts available for such purposes*
6 *under the heading “Salaries and Expenses”, \$70,000,000,*
7 *to remain available until expended: Provided, That*
8 *amounts appropriated in this paragraph are appropriated*
9 *pursuant to section 1002(b)(3) of the 21st Century Cures*
10 *Act, are to be derived from amounts transferred under sec-*
11 *tion 1002(b)(2)(A) of such Act, and may be transferred by*
12 *the Commissioner of Food and Drugs to the appropriation*
13 *for “Department of Health and Human Services Food and*
14 *Drug Administration Salaries and Expenses” solely for the*
15 *purposes provided in such Act: Provided further, That upon*
16 *a determination by the Commissioner that funds trans-*
17 *ferred pursuant to the previous proviso are not necessary*
18 *for the purposes provided, such amounts may be transferred*
19 *back to the account: Provided further, That such transfer*
20 *authority is in addition to any other transfer authority*
21 *provided by law.*

1 *INDEPENDENT AGENCY*
2 *FARM CREDIT ADMINISTRATION*
3 *LIMITATION ON ADMINISTRATIVE EXPENSES*

4 *Not to exceed \$80,400,000 (from assessments collected*
5 *from farm credit institutions, including the Federal Agri-*
6 *cultural Mortgage Corporation) shall be obligated during*
7 *the current fiscal year for administrative expenses as au-*
8 *thorized under 12 U.S.C. 2249: Provided, That this limita-*
9 *tion shall not apply to expenses associated with receiver-*
10 *ships: Provided further, That the agency may exceed this*
11 *limitation by up to 10 percent with notification to the Com-*
12 *mittees on Appropriations of both Houses of Congress: Pro-*
13 *vided further, That the purposes of section 3.7(b)(2)(A)(i)*
14 *of the Farm Credit Act of 1971 (12 U.S.C.*
15 *2128(b)(2)(A)(i)), the Farm Credit Administration may ex-*
16 *empt, an amount in its sole discretion, from the application*
17 *of the limitation provided in that clause of export loans*
18 *described in the clause guaranteed or insured in a manner*
19 *other than described in subclause (II) of the clause.*

20 *TITLE VII*
21 *GENERAL PROVISIONS*

22 *(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)*

23 *SEC. 701. The Secretary may use any appropriations*
24 *made available to the Department of Agriculture in this*
25 *Act to purchase new passenger motor vehicles, in addition*

1 *to specific appropriations for this purpose, so long as the*
2 *total number of vehicles purchased in fiscal year 2021 does*
3 *not exceed the number of vehicles owned or leased in fiscal*
4 *year 2018: Provided, That, prior to purchasing additional*
5 *motor vehicles, the Secretary must determine that such vehi-*
6 *cles are necessary for transportation safety, to reduce oper-*
7 *ational costs, and for the protection of life, property, and*
8 *public safety: Provided further, That the Secretary may not*
9 *increase the Department of Agriculture's fleet above the*
10 *2018 level unless the Secretary notifies in writing, and re-*
11 *ceives approval from, the Committees on Appropriations of*
12 *both Houses of Congress within 30 days of the notification.*

13 *SEC. 702. Notwithstanding any other provision of this*
14 *Act, the Secretary of Agriculture may transfer unobligated*
15 *balances of discretionary funds appropriated by this Act*
16 *or any other available unobligated discretionary balances*
17 *that are remaining available of the Department of Agri-*
18 *culture to the Working Capital Fund for the acquisition of*
19 *plant and capital equipment necessary for the delivery of*
20 *financial, administrative, and information technology serv-*
21 *ices of primary benefit to the agencies of the Department*
22 *of Agriculture, such transferred funds to remain available*
23 *until expended: Provided, That none of the funds made*
24 *available by this Act or any other Act shall be transferred*
25 *to the Working Capital Fund without the prior approval*

1 of the agency administrator: Provided further, That none
2 of the funds transferred to the Working Capital Fund pur-
3 suant to this section shall be available for obligation with-
4 out written notification to and the prior approval of the
5 Committees on Appropriations of both Houses of Congress:
6 Provided further, That none of the funds appropriated by
7 this Act or made available to the Department's Working
8 Capital Fund shall be available for obligation or expendi-
9 ture to make any changes to the Department's National Fi-
10 nance Center without written notification to and prior ap-
11 proval of the Committees on Appropriations of both Houses
12 of Congress as required by section 716 of this Act: Provided
13 further, That none of the funds appropriated by this Act
14 or made available to the Department's Working Capital
15 Fund shall be available for obligation or expenditure to ini-
16 tiate, plan, develop, implement, or make any changes to re-
17 move or relocate any systems, missions, personnel, or func-
18 tions of the offices of the Chief Financial Officer and the
19 Chief Information Officer, co-located with or from the Na-
20 tional Finance Center prior to written notification to and
21 prior approval of the Committee on Appropriations of both
22 Houses of Congress and in accordance with the require-
23 ments of section 716 of this Act: Provided further, That the
24 National Finance Center Information Technology Services
25 Division personnel and data center management respon-

1 sibilities, and control of any functions, missions, and sys-
2 tems for current and future human resources management
3 and integrated personnel and payroll systems (PPS) and
4 functions provided by the Chief Financial Officer and the
5 Chief Information Officer shall remain in the National Fi-
6 nance Center and under the management responsibility and
7 administrative control of the National Finance Center: Pro-
8 vided further, That the Secretary of Agriculture and the of-
9 fices of the Chief Financial Officer shall actively market
10 to existing and new Departments and other government
11 agencies National Finance Center shared services including,
12 but not limited to, payroll, financial management, and
13 human capital shared services and allow the National Fi-
14 nance Center to perform technology upgrades: Provided fur-
15 ther, That of annual income amounts in the Working Cap-
16 ital Fund of the Department of Agriculture attributable to
17 the amounts in excess of the true costs of the shared services
18 provided by the National Finance Center and budgeted for
19 the National Finance Center, the Secretary shall reserve not
20 more than 4 percent for the replacement or acquisition of
21 capital equipment, including equipment for the improve-
22 ment, delivery, and implementation of financial, adminis-
23 trative, and information technology services, and other sys-
24 tems of the National Finance Center or to pay any unfore-
25 seen, extraordinary cost of the National Finance Center:

1 *Provided further, That none of the amounts reserved shall*
2 *be available for obligation unless the Secretary submits*
3 *written notification of the obligation to the Committees on*
4 *Appropriations of both Houses of Congress: Provided fur-*
5 *ther, That the limitations on the obligation of funds pend-*
6 *ing notification to Congressional Committees shall not*
7 *apply to any obligation that, as determined by the Sec-*
8 *retary, is necessary to respond to a declared state of emer-*
9 *gency that significantly impacts the operations of the Na-*
10 *tional Finance Center; or to evacuate employees of the Na-*
11 *tional Finance Center to a safe haven to continue oper-*
12 *ations of the National Finance Center.*

13 *SEC. 703. No part of any appropriation contained in*
14 *this Act shall remain available for obligation beyond the*
15 *current fiscal year unless expressly so provided herein.*

16 *SEC. 704. No funds appropriated by this Act may be*
17 *used to pay negotiated indirect cost rates on cooperative*
18 *agreements or similar arrangements between the United*
19 *States Department of Agriculture and nonprofit institu-*
20 *tions in excess of 10 percent of the total direct cost of the*
21 *agreement when the purpose of such cooperative arrange-*
22 *ments is to carry out programs of mutual interest between*
23 *the two parties. This does not preclude appropriate pay-*
24 *ment of indirect costs on grants and contracts with such*
25 *institutions when such indirect costs are computed on a*

1 *similar basis for all agencies for which appropriations are*
2 *provided in this Act.*

3 *SEC. 705. Appropriations to the Department of Agri-*
4 *culture for the cost of direct and guaranteed loans made*
5 *available in the current fiscal year shall remain available*
6 *until expended to disburse obligations made in the current*
7 *fiscal year for the following accounts: the Rural Develop-*
8 *ment Loan Fund program account, the Rural Electrifica-*
9 *tion and Telecommunication Loans program account, and*
10 *the Rural Housing Insurance Fund program account.*

11 *SEC. 706. None of the funds made available to the De-*
12 *partment of Agriculture by this Act may be used to acquire*
13 *new information technology systems or significant up-*
14 *grades, as determined by the Office of the Chief Information*
15 *Officer, without the approval of the Chief Information Offi-*
16 *cer and the concurrence of the Executive Information Tech-*
17 *nology Investment Review Board: Provided, That notwith-*
18 *standing any other provision of law, none of the funds ap-*
19 *propriated or otherwise made available by this Act may be*
20 *transferred to the Office of the Chief Information Officer*
21 *without written notification to and the prior approval of*
22 *the Committees on Appropriations of both Houses of Con-*
23 *gress: Provided further, That, notwithstanding section*
24 *11319 of title 40, United States Code, none of the funds*
25 *available to the Department of Agriculture for information*

1 *technology shall be obligated for projects, contracts, or other*
2 *agreements over \$25,000 prior to receipt of written ap-*
3 *proval by the Chief Information Officer: Provided further,*
4 *That the Chief Information Officer may authorize an agen-*
5 *cy to obligate funds without written approval from the*
6 *Chief Information Officer for projects, contracts, or other*
7 *agreements up to \$250,000 based upon the performance of*
8 *an agency measured against the performance plan require-*
9 *ments described in the explanatory statement accom-*
10 *panying Public Law 113–235.*

11 *SEC. 707. Funds made available under section 524(b)*
12 *of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in*
13 *the current fiscal year shall remain available until ex-*
14 *pendent to disburse obligations made in the current fiscal*
15 *year.*

16 *SEC. 708. Notwithstanding any other provision of law,*
17 *any former Rural Utilities Service borrower that has repaid*
18 *or prepaid an insured, direct or guaranteed loan under the*
19 *Rural Electrification Act of 1936, or any not-for-profit util-*
20 *ity that is eligible to receive an insured or direct loan under*
21 *such Act, shall be eligible for assistance under section*
22 *313B(a) of such Act in the same manner as a borrower*
23 *under such Act.*

24 *SEC. 709. (a) Except as otherwise specifically provided*
25 *by law, not more than \$20,000,000 in unobligated balances*

1 *from appropriations made available for salaries and ex-*
2 *penses in this Act for the Farm Service Agency shall remain*
3 *available through September 30, 2022, for information tech-*
4 *nology expenses.*

5 *(b) Except as otherwise specifically provided by law,*
6 *not more than \$20,000,000 in unobligated balances from*
7 *appropriations made available for salaries and expenses in*
8 *this Act for the Rural Development mission area shall re-*
9 *main available through September 30, 2022, for informa-*
10 *tion technology expenses.*

11 *SEC. 710. None of the funds appropriated or otherwise*
12 *made available by this Act may be used for first-class travel*
13 *by the employees of agencies funded by this Act in con-*
14 *travention of sections 301–10.122 through 301–10.124 of*
15 *title 41, Code of Federal Regulations.*

16 *SEC. 711. In the case of each program established or*
17 *amended by the Agricultural Act of 2014 (Public Law 113–*
18 *79) or by a successor to that Act, other than by title I or*
19 *subtitle A of title III of such Act, or programs for which*
20 *indefinite amounts were provided in that Act, that is au-*
21 *thorized or required to be carried out using funds of the*
22 *Commodity Credit Corporation—*

23 *(1) such funds shall be available for salaries and*
24 *related administrative expenses, including technical*
25 *assistance, associated with the implementation of the*

1 *program, without regard to the limitation on the total*
2 *amount of allotments and fund transfers contained in*
3 *section 11 of the Commodity Credit Corporation*
4 *Charter Act (15 U.S.C. 714i); and*

5 *(2) the use of such funds for such purpose shall*
6 *not be considered to be a fund transfer or allotment*
7 *for purposes of applying the limitation on the total*
8 *amount of allotments and fund transfers contained in*
9 *such section.*

10 *SEC. 712. Of the funds made available by this Act, not*
11 *more than \$2,900,000 shall be used to cover necessary ex-*
12 *penses of activities related to all advisory committees, pan-*
13 *els, commissions, and task forces of the Department of Agri-*
14 *culture, except for panels used to comply with negotiated*
15 *rule makings and panels used to evaluate competitively*
16 *awarded grants.*

17 *SEC. 713. (a) None of the funds made available in this*
18 *Act may be used to maintain or establish a computer net-*
19 *work unless such network blocks the viewing, downloading,*
20 *and exchanging of pornography.*

21 *(b) Nothing in subsection (a) shall limit the use of*
22 *funds necessary for any Federal, State, tribal, or local law*
23 *enforcement agency or any other entity carrying out crimi-*
24 *nal investigations, prosecution, or adjudication activities.*

1 *SEC. 714. Notwithstanding subsection (b) of section*
2 *14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this*
3 *section referred to as “section 14222”), none of the funds*
4 *appropriated or otherwise made available by this or any*
5 *other Act shall be used to pay the salaries and expenses of*
6 *personnel to carry out a program under section 32 of the*
7 *Act of August 24, 1935 (7 U.S.C. 612c; in this section re-*
8 *ferred to as “section 32”) in excess of \$1,359,864,000 (exclu-*
9 *sive of carryover appropriations from prior fiscal years),*
10 *as follows: Child Nutrition Programs Entitlement Commod-*
11 *ities— \$485,000,000; State Option Contracts— \$5,000,000;*
12 *Removal of Defective Commodities— \$2,500,000; Adminis-*
13 *tration of Section 32 Commodity Purchases— \$36,746,000:*
14 *Provided, That of the total funds made available in the mat-*
15 *ter preceding this proviso that remain unobligated on Octo-*
16 *ber 1, 2021, such unobligated balances shall carryover into*
17 *fiscal year 2022 and shall remain available until expended*
18 *for any of the purposes of section 32, except that any such*
19 *carryover funds used in accordance with clause (3) of sec-*
20 *tion 32 may not exceed \$350,000,000 and may not be obli-*
21 *gated until the Secretary of Agriculture provides written*
22 *notification of the expenditures to the Committees on Ap-*
23 *propriations of both Houses of Congress at least two weeks*
24 *in advance: Provided further, That, with the exception of*
25 *any available carryover funds authorized in any prior ap-*

1 *appropriations Act to be used for the purposes of clause (3)*
2 *of section 32, none of the funds appropriated or otherwise*
3 *made available by this or any other Act shall be used to*
4 *pay the salaries or expenses of any employee of the Depart-*
5 *ment of Agriculture to carry out clause (3) of section 32.*

6 *SEC. 715. None of the funds appropriated by this or*
7 *any other Act shall be used to pay the salaries and expenses*
8 *of personnel who prepare or submit appropriations lan-*
9 *guage as part of the President's budget submission to the*
10 *Congress for programs under the jurisdiction of the Appro-*
11 *priations Subcommittees on Agriculture, Rural Develop-*
12 *ment, Food and Drug Administration, and Related Agen-*
13 *cies that assumes revenues or reflects a reduction from the*
14 *previous year due to user fees proposals that have not been*
15 *enacted into law prior to the submission of the budget unless*
16 *such budget submission identifies which additional spend-*
17 *ing reductions should occur in the event the user fees pro-*
18 *posals are not enacted prior to the date of the convening*
19 *of a committee of conference for the fiscal year 2022 appro-*
20 *priations Act.*

21 *SEC. 716. (a) None of the funds provided by this Act,*
22 *or provided by previous appropriations Acts to the agencies*
23 *funded by this Act that remain available for obligation or*
24 *expenditure in the current fiscal year, or provided from any*
25 *accounts in the Treasury derived by the collection of fees*

1 *available to the agencies funded by this Act, shall be avail-*
2 *able for obligation or expenditure through a reprogram-*
3 *ming, transfer of funds, or reimbursements as authorized*
4 *by the Economy Act, or in the case of the Department of*
5 *Agriculture, through use of the authority provided by sec-*
6 *tion 702(b) of the Department of Agriculture Organic Act*
7 *of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-*
8 *106 (7 U.S.C. 2263), that—*

9 *(1) creates new programs;*

10 *(2) eliminates a program, project, or activity;*

11 *(3) increases funds or personnel by any means*
12 *for any project or activity for which funds have been*
13 *denied or restricted;*

14 *(4) relocates an office or employees;*

15 *(5) reorganizes offices, programs, or activities; or*

16 *(6) contracts out or privatizes any functions or*
17 *activities presently performed by Federal employees;*

18 *unless the Secretary of Agriculture or the Sec-*
19 *retary of Health and Human Services (as the case*
20 *may be) notifies in writing and receives approval*
21 *from the Committees on Appropriations of both*
22 *Houses of Congress at least 30 days in advance of the*
23 *reprogramming of such funds or the use of such au-*
24 *thority.*

1 *(b) None of the funds provided by this Act, or provided*
2 *by previous Appropriations Acts to the agencies funded by*
3 *this Act that remain available for obligation or expenditure*
4 *in the current fiscal year, or provided from any accounts*
5 *in the Treasury derived by the collection of fees available*
6 *to the agencies funded by this Act, shall be available for*
7 *obligation or expenditure for activities, programs, or*
8 *projects through a reprogramming or use of the authorities*
9 *referred to in subsection (a) involving funds in excess of*
10 *\$500,000 or 10 percent, whichever is less, that—*

11 *(1) augments existing programs, projects, or ac-*
12 *tivities;*

13 *(2) reduces by 10 percent funding for any exist-*
14 *ing program, project, or activity, or numbers of per-*
15 *sonnel by 10 percent as approved by Congress; or*

16 *(3) results from any general savings from a re-*
17 *duction in personnel which would result in a change*
18 *in existing programs, activities, or projects as ap-*
19 *proved by Congress;*

20 *unless the Secretary of Agriculture or the Sec-*
21 *retary of Health and Human Services (as the case*
22 *may be) notifies in writing and receives approval*
23 *from the Committees on Appropriations of both*
24 *Houses of Congress at least 30 days in advance of the*

1 *reprogramming or transfer of such funds or the use*
2 *of such authority.*

3 *(c) The Secretary of Agriculture or the Secretary of*
4 *Health and Human Services shall notify in writing and*
5 *receive approval from the Committees on Appropriations of*
6 *both Houses of Congress before implementing any program*
7 *or activity not carried out during the previous fiscal year*
8 *unless the program or activity is funded by this Act or spe-*
9 *cifically funded by any other Act.*

10 *(d) None of the funds provided by this Act, or provided*
11 *by previous Appropriations Acts to the agencies funded by*
12 *this Act that remain available for obligation or expenditure*
13 *in the current fiscal year, or provided from any accounts*
14 *in the Treasury derived by the collection of fees available*
15 *to the agencies funded by this Act, shall be available for—*

16 *(1) modifying major capital investments funding*
17 *levels, including information technology systems, that*
18 *involves increasing or decreasing funds in the current*
19 *fiscal year for the individual investment in excess of*
20 *\$500,000 or 10 percent of the total cost, whichever is*
21 *less;*

22 *(2) realigning or reorganizing new, current, or*
23 *vacant positions or agency activities or functions to*
24 *establish a center, office, branch, or similar entity*
25 *with five or more personnel; or*

1 (3) *carrying out activities or functions that were*
2 *not described in the budget request;*

3 *unless the agencies funded by this Act notify, in*
4 *writing, the Committees on Appropriations of both*
5 *Houses of Congress at least 30 days in advance of*
6 *using the funds for these purposes.*

7 (e) *As described in this section, no funds may be used*
8 *for any activities unless the Secretary of Agriculture or the*
9 *Secretary of Health and Human Services receives from the*
10 *Committee on Appropriations of both Houses of Congress*
11 *written or electronic mail confirmation of receipt of the no-*
12 *tification as required in this section.*

13 SEC. 717. *Notwithstanding section 310B(g)(5) of the*
14 *Consolidated Farm and Rural Development Act (7 U.S.C.*
15 *1932(g)(5)), the Secretary may assess a one-time fee for any*
16 *guaranteed business and industry loan in an amount that*
17 *does not exceed 3 percent of the guaranteed principal por-*
18 *tion of the loan.*

19 SEC. 718. *None of the funds appropriated or otherwise*
20 *made available to the Department of Agriculture, the Food*
21 *and Drug Administration, or the Farm Credit Administra-*
22 *tion shall be used to transmit or otherwise make available*
23 *reports, questions, or responses to questions that are a result*
24 *of information requested for the appropriations hearing*
25 *process to any non-Department of Agriculture, non-Depart-*

1 *ment of Health and Human Services, or non-Farm Credit*
2 *Administration employee.*

3 *SEC. 719. Unless otherwise authorized by existing law,*
4 *none of the funds provided in this Act, may be used by an*
5 *executive branch agency to produce any prepackaged news*
6 *story intended for broadcast or distribution in the United*
7 *States unless the story includes a clear notification within*
8 *the text or audio of the prepackaged news story that the*
9 *prepackaged news story was prepared or funded by that ex-*
10 *ecutive branch agency.*

11 *SEC. 720. No employee of the Department of Agri-*
12 *culture may be detailed or assigned from an agency or office*
13 *funded by this Act or any other Act to any other agency*
14 *or office of the Department for more than 60 days in a*
15 *fiscal year unless the individual's employing agency or of-*
16 *fice is fully reimbursed by the receiving agency or office*
17 *for the salary and expenses of the employee for the period*
18 *of assignment.*

19 *SEC. 721. Not later than 30 days after the date of en-*
20 *actment of this Act, the Secretary of Agriculture, the Com-*
21 *missioner of the Food and Drug Administration, and the*
22 *Chairman of the Farm Credit Administration shall submit*
23 *to the Committees on Appropriations of both Houses of Con-*
24 *gress a detailed spending plan by program, project, and ac-*
25 *tivity for all the funds made available under this Act in-*

1 *cluding appropriated user fees, as defined in the explana-*
2 *tory statement described in section 4 (in the matter pre-*
3 *ceding division A of this consolidated Act).*

4 *SEC. 722. Of the unobligated balances from amounts*
5 *made available for the supplemental nutrition program as*
6 *authorized by section 17 of the Child Nutrition Act of 1966*
7 *(42 U.S.C. 1786), \$1,250,000,000 are hereby rescinded: Pro-*
8 *vided, That no amounts may be rescinded from amounts*
9 *that were designated by the Congress as an emergency re-*
10 *quirement pursuant to a Concurrent Resolution on the*
11 *Budget or the Balanced Budget and Emergency Deficit*
12 *Control Act of 1985.*

13 *SEC. 723. For the purposes of determining eligibility*
14 *or level of program assistance for Rural Development pro-*
15 *grams the Secretary shall not include incarcerated prison*
16 *populations.*

17 *SEC. 724. For loans and loan guarantees that do not*
18 *require budget authority and the program level has been*
19 *established in this Act, the Secretary of Agriculture may*
20 *increase the program level for such loans and loan guaran-*
21 *tees by not more than 25 percent: Provided, That prior to*
22 *the Secretary implementing such an increase, the Secretary*
23 *notifies, in writing, the Committees on Appropriations of*
24 *both Houses of Congress at least 15 days in advance.*

1 *SEC. 725. None of the credit card refunds or rebates*
2 *transferred to the Working Capital Fund pursuant to sec-*
3 *tion 729 of the Agriculture, Rural Development, Food and*
4 *Drug Administration, and Related Agencies Appropria-*
5 *tions Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall*
6 *be available for obligation without written notification to,*
7 *and the prior approval of, the Committees on Appropria-*
8 *tions of both Houses of Congress: Provided, That the refunds*
9 *or rebates so transferred shall be available for obligation*
10 *only for the acquisition of plant and capital equipment nec-*
11 *essary for the delivery of financial, administrative, and in-*
12 *formation technology services, including cloud adoption and*
13 *migration, of primary benefit to the agencies of the Depart-*
14 *ment of Agriculture.*

15 *SEC. 726. None of the funds made available by this*
16 *Act may be used to implement, administer, or enforce the*
17 *“variety” requirements of the final rule entitled “Enhanc-*
18 *ing Retailer Standards in the Supplemental Nutrition As-*
19 *sistance Program (SNAP)” published by the Department*
20 *of Agriculture in the Federal Register on December 15, 2016*
21 *(81 Fed. Reg. 90675) until the Secretary of Agriculture*
22 *amends the definition of the term “variety” as de fined in*
23 *section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regula-*
24 *tions, and “variety” as applied in the definition of the term*
25 *“staple food” as defined in section 271.2 of title 7, Code*

1 *of Federal Regulations, to increase the number of items that*
2 *qualify as acceptable varieties in each staple food category*
3 *so that the total number of such items in each staple food*
4 *category exceeds the number of such items in each staple*
5 *food category included in the final rule as published on De-*
6 *cember 15, 2016: Provided, That until the Secretary pro-*
7 *mulgates such regulatory amendments, the Secretary shall*
8 *apply the requirements regarding acceptable varieties and*
9 *breadth of stock to Supplemental Nutrition Assistance Pro-*
10 *gram retailers that were in effect on the day before the date*
11 *of the enactment of the Agricultural Act of 2014 (Public*
12 *Law 113–79).*

13 *SEC. 727. In carrying out subsection (h) of section 502*
14 *of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary*
15 *of Agriculture shall have the same authority with respect*
16 *to loans guaranteed under such section and eligible lenders*
17 *for such loans as the Secretary has under subsections (h)*
18 *and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with*
19 *respect to loans guaranteed under such section 538 and eli-*
20 *gible lenders for such loans.*

21 *SEC. 728. None of the funds made available by this*
22 *Act may be used to propose, promulgate, or implement any*
23 *rule, or take any other action with respect to, allowing or*
24 *requiring information intended for a prescribing health*
25 *care professional, in the case of a drug or biological product*

1 *subject to section 503(b)(1) of the Federal Food, Drug, and*
2 *Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to*
3 *such professional electronically (in lieu of in paper form)*
4 *unless and until a Federal law is enacted to allow or re-*
5 *quire such distribution.*

6 *SEC. 729. None of the funds made available by this*
7 *or any other Act may be used to carry out the final rule*
8 *promulgated by the Food and Drug Administration and*
9 *put into effect November 16, 2015, in regards to the hazard*
10 *analysis and risk-based preventive control requirements of*
11 *the current good manufacturing practice, hazard analysis,*
12 *and risk-based preventive controls for food for animals rule*
13 *with respect to the regulation of the production, distribu-*
14 *tion, sale, or receipt of dried spent grain byproducts of the*
15 *alcoholic beverage production process.*

16 *SEC. 730. There is hereby appropriated \$11,000,000,*
17 *to remain available until expended, to carry out section*
18 *6407 of the Farm Security and Rural Investment Act of*
19 *2002 (7 U.S.C. 8107a): Provided, That the Secretary may*
20 *allow eligible entities, or comparable entities that provide*
21 *energy efficiency services using their own billing mecha-*
22 *nism to offer loans to customers in any part of their service*
23 *territory and to offer loans to replace a manufactured hous-*
24 *ing unit with another manufactured housing unit, if re-*
25 *placement would be more cost effective in saving energy.*

1 *SEC. 731. (a) The Secretary of Agriculture shall—*

2 *(1) conduct audits in a manner that evaluates*
3 *the following factors in the country or region being*
4 *audited, as applicable—*

5 *(A) veterinary control and oversight;*

6 *(B) disease history and vaccination prac-*
7 *tices;*

8 *(C) livestock demographics and traceability;*

9 *(D) epidemiological separation from poten-*
10 *tial sources of infection;*

11 *(E) surveillance practices;*

12 *(F) diagnostic laboratory capabilities; and*

13 *(G) emergency preparedness and response;*

14 *and*

15 *(2) promptly make publicly available the final*
16 *reports of any audits or reviews conducted pursuant*
17 *to subsection (1).*

18 *(b) This section shall be applied in a manner con-*
19 *sistent with United States obligations under its inter-*
20 *national trade agreements.*

21 *SEC. 732. None of the funds made available by this*
22 *Act may be used to implement section 3.7(f) of the Farm*
23 *Credit Act of 1971 in a manner inconsistent with section*
24 *343(a)(13) of the Consolidated Farm and Rural Develop-*
25 *ment Act.*

1 *SEC. 733. None of the funds made available by this*
2 *Act may be used to carry out any activities or incur any*
3 *expense related to the issuance of licenses under section 3*
4 *of the Animal Welfare Act (7 U.S.C. 2133), or the renewal*
5 *of such licenses, to class B dealers who sell dogs and cats*
6 *for use in research, experiments, teaching, or testing.*

7 *SEC. 734. (a)(1) No Federal funds made available for*
8 *this fiscal year for the rural water, waste water, waste dis-*
9 *posal, and solid waste management programs authorized by*
10 *sections 306, 306A, 306C, 306D, 306E, and 310B of the*
11 *Consolidated Farm and Rural Development Act (7 U.S.C.*
12 *1926 et seq.) shall be used for a project for the construction,*
13 *alteration, maintenance, or repair of a public water or*
14 *wastewater system unless all of the iron and steel products*
15 *used in the project are produced in the United States.*

16 *(2) In this section, the term “iron and steel*
17 *products” means the following products made pri-*
18 *marily of iron or steel: lined or unlined pipes and fit-*
19 *tings, manhole covers and other municipal castings,*
20 *hydrants, tanks, flanges, pipe clamps and restraints,*
21 *valves, structural steel, reinforced precast concrete,*
22 *and construction materials.*

23 *(b) Subsection (a) shall not apply in any case or cat-*
24 *egory of cases in which the Secretary of Agriculture (in this*

1 *section referred to as the “Secretary”) or the designee of*
2 *the Secretary finds that—*

3 *(1) applying subsection (a) would be inconsistent*
4 *with the public interest;*

5 *(2) iron and steel products are not produced in*
6 *the United States in sufficient and reasonably avail-*
7 *able quantities or of a satisfactory quality; or*

8 *(3) inclusion of iron and steel products produced*
9 *in the United States will increase the cost of the over-*
10 *all project by more than 25 percent.*

11 *(c) If the Secretary or the designee receives a request*
12 *for a waiver under this section, the Secretary or the designee*
13 *shall make available to the public on an informal basis a*
14 *copy of the request and information available to the Sec-*
15 *retary or the designee concerning the request, and shall*
16 *allow for informal public input on the request for at least*
17 *15 days prior to making a finding based on the request.*
18 *The Secretary or the designee shall make the request and*
19 *accompanying information available by electronic means,*
20 *including on the official public Internet Web site of the De-*
21 *partment.*

22 *(d) This section shall be applied in a manner con-*
23 *sistent with United States obligations under international*
24 *agreements.*

1 (e) *The Secretary may retain up to 0.25 percent of*
2 *the funds appropriated in this Act for “Rural Utilities*
3 *Service—Rural Water and Waste Disposal Program Ac-*
4 *count” for carrying out the provisions described in sub-*
5 *section (a)(1) for management and oversight of the require-*
6 *ments of this section.*

7 (f) *Subsection (a) shall not apply with respect to a*
8 *project for which the engineering plans and specifications*
9 *include use of iron and steel products otherwise prohibited*
10 *by such subsection if the plans and specifications have re-*
11 *ceived required approvals from State agencies prior to the*
12 *date of enactment of this Act.*

13 (g) *For purposes of this section, the terms “United*
14 *States” and “State” shall include each of the several States,*
15 *the District of Columbia, and each Federally recognized In-*
16 *dian tribe.*

17 *SEC. 735. None of the funds appropriated by this Act*
18 *may be used in any way, directly or indirectly, to influence*
19 *congressional action on any legislation or appropriation*
20 *matters pending before Congress, other than to commu-*
21 *nicate to Members of Congress as described in 18 U.S.C.*
22 *1913.*

23 *SEC. 736. Of the total amounts made available by this*
24 *Act for direct loans and grants in section 730 and in the*
25 *following headings: “Rural Housing Service—Rural Hous-*

1 *ing Insurance Fund Program Account*"; *"Rural Housing*
2 *Service—Mutual and Self-Help Housing Grants*"; *"Rural*
3 *Housing Service—Rural Housing Assistance Grants*";
4 *"Rural Housing Service—Rural Community Facilities*
5 *Program Account*"; *"Rural Business-Cooperative Service—*
6 *Rural Business Program Account*"; *"Rural Business-Coop-*
7 *erative Service—Rural Economic Development Loans Pro-*
8 *gram Account*"; *"Rural Business-Cooperative Service—*
9 *Rural Cooperative Development Grants*"; *"Rural Utilities*
10 *Service—Rural Water and Waste Disposal Program Ac-*
11 *count*"; *"Rural Utilities Service—Rural Electrification*
12 *and Telecommunications Loans Program Account*"; and
13 *"Rural Utilities Service—Distance Learning, Telemedi-*
14 *cine, and Broadband Program*", to the maximum extent
15 *feasible, at least 10 percent of the funds shall be allocated*
16 *for assistance in persistent poverty counties under this sec-*
17 *tion, including, notwithstanding any other provision re-*
18 *garding population limits, any county seat of such a per-*
19 *sistent poverty county that has a population that does not*
20 *exceed the authorized population limit by more than 10 per-*
21 *cent: Provided, That for purposes of this section, the term*
22 *"persistent poverty counties" means any county that has*
23 *had 20 percent or more of its population living in poverty*
24 *over the past 30 years, as measured by the 1990 and 2000*
25 *decennial censuses, and 2007–2011 American Community*

1 *Survey 5-year average, or any territory or possession of the*
2 *United States: Provided further, That with respect to spe-*
3 *cific activities for which program levels have been made*
4 *available by this Act that are not supported by budget au-*
5 *thority, the requirements of this section shall be applied to*
6 *such program level.*

7 *SEC. 737. In addition to any other funds made avail-*
8 *able in this Act or any other Act, there is appropriated*
9 *\$12,000,000 to carry out section 18(g)(8) of the Richard*
10 *B. Russell National School Lunch Act (42 U.S.C. 1769(g)),*
11 *to remain available until expended: Provided, That not-*
12 *withstanding section 18(g)(3)(C) of the Richard B. Russell*
13 *National School Lunch Act (42 U.S.C. 1769 (g)(3)(c)), the*
14 *total grant amount provided to a farm to school grant re-*
15 *cipient in fiscal year 2021 shall not exceed \$500,000.*

16 *SEC. 738. There is hereby appropriated \$5,000,000, to*
17 *remain available until September 30, 2022, for the cost of*
18 *loans and grants that is consistent with section 4206 of the*
19 *Agricultural Act of 2014, for necessary expenses of the Sec-*
20 *retary to support projects that provide access to healthy food*
21 *in underserved areas, to create and preserve quality jobs,*
22 *and to revitalize low-income communities.*

23 *SEC. 739. For an additional amount for “Animal and*
24 *Plant Health Inspection Service—Salaries and Expenses”,*
25 *\$8,500,000, to remain available until September 30, 2022,*

1 *for one-time control and management and associated activi-*
2 *ties directly related to the multiple-agency response to citrus*
3 *greening.*

4 *SEC. 740. None of the funds made available by this*
5 *Act may be used to notify a sponsor or otherwise acknowl-*
6 *edge receipt of a submission for an exemption for investiga-*
7 *tional use of a drug or biological product under section*
8 *505(i) of the Federal Food, Drug, and Cosmetic Act (21*
9 *U.S.C. 355(i)) or section 351(a)(3) of the Public Health*
10 *Service Act (42 U.S.C. 262(a)(3)) in research in which a*
11 *human embryo is intentionally created or modified to in-*
12 *clude a heritable genetic modification. Any such submission*
13 *shall be deemed to have not been received by the Secretary,*
14 *and the exemption may not go into effect.*

15 *SEC. 741. None of the funds made available by this*
16 *or any other Act may be used to enforce the final rule pro-*
17 *mulgated by the Food and Drug Administration entitled*
18 *“Standards for the Growing, Harvesting, Packing, and*
19 *Holding of Produce for Human Consumption,” and pub-*
20 *lished on November 27, 2015, with respect to the regulation*
21 *of entities that grow, harvest, pack, or hold wine grapes,*
22 *hops, pulse crops, or almonds.*

23 *SEC. 742. There is hereby appropriated \$5,000,000, to*
24 *remain available until September 30, 2022, for a pilot pro-*
25 *gram for the National Institute of Food and Agriculture*

1 *to provide grants to nonprofit organizations for programs*
2 *and services to establish and enhance farming and ranching*
3 *opportunities for military veterans.*

4 *SEC. 743. For school years 2020–2021 and 2021–2022,*
5 *none of the funds made available by this Act may be used*
6 *to implement or enforce the matter following the first*
7 *comma in the second sentence of footnote (c) of section*
8 *220.8(c) of title 7, Code of Federal Regulations, with respect*
9 *to the substitution of vegetables for fruits under the school*
10 *breakfast program established under section 4 of the Child*
11 *Nutrition Act of 1966 (42 U.S.C. 1773).*

12 *SEC. 744. None of the funds made available by this*
13 *Act or any other Act may be used—*

14 *(1) in contravention of section 7606 of the Agri-*
15 *cultural Act of 2014 (7 U.S.C. 5940), subtitle G of the*
16 *Agricultural Marketing Act of 1946, or section 10114*
17 *of the Agriculture Improvement Act of 2018; or*

18 *(2) to prohibit the transportation, processing,*
19 *sale, or use of hemp, or seeds of such plant, that is*
20 *grown or cultivated in accordance with subsection sec-*
21 *tion 7606 of the Agricultural Act of 2014 or Subtitle*
22 *G of the Agricultural Marketing Act of 1946, within*
23 *or outside the State in which the hemp is grown or*
24 *cultivated.*

1 *SEC. 745. Out of amounts appropriated to the Food*
2 *and Drug Administration under title VI, the Secretary of*
3 *Health and Human Services, acting through the Commis-*
4 *sioner of Food and Drugs, shall, not later than September*
5 *30, 2021, and following the review required under Executive*
6 *Order No. 12866 (5 U.S.C. 601 note; relating to regulatory*
7 *planning and review), issue advice revising the advice pro-*
8 *vided in the notice of availability entitled “Advice About*
9 *Eating Fish, From the Environmental Protection Agency*
10 *and Food and Drug Administration; Revised Fish Advice;*
11 *Availability” (82 Fed. Reg. 6571 (January 19, 2017)), in*
12 *a manner that is consistent with nutrition science recog-*
13 *nized by the Food and Drug Administration on the net ef-*
14 *fects of seafood consumption.*

15 *SEC. 746. There is hereby appropriated \$2,500,000, to*
16 *remain available until expended, for grants under section*
17 *12502 of Public Law 115–334.*

18 *SEC. 747. There is hereby appropriated \$2,000,000 to*
19 *carry out section 1621 of Public Law 110–246.*

20 *SEC. 748. There is hereby appropriated \$3,000,000, to*
21 *remain available until September 30, 2022, to carry out*
22 *section 4003(b) of Public Law 115–334 relating to dem-*
23 *onstration projects for Tribal Organizations.*

24 *SEC. 749. In addition to amounts otherwise made*
25 *available by this Act and notwithstanding the last sentence*

1 of 16 U.S.C. 1310, there is appropriated \$4,000,000, to re-
2 main available until expended, to implement non-renewable
3 agreements on eligible lands, including flooded agricultural
4 lands, as determined by the Secretary, under the Water
5 Bank Act (16 U.S.C. 1301–1311).

6 SEC. 750. The Secretary shall set aside for Rural Eco-
7 nomic Area Partnership (REAP) Zones, until August 15,
8 2021, an amount of funds made available in title III under
9 the headings of Rural Housing Insurance Fund Program
10 Account, Mutual and Self-Help Housing Grants, Rural
11 Housing Assistance Grants, Rural Community Facilities
12 Program Account, Rural Business Program Account, Rural
13 Development Loan Fund Program Account, and Rural
14 Water and Waste Disposal Program Account, equal to the
15 amount obligated in REAP Zones with respect to funds
16 provided under such headings in the most recent fiscal year
17 any such funds were obligated under such headings for
18 REAP Zones.

19 SEC. 751. There is hereby appropriated \$1,000,000 to
20 carry out section 3307 of Public Law 115–334.

21 SEC. 752. The Secretary of Agriculture may waive the
22 matching funds requirement under Section 412(g) of the
23 Agricultural Research, Extension, and Education Reform
24 Act of 1998 (7 U.S.C. 7632(g)).

1 *SEC. 753. There is hereby appropriated \$2,000,000, to*
2 *remain available until expended, for a pilot program for*
3 *the Secretary to provide grants to qualified non-profit orga-*
4 *nizations and public housing authorities to provide tech-*
5 *nical assistance, including financial and legal services, to*
6 *RHS multi-family housing borrowers to facilitate the ac-*
7 *quisition of RHS multi-family housing properties in areas*
8 *where the Secretary determines a risk of loss of affordable*
9 *housing, by non-profit housing organizations and public*
10 *housing authorities as authorized by law that commit to*
11 *keep such properties in the RHS multi-family housing pro-*
12 *gram for a period of time as determined by the Secretary.*

13 *SEC. 754. There is hereby appropriated \$7,000,000 to*
14 *carry out section 222 of Subtitle A of the Department of*
15 *Agriculture Reorganization Act of 1994 (7 U.S.C. 6923) as*
16 *amended by section 12302 of Public Law 115–334.*

17 *SEC. 755. There is hereby appropriated \$1,000,000, to*
18 *remain available until September 30, 2022, to carry out*
19 *section 4208 of Public Law 115–334.*

20 *SEC. 756. There is hereby appropriated \$5,000,000 to*
21 *carry out section 12301 of Public Law 115–334.*

22 *SEC. 757. There is hereby appropriated \$5,000,000 to*
23 *carry out section 1450 of the National Agricultural Re-*
24 *search, Extension, and Teaching Policy Act of 1977 (7*

1 *U.S.C. 3222e) as amended by section 7120 of Public Law*
2 *115–334.*

3 *SEC. 758. There is hereby appropriated \$1,000,000 to*
4 *carry out section 1671 of the Food, Agriculture, Conserva-*
5 *tion, and Trade Act of 1990 (7 U.S.C. 5924) as amended*
6 *by section 7208 of Public Law 115–334.*

7 *SEC. 759. In response to an eligible community where*
8 *the drinking water supplies are inadequate due to a natural*
9 *disaster, as determined by the Secretary, including drought*
10 *or severe weather, the Secretary may provide potable water*
11 *through the Emergency Community Water Assistance*
12 *Grant Program for an additional period of time not to ex-*
13 *ceed 120 days beyond the established period provided under*
14 *the Program in order to protect public health.*

15 *SEC. 760. There is hereby appropriated \$5,000,000 to*
16 *remain available until September 30, 2022, to carry out*
17 *section 4206 of Public Law 115–334.*

18 *SEC. 761. Funds made available under title II of the*
19 *Food for Peace Act (7 U.S.C. 1721 et seq.) may only be*
20 *used to provide assistance to recipient nations if adequate*
21 *monitoring and controls, as determined by the Adminis-*
22 *trator, are in place to ensure that emergency food aid is*
23 *received by the intended beneficiaries in areas affected by*
24 *food shortages and not diverted for unauthorized or inap-*
25 *propriate purposes.*

1 *SEC. 762. Notwithstanding any other provision of law,*
2 *ARS facilities as described in the “Memorandum of Under-*
3 *standing Between the U.S. Department of Agriculture Ani-*
4 *mal and Plant Health Inspection Service (APHIS) and the*
5 *U.S. Department of Agriculture Agricultural Research*
6 *Service (ARS) Concerning Laboratory Animal Welfare”*
7 *(16–6100–0103–MU Revision 16–1) shall be inspected by*
8 *APHIS for compliance with the Animal Welfare Act and*
9 *its regulations and standards.*

10 *SEC. 763. There is hereby appropriated \$5,000,000, to*
11 *remain available until expended, to carry out section 2103*
12 *of Public Law 115–334: Provided, That the Secretary shall*
13 *prioritize the wetland compliance needs of areas with sig-*
14 *nificant numbers of individual wetlands, wetland acres,*
15 *and conservation compliance requests.*

16 *SEC. 764. None of the funds made available by this*
17 *Act may be used to procure raw or processed poultry prod-*
18 *ucts imported into the United States from the People’s Re-*
19 *public of China for use in the school lunch program under*
20 *the Richard B. Russell National School Lunch Act (42*
21 *U.S.C. 1751 et seq.), the Child and Adult Care Food Pro-*
22 *gram under section 17 of such Act (42 U.S.C. 1766), the*
23 *Summer Food Service Program for Children under section*
24 *13 of such Act (42 U.S.C. 1761), or the school breakfast*

1 *program under the Child Nutrition Act of 1966 (42 U.S.C.*
2 *1771 et seq.).*

3 *SEC. 765. There is hereby appropriated \$1,000,000, for*
4 *an additional amount for “Department of Health and*
5 *Human Services—Food and Drug Administration—Sala-*
6 *ries and Expenses” to remain available until expended and*
7 *in addition to amounts otherwise made available for such*
8 *purposes, for the development of research, education, and*
9 *outreach partnerships with academic institutions to study*
10 *and promote seafood safety.*

11 *SEC. 766. There is hereby appropriated \$2,000,000, to*
12 *remain available until September 30, 2022, for the National*
13 *Institute of Food and Agriculture to issue a competitive*
14 *grant to support the establishment of an Agriculture Busi-*
15 *ness Innovation Center at a historically black college or*
16 *university to serve as a technical assistance hub to enhance*
17 *agriculture-based business development opportunities.*

18 *SEC. 767. For school year 2021–2022, only a school*
19 *food authority that had a negative balance in the nonprofit*
20 *school food service account as of December 31, 2020, shall*
21 *be required to establish a price for paid lunches in accord-*
22 *ance with section 12(p) of the Richard B. Russell National*
23 *School Lunch Act (42 U.S.C. 1760(p)).*

1 *SEC. 768. There is hereby appropriated \$5,000,000 to*
2 *remain available until September 30, 2022, to carry out*
3 *section 6424 of Public Law 115–334.*

4 *SEC. 769. In addition to any funds made available*
5 *in this Act or any other Act, there is hereby appropriated*
6 *\$10,000,000, to remain available until September 30, 2022,*
7 *for grants from the National Institute of Food and Agri-*
8 *culture to the 1890 Institutions to support the Centers of*
9 *Excellence.*

10 *SEC. 770. There is hereby appropriated \$2,000,000, to*
11 *remain available until expended, for the Secretary of Agri-*
12 *culture to carry out a pilot program that assists rural hos-*
13 *pitals to improve long-term operations and financial health*
14 *by providing technical assistance through analysis of cur-*
15 *rent hospital management practices.*

16 *SEC. 771. In addition to amounts otherwise made*
17 *available by this or any other Act, there is hereby appro-*
18 *priated \$5,000,000, to remain available until expended, to*
19 *the Secretary for a pilot program to provide grants to a*
20 *regional consortium to fund technical assistance and con-*
21 *struction of regional wastewater systems for historically im-*
22 *poverished communities that have had difficulty in install-*
23 *ing traditional wastewater treatment systems due to soil*
24 *conditions.*

25 *SEC. 772. The Secretary of Agriculture shall—*

1 (1) *within 180 days of enactment of this Act*
2 *publish a notice of proposed rulemaking in the Fed-*
3 *eral Register seeking public comments on the effects of*
4 *lifting the stay issued on July 31, 2013 (78 Fed. Reg.*
5 *46255) with consideration given to changes in indus-*
6 *try and the implementation of certain rulemakings*
7 *since the publication of the stay;*

8 (2) *take public comments on the notice for not*
9 *more than 60 days; and*

10 (3) *not later than 180 days after the end of the*
11 *comment period, publish in the Federal Register the*
12 *date upon which the stay is lifted if such action is*
13 *justified based on the comments received.*

14 *SEC. 773. There is hereby appropriated \$6,000,000, to*
15 *remain available until September 30, 2022, to carry out*
16 *section 23 of the Child Nutrition Act of 1966 (42 U.S.C.*
17 *1793), of which \$2,000,000 shall be for grants under such*
18 *section to the Commonwealth of Puerto Rico, the Common-*
19 *wealth of the Northern Mariana Islands, the United States*
20 *Virgin Islands, Guam, and American Samoa.*

21 *SEC. 774. Any funds made available by this or any*
22 *other Act that the Secretary withholds pursuant to section*
23 *1668(g)(2) of the Food, Agriculture, Conservation, and*
24 *Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall*
25 *be available for grants for biotechnology risk assessment re-*

1 *search: Provided, That the Secretary may transfer such*
2 *funds among appropriations of the Department of Agri-*
3 *culture for purposes of making such grants.*

4 *SEC. 775. (a) There is hereby appropriated*
5 *\$531,000,000, to remain available until expended, for an*
6 *additional amount for section 779 of Public Law 115–141.*

7 *(b) Section 313(b) of the Rural Electrification Act of*
8 *1936, as amended (7 U.S.C. 940c(b)), shall be applied for*
9 *fiscal year 2021 and each fiscal year thereafter until the*
10 *specified funding has been expended as if the following were*
11 *inserted after the final period in subsection (b)(2): “In ad-*
12 *dition, the Secretary shall use \$425,000,000 of funds avail-*
13 *able in this subaccount in fiscal year 2019 for an additional*
14 *amount for the same purpose and under the same terms*
15 *and conditions as funds appropriated by section 779 of*
16 *Public Law 115–141, shall use \$255,000,000 of funds avail-*
17 *able in this subaccount in fiscal year 2020 for an additional*
18 *amount for the same purpose and under the same terms*
19 *and conditions as funds appropriated by section 779 of*
20 *Public Law 115–141, and shall use \$104,000,000 of funds*
21 *available in this subaccount in fiscal year 2021 for an addi-*
22 *tional amount for the same purpose and under the same*
23 *terms and conditions as funds appropriated by section 779*
24 *of Public Law 115–141.”: Provided, That any use of such*

1 *funds shall be treated as a reprogramming of funds under*
2 *section 716 of this Act.*

3 *(c) Section 787(b) of division B of Public Law 116–*
4 *94 shall no longer apply.*

5 *SEC. 776. There is hereby appropriated \$500,000 to*
6 *carry out section 224 of Subtitle A of the Department of*
7 *Agriculture Reorganization Act of 1994 (7 U.S.C. 6924) as*
8 *amended by section 12504 of Public Law 115–334.*

9 *SEC. 777. There is hereby appropriated \$400,000 to*
10 *carry out section 1672(g)(4)(B) of the Food, Agriculture,*
11 *Conservation, and Trade Act of 1990 (7 U.S.C.*
12 *5925(g)(4(B)) as amended by section 7209 of Public Law*
13 *115–334.*

14 *SEC. 778. Notwithstanding any other provision of law,*
15 *the acceptable market name of any engineered animal ap-*
16 *proved prior to the effective date of the National Bioengi-*
17 *neered Food Disclosure Standard (February 19, 2019) shall*
18 *include the words “genetically engineered” prior to the ex-*
19 *isting acceptable market name.*

20 *SEC. 779. For an additional amount for “National In-*
21 *stitute of Food and Agriculture—Research and Education*
22 *Activities”, \$500,000, to develop a public-private coopera-*
23 *tive framework based on open data standards for neutral*
24 *data repository solutions to preserve and share the big data*
25 *generated by technological advancements in the agriculture*

1 *industry and for the preservation and curation of data in*
2 *collaboration with land-grant universities.*

3 *SEC. 780. Notwithstanding any other provision of law,*
4 *no funds available to the Department of Agriculture may*
5 *be used to move any staff office or any agency from the*
6 *mission area in which it was located on August 1, 2018,*
7 *to any other mission area or office within the Department*
8 *in the absence of the enactment of specific legislation affirm-*
9 *ing such move.*

10 *SEC. 781. There is hereby appropriated \$10,000,000,*
11 *to remain available until expended, for the Secretary of Ag-*
12 *riculture to carry out a pilot program to provide financial*
13 *assistance for rural communities to further develop renew-*
14 *able energy.*

15 *SEC. 782. Section 7605(b) of the Agriculture Improve-*
16 *ment Act of 2018 (7 U.S.C. 5940 note; Public Law 115-*
17 *334) is amended by striking “September 30, 2021” and in-*
18 *serting “January 1, 2022”.*

19 *SEC. 783. Section 9(i)(2) of the Food and Nutrition*
20 *Act of 2008 (7 U.S.C. 2018(i)(2)) is amended by striking*
21 *“December 31, 2020” and inserting “December 31, 2021”.*

22 *SEC. 784. Section 779 of Public Law 115–141 is*
23 *amended by striking “expansion efforts made” and insert-*
24 *ing “service in a service area” in the fourth proviso, and*
25 *by inserting “, unless such service area is not provided suf-*

1 *ficient access to broadband at the minimum service thresh-*
2 *old” after “Rural Utilities Service” in the fourth proviso.*

3 *SEC. 785. In addition to amounts otherwise provided,*
4 *there is hereby appropriated \$1,000,000, to remain avail-*
5 *able until expended, to carry out activities authorized under*
6 *subsections (a)(2) and (e)(2) of Section 21 of the Richard*
7 *B. Russell National School Lunch Act (42 U.S.C. 1769b–*
8 *1(a)(2) and (e)(2)).*

9 *SEC. 786. The Secretary, acting through the Chief of*
10 *the Natural Resources Conservation Service, may use funds*
11 *appropriated under this Act for the Watershed and Flood*
12 *Prevention Operations Program and the Watershed Reha-*
13 *ilitation Program carried out pursuant to the Watershed*
14 *Protection and Flood Prevention Act (16 U.S.C. 1001 et*
15 *seq.), and for the Emergency Watershed Protection Program*
16 *carried out pursuant to section 403 of the Agricultural*
17 *Credit Act of 1978 (16 U.S.C. 2203) to provide technical*
18 *services for such programs pursuant to section 1252(a)(1)*
19 *of the Food Security Act of 1985 (16 U.S.C. 3851(a)(1)),*
20 *notwithstanding subsection (c) of such section.*

21 *SEC. 787. (a) The Secretary of Health and Human*
22 *Services, acting through the Commissioner of Food and*
23 *Drugs (Commissioner), shall develop and, if it determines*
24 *feasible, implement a number of options for regulating the*
25 *export of shrimp to the United States from other countries,*

1 *including the three largest exporting countries by volume*
2 *to the United States over the last three calendar years, such*
3 *as sampling of products prior to export to the United*
4 *States, increasing foreign inspections of export facilities, in-*
5 *creased seafood importer inspections, foreign surveillance*
6 *inspections at overseas manufacturing sites, enhanced im-*
7 *port screening, higher rates of examination and sampling,*
8 *use of third-party audits, and formal seafood arrangements*
9 *with foreign competent authorities.*

10 *(b) The Commissioner shall especially give priority*
11 *consideration to the following with the funds appro-*
12 *priated—*

13 *(1) that appropriate controls are applied to*
14 *shrimp feed and production ponds, processing plants,*
15 *and facilities throughout the chain of distribution to*
16 *determine compliance with seafood safety require-*
17 *ments;*

18 *(2) dedicate its inspectional effort to determine*
19 *compliance with seafood arrangements, once estab-*
20 *lished, from any dedicated funds;*

21 *(3) provide an annual report to the Committee*
22 *before the end of fiscal years 2021, 2022, and 2023*
23 *with the reporting requirement goal being to provide*
24 *the Committee information related to FDA's oversight*

1 *of the safety of shrimp products imported into the*
2 *United States.*

3 *SEC. 788. There is hereby appropriated \$1,000,000 to*
4 *carry out the duties of the working group established under*
5 *section 770 of the Agriculture, Rural Development, Food*
6 *and Drug Administration, and Related Agencies Appro-*
7 *priations Act, 2019 (Public Law 116–6; 133 Stat. 89).*

8 *SEC. 789. None of the funds made available by this*
9 *or any other act may be used to restrict the offering of low-*
10 *fat (1% fat) flavored milk in the National School Lunch*
11 *Program or School Breakfast Program, as long as such milk*
12 *is not inconsistent with the most recent Dietary Guidelines*
13 *for Americans published under section 301 of the National*
14 *Nutrition Monitoring and Related Research Act of 1990.*

15 *SEC. 790. The Commissioner of the Food and Drug*
16 *Administration shall develop a plan within 180 days of en-*
17 *actment that would allow the Agency to identify, detain and*
18 *refuse all FDA regulated products originating from foreign*
19 *establishments that did not allow FDA investigators imme-*
20 *diate physical access to the registered establishment and its*
21 *records to determine a registered establishment’s ongoing*
22 *compliance with FDA laws and regulations. Any foreign*
23 *establishment that meets these criteria may be placed on*
24 *import alert. This import alert would be specific for this*

1 *foreign establishment, focusing on detaining all products*
2 *from this establishment.*

3 *SEC. 791. In administering the pilot program estab-*
4 *lished by section 779 of division A of the Consolidated Ap-*
5 *propriations Act, 2018 (Public Law 115–141), the Sec-*
6 *retary of Agriculture may, for purposes of determining enti-*
7 *ties eligible to receive assistance, consider those communities*
8 *which are “Areas Rural in Character”: Provided, That not*
9 *more than 10 percent of the funds made available by section*
10 *775 may be used for this purpose.*

11 *SEC. 792. There is hereby appropriated \$45,861,000*
12 *for the Goodfellow Federal facility, to remain available*
13 *until expended, of which \$20,000,000 shall be transferred*
14 *to and merged with the appropriation for “Office of the*
15 *Chief Information Officer”, \$16,046,000 shall be transferred*
16 *to and merged with the appropriation for “Food Safety and*
17 *Inspection Service”, and of which \$9,815,000 shall be trans-*
18 *ferred to and merged with the appropriation for “Rural De-*
19 *velopment, Salaries and Expenses”.*

20 *SEC. 793. Of the unobligated balances from prior year*
21 *appropriations made available under the heading “Dis-*
22 *tance Learning, Telemedicine, and Broadband Program”*
23 *for the cost of broadband loans, as authorized by section*
24 *601 of the Rural Electrification Act, \$12,000,000 are hereby*
25 *rescinded.*

1 *SEC. 794. Funds made available in the Consolidated*
2 *Appropriations Act, 2016 (Public Law 114–113) for the*
3 *“Rural Community Facilities Program Account” under*
4 *section 306 of the Consolidated Farm and Rural Develop-*
5 *ment Act, 7 U.S.C. 1926, for the principal amount of direct*
6 *loans to eligible approved re-lenders are to remain available*
7 *through fiscal year 2026 for the liquidation of valid obliga-*
8 *tions incurred in fiscal year 2016.*

9 *SEC. 795. None of the funds made available by this*
10 *Act may be used to pay the salaries or expenses of per-*
11 *sonnel—*

12 *(1) to inspect horses under section 3 of the Fed-*
13 *eral Meat Inspection Act (21 U.S.C. 603);*

14 *(2) to inspect horses under section 903 of the*
15 *Federal Agriculture Improvement and Reform Act of*
16 *1996 (7 U.S.C. 1901 note; Public Law 104–127); or*

17 *(3) to implement or enforce section 352.19 of*
18 *title 9, Code of Federal Regulations (or a successor*
19 *regulation).*

20 *SEC. 796. Not later than 1 year after the date of enact-*
21 *ment of this Act, the National Academy of Sciences, Engi-*
22 *neering, and Medicine shall complete a review and provide*
23 *a report to the Secretary of Agriculture, the Secretary of*
24 *Health and Human Services, and the Congress, on the most*

1 *recent edition of the dietary guidelines for Americans that*
2 *includes the following:*

3 (1) *A comparative analysis of the scientific*
4 *methodologies, review protocols, and evaluation proc-*
5 *esses used to develop the most recently issued guide-*
6 *lines as compared to recommendations included in the*
7 *National Academy of Sciences, Engineering, and*
8 *Medicine September 2017 report entitled “Rede-*
9 *signing the Process for Establishing the Dietary*
10 *Guidelines for Americans”.*

11 (2) *A comparative analysis of the scientific stud-*
12 *ies used to develop such guidelines to determine the*
13 *dietary needs of Americans with diet-related meta-*
14 *bolic diseases as compared to the most current and*
15 *rigorous scientific studies on diet and diet-related*
16 *metabolic diseases available.*

17 (3) *An analysis of how full implementation of*
18 *the recommendations described in paragraph (1)*
19 *would have affected the most recently issued guide-*
20 *lines.*

21 *SEC. 797. (a) There is hereby appropriated \$3,000,000,*
22 *to remain available until expended, for a pilot program for*
23 *the Animal and Plant Health Inspection Service to provide*
24 *grants to State departments of agriculture and forestry*
25 *commissions in states identified in the final environmental*

1 *assessment published in the Federal Register on September*
2 *23, 2020 (85 Fed. Reg. 59735), to combat and treat*
3 *cogongrass through established cogongrass control programs.*

4 *(b) Any remaining unobligated balances of funds made*
5 *available for field crop and rangeland ecosystem pests under*
6 *the heading “Animal and Plant Health Inspection Serv-*
7 *ice—Salaries and Expenses”, in the Consolidated Appro-*
8 *priations Act, 2019 (Public Law 116–6) and the Further*
9 *Consolidated Appropriations Act, 2020 (Public Law 116–*
10 *94), and specifically provided as funds for APHIS to part-*
11 *ner with states in the control and eradication of the*
12 *cogongrass weed in the conference report accompanying*
13 *Public Law 116–6 and in the explanatory statement de-*
14 *scribed in section 4 in the matter preceding division A of*
15 *Public Law 116–94, are hereby permanently rescinded, and*
16 *an amount of additional new budget authority equivalent*
17 *to the amount rescinded is hereby appropriated, to remain*
18 *available until expended in addition to other funds as may*
19 *be available for such purposes, for the same purposes and*
20 *under the same conditions as the funds made available*
21 *under subsection (a) of this section.*

22 *(c) Not to exceed 2 percent of the funds provided under*
23 *this section shall be available for necessary costs of grant*
24 *administration.*

1 *SEC. 798. For an additional amount for “National In-*
2 *stitute of Food and Agriculture—Research and Education*
3 *Activities”, \$300,000, for the Under Secretary for Research,*
4 *Education, and Economics to convene a blue-ribbon panel*
5 *for the purpose of evaluating the overall structure of re-*
6 *search and education through the public and land-grant*
7 *universities, including 1890 Institutions, to define a new*
8 *architecture that can better integrate, coordinate, and assess*
9 *economic impact of the collective work of these institutions.*

10 *SEC. 799. For an additional amount for “National In-*
11 *stitute of Food and Agriculture—Research and Education*
12 *Activities”, \$4,000,000, to remain available until Sep-*
13 *tember 30, 2022, for a competitive grant to an institution*
14 *in the land-grant university system to establish a Farm of*
15 *the Future testbed and demonstration site.*

16 *SEC. 799A. There is hereby appropriated \$22,000,000,*
17 *to remain available until expended, to carry out section*
18 *12513 of Public Law 115–334: Provided, That of the*
19 *amounts made available, \$20,000,000 shall be for estab-*
20 *lished dairy business innovation initiatives and the Sec-*
21 *retary shall take measures to ensure an equal distribution*
22 *of funds between the three regional innovation initiatives.*

23 *SEC. 799B. None of the funds appropriated or other-*
24 *wise made available by this Act shall be available for the*
25 *United States Department of Agriculture to propose, final-*

1 *ize or implement any regulation that would promulgate*
2 *new user fees pursuant to 31 U.S.C. 9701 after the date*
3 *of the enactment of this Act.*

4 *SEC. 799C. (a) Any remaining unobligated balances*
5 *of funds made available under the heading “Department of*
6 *Agriculture—Agricultural Programs—Processing, Research*
7 *and Marketing—Office of the Secretary” in subsections (b)*
8 *and (d) of section 791 of division B of the Further Consoli-*
9 *dated Appropriations Act, 2020 Public Law 116–94 for*
10 *block grants to eligible states and territories pursuant to*
11 *the first proviso under the heading “Department of Agri-*
12 *culture—Agricultural Programs—Processing, Research and*
13 *Marketing—Office of the Secretary” in the Additional Sup-*
14 *plemental Appropriations for Disaster Relief Act of 2019*
15 *Public Law 116–20, as amended by subsection (c) of section*
16 *791 of division B Public Law 116–94, may be made avail-*
17 *able for any of the other purposes and under the same au-*
18 *thorities and conditions for those purposes as the funds*
19 *made available under such heading in such Act, and for*
20 *the purposes specified and under the same authorities and*
21 *conditions as in the first, second, third, and fourth provisos*
22 *of subsection (b) of section 791 of division B of Public Law*
23 *116–94: Provided, That this section shall not be effective*
24 *before the award of the block grants that were announced*
25 *prior to the date of enactment of this Act: Provided further,*

1 *That any block grant amounts that were announced prior*
2 *to the date of enactment of this Act and are subsequently*
3 *awarded shall not be returned to the Farm Service Agency*
4 *until the date specified in the grant agreement.*

5 **(b)** *Of the remaining unobligated balances of funds*
6 *made available under the heading “Department of Agri-*
7 *culture—Agricultural Programs—Processing, Research and*
8 *Marketing—Office of the Secretary” in the Coronavirus*
9 *Aid, Relief, and Economic Security Act (Public Law 116–*
10 *136), \$1,000,000,000 shall be made available for the same*
11 *purposes and under the same authorities and conditions as*
12 *the funds made available under the heading “Department*
13 *of Agriculture—Agricultural Programs—Processing, Re-*
14 *search and Marketing—Office of the Secretary” in the Ad-*
15 *ditional Supplemental Appropriations for Disaster Relief*
16 *Act of 2019 (Public Law 116–20), as of December 19, 2019,*
17 *and for the purposes specified and under the same authori-*
18 *ties and conditions as in the first, second, third, and fourth*
19 *provisos of subsection (b) of section 791 of division B of*
20 *Public Law 116–94.*

21 **(c)** *The amounts repurposed pursuant to this section*
22 *that were previously designated by the Congress as an emer-*
23 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
24 *the Balanced Budget and Emergency Deficit Control Act*

1 *of 1985 are designated by the Congress as an emergency*
2 *requirement pursuant to that section of that Act.*

3 *SEC. 799D. For necessary expenses for salary and re-*
4 *lated costs associated with Agriculture Quarantine and In-*
5 *spection Services activities pursuant to 21 U.S.C. 136a(6),*
6 *and in addition to any other funds made available for this*
7 *purpose, there is appropriated, out of any money in the*
8 *Treasury not otherwise appropriated, \$635,000,000, to re-*
9 *main available until September 30, 2022, to offset the loss*
10 *resulting from the coronavirus pandemic of quarantine and*
11 *inspection fees collected pursuant to sections 2508 and 2509*
12 *of the Food, Agriculture, Conservation, and Trade Act of*
13 *1990 (21 U.S.C. 136, 136a): Provided, That amounts made*
14 *available in this section shall be treated as funds collected*
15 *by fees authorized under sections 2508 and 2509 of the*
16 *Food, Agriculture, Conservation, and Trade Act of 1990 (21*
17 *U.S.C. 136, 136a) for purposes of section 421(f) of the*
18 *Homeland Security Act of 2002 (6 U.S.C. 231(f)): Provided*
19 *further, That such amount is designated by the Congress*
20 *as being for an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985.*

23 *This division may be cited as the “Agriculture, Rural*
24 *Development, Food and Drug Administration, and Related*
25 *Agencies Appropriations Act, 2021”.*

1 ***DIVISION B—COMMERCE, JUSTICE,***
2 ***SCIENCE, AND RELATED AGENCIES AP-***
3 ***PROPRIATIONS ACT, 2021***

4 *TITLE I*

5 *DEPARTMENT OF COMMERCE*

6 *INTERNATIONAL TRADE ADMINISTRATION*

7 *OPERATIONS AND ADMINISTRATION*

8 *For necessary expenses for international trade activi-*
9 *ties of the Department of Commerce provided for by law,*
10 *to carry out activities associated with facilitating, attract-*
11 *ing, and retaining business investment in the United*
12 *States, and for engaging in trade promotional activities*
13 *abroad, including expenses of grants and cooperative agree-*
14 *ments for the purpose of promoting exports of United States*
15 *firms, without regard to sections 3702 and 3703 of title 44,*
16 *United States Code; full medical coverage for dependent*
17 *members of immediate families of employees stationed over-*
18 *seas and employees temporarily posted overseas; travel and*
19 *transportation of employees of the International Trade Ad-*
20 *ministration between two points abroad, without regard to*
21 *section 40118 of title 49, United States Code; employment*
22 *of citizens of the United States and aliens by contract for*
23 *services; rental of space abroad for periods not exceeding*
24 *10 years, and expenses of alteration, repair, or improve-*
25 *ment; purchase or construction of temporary demountable*

1 *exhibition structures for use abroad; payment of tort claims,*
2 *in the manner authorized in the first paragraph of section*
3 *2672 of title 28, United States Code, when such claims arise*
4 *in foreign countries; not to exceed \$294,300 for official rep-*
5 *resentation expenses abroad; purchase of passenger motor*
6 *vehicles for official use abroad, not to exceed \$45,000 per*
7 *vehicle; obtaining insurance on official motor vehicles; and*
8 *rental of tie lines, \$541,000,000, of which \$70,000,000 shall*
9 *remain available until September 30, 2022: Provided, That*
10 *\$11,000,000 is to be derived from fees to be retained and*
11 *used by the International Trade Administration, notwith-*
12 *standing section 3302 of title 31, United States Code: Pro-*
13 *vided further, That, of amounts provided under this head-*
14 *ing, not less than \$16,400,000 shall be for China anti-*
15 *dumping and countervailing duty enforcement and compli-*
16 *ance activities: Provided further, That the provisions of the*
17 *first sentence of section 105(f) and all of section 108(c) of*
18 *the Mutual Educational and Cultural Exchange Act of 1961*
19 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*
20 *out these activities; and that for the purpose of this Act,*
21 *contributions under the provisions of the Mutual Edu-*
22 *cational and Cultural Exchange Act of 1961 shall include*
23 *payment for assessments for services provided as part of*
24 *these activities.*

1 *BUREAU OF INDUSTRY AND SECURITY*2 *OPERATIONS AND ADMINISTRATION*

3 *For necessary expenses for export administration and*
4 *national security activities of the Department of Commerce,*
5 *including costs associated with the performance of export*
6 *administration field activities both domestically and*
7 *abroad; full medical coverage for dependent members of im-*
8 *mediate families of employees stationed overseas; employ-*
9 *ment of citizens of the United States and aliens by contract*
10 *for services abroad; payment of tort claims, in the manner*
11 *authorized in the first paragraph of section 2672 of title*
12 *28, United States Code, when such claims arise in foreign*
13 *countries; not to exceed \$13,500 for official representation*
14 *expenses abroad; awards of compensation to informers*
15 *under the Export Control Reform Act of 2018 (subtitle B*
16 *of title XVII of the John S. McCain National Defense Au-*
17 *thorization Act for Fiscal Year 2019; Public Law 115–232;*
18 *132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized*
19 *by section 1(b) of the Act of June 15, 1917 (40 Stat. 223;*
20 *22 U.S.C. 401(b)); and purchase of passenger motor vehicles*
21 *for official use and motor vehicles for law enforcement use*
22 *with special requirement vehicles eligible for purchase with-*
23 *out regard to any price limitation otherwise established by*
24 *law, \$133,000,000, to remain available until expended: Pro-*
25 *vided, That the provisions of the first sentence of section*

1 105(f) and all of section 108(c) of the Mutual Educational
2 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and
3 2458(c)) shall apply in carrying out these activities: Pro-
4 vided further, That payments and contributions collected
5 and accepted for materials or services provided as part of
6 such activities may be retained for use in covering the cost
7 of such activities, and for providing information to the pub-
8 lic with respect to the export administration and national
9 security activities of the Department of Commerce and other
10 export control programs of the United States and other gov-
11 ernments.

12 *ECONOMIC DEVELOPMENT ADMINISTRATION*

13 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

14 *For grants for economic development assistance as pro-*
15 *vided by the Public Works and Economic Development Act*
16 *of 1965, for trade adjustment assistance, and for grants au-*
17 *thorized by sections 27 and 28 of the Stevenson-Wydler*
18 *Technology Innovation Act of 1980 (15 U.S.C. 3722 and*
19 *3723), as amended, \$305,500,000 to remain available until*
20 *expended, of which \$38,000,000 shall be for grants under*
21 *such section 27 and \$2,000,000 shall be for grants under*
22 *such section 28: Provided, That any deviation from the*
23 *amounts designated for specific activities in the explana-*
24 *tory statement described in section 4 (in the matter pre-*
25 *ceding division A of this consolidated Act), or any use of*

1 *deobligated balances of funds provided under this heading*
2 *in previous years, shall be subject to the procedures set forth*
3 *in section 505 of this Act.*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of administering the economic*
6 *development assistance programs as provided for by law,*
7 *\$40,500,000: Provided, That funds provided under this*
8 *heading may be used to monitor projects approved pursuant*
9 *to title I of the Public Works Employment Act of 1976; title*
10 *II of the Trade Act of 1974; sections 27 and 28 of the Ste-*
11 *venson-Wydler Technology Innovation Act of 1980 (15*
12 *U.S.C. 3722 and 3723), as amended; and the Community*
13 *Emergency Drought Relief Act of 1977.*

14 *MINORITY BUSINESS DEVELOPMENT AGENCY*

15 *MINORITY BUSINESS DEVELOPMENT*

16 *For necessary expenses of the Department of Commerce*
17 *in fostering, promoting, and developing minority business*
18 *enterprises, including expenses of grants, contracts, and*
19 *other agreements with public or private organizations,*
20 *\$48,000,000, of which not more than \$16,000,000 shall be*
21 *available for overhead expenses, including salaries and ex-*
22 *penses, rent, utilities, and information technology services.*

1 *ECONOMIC AND STATISTICAL ANALYSIS*2 *SALARIES AND EXPENSES*

3 *For necessary expenses, as authorized by law, of eco-*
4 *nomie and statistical analysis programs of the Department*
5 *of Commerce, \$111,855,000, to remain available until Sep-*
6 *tember 30, 2022.*

7 *BUREAU OF THE CENSUS*8 *CURRENT SURVEYS AND PROGRAMS*

9 *For necessary expenses for collecting, compiling, ana-*
10 *lyzing, preparing, and publishing statistics, provided for by*
11 *law, \$288,403,000: Provided, That, from amounts provided*
12 *herein, funds may be used for promotion, outreach, and*
13 *marketing activities.*

14 *PERIODIC CENSUSES AND PROGRAMS*15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For necessary expenses for collecting, compiling, ana-*
17 *lyzing, preparing, and publishing statistics for periodic*
18 *censuses and programs provided for by law, \$818,241,000,*
19 *to remain available until September 30, 2022: Provided,*
20 *That, from amounts provided herein, funds may be used*
21 *for promotion, outreach, and marketing activities: Provided*
22 *further, That within the amounts appropriated, \$3,556,000*
23 *shall be transferred to the “Office of Inspector General” ac-*
24 *count for activities associated with carrying out investiga-*
25 *tions and audits related to the Bureau of the Census.*

1 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*2 *ADMINISTRATION*3 *SALARIES AND EXPENSES*

4 *For necessary expenses, as provided for by law, of the*
5 *National Telecommunications and Information Adminis-*
6 *tration (NTIA), \$45,500,000, to remain available until*
7 *September 30, 2022: Provided, That, notwithstanding 31*
8 *U.S.C. 1535(d), the Secretary of Commerce shall charge*
9 *Federal agencies for costs incurred in spectrum manage-*
10 *ment, analysis, operations, and related services, and such*
11 *fees shall be retained and used as offsetting collections for*
12 *costs of such spectrum services, to remain available until*
13 *expended: Provided further, That the Secretary of Com-*
14 *merce is authorized to retain and use as offsetting collec-*
15 *tions all funds transferred, or previously transferred, from*
16 *other Government agencies for all costs incurred in tele-*
17 *communications research, engineering, and related activi-*
18 *ties by the Institute for Telecommunication Sciences of*
19 *NTIA, in furtherance of its assigned functions under this*
20 *paragraph, and such funds received from other Government*
21 *agencies shall remain available until expended.*

22 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*23 *CONSTRUCTION*

24 *For the administration of prior-year grants, recoveries*
25 *and unobligated balances of funds previously appropriated*

1 *are available for the administration of all open grants until*
2 *their expiration.*

3 *UNITED STATES PATENT AND TRADEMARK OFFICE*

4 *SALARIES AND EXPENSES*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For necessary expenses of the United States Patent and*
7 *Trademark Office (USPTO) provided for by law, including*
8 *defense of suits instituted against the Under Secretary of*
9 *Commerce for Intellectual Property and Director of the*
10 *USPTO, \$3,695,295,000, to remain available until ex-*
11 *pended: Provided, That the sum herein appropriated from*
12 *the general fund shall be reduced as offsetting collections*
13 *of fees and surcharges assessed and collected by the USPTO*
14 *under any law are received during fiscal year 2021, so as*
15 *to result in a fiscal year 2021 appropriation from the gen-*
16 *eral fund estimated at \$0: Provided further, That during*
17 *fiscal year 2021, should the total amount of such offsetting*
18 *collections be less than \$3,695,295,000, this amount shall*
19 *be reduced accordingly: Provided further, That any amount*
20 *received in excess of \$3,695,295,000 in fiscal year 2021 and*
21 *deposited in the Patent and Trademark Fee Reserve Fund*
22 *shall remain available until expended: Provided further,*
23 *That the Director of USPTO shall submit a spending plan*
24 *to the Committees on Appropriations of the House of Rep-*
25 *resentatives and the Senate for any amounts made available*

1 *by the preceding proviso and such spending plan shall be*
2 *treated as a reprogramming under section 505 of this Act*
3 *and shall not be available for obligation or expenditure ex-*
4 *cept in compliance with the procedures set forth in that sec-*
5 *tion: Provided further, That any amounts reprogrammed*
6 *in accordance with the preceding proviso shall be trans-*
7 *ferred to the United States Patent and Trademark Office*
8 *“Salaries and Expenses” account: Provided further, That*
9 *the budget of the President submitted for fiscal year 2022*
10 *under section 1105 of title 31, United States Code, shall*
11 *include within amounts provided under this heading for*
12 *necessary expenses of the USPTO any increases that are*
13 *expected to result from an increase promulgated through*
14 *rule or regulation in offsetting collections of fees and sur-*
15 *charges assessed and collected by the USPTO under any law*
16 *in either fiscal year 2021 or fiscal year 2022: Provided fur-*
17 *ther, That from amounts provided herein, not to exceed*
18 *\$13,500 shall be made available in fiscal year 2021 for offi-*
19 *cial reception and representation expenses: Provided fur-*
20 *ther, That in fiscal year 2021 from the amounts made*
21 *available for “Salaries and Expenses” for the USPTO, the*
22 *amounts necessary to pay (1) the difference between the per-*
23 *centage of basic pay contributed by the USPTO and em-*
24 *ployees under section 8334(a) of title 5, United States Code,*
25 *and the normal cost percentage (as defined by section*

1 8331(17) of that title) as provided by the Office of Personnel
2 Management (OPM) for USPTO's specific use, of basic pay,
3 of employees subject to subchapter III of chapter 83 of that
4 title, and (2) the present value of the otherwise unfunded
5 accruing costs, as determined by OPM for USPTO's specific
6 use of post-retirement life insurance and post-retirement
7 health benefits coverage for all USPTO employees who are
8 enrolled in Federal Employees Health Benefits (FEHB)
9 and Federal Employees Group Life Insurance (FEGLI),
10 shall be transferred to the Civil Service Retirement and Dis-
11 ability Fund, the FEGLI Fund, and the Employees FEHB
12 Fund, as appropriate, and shall be available for the author-
13 ized purposes of those accounts: Provided further, That any
14 differences between the present value factors published in
15 OPM's yearly 300 series benefit letters and the factors that
16 OPM provides for USPTO's specific use shall be recognized
17 as an imputed cost on USPTO's financial statements, where
18 applicable: Provided further, That, notwithstanding any
19 other provision of law, all fees and surcharges assessed and
20 collected by USPTO are available for USPTO only pursu-
21 ant to section 42(c) of title 35, United States Code, as
22 amended by section 22 of the Leahy-Smith America Invents
23 Act (Public Law 112-29): Provided further, That within
24 the amounts appropriated, \$2,000,000 shall be transferred
25 to the "Office of Inspector General" account for activities

1 *associated with carrying out investigations and audits re-*
2 *lated to the USPTO.*

3 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
4 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses of the National Institute of*
7 *Standards and Technology (NIST), \$788,000,000, to re-*
8 *main available until expended, of which not to exceed*
9 *\$9,000,000 may be transferred to the “Working Capital*
10 *Fund”: Provided, That not to exceed \$5,000 shall be for offi-*
11 *cial reception and representation expenses: Provided fur-*
12 *ther, That NIST may provide local transportation for sum-*
13 *mer undergraduate research fellowship program partici-*
14 *pants.*

15 *INDUSTRIAL TECHNOLOGY SERVICES*

16 *For necessary expenses for industrial technology serv-*
17 *ices, \$166,500,000, to remain available until expended, of*
18 *which \$150,000,000 shall be for the Hollings Manufacturing*
19 *Extension Partnership, and of which \$16,500,000 shall be*
20 *for the Manufacturing USA Program (formerly known as*
21 *the National Network for Manufacturing Innovation).*

22 *CONSTRUCTION OF RESEARCH FACILITIES*

23 *For construction of new research facilities, including*
24 *architectural and engineering design, and for renovation*
25 *and maintenance of existing facilities, not otherwise pro-*

1 *vided for the National Institute of Standards and Tech-*
2 *nology, as authorized by sections 13 through 15 of the Na-*
3 *tional Institute of Standards and Technology Act (15*
4 *U.S.C. 278c–278e), \$80,000,000, to remain available until*
5 *expended: Provided, That the Secretary of Commerce shall*
6 *include in the budget justification materials for fiscal year*
7 *2022 that the Secretary submits to Congress in support of*
8 *the Department of Commerce budget (as submitted with the*
9 *budget of the President under section 1105(a) of title 31,*
10 *United States Code) an estimate for each National Institute*
11 *of Standards and Technology construction project having*
12 *a total multi-year program cost of more than \$5,000,000,*
13 *and simultaneously the budget justification materials shall*
14 *include an estimate of the budgetary requirements for each*
15 *such project for each of the 5 subsequent fiscal years.*

16 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
17 *OPERATIONS, RESEARCH, AND FACILITIES*
18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses of activities authorized by law*
20 *for the National Oceanic and Atmospheric Administration,*
21 *including maintenance, operation, and hire of aircraft and*
22 *vessels; pilot programs for State-led fisheries management,*
23 *notwithstanding any other provision of law; grants, con-*
24 *tracts, or other payments to nonprofit organizations for the*
25 *purposes of conducting activities pursuant to cooperative*

1 *agreements; and relocation of facilities, \$3,840,300,000, to*
2 *remain available until September 30, 2022: Provided, That*
3 *fees and donations received by the National Ocean Service*
4 *for the management of national marine sanctuaries may*
5 *be retained and used for the salaries and expenses associated*
6 *with those activities, notwithstanding section 3302 of title*
7 *31, United States Code: Provided further, That in addition,*
8 *\$246,171,000 shall be derived by transfer from the fund en-*
9 *titled “Promote and Develop Fishery Products and Re-*
10 *search Pertaining to American Fisheries”, which shall only*
11 *be used for fishery activities related to the Saltonstall-Ken-*
12 *edy Grant Program; Fisheries Data Collections, Surveys,*
13 *and Assessments; Fisheries Management Programs and*
14 *Services; and Interjurisdictional Fisheries Grants: Provided*
15 *further, That not to exceed \$66,389,000 shall be for payment*
16 *to the “Department of Commerce Working Capital Fund”:*
17 *Provided further, That of the \$4,103,971,000 provided for*
18 *in direct obligations under this heading, \$3,840,300,000 is*
19 *appropriated from the general fund, \$246,171,000 is pro-*
20 *vided by transfer, and \$17,500,000 is derived from recov-*
21 *eries of prior year obligations: Provided further, That any*
22 *deviation from the amounts designated for specific activities*
23 *in the explanatory statement described in section 4 (in the*
24 *matter preceding division A of this consolidated Act), or*
25 *any use of deobligated balances of funds provided under this*

1 *heading in previous years, shall be subject to the procedures*
2 *set forth in section 505 of this Act: Provided further, That*
3 *in addition, for necessary retired pay expenses under the*
4 *Retired Serviceman's Family Protection and Survivor Ben-*
5 *efits Plan, and for payments for the medical care of retired*
6 *personnel and their dependents under the Dependents' Med-*
7 *ical Care Act (10 U.S.C. ch. 55), such sums as may be nec-*
8 *essary.*

9 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For procurement, acquisition and construction of cap-*
12 *ital assets, including alteration and modification costs, of*
13 *the National Oceanic and Atmospheric Administration,*
14 *\$1,532,558,000, to remain available until September 30,*
15 *2023, except that funds provided for acquisition and con-*
16 *struction of vessels and aircraft, and construction of facili-*
17 *ties shall remain available until expended: Provided, That*
18 *of the \$1,545,558,000 provided for in direct obligations*
19 *under this heading, \$1,532,558,000 is appropriated from*
20 *the general fund and \$13,000,000 is provided from recov-*
21 *eries of prior year obligations: Provided further, That any*
22 *deviation from the amounts designated for specific activities*
23 *in the explanatory statement described in section 4 (in the*
24 *matter preceding division A of this consolidated Act), or*
25 *any use of deobligated balances of funds provided under this*

1 heading in previous years, shall be subject to the procedures
2 set forth in section 505 of this Act: Provided further, That
3 the Secretary of Commerce shall include in budget justifica-
4 tion materials for fiscal year 2022 that the Secretary sub-
5 mits to Congress in support of the Department of Commerce
6 budget (as submitted with the budget of the President under
7 section 1105(a) of title 31, United States Code) an estimate
8 for each National Oceanic and Atmospheric Administration
9 procurement, acquisition or construction project having a
10 total of more than \$5,000,000 and simultaneously the budg-
11 et justification shall include an estimate of the budgetary
12 requirements for each such project for each of the 5 subse-
13 quent fiscal years: Provided further, That, within the
14 amounts appropriated, \$2,000,000 shall be transferred to
15 the “Office of Inspector General” account for activities asso-
16 ciated with carrying out investigations and audits related
17 to satellite procurement, acquisition and construction.

18 *PACIFIC COASTAL SALMON RECOVERY*

19 *For necessary expenses associated with the restoration*
20 *of Pacific salmon populations, \$65,000,000, to remain*
21 *available until September 30, 2022: Provided, That, of the*
22 *funds provided herein, the Secretary of Commerce may*
23 *issue grants to the States of Washington, Oregon, Idaho,*
24 *Nevada, California, and Alaska, and to the federally recog-*
25 *nized Tribes of the Columbia River and Pacific Coast (in-*

1 *cluding Alaska), for projects necessary for conservation of*
2 *salmon and steelhead populations that are listed as threat-*
3 *ened or endangered, or that are identified by a State as*
4 *at-risk to be so listed, for maintaining populations nec-*
5 *essary for exercise of Tribal treaty fishing rights or native*
6 *subsistence fishing, or for conservation of Pacific coastal*
7 *salmon and steelhead habitat, based on guidelines to be de-*
8 *veloped by the Secretary of Commerce: Provided further,*
9 *That all funds shall be allocated based on scientific and*
10 *other merit principles and shall not be available for mar-*
11 *keting activities: Provided further, That funds disbursed to*
12 *States shall be subject to a matching requirement of funds*
13 *or documented in-kind contributions of at least 33 percent*
14 *of the Federal funds.*

15 *FISHERMEN’S CONTINGENCY FUND*

16 *For carrying out the provisions of title IV of Public*
17 *Law 95–372, not to exceed \$349,000, to be derived from re-*
18 *ceipts collected pursuant to that Act, to remain available*
19 *until expended.*

20 *FISHERIES FINANCE PROGRAM ACCOUNT*

21 *Subject to section 502 of the Congressional Budget Act*
22 *of 1974, during fiscal year 2021, obligations of direct loans*
23 *may not exceed \$24,000,000 for Individual Fishing Quota*
24 *loans and not to exceed \$100,000,000 for traditional direct*
25 *loans as authorized by the Merchant Marine Act of 1936.*

1 *DEPARTMENTAL MANAGEMENT*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the management of the De-*
4 *partment of Commerce provided for by law, including not*
5 *to exceed \$4,500 for official reception and representation,*
6 *\$73,000,000: Provided, That no employee of the Department*
7 *of Commerce may be detailed or assigned from a bureau*
8 *or office funded by this Act or any other Act to offices with-*
9 *in the Office of the Secretary of the Department of Com-*
10 *merce for more than 90 days in a fiscal year unless the*
11 *individual's employing bureau or office is fully reimbursed*
12 *for the salary and expenses of the employee for the entire*
13 *period of assignment using funds provided under this head-*
14 *ing. Provided further, That amounts made available to the*
15 *Department of Commerce in this or any prior Act may not*
16 *be transferred pursuant to section 508 of this or any prior*
17 *Act to the account funded under this heading, except in the*
18 *case of extraordinary circumstances that threaten life or*
19 *property.*

20 *RENOVATION AND MODERNIZATION*

21 *For necessary expenses for the renovation and mod-*
22 *ernization of the Herbert C. Hoover Building, \$1,123,000.*

23 *NONRECURRING EXPENSES FUND*

24 *For necessary expenses for a business application sys-*
25 *tem modernization, \$20,000,000, to remain available until*

1 *September 30, 2023: Provided, That any unobligated bal-*
2 *ances of expired discretionary funds transferred to the De-*
3 *partment of Commerce Nonrecurring Expenses Fund, as*
4 *authorized by section 111 of title I of division B of Public*
5 *Law 116–93, may be obligated only after the Committees*
6 *on Appropriations of the House of Representatives and the*
7 *Senate are notified at least 15 days in advance of the*
8 *planned use of funds.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *For necessary expenses of the Office of Inspector Gen-*
11 *eral in carrying out the provisions of the Inspector General*
12 *Act of 1978 (5 U.S.C. App.), \$34,000,000: Provided, That*
13 *notwithstanding section 6413 of the Middle Class Tax Relief*
14 *and Job Creation Act of 2012 (Public Law 112–96), an*
15 *additional \$2,000,000, to remain available until expended,*
16 *shall be derived from the Public Safety Trust Fund for ac-*
17 *tivities associated with carrying out investigations and au-*
18 *dits related to the First Responder Network Authority*
19 *(FirstNet).*

20 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*
21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 101. During the current fiscal year, applicable*
23 *appropriations and funds made available to the Depart-*
24 *ment of Commerce by this Act shall be available for the*
25 *activities specified in the Act of October 26, 1949 (15 U.S.C.*

1 1514), to the extent and in the manner prescribed by the
2 Act, and, notwithstanding 31 U.S.C. 3324, may be used for
3 advanced payments not otherwise authorized only upon the
4 certification of officials designated by the Secretary of Com-
5 merce that such payments are in the public interest.

6 SEC. 102. During the current fiscal year, appropria-
7 tions made available to the Department of Commerce by
8 this Act for salaries and expenses shall be available for hire
9 of passenger motor vehicles as authorized by 31 U.S.C. 1343
10 and 1344; services as authorized by 5 U.S.C. 3109; and uni-
11 forms or allowances therefor, as authorized by law (5 U.S.C.
12 5901–5902).

13 SEC. 103. Not to exceed 5 percent of any appropriation
14 made available for the current fiscal year for the Depart-
15 ment of Commerce in this Act may be transferred between
16 such appropriations, but no such appropriation shall be in-
17 creased by more than 10 percent by any such transfers: Pro-
18 vided, That any transfer pursuant to this section shall be
19 treated as a reprogramming of funds under section 505 of
20 this Act and shall not be available for obligation or expendi-
21 ture except in compliance with the procedures set forth in
22 that section: Provided further, That the Secretary of Com-
23 merce shall notify the Committees on Appropriations at
24 least 15 days in advance of the acquisition or disposal of
25 any capital asset (including land, structures, and equip-

1 ment) not specifically provided for in this Act or any other
2 law appropriating funds for the Department of Commerce.

3 SEC. 104. The requirements set forth by section 105
4 of the Commerce, Justice, Science, and Related Agencies
5 Appropriations Act, 2012 (Public Law 112–55), as amend-
6 ed by section 105 of title I of division B of Public Law
7 113–6, are hereby adopted by reference and made applicable
8 with respect to fiscal year 2021: Provided, That the life
9 cycle cost for the Joint Polar Satellite System is
10 \$11,322,125,000, the life cycle cost of the Polar Follow On
11 Program is \$6,837,900,000, the life cycle cost for the Geo-
12 stationary Operational Environmental Satellite R-Series
13 Program is \$11,700,100,000, and the life cycle cost for the
14 Space Weather Follow On Program is \$692,800,000.

15 SEC. 105. Notwithstanding any other provision of law,
16 the Secretary of Commerce may furnish services (including
17 but not limited to utilities, telecommunications, and secu-
18 rity services) necessary to support the operation, mainte-
19 nance, and improvement of space that persons, firms, or
20 organizations are authorized, pursuant to the Public Build-
21 ings Cooperative Use Act of 1976 or other authority, to use
22 or occupy in the Herbert C. Hoover Building, Washington,
23 DC, or other buildings, the maintenance, operation, and
24 protection of which has been delegated to the Secretary from
25 the Administrator of General Services pursuant to the Fed-

1 *eral Property and Administrative Services Act of 1949 on*
2 *a reimbursable or non-reimbursable basis. Amounts received*
3 *as reimbursement for services provided under this section*
4 *or the authority under which the use or occupancy of the*
5 *space is authorized, up to \$200,000, shall be credited to the*
6 *appropriation or fund which initially bears the costs of*
7 *such services.*

8 *SEC. 106. Nothing in this title shall be construed to*
9 *prevent a grant recipient from deterring child pornography,*
10 *copyright infringement, or any other unlawful activity over*
11 *its networks.*

12 *SEC. 107. The Administrator of the National Oceanic*
13 *and Atmospheric Administration is authorized to use, with*
14 *their consent, with reimbursement and subject to the limits*
15 *of available appropriations, the land, services, equipment,*
16 *personnel, and facilities of any department, agency, or in-*
17 *strumentality of the United States, or of any State, local*
18 *government, Indian Tribal government, Territory, or pos-*
19 *session, or of any political subdivision thereof, or of any*
20 *foreign government or international organization, for pur-*
21 *poses related to carrying out the responsibilities of any stat-*
22 *ute administered by the National Oceanic and Atmospheric*
23 *Administration.*

24 *SEC. 108. The National Technical Information Service*
25 *shall not charge any customer for a copy of any report or*

1 *document generated by the Legislative Branch unless the*
2 *Service has provided information to the customer on how*
3 *an electronic copy of such report or document may be*
4 *accessed and downloaded for free online. Should a customer*
5 *still require the Service to provide a printed or digital copy*
6 *of the report or document, the charge shall be limited to*
7 *recovering the Service’s cost of processing, reproducing, and*
8 *delivering such report or document.*

9 *SEC. 109. To carry out the responsibilities of the Na-*
10 *tional Oceanic and Atmospheric Administration (NOAA),*
11 *the Administrator of NOAA is authorized to: (1) enter into*
12 *grants and cooperative agreements with; (2) use on a non-*
13 *reimbursable basis land, services, equipment, personnel, and*
14 *facilities provided by; and (3) receive and expend funds*
15 *made available on a consensual basis from: a Federal agen-*
16 *cy, State or subdivision thereof, local government, Tribal*
17 *government, Territory, or possession or any subdivisions*
18 *thereof: Provided, That funds received for permitting and*
19 *related regulatory activities pursuant to this section shall*
20 *be deposited under the heading “National Oceanic and At-*
21 *mospheric Administration—Operations, Research, and Fa-*
22 *cilities” and shall remain available until September 30,*
23 *2022, for such purposes: Provided further, That all funds*
24 *within this section and their corresponding uses are subject*
25 *to section 505 of this Act.*

1 *SEC. 110. Amounts provided by this Act or by any*
2 *prior appropriations Act that remain available for obliga-*
3 *tion, for necessary expenses of the programs of the Econom-*
4 *ics and Statistics Administration of the Department of*
5 *Commerce, including amounts provided for programs of the*
6 *Bureau of Economic Analysis and the Bureau of the Cen-*
7 *sus, shall be available for expenses of cooperative agreements*
8 *with appropriate entities, including any Federal, State, or*
9 *local governmental unit, or institution of higher education,*
10 *to aid and promote statistical, research, and methodology*
11 *activities which further the purposes for which such*
12 *amounts have been made available.*

13 *SEC. 111. Amounts provided by this Act for the Hol-*
14 *lings Manufacturing Extension Partnership under the*
15 *heading “National Institute of Standards and Tech-*
16 *nology—Industrial Technology Services” shall not be sub-*
17 *ject to cost share requirements under 15 U.S.C. 278k(e)(2):*
18 *Provided, That the authority made available pursuant to*
19 *this section shall be elective for any Manufacturing Exten-*
20 *sion Partnership Center that also receives funding from a*
21 *State that is conditioned upon the application of a Federal*
22 *cost sharing requirement.*

23 *SEC. 112. The Secretary of Commerce, or the designee*
24 *of the Secretary, may waive the matching requirements*
25 *under sections 306 and 306A, and the cost sharing require-*

1 *ments under section 315, of the Coastal Zone Management*
2 *Act of 1972 (16 U.S.C. 1455, 1455a, and 1461) as necessary*
3 *for amounts made available under this Act under the head-*
4 *ing “Operations, Research, and Facilities” under the head-*
5 *ing “National Oceanic and Atmospheric Administration”.*

6 *SEC. 113. Of unobligated balances of amounts provided*
7 *to the Bureau of the Census under this or any prior appro-*
8 *priations Act, up to \$208,000,000 may be transferred to*
9 *the Bureau of the Census Working Capital Fund for infor-*
10 *mation and business technology system modernization and*
11 *facilities infrastructure improvements necessary for the op-*
12 *erations of the Bureau: Provided, That the amounts pre-*
13 *viously provided by the Congress for the 2020 Census re-*
14 *main available only for the period of time as provided when*
15 *initially enacted: Provided further, That this transfer au-*
16 *thority is in addition to any other transfer authority in*
17 *this Act: Provided further, That no amounts may be trans-*
18 *ferred that were previously designated by the Congress for*
19 *the 2020 Census pursuant to section 251(b)(2)(G) of the*
20 *Balanced Budget and Emergency Deficit Control Act of*
21 *1985, as amended: Provided further, That such amounts*
22 *may be obligated only after the Committees on Appropria-*
23 *tions of the House of Representatives and the Senate are*
24 *notified at least 15 days in advance of the planned use of*
25 *funds.*

1 *or expenditure except in compliance with the procedures set*
2 *forth in that section.*

3 *EXECUTIVE OFFICE FOR IMMIGRATION REVIEW*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For expenses necessary for the administration of immi-*
6 *gration-related activities of the Executive Office for Immi-*
7 *gration Review, \$734,000,000, of which \$4,000,000 shall be*
8 *derived by transfer from the Executive Office for Immigra-*
9 *tion Review fees deposited in the “Immigration Examina-*
10 *tions Fee” account, and of which not less than \$22,500,000*
11 *shall be available for services and activities provided by the*
12 *Legal Orientation Program: Provided, That not to exceed*
13 *\$35,000,000 of the total amount made available under this*
14 *heading shall remain available until expended.*

15 *OFFICE OF INSPECTOR GENERAL*

16 *For necessary expenses of the Office of Inspector Gen-*
17 *eral, \$110,565,000, including not to exceed \$10,000 to meet*
18 *unforeseen emergencies of a confidential character: Pro-*
19 *vided, That not to exceed \$4,000,000 shall remain available*
20 *until September 30, 2022.*

21 *UNITED STATES PAROLE COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the United States Parole*
24 *Commission as authorized, \$13,539,000: Provided, That,*
25 *notwithstanding any other provision of law, upon the expi-*

1 *ration of a term of office of a Commissioner, the Commis-*
2 *sioner may continue to act until a successor has been ap-*
3 *pointed.*

4 *LEGAL ACTIVITIES*

5 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For expenses necessary for the legal activities of the*
8 *Department of Justice, not otherwise provided for, includ-*
9 *ing not to exceed \$20,000 for expenses of collecting evidence,*
10 *to be expended under the direction of, and to be accounted*
11 *for solely under the certificate of, the Attorney General; the*
12 *administration of pardon and clemency petitions; and rent*
13 *of private or Government-owned space in the District of Co-*
14 *lumbia, \$960,000,000, of which not to exceed \$20,000,000*
15 *for litigation support contracts shall remain available until*
16 *expended: Provided, That of the amount provided for*
17 *INTERPOL Washington dues payments, not to exceed*
18 *\$685,000 shall remain available until expended: Provided*
19 *further, That of the total amount appropriated, not to ex-*
20 *ceed \$9,000 shall be available to INTERPOL Washington*
21 *for official reception and representation expenses: Provided*
22 *further, That of the total amount appropriated, not to ex-*
23 *ceed \$9,000 shall be available to the Criminal Division for*
24 *official reception and representation expenses: Provided fur-*
25 *ther, That notwithstanding section 205 of this Act, upon*

1 a determination by the Attorney General that emergent cir-
2 cumstances require additional funding for litigation activi-
3 ties of the Civil Division, the Attorney General may trans-
4 fer such amounts to “Salaries and Expenses, General Legal
5 Activities” from available appropriations for the current
6 fiscal year for the Department of Justice, as may be nec-
7 essary to respond to such circumstances: Provided further,
8 That any transfer pursuant to the preceding proviso shall
9 be treated as a reprogramming under section 505 of this
10 Act and shall not be available for obligation or expenditure
11 except in compliance with the procedures set forth in that
12 section: Provided further, That of the amount appropriated,
13 such sums as may be necessary shall be available to the
14 Civil Rights Division for salaries and expenses associated
15 with the election monitoring program under section 8 of
16 the Voting Rights Act of 1965 (52 U.S.C. 10305) and to
17 reimburse the Office of Personnel Management for such sal-
18 aries and expenses: Provided further, That of the amounts
19 provided under this heading for the election monitoring
20 program, \$3,390,000 shall remain available until expended:
21 Provided further, That of the amount appropriated, not less
22 than \$195,754,000 shall be available for the Criminal Divi-
23 sion, including related expenses for the Mutual Legal Assist-
24 ance Treaty Program.

1 *In addition, for expenses of the Department of Justice*
2 *associated with processing cases under the National Child-*
3 *hood Vaccine Injury Act of 1986, not to exceed \$17,000,000,*
4 *to be appropriated from the Vaccine Injury Compensation*
5 *Trust Fund and to remain available until expended.*

6 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

7 *For expenses necessary for the enforcement of antitrust*
8 *and kindred laws, \$184,524,000, to remain available until*
9 *expended: Provided, That notwithstanding any other provi-*
10 *sion of law, fees collected for premerger notification filings*
11 *under the Hart-Scott-Rodino Antitrust Improvements Act*
12 *of 1976 (15 U.S.C. 18a), regardless of the year of collection*
13 *(and estimated to be \$150,000,000 in fiscal year 2021),*
14 *shall be retained and used for necessary expenses in this*
15 *appropriation, and shall remain available until expended:*
16 *Provided further, That the sum herein appropriated from*
17 *the general fund shall be reduced as such offsetting collec-*
18 *tions are received during fiscal year 2021, so as to result*
19 *in a final fiscal year 2021 appropriation from the general*
20 *fund estimated at \$34,524,000.*

21 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

22 *For necessary expenses of the Offices of the United*
23 *States Attorneys, including inter-governmental and cooper-*
24 *ative agreements, \$2,342,177,000: Provided, That of the*
25 *total amount appropriated, not to exceed \$7,200 shall be*

1 *available for official reception and representation expenses:*
2 *Provided further, That not to exceed \$25,000,000 shall re-*
3 *main available until expended: Provided further, That each*
4 *United States Attorney shall establish or participate in a*
5 *task force on human trafficking.*

6 *UNITED STATES TRUSTEE SYSTEM FUND*

7 *For necessary expenses of the United States Trustee*
8 *Program, as authorized, \$232,361,000, to remain available*
9 *until expended: Provided, That, notwithstanding any other*
10 *provision of law, deposits to the United States Trustee Sys-*
11 *tem Fund and amounts herein appropriated shall be avail-*
12 *able in such amounts as may be necessary to pay refunds*
13 *due depositors: Provided further, That, notwithstanding*
14 *any other provision of law, fees deposited into the Fund*
15 *pursuant to section 589a(b) of title 28, United States Code*
16 *(as limited by section 1004(b) of the Bankruptcy Judgeship*
17 *Act of 2017 (division B of Public Law 115–72)), shall be*
18 *retained and used for necessary expenses in this appropria-*
19 *tion and shall remain available until expended: Provided*
20 *further, That to the extent that fees deposited into the Fund*
21 *in fiscal year 2021, net of amounts necessary to pay refunds*
22 *due depositors, exceed \$232,361,000, those excess amounts*
23 *shall be available in future fiscal years only to the extent*
24 *provided in advance in appropriations Acts: Provided fur-*
25 *ther, That the sum herein appropriated from the general*

1 *fund shall be reduced (1) as such fees are received during*
2 *fiscal year 2021, net of amounts necessary to pay refunds*
3 *due depositors, (estimated at \$318,000,000) and (2) to the*
4 *extent that any remaining general fund appropriations can*
5 *be derived from amounts deposited in the Fund in previous*
6 *fiscal years that are not otherwise appropriated, so as to*
7 *result in a final fiscal year 2021 appropriation from the*
8 *general fund estimated at \$0.*

9 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*
10 *COMMISSION*

11 *For expenses necessary to carry out the activities of*
12 *the Foreign Claims Settlement Commission, including serv-*
13 *ices as authorized by section 3109 of title 5, United States*
14 *Code, \$2,366,000.*

15 *FEES AND EXPENSES OF WITNESSES*

16 *For fees and expenses of witnesses, for expenses of con-*
17 *tracts for the procurement and supervision of expert wit-*
18 *nesses, for private counsel expenses, including advances,*
19 *and for expenses of foreign counsel, \$270,000,000, to remain*
20 *available until expended, of which not to exceed \$16,000,000*
21 *is for construction of buildings for protected witness*
22 *safesites; not to exceed \$3,000,000 is for the purchase and*
23 *maintenance of armored and other vehicles for witness secu-*
24 *rity caravans; and not to exceed \$25,000,000 is for the pur-*
25 *chase, installation, maintenance, and upgrade of secure*

1 *telecommunications equipment and a secure automated in-*
2 *formation network to store and retrieve the identities and*
3 *locations of protected witnesses: Provided, That amounts*
4 *made available under this heading may not be transferred*
5 *pursuant to section 205 of this Act.*

6 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*
7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For necessary expenses of the Community Relations*
9 *Service, \$18,000,000: Provided, That notwithstanding sec-*
10 *tion 205 of this Act, upon a determination by the Attorney*
11 *General that emergent circumstances require additional*
12 *funding for conflict resolution and violence prevention ac-*
13 *tivities of the Community Relations Service, the Attorney*
14 *General may transfer such amounts to the Community Re-*
15 *lations Service, from available appropriations for the cur-*
16 *rent fiscal year for the Department of Justice, as may be*
17 *necessary to respond to such circumstances: Provided fur-*
18 *ther, That any transfer pursuant to the preceding proviso*
19 *shall be treated as a reprogramming under section 505 of*
20 *this Act and shall not be available for obligation or expendi-*
21 *ture except in compliance with the procedures set forth in*
22 *that section.*

23 *ASSETS FORFEITURE FUND*

24 *For expenses authorized by subparagraphs (B), (F),*
25 *and (G) of section 524(c)(1) of title 28, United States Code,*

1 \$20,514,000, to be derived from the Department of Justice
2 Assets Forfeiture Fund.

3 *UNITED STATES MARSHALS SERVICE*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the United States Marshals*
6 *Service, \$1,496,000,000, of which not to exceed \$6,000 shall*
7 *be available for official reception and representation ex-*
8 *penses, and not to exceed \$25,000,000 shall remain avail-*
9 *able until expended.*

10 *CONSTRUCTION*

11 *For construction in space that is controlled, occupied,*
12 *or utilized by the United States Marshals Service for pris-*
13 *oner holding and related support, \$15,000,000, to remain*
14 *available until expended.*

15 *FEDERAL PRISONER DETENTION*

16 *For necessary expenses related to United States pris-*
17 *oners in the custody of the United States Marshals Service*
18 *as authorized by section 4013 of title 18, United States*
19 *Code, \$2,046,609,000, to remain available until expended:*
20 *Provided, That not to exceed \$20,000,000 shall be considered*
21 *“funds appropriated for State and local law enforcement*
22 *assistance” pursuant to section 4013(b) of title 18, United*
23 *States Code: Provided further, That the United States Mar-*
24 *shals Service shall be responsible for managing the Justice*
25 *Prisoner and Alien Transportation System.*

1 *NATIONAL SECURITY DIVISION*2 *SALARIES AND EXPENSES*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For expenses necessary to carry out the activities of*
5 *the National Security Division, \$117,451,000, of which not*
6 *to exceed \$5,000,000 for information technology systems*
7 *shall remain available until expended: Provided, That not-*
8 *withstanding section 205 of this Act, upon a determination*
9 *by the Attorney General that emergent circumstances re-*
10 *quire additional funding for the activities of the National*
11 *Security Division, the Attorney General may transfer such*
12 *amounts to this heading from available appropriations for*
13 *the current fiscal year for the Department of Justice, as*
14 *may be necessary to respond to such circumstances: Pro-*
15 *vided further, That any transfer pursuant to the preceding*
16 *proviso shall be treated as a reprogramming under section*
17 *505 of this Act and shall not be available for obligation*
18 *or expenditure except in compliance with the procedures set*
19 *forth in that section.*

20 *INTERAGENCY LAW ENFORCEMENT*21 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

22 *For necessary expenses for the identification, inves-*
23 *tigation, and prosecution of individuals associated with the*
24 *most significant drug trafficking organizations,*
25 *transnational organized crime, and money laundering or-*

1 *ganizations not otherwise provided for, to include inter-gov-*
2 *ernmental agreements with State and local law enforcement*
3 *agencies engaged in the investigation and prosecution of in-*
4 *dividuals involved in transnational organized crime and*
5 *drug trafficking, \$550,458,000, of which \$50,000,000 shall*
6 *remain available until expended: Provided, That any*
7 *amounts obligated from appropriations under this heading*
8 *may be used under authorities available to the organiza-*
9 *tions reimbursed from this appropriation.*

10 *FEDERAL BUREAU OF INVESTIGATION*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Federal Bureau of Inves-*
13 *tigation for detection, investigation, and prosecution of*
14 *crimes against the United States, \$9,748,686,000, of which*
15 *not to exceed \$216,900,000 shall remain available until ex-*
16 *pended: Provided, That not to exceed \$284,000 shall be*
17 *available for official reception and representation expenses.*

18 *CONSTRUCTION*

19 *For necessary expenses, to include the cost of equip-*
20 *ment, furniture, and information technology requirements,*
21 *related to construction or acquisition of buildings, facilities,*
22 *and sites by purchase, or as otherwise authorized by law;*
23 *conversion, modification, and extension of federally owned*
24 *buildings; preliminary planning and design of projects; and*
25 *operation and maintenance of secure work environment fa-*

1 *cilities and secure networking capabilities; \$566,100,000, to*
2 *remain available until expended.*

3 *DRUG ENFORCEMENT ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Drug Enforcement Ad-*
6 *ministration, including not to exceed \$70,000 to meet un-*
7 *foreseen emergencies of a confidential character pursuant*
8 *to section 530C of title 28, United States Code; and expenses*
9 *for conducting drug education and training programs, in-*
10 *cluding travel and related expenses for participants in such*
11 *programs and the distribution of items of token value that*
12 *promote the goals of such programs, \$2,336,263,000, of*
13 *which not to exceed \$75,000,000 shall remain available*
14 *until expended and not to exceed \$90,000 shall be available*
15 *for official reception and representation expenses: Provided,*
16 *That, notwithstanding section 3672 of Public Law 106–310,*
17 *up to \$10,000,000 may be used to reimburse States, units*
18 *of local government, Indian Tribal Governments, other pub-*
19 *lic entities, and multi-jurisdictional or regional consortia*
20 *thereof for expenses incurred to clean up and safely dispose*
21 *of substances associated with clandestine methamphetamine*
22 *laboratories, conversion and extraction operations, tableting*
23 *operations, or laboratories and processing operations for*
24 *fentanyl and fentanyl-related substances which may present*
25 *a danger to public health or the environment.*

1 *vided, That none of the funds appropriated herein shall be*
2 *available to investigate or act upon applications for relief*
3 *from Federal firearms disabilities under section 925(c) of*
4 *title 18, United States Code: Provided further, That such*
5 *funds shall be available to investigate and act upon appli-*
6 *cations filed by corporations for relief from Federal fire-*
7 *arms disabilities under section 925(c) of title 18, United*
8 *States Code: Provided further, That no funds made avail-*
9 *able by this or any other Act may be used to transfer the*
10 *functions, missions, or activities of the Bureau of Alcohol,*
11 *Tobacco, Firearms and Explosives to other agencies or De-*
12 *partments.*

13 *FEDERAL PRISON SYSTEM*

14 *SALARIES AND EXPENSES*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For necessary expenses of the Federal Prison System*
17 *for the administration, operation, and maintenance of Fed-*
18 *eral penal and correctional institutions, and for the provi-*
19 *sion of technical assistance and advice on corrections re-*
20 *lated issues to foreign governments, \$7,708,375,000, of*
21 *which not less than \$409,483,000 shall be for the programs*
22 *and activities authorized by the First Step Act of 2018*
23 *(Public Law 115–391): Provided, That the Attorney Gen-*
24 *eral may transfer to the Department of Health and Human*
25 *Services such amounts as may be necessary for direct ex-*

1 *penditures by that Department for medical relief for in-*
2 *mates of Federal penal and correctional institutions: Pro-*
3 *vided further, That the Director of the Federal Prison Sys-*
4 *tem, where necessary, may enter into contracts with a fiscal*
5 *agent or fiscal intermediary claims processor to determine*
6 *the amounts payable to persons who, on behalf of the Fed-*
7 *eral Prison System, furnish health services to individuals*
8 *committed to the custody of the Federal Prison System: Pro-*
9 *vided further, That not to exceed \$5,400 shall be available*
10 *for official reception and representation expenses: Provided*
11 *further, That not to exceed \$50,000,000 shall remain avail-*
12 *able until expended for necessary operations: Provided fur-*
13 *ther, That, of the amounts provided for contract confine-*
14 *ment, not to exceed \$20,000,000 shall remain available*
15 *until expended to make payments in advance for grants,*
16 *contracts and reimbursable agreements, and other expenses:*
17 *Provided further, That the Director of the Federal Prison*
18 *System may accept donated property and services relating*
19 *to the operation of the prison card program from a not-*
20 *for-profit entity which has operated such program in the*
21 *past, notwithstanding the fact that such not-for-profit enti-*
22 *ty furnishes services under contracts to the Federal Prison*
23 *System relating to the operation of pre-release services, half-*
24 *way houses, or other custodial facilities.*

1 *BUILDINGS AND FACILITIES*

2 *For planning, acquisition of sites, and construction of*
3 *new facilities; purchase and acquisition of facilities and re-*
4 *modeling, and equipping of such facilities for penal and*
5 *correctional use, including all necessary expenses incident*
6 *thereto, by contract or force account; and constructing, re-*
7 *modeling, and equipping necessary buildings and facilities*
8 *at existing penal and correctional institutions, including*
9 *all necessary expenses incident thereto, by contract or force*
10 *account, \$127,000,000, to remain available until expended:*
11 *Provided, That labor of United States prisoners may be*
12 *used for work performed under this appropriation.*

13 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

14 *The Federal Prison Industries, Incorporated, is hereby*
15 *authorized to make such expenditures within the limits of*
16 *funds and borrowing authority available, and in accord*
17 *with the law, and to make such contracts and commitments*
18 *without regard to fiscal year limitations as provided by sec-*
19 *tion 9104 of title 31, United States Code, as may be nec-*
20 *essary in carrying out the program set forth in the budget*
21 *for the current fiscal year for such corporation.*

22 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*23 *PRISON INDUSTRIES, INCORPORATED*

24 *Not to exceed \$2,700,000 of the funds of the Federal*
25 *Prison Industries, Incorporated, shall be available for its*

1 *administrative expenses, and for services as authorized by*
2 *section 3109 of title 5, United States Code, to be computed*
3 *on an accrual basis to be determined in accordance with*
4 *the corporation's current prescribed accounting system, and*
5 *such amounts shall be exclusive of depreciation, payment*
6 *of claims, and expenditures which such accounting system*
7 *requires to be capitalized or charged to cost of commodities*
8 *acquired or produced, including selling and shipping ex-*
9 *penses, and expenses in connection with acquisition, con-*
10 *struction, operation, maintenance, improvement, protec-*
11 *tion, or disposition of facilities and other property belong-*
12 *ing to the corporation or in which it has an interest.*

13 *STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES*

14 *OFFICE ON VIOLENCE AGAINST WOMEN*

15 *VIOLENCE AGAINST WOMEN PREVENTION AND*

16 *PROSECUTION PROGRAMS*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For grants, contracts, cooperative agreements, and*
19 *other assistance for the prevention and prosecution of vio-*
20 *lence against women, as authorized by the Omnibus Crime*
21 *Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et*
22 *seq.) ("the 1968 Act"); the Violent Crime Control and Law*
23 *Enforcement Act of 1994 (Public Law 103-322) ("the 1994*
24 *Act"); the Victims of Child Abuse Act of 1990 (Public Law*
25 *101-647) ("the 1990 Act"); the Prosecutorial Remedies and*

1 *Other Tools to end the Exploitation of Children Today Act*
2 *of 2003 (Public Law 108–21); the Juvenile Justice and De-*
3 *linquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.)*
4 *(“the 1974 Act”); the Victims of Trafficking and Violence*
5 *Protection Act of 2000 (Public Law 106–386) (“the 2000*
6 *Act”); the Violence Against Women and Department of Jus-*
7 *tice Reauthorization Act of 2005 (Public Law 109–162)*
8 *(“the 2005 Act”); the Violence Against Women Reauthoriza-*
9 *tion Act of 2013 (Public Law 113–4) (“the 2013 Act”); the*
10 *Rape Survivor Child Custody Act of 2015 (Public Law*
11 *114–22) (“the 2015 Act”); and the Abolish Human Traf-*
12 *ficking Act (Public Law 115–392); and for related victims*
13 *services, \$513,500,000, to remain available until expended,*
14 *of which \$435,000,000 shall be derived by transfer from*
15 *amounts available for obligation in this Act from the Fund*
16 *established by section 1402 of chapter XIV of title II of Pub-*
17 *lic Law 98–473 (34 U.S.C. 20101), notwithstanding section*
18 *1402(d) of such Act of 1984, and merged with the amounts*
19 *otherwise made available under this heading: Provided,*
20 *That except as otherwise provided by law, not to exceed 5*
21 *percent of funds made available under this heading may*
22 *be used for expenses related to evaluation, training, and*
23 *technical assistance: Provided further, That any balances*
24 *remaining available from prior year appropriations under*
25 *this heading for tracking violence against Indian women,*

1 *as authorized by section 905 of the 2005 Act, shall also be*
2 *available to enhance the ability of Tribal Government enti-*
3 *ties to access, enter information into, and obtain informa-*
4 *tion from, Federal criminal information databases, as au-*
5 *thorized by section 534 of title 28, United States Code: Pro-*
6 *vided further, That some or all of such balances may be*
7 *transferred, at the discretion of the Attorney General, to*
8 *“General Administration, Justice Information Sharing*
9 *Technology” for the Tribal Access Program for national*
10 *crime information in furtherance of this purpose: Provided*
11 *further, That the authority to transfer funds under the pre-*
12 *vious proviso shall be in addition to any other transfer au-*
13 *thority contained in this Act: Provided further, That of the*
14 *amount provided—*

15 (1) *\$215,000,000 is for grants to combat violence*
16 *against women, as authorized by part T of the 1968*
17 *Act;*

18 (2) *\$40,000,000 is for transitional housing as-*
19 *sistance grants for victims of domestic violence, dat-*
20 *ing violence, stalking, or sexual assault as authorized*
21 *by section 40299 of the 1994 Act;*

22 (3) *\$2,500,000 is for the National Institute of*
23 *Justice and the Bureau of Justice Statistics for re-*
24 *search, evaluation, and statistics of violence against*
25 *women and related issues addressed by grant pro-*

1 *grams of the Office on Violence Against Women,*
2 *which shall be transferred to “Research, Evaluation*
3 *and Statistics” for administration by the Office of*
4 *Justice Programs;*

5 *(4) \$12,000,000 is for a grant program to pro-*
6 *vide services to advocate for and respond to youth vic-*
7 *tims of domestic violence, dating violence, sexual as-*
8 *sault, and stalking; assistance to children and youth*
9 *exposed to such violence; programs to engage men and*
10 *youth in preventing such violence; and assistance to*
11 *middle and high school students through education*
12 *and other services related to such violence: Provided,*
13 *That unobligated balances available for the programs*
14 *authorized by sections 41201, 41204, 41303, and*
15 *41305 of the 1994 Act, prior to its amendment by the*
16 *2013 Act, shall be available for this program: Pro-*
17 *vided further, That 10 percent of the total amount*
18 *available for this grant program shall be available for*
19 *grants under the program authorized by section 2015*
20 *of the 1968 Act: Provided further, That the definitions*
21 *and grant conditions in section 40002 of the 1994 Act*
22 *shall apply to this program;*

23 *(5) \$53,000,000 is for grants to encourage arrest*
24 *policies as authorized by part U of the 1968 Act, of*

1 *which \$4,000,000 is for a homicide reduction initia-*
2 *tive;*

3 (6) *\$41,000,000 is for sexual assault victims as-*
4 *sistance, as authorized by section 41601 of the 1994*
5 *Act;*

6 (7) *\$45,000,000 is for rural domestic violence*
7 *and child abuse enforcement assistance grants, as au-*
8 *thorized by section 40295 of the 1994 Act;*

9 (8) *\$20,000,000 is for grants to reduce violent*
10 *crimes against women on campus, as authorized by*
11 *section 304 of the 2005 Act;*

12 (9) *\$47,000,000 is for legal assistance for vic-*
13 *tims, as authorized by section 1201 of the 2000 Act;*

14 (10) *\$5,500,000 is for enhanced training and*
15 *services to end violence against and abuse of women*
16 *in later life, as authorized by section 40801 of the*
17 *1994 Act;*

18 (11) *\$18,000,000 is for grants to support fami-*
19 *lies in the justice system, as authorized by section*
20 *1301 of the 2000 Act: Provided, That unobligated bal-*
21 *ances available for the programs authorized by section*
22 *1301 of the 2000 Act and section 41002 of the 1994*
23 *Act, prior to their amendment by the 2013 Act, shall*
24 *be available for this program;*

1 (12) \$6,500,000 is for education and training to
2 end violence against and abuse of women with dis-
3 abilities, as authorized by section 1402 of the 2000
4 Act;

5 (13) \$1,000,000 is for the National Resource
6 Center on Workplace Responses to assist victims of
7 domestic violence, as authorized by section 41501 of
8 the 1994 Act;

9 (14) \$1,000,000 is for analysis and research on
10 violence against Indian women, including as author-
11 ized by section 904 of the 2005 Act: Provided, That
12 such funds may be transferred to “Research, Evalua-
13 tion and Statistics” for administration by the Office
14 of Justice Programs;

15 (15) \$500,000 is for a national clearinghouse
16 that provides training and technical assistance on
17 issues relating to sexual assault of American Indian
18 and Alaska Native women;

19 (16) \$4,000,000 is for grants to assist Tribal
20 Governments in exercising special domestic violence
21 criminal jurisdiction, as authorized by section 904 of
22 the 2013 Act: Provided, That the grant conditions in
23 section 40002(b) of the 1994 Act shall apply to this
24 program; and

1 (17) \$1,500,000 is for the purposes authorized
2 under the 2015 Act.

3 OFFICE OF JUSTICE PROGRAMS

4 RESEARCH, EVALUATION AND STATISTICS

5 For grants, contracts, cooperative agreements, and
6 other assistance authorized by title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (“the 1968 Act”); the
8 Violent Crime Control and Law Enforcement Act of 1994
9 (Public Law 103–322) (“the 1994 Act”); the Juvenile Jus-
10 tice and Delinquency Prevention Act of 1974 (“the 1974
11 Act”); the Missing Children’s Assistance Act (34 U.S.C.
12 11291 et seq.); the Prosecutorial Remedies and Other Tools
13 to end the Exploitation of Children Today Act of 2003
14 (Public Law 108–21) (“the PROTECT Act”); the Justice
15 for All Act of 2004 (Public Law 108–405); the Violence
16 Against Women and Department of Justice Reauthorization
17 Act of 2005 (Public Law 109–162) (“the 2005 Act”); the
18 Victims of Child Abuse Act of 1990 (Public Law 101–647);
19 the Second Chance Act of 2007 (Public Law 110–199); the
20 Victims of Crime Act of 1984 (Public Law 98–473); the
21 Adam Walsh Child Protection and Safety Act of 2006 (Pub-
22 lic Law 109–248) (“the Adam Walsh Act”); the PROTECT
23 Our Children Act of 2008 (Public Law 110–401); subtitle
24 C of title II of the Homeland Security Act of 2002 (Public
25 Law 107–296) (“the 2002 Act”); the Prison Rape Elimi-

1 *nation Act of 2003 (Public Law 108–79) (“PREA”); the*
2 *NICS Improvement Amendments Act of 2007 (Public Law*
3 *110–180); the Violence Against Women Reauthorization Act*
4 *of 2013 (Public Law 113–4) (“the 2013 Act”); the Com-*
5 *prehensive Addiction and Recovery Act of 2016 (Public*
6 *Law 114–198); the First Step Act of 2018 (Public Law*
7 *115–391); and other programs, \$82,000,000, to remain*
8 *available until expended, of which—*

9 (1) *\$45,000,000 is for criminal justice statistics*
10 *programs, and other activities, as authorized by part*
11 *C of title I of the 1968 Act, of which \$3,000,000 is*
12 *for a data collection on law enforcement suicide; and*

13 (2) *\$37,000,000 is for research, development, and*
14 *evaluation programs, and other activities as author-*
15 *ized by part B of title I of the 1968 Act and subtitle*
16 *C of title II of the 2002 Act, and for activities author-*
17 *ized by or consistent with the First Step Act of 2018,*
18 *of which \$6,000,000 is for research targeted toward*
19 *developing a better understanding of the domestic*
20 *radicalization phenomenon, and advancing evidence-*
21 *based strategies for effective intervention and preven-*
22 *tion; \$1,000,000 is for research to study the root*
23 *causes of school violence to include the impact and ef-*
24 *fectiveness of grants made under the STOP School Vi-*
25 *olence Act; \$1,500,000 is for a national study to iden-*

1 *tify improvements for law enforcement officials who*
2 *respond to and investigate child pornography crimes;*
3 *\$4,000,000 is for the research, design, and testing of*
4 *a scalable national model to reduce incarceration*
5 *rates for minor probation and parole violations; and*
6 *not less than \$2,000,000 is for research, testing, and*
7 *evaluation of the use of counter-unmanned aircraft*
8 *systems in support of law enforcement operations.*

9 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For grants, contracts, cooperative agreements, and*
12 *other assistance authorized by the Violent Crime Control*
13 *and Law Enforcement Act of 1994 (Public Law 103–322)*
14 *(“the 1994 Act”); the Omnibus Crime Control and Safe*
15 *Streets Act of 1968 (Public Law 90–351) (“the 1968 Act”);*
16 *the Justice for All Act of 2004 (Public Law 108–405); the*
17 *Victims of Child Abuse Act of 1990 (Public Law 101–647)*
18 *(“the 1990 Act”); the Trafficking Victims Protection Reau-*
19 *thorization Act of 2005 (Public Law 109–164); the Violence*
20 *Against Women and Department of Justice Reauthorization*
21 *Act of 2005 (Public Law 109–162) (“the 2005 Act”); the*
22 *Adam Walsh Child Protection and Safety Act of 2006 (Pub-*
23 *lic Law 109–248) (“the Adam Walsh Act”); the Victims of*
24 *Trafficking and Violence Protection Act of 2000 (Public*
25 *Law 106–386); the NICS Improvement Amendments Act of*

1 2007 (*Public Law 110–180*); subtitle C of title II of the
2 *Homeland Security Act of 2002* (*Public Law 107–296*)
3 (“the 2002 Act”); the *Prison Rape Elimination Act of 2003*
4 (*Public Law 108–79*); the *Second Chance Act of 2007* (*Pub-*
5 *lic Law 110–199*); the *Prioritizing Resources and Organi-*
6 *zation for Intellectual Property Act of 2008* (*Public Law*
7 *110–403*); the *Victims of Crime Act of 1984* (*Public Law*
8 *98–473*); the *Mentally Ill Offender Treatment and Crime*
9 *Reduction Reauthorization and Improvement Act of 2008*
10 (*Public Law 110–416*); the *Violence Against Women Reau-*
11 *thorization Act of 2013* (*Public Law 113–4*) (“the 2013
12 Act”); the *Comprehensive Addiction and Recovery Act of*
13 *2016* (*Public Law 114–198*) (“CARA”); the *Justice for All*
14 *Reauthorization Act of 2016* (*Public Law 114–324*); *Kevin*
15 *and Avonte’s Law* (division Q of *Public Law 115–141*)
16 (“Kevin and Avonte’s Law”); the *Keep Young Athletes Safe*
17 *Act of 2018* (title III of division S of *Public Law 115–*
18 *141*) (“the Keep Young Athletes Safe Act”); the *STOP*
19 *School Violence Act of 2018* (title V of division S of *Public*
20 *Law 115–141*) (“the STOP School Violence Act”); the *Fix*
21 *NICS Act of 2018* (title VI of division S of *Public Law*
22 *115–141*); the *Project Safe Neighborhoods Grant Program*
23 *Authorization Act of 2018* (*Public Law 115–185*); the *SUP-*
24 *PORT for Patients and Communities Act* (*Public Law*
25 *115–271*); the *Second Chance Reauthorization Act of 2018*

1 *(Public Law 115–391); the Matthew Shepard and James*
2 *Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–*
3 *84); the Ashanti Alert Act of 2018 (Public Law 115–401);*
4 *and other programs, \$1,914,000,000, to remain available*
5 *until expended as follows—*

6 (1) *\$484,000,000 for the Edward Byrne Memo-*
7 *rial Justice Assistance Grant program as authorized*
8 *by subpart 1 of part E of title I of the 1968 Act (ex-*
9 *cept that section 1001(c), and the special rules for*
10 *Puerto Rico under section 505(g), of title I of the*
11 *1968 Act shall not apply for purposes of this Act), of*
12 *which, notwithstanding such subpart 1—*

13 (A) *\$13,000,000 is for an Officer Robert*
14 *Wilson III memorial initiative on Preventing*
15 *Violence Against Law Enforcement and Ensuring*
16 *Officer Resilience and Survivability*
17 *(VALOR);*

18 (B) *\$8,000,000 is for an initiative to sup-*
19 *port evidence-based policing;*

20 (C) *\$8,000,000 is for an initiative to en-*
21 *hance prosecutorial decision-making;*

22 (D) *\$2,400,000 is for the operation, mainte-*
23 *nance, and expansion of the National Missing*
24 *and Unidentified Persons System;*

1 (E) \$7,500,000 is for a grant program for
2 State and local law enforcement to provide offi-
3 cer training on responding to individuals with
4 mental illness or disabilities;

5 (F) \$2,000,000 is for a student loan repay-
6 ment assistance program pursuant to section 952
7 of Public Law 110–315;

8 (G) \$15,500,000 is for prison rape preven-
9 tion and prosecution grants to States and units
10 of local government, and other programs, as au-
11 thorized by the Prison Rape Elimination Act of
12 2003 (Public Law 108–79);

13 (H) \$3,000,000 is for a grant program au-
14 thorized by Kevin and Avonte’s Law;

15 (I) \$4,000,000 is for the establishment of a
16 national center on forensics at an accredited
17 university of higher education with affiliate
18 medical and law schools, in partnership with a
19 co-located full-service State department of foren-
20 sic science with a medical examiner function;

21 (J) \$20,000,000 is for grants authorized
22 under the Project Safe Neighborhoods Grant Au-
23 thorization Act of 2018 (Public Law 115–185);

24 (K) \$7,000,000 is for the Capital Litigation
25 Improvement Grant Program, as authorized by

1 *section 426 of Public Law 108–405, and for*
2 *grants for wrongful conviction review;*

3 *(L) \$14,000,000 is for community-based vi-*
4 *olence prevention initiatives;*

5 *(M) \$3,000,000 is for a national center for*
6 *restorative justice;*

7 *(N) \$1,000,000 is for the purposes of the*
8 *Ashanti Alert Network as authorized under the*
9 *Ashanti Alert Act of 2018 (Public Law 115–*
10 *401);*

11 *(O) \$3,500,000 is for a grant program to*
12 *replicate family-based alternative sentencing*
13 *pilot programs;*

14 *(P) \$1,000,000 is for a grant program to*
15 *support child advocacy training in post-sec-*
16 *ondary education;*

17 *(Q) \$7,000,000 is for a rural violent crime*
18 *initiative, including assistance for law enforce-*
19 *ment;*

20 *(R) \$2,000,000 is for grants to States and*
21 *units of local government to deploy managed ac-*
22 *cess systems to combat contraband cell phone use*
23 *in prison; and*

1 (8) \$2,000,000 is for grants for development
2 of child-friendly family visitation spaces in cor-
3 rectional facilities;

4 (2) \$244,000,000 for the State Criminal Alien
5 Assistance Program, as authorized by section
6 241(i)(5) of the Immigration and Nationality Act (8
7 U.S.C. 1231(i)(5)): Provided, That no jurisdiction
8 shall request compensation for any cost greater than
9 the actual cost for Federal immigration and other de-
10 tainees housed in State and local detention facilities;

11 (3) \$85,000,000 for victim services programs for
12 victims of trafficking, as authorized by section
13 107(b)(2) of Public Law 106–386, for programs au-
14 thorized under Public Law 109–164, or programs au-
15 thorized under Public Law 113–4;

16 (4) \$12,000,000 for economic, high technology,
17 white collar, and Internet crime prevention grants,
18 including as authorized by section 401 of Public Law
19 110–403, of which \$2,500,000 is for competitive
20 grants that help State and local law enforcement
21 tackle intellectual property thefts, and \$2,000,000 is
22 for grants to develop databases on Internet of Things
23 device capabilities and to build and execute training
24 modules for law enforcement;

1 (5) \$20,000,000 for sex offender management as-
2 sistance, as authorized by the Adam Walsh Act, and
3 related activities;

4 (6) \$30,000,000 for the Patrick Leahy Bullet-
5 proof Vest Partnership Grant Program, as authorized
6 by section 2501 of title I of the 1968 Act: Provided,
7 That \$1,500,000 is transferred directly to the Na-
8 tional Institute of Standards and Technology's Office
9 of Law Enforcement Standards for research, testing,
10 and evaluation programs;

11 (7) \$1,000,000 for the National Sex Offender
12 Public Website;

13 (8) \$85,000,000 for grants to States to upgrade
14 criminal and mental health records for the National
15 Instant Criminal Background Check System, of which
16 no less than \$25,000,000 shall be for grants made
17 under the authorities of the NICS Improvement
18 Amendments Act of 2007 (Public Law 110–180) and
19 Fix NICS Act of 2018;

20 (9) \$33,000,000 for Paul Coverdell Forensic
21 Sciences Improvement Grants under part BB of title
22 I of the 1968 Act;

23 (10) \$141,000,000 for DNA-related and forensic
24 programs and activities, of which—

1 (A) \$110,000,000 is for the purposes author-
2 ized under section 2 of the DNA Analysis Back-
3 log Elimination Act of 2000 (Public Law 106-
4 546) (the Debbie Smith DNA Backlog Grant
5 Program): Provided, That up to 4 percent of
6 funds made available under this paragraph may
7 be used for the purposes described in the DNA
8 Training and Education for Law Enforcement,
9 Correctional Personnel, and Court Officers pro-
10 gram (Public Law 108-405, section 303);

11 (B) \$19,000,000 for other local, State, and
12 Federal forensic activities;

13 (C) \$8,000,000 is for the purposes described
14 in the Kirk Bloodsworth Post-Conviction DNA
15 Testing Grant Program (Public Law 108-405,
16 section 412); and

17 (D) \$4,000,000 is for Sexual Assault Foren-
18 sic Exam Program grants, including as author-
19 ized by section 304 of Public Law 108-405;

20 (11) \$48,000,000 for a grant program for com-
21 munity-based sexual assault response reform;

22 (12) \$12,500,000 for the court-appointed special
23 advocate program, as authorized by section 217 of the
24 1990 Act;

25 (13) \$46,000,000 for assistance to Indian Tribes;

1 (14) \$100,000,000 for offender reentry programs
2 and research, as authorized by the Second Chance Act
3 of 2007 (Public Law 110–199) and by the Second
4 Chance Reauthorization Act of 2018 (Public Law
5 115–391), without regard to the time limitations
6 specified at section 6(1) of such Act, of which not to
7 exceed \$6,000,000 is for a program to improve State,
8 local, and Tribal probation or parole supervision ef-
9 forts and strategies; \$5,000,000 is for Children of In-
10 carcerated Parents Demonstrations to enhance and
11 maintain parental and family relationships for in-
12 carcerated parents as a reentry or recidivism reduc-
13 tion strategy; and \$4,500,000 is for additional rep-
14 lication sites employing the Project HOPE Oppor-
15 tunity Probation with Enforcement model imple-
16 menting swift and certain sanctions in probation, of
17 which no less than \$500,000 shall be used for a
18 project that provides training, technical assistance,
19 and best practices: Provided, That up to \$7,500,000
20 of funds made available in this paragraph may be
21 used for performance-based awards for Pay for Suc-
22 cess projects, of which up to \$5,000,000 shall be for
23 Pay for Success programs implementing the Perma-
24 nent Supportive Housing Model;

1 (15) \$394,000,000 for comprehensive opioid
2 abuse reduction activities, including as authorized by
3 CARA, and for the following programs, which shall
4 address opioid, stimulant, and substance abuse reduc-
5 tion consistent with underlying program authori-
6 ties—

7 (A) \$83,000,000 for Drug Courts, as author-
8 ized by section 1001(a)(25)(A) of title I of the
9 1968 Act;

10 (B) \$35,000,000 for mental health courts
11 and adult and juvenile collaboration program
12 grants, as authorized by parts V and HH of title
13 I of the 1968 Act, and the Mentally Ill Offender
14 Treatment and Crime Reduction Reauthoriza-
15 tion and Improvement Act of 2008 (Public Law
16 110–416);

17 (C) \$34,000,000 for grants for Residential
18 Substance Abuse Treatment for State Prisoners,
19 as authorized by part S of title I of the 1968 Act;

20 (D) \$25,000,000 for a veterans treatment
21 courts program;

22 (E) \$32,000,000 for a program to monitor
23 prescription drugs and scheduled listed chemical
24 products; and

1 (F) \$185,000,000 for a comprehensive
2 opioid, stimulant, and substance abuse program;

3 (16) \$2,500,000 for a competitive grant program
4 authorized by the Keep Young Athletes Safe Act;

5 (17) \$79,000,000 for grants to be administered
6 by the Bureau of Justice Assistance for purposes au-
7 thorized under the STOP School Violence Act;

8 (18) \$2,000,000 for grants to State and local law
9 enforcement agencies for the expenses associated with
10 the investigation and prosecution of criminal offenses,
11 involving civil rights, authorized by the Emmett Till
12 Unsolved Civil Rights Crimes Reauthorization Act of
13 2016 (Public Law 114–325);

14 (19) \$5,000,000 for grants to State, local, and
15 Tribal law enforcement agencies to conduct edu-
16 cational outreach and training on hate crimes and to
17 investigate and prosecute hate crimes, as authorized
18 by section 4704 of the Matthew Shepard and James
19 Byrd, Jr. Hate Crimes Prevention Act (Public Law
20 111–84); and

21 (20) \$90,000,000 for initiatives to improve po-
22 lice-community relations, of which \$35,000,000 is for
23 a competitive matching grant program for purchases
24 of body-worn cameras for State, local, and Tribal law
25 enforcement; \$33,000,000 is for a justice reinvestment

1 *the Violence Against Women Reauthorization Act of 2013*
2 *(Public Law 113–4) (“the 2013 Act”); the Justice for All*
3 *Reauthorization Act of 2016 (Public Law 114–324); the*
4 *Missing Children’s Assistance Act of 2018 (Public Law*
5 *115–267); the Juvenile Justice Reform Act of 2018 (Public*
6 *Law 115–385); and other juvenile justice programs,*
7 *\$346,000,000, to remain available until expended as fol-*
8 *lows—*

9 (1) *\$67,000,000 for programs authorized by sec-*
10 *tion 221 of the 1974 Act, and for training and tech-*
11 *nical assistance to assist small, nonprofit organiza-*
12 *tions with the Federal grants process: Provided, That*
13 *of the amounts provided under this paragraph,*
14 *\$500,000 shall be for a competitive demonstration*
15 *grant program to support emergency planning among*
16 *State, local, and Tribal juvenile justice residential fa-*
17 *cilities;*

18 (2) *\$100,000,000 for youth mentoring grants;*

19 (3) *\$49,000,000 for delinquency prevention, of*
20 *which, pursuant to sections 261 and 262 of the 1974*
21 *Act—*

22 (A) *\$2,000,000 shall be for grants to prevent*
23 *trafficking of girls;*

24 (B) *\$10,000,000 shall be for the Tribal*
25 *Youth Program;*

1 (C) \$500,000 shall be for an Internet site
2 providing information and resources on children
3 of incarcerated parents;

4 (D) \$3,000,000 shall be for competitive
5 grants focusing on girls in the juvenile justice
6 system;

7 (E) \$10,000,000 shall be for an opioid-af-
8 fected youth initiative; and

9 (F) \$8,000,000 shall be for an initiative re-
10 lating to children exposed to violence;

11 (4) \$30,000,000 for programs authorized by the
12 Victims of Child Abuse Act of 1990;

13 (5) \$94,000,000 for missing and exploited chil-
14 dren programs, including as authorized by sections
15 404(b) and 405(a) of the 1974 Act (except that section
16 102(b)(4)(B) of the PROTECT Our Children Act of
17 2008 (Public Law 110–401) shall not apply for pur-
18 poses of this Act);

19 (6) \$3,500,000 for child abuse training programs
20 for judicial personnel and practitioners, as authorized
21 by section 222 of the 1990 Act; and

22 (7) \$2,500,000 for a program to improve juvenile
23 indigent defense:

24 Provided, That not more than 10 percent of each amount
25 may be used for research, evaluation, and statistics activi-

1 *ties designed to benefit the programs or activities author-*
2 *ized: Provided further, That not more than 2 percent of the*
3 *amounts designated under paragraphs (1) through (3) and*
4 *(6) may be used for training and technical assistance: Pro-*
5 *vided further, That the two preceding provisos shall not*
6 *apply to grants and projects administered pursuant to sec-*
7 *tions 261 and 262 of the 1974 Act and to missing and ex-*
8 *ploited children programs.*

9 *PUBLIC SAFETY OFFICER BENEFITS*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For payments and expenses authorized under section*
12 *1001(a)(4) of title I of the Omnibus Crime Control and Safe*
13 *Streets Act of 1968, such sums as are necessary (including*
14 *amounts for administrative costs), to remain available*
15 *until expended; and \$24,800,000 for payments authorized*
16 *by section 1201(b) of such Act and for educational assist-*
17 *ance authorized by section 1218 of such Act, to remain*
18 *available until expended: Provided, That notwithstanding*
19 *section 205 of this Act, upon a determination by the Attor-*
20 *ney General that emergent circumstances require additional*
21 *funding for such disability and education payments, the At-*
22 *torney General may transfer such amounts to "Public Safe-*
23 *ty Officer Benefits" from available appropriations for the*
24 *Department of Justice as may be necessary to respond to*
25 *such circumstances: Provided further, That any transfer*

1 *pursuant to the preceding proviso shall be treated as a re-*
2 *programming under section 505 of this Act and shall not*
3 *be available for obligation or expenditure except in compli-*
4 *ance with the procedures set forth in that section.*

5 *COMMUNITY ORIENTED POLICING SERVICES*

6 *COMMUNITY ORIENTED POLICING SERVICES PROGRAMS*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For activities authorized by the Violent Crime Control*
9 *and Law Enforcement Act of 1994 (Public Law 103–322);*
10 *the Omnibus Crime Control and Safe Streets Act of 1968*
11 *(“the 1968 Act”); the Violence Against Women and Depart-*
12 *ment of Justice Reauthorization Act of 2005 (Public Law*
13 *109–162) (“the 2005 Act”); the American Law Enforcement*
14 *Heroes Act of 2017 (Public Law 115–37); the Law Enforce-*
15 *ment Mental Health and Wellness Act (Public Law 115–*
16 *113) (“the LEMHW Act”); the SUPPORT for Patients and*
17 *Communities Act (Public Law 115–271); and the Sup-*
18 *porting and Treating Officers In Crisis Act of 2019 (Public*
19 *Law 116-32) (“the STOIC Act”), \$386,000,000, to remain*
20 *available until expended: Provided, That any balances*
21 *made available through prior year deobligations shall only*
22 *be available in accordance with section 505 of this Act: Pro-*
23 *vided further, That of the amount provided under this head-*
24 *ing—*

1 (1) \$237,000,000 is for grants under section
2 1701 of title I of the 1968 Act (34 U.S.C. 10381) for
3 the hiring and rehiring of additional career law en-
4 forcement officers under part Q of such title notwith-
5 standing subsection (i) of such section: Provided,
6 That, notwithstanding section 1704(c) of such title
7 (34 U.S.C. 10384(c)), funding for hiring or rehiring
8 a career law enforcement officer may not exceed
9 \$125,000 unless the Director of the Office of Commu-
10 nity Oriented Policing Services grants a waiver from
11 this limitation: Provided further, That within the
12 amounts appropriated under this paragraph,
13 \$29,500,000 is for improving Tribal law enforcement,
14 including hiring, equipment, training, anti-meth-
15 amphetamine activities, and anti-opioid activities:
16 Provided further, That of the amounts appropriated
17 under this paragraph \$40,000,000 is for regional in-
18 formation sharing activities, as authorized by part M
19 of title I of the 1968 Act, which shall be transferred
20 to and merged with “Research, Evaluation, and Sta-
21 tistics” for administration by the Office of Justice
22 Programs: Provided further, That within the amounts
23 appropriated under this paragraph, no less than
24 \$3,000,000 is to support the Tribal Access Program:
25 Provided further, That within the amounts appro-

1 *appropriated under this paragraph, \$8,000,000 is for train-*
2 *ing, peer mentoring, mental health program activi-*
3 *ties, and other support services as authorized under*
4 *the LEMHW Act and STOIC Act;*

5 *(2) \$11,000,000 is for activities authorized by*
6 *the POLICE Act of 2016 (Public Law 114–199);*

7 *(3) \$15,000,000 is for competitive grants to State*
8 *law enforcement agencies in States with high seizures*
9 *of precursor chemicals, finished methamphetamine,*
10 *laboratories, and laboratory dump seizures: Provided,*
11 *That funds appropriated under this paragraph shall*
12 *be utilized for investigative purposes to locate or in-*
13 *vestigate illicit activities, including precursor diver-*
14 *sion, laboratories, or methamphetamine traffickers;*

15 *(4) \$35,000,000 is for competitive grants to*
16 *statewide law enforcement agencies in States with*
17 *high rates of primary treatment admissions for her-*
18 *oin and other opioids: Provided, That these funds*
19 *shall be utilized for investigative purposes to locate or*
20 *investigate illicit activities, including activities re-*
21 *lated to the distribution of heroin or unlawful dis-*
22 *tribution of prescription opioids, or unlawful heroin*
23 *and prescription opioid traffickers through statewide*
24 *collaboration;*

1 *SEC. 203. None of the funds appropriated under this*
2 *title shall be used to require any person to perform, or fa-*
3 *cilitate in any way the performance of, any abortion.*

4 *SEC. 204. Nothing in the preceding section shall re-*
5 *move the obligation of the Director of the Bureau of Prisons*
6 *to provide escort services necessary for a female inmate to*
7 *receive such service outside the Federal facility: Provided,*
8 *That nothing in this section in any way diminishes the*
9 *effect of section 203 intended to address the philosophical*
10 *beliefs of individual employees of the Bureau of Prisons.*

11 *SEC. 205. Not to exceed 5 percent of any appropriation*
12 *made available for the current fiscal year for the Depart-*
13 *ment of Justice in this Act may be transferred between such*
14 *appropriations, but no such appropriation, except as other-*
15 *wise specifically provided, shall be increased by more than*
16 *10 percent by any such transfers: Provided, That any trans-*
17 *fer pursuant to this section shall be treated as a reprogram-*
18 *ming of funds under section 505 of this Act and shall not*
19 *be available for obligation except in compliance with the*
20 *procedures set forth in that section.*

21 *SEC. 206. None of the funds made available under this*
22 *title may be used by the Federal Bureau of Prisons or the*
23 *United States Marshals Service for the purpose of trans-*
24 *porting an individual who is a prisoner pursuant to convic-*
25 *tion for crime under State or Federal law and is classified*

1 *as a maximum or high security prisoner, other than to a*
2 *prison or other facility certified by the Federal Bureau of*
3 *Prisons as appropriately secure for housing such a prisoner.*

4 *SEC. 207. (a) None of the funds appropriated by this*
5 *Act may be used by Federal prisons to purchase cable tele-*
6 *vision services, or to rent or purchase audiovisual or elec-*
7 *tronic media or equipment used primarily for recreational*
8 *purposes.*

9 *(b) Subsection (a) does not preclude the rental, mainte-*
10 *nance, or purchase of audiovisual or electronic media or*
11 *equipment for inmate training, religious, or educational*
12 *programs.*

13 *SEC. 208. None of the funds made available under this*
14 *title shall be obligated or expended for any new or enhanced*
15 *information technology program having total estimated de-*
16 *velopment costs in excess of \$100,000,000, unless the Deputy*
17 *Attorney General and the investment review board certify*
18 *to the Committees on Appropriations of the House of Rep-*
19 *resentatives and the Senate that the information technology*
20 *program has appropriate program management controls*
21 *and contractor oversight mechanisms in place, and that the*
22 *program is compatible with the enterprise architecture of*
23 *the Department of Justice.*

24 *SEC. 209. The notification thresholds and procedures*
25 *set forth in section 505 of this Act shall apply to deviations*

1 *from the amounts designated for specific activities in this*
2 *Act and in the explanatory statement described in section*
3 *4 (in the matter preceding division A of this consolidated*
4 *Act), and to any use of deobligated balances of funds pro-*
5 *vided under this title in previous years.*

6 *SEC. 210. None of the funds appropriated by this Act*
7 *may be used to plan for, begin, continue, finish, process,*
8 *or approve a public-private competition under the Office*
9 *of Management and Budget Circular A-76 or any successor*
10 *administrative regulation, directive, or policy for work per-*
11 *formed by employees of the Bureau of Prisons or of Federal*
12 *Prison Industries, Incorporated.*

13 *SEC. 211. Notwithstanding any other provision of law,*
14 *no funds shall be available for the salary, benefits, or ex-*
15 *penses of any United States Attorney assigned dual or addi-*
16 *tional responsibilities by the Attorney General or his des-*
17 *ignee that exempt that United States Attorney from the*
18 *residency requirements of section 545 of title 28, United*
19 *States Code.*

20 *SEC. 212. At the discretion of the Attorney General,*
21 *and in addition to any amounts that otherwise may be*
22 *available (or authorized to be made available) by law, with*
23 *respect to funds appropriated by this title under the head-*
24 *ings "Research, Evaluation and Statistics", "State and*

1 *Local Law Enforcement Assistance*”, and “*Juvenile Justice*
2 *Programs*” —

3 (1) *up to 2 percent of funds made available to*
4 *the Office of Justice Programs for grant or reimburse-*
5 *ment programs may be used by such Office to provide*
6 *training and technical assistance; and*

7 (2) *up to 2 percent of funds made available for*
8 *grant or reimbursement programs under such head-*
9 *ings, except for amounts appropriated specifically for*
10 *research, evaluation, or statistical programs adminis-*
11 *tered by the National Institute of Justice and the Bu-*
12 *reau of Justice Statistics, shall be transferred to and*
13 *merged with funds provided to the National Institute*
14 *of Justice and the Bureau of Justice Statistics, to be*
15 *used by them for research, evaluation, or statistical*
16 *purposes, without regard to the authorizations for*
17 *such grant or reimbursement programs.*

18 *SEC. 213. Upon request by a grantee for whom the At-*
19 *torney General has determined there is a fiscal hardship,*
20 *the Attorney General may, with respect to funds appro-*
21 *priated in this or any other Act making appropriations for*
22 *fiscal years 2018 through 2021 for the following programs,*
23 *waive the following requirements:*

24 (1) *For the adult and juvenile offender State and*
25 *local reentry demonstration projects under part FF of*

1 *title I of the Omnibus Crime Control and Safe Streets*
2 *Act of 1968 (34 U.S.C. 10631 et seq.), the require-*
3 *ments under section 2976(g)(1) of such part (34*
4 *U.S.C. 10631(g)(1)).*

5 *(2) For grants to protect inmates and safeguard*
6 *communities as authorized by section 6 of the Prison*
7 *Rape Elimination Act of 2003 (34 U.S.C.*
8 *30305(c)(3)), the requirements of section 6(c)(3) of*
9 *such Act.*

10 *SEC. 214. Notwithstanding any other provision of law,*
11 *section 20109(a) of subtitle A of title II of the Violent Crime*
12 *Control and Law Enforcement Act of 1994 (34 U.S.C.*
13 *12109(a)) shall not apply to amounts made available by*
14 *this or any other Act.*

15 *SEC. 215. None of the funds made available under this*
16 *Act, other than for the national instant criminal back-*
17 *ground check system established under section 103 of the*
18 *Brady Handgun Violence Prevention Act (34 U.S.C.*
19 *40901), may be used by a Federal law enforcement officer*
20 *to facilitate the transfer of an operable firearm to an indi-*
21 *vidual if the Federal law enforcement officer knows or sus-*
22 *pects that the individual is an agent of a drug cartel, unless*
23 *law enforcement personnel of the United States continu-*
24 *ously monitor or control the firearm at all times.*

1 *SEC. 216. (a) None of the income retained in the De-*
2 *partment of Justice Working Capital Fund pursuant to*
3 *title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.*
4 *527 note) shall be available for obligation during fiscal year*
5 *2021, except up to \$12,000,000 may be obligated for imple-*
6 *mentation of a unified Department of Justice financial*
7 *management system.*

8 *(b) Not to exceed \$30,000,000 of the unobligated bal-*
9 *ances transferred to the capital account of the Department*
10 *of Justice Working Capital Fund pursuant to title I of Pub-*
11 *lic Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall*
12 *be available for obligation in fiscal year 2021, and any use,*
13 *obligation, transfer, or allocation of such funds shall be*
14 *treated as a reprogramming of funds under section 505 of*
15 *this Act.*

16 *(c) Not to exceed \$10,000,000 of the excess unobligated*
17 *balances available under section 524(c)(8)(E) of title 28,*
18 *United States Code, shall be available for obligation during*
19 *fiscal year 2021, and any use, obligation, transfer or alloca-*
20 *tion of such funds shall be treated as a reprogramming of*
21 *funds under section 505 of this Act.*

22 *SEC. 217. Discretionary funds that are made available*
23 *in this Act for the Office of Justice Programs may be used*
24 *to participate in Performance Partnership Pilots author-*
25 *ized under such authorities as have been enacted for Per-*

1 *formance Partnership Pilots in appropriations acts in*
2 *prior fiscal years and the current fiscal year.*

3 *SEC. 218. Section 1930(a)(6)(B) of title 28, United*
4 *States Code, shall be applied for this fiscal year and next*
5 *fiscal year by substituting “ \$300,000,000” for “*
6 *\$200,000,000”.*

7 *SEC. 219. Section 527 of title 28, United States Code,*
8 *is amended in the third sentence by inserting “: (1)” before*
9 *“the Department” and by inserting “; and (2) federally rec-*
10 *ognized tribes for supplies, materials, and services related*
11 *to access to Federal law enforcement databases;” after “and*
12 *services”.*

13 *SEC. 220. Section 1825 of title 28, United States Code,*
14 *is amended:*

15 *(a) in subsections (a) and (b) by striking “United*
16 *States marshal for the district” each place it appears and*
17 *inserting “Attorney General”; and*

18 *(b) in subsection (c) by striking “United States mar-*
19 *shal” and inserting “Attorney General”.*

20 *SEC. 221. Section 151 of the Foreign Relations Author-*
21 *ization Act, Fiscal Years 1990 and 1991 (Public Law 101-*
22 *246; 5 U.S.C. 5928 note), is amended—*

23 *(1) by striking “or” after “Drug Enforcement*
24 *Administration” and inserting “, the”; and*

1 (2) by inserting “, or the United States Marshals
2 Service” after “Federal Bureau of Investigation”.

3 SEC. 222. *There is hereby appropriated \$5,000,000, to*
4 *remain available until expended, for an additional amount*
5 *for “Department of Justice—General Administration”, for*
6 *expenses associated with the development and operation of*
7 *a database concerning substantiated instances of excessive*
8 *use of force related to law enforcement matters and officer*
9 *misconduct, as described by, and subject to the requirements*
10 *of, section 3 of Executive Order 13929 (June 16, 2020), as*
11 *such Executive Order was in effect on the date of the enact-*
12 *ment of this Act: Provided, That the Attorney General may*
13 *transfer the funds provided in this section to other appro-*
14 *priations accounts in the Department of Justice to use for*
15 *expenses associated with the development and operation of*
16 *such database: Provided further, That the transfer authority*
17 *in the preceding proviso is in addition to any other transfer*
18 *authority contained in this Act: Provided further, That any*
19 *transfer pursuant to the first proviso shall be treated as a*
20 *reprogramming under section 505 of this Act and shall not*
21 *be available for obligation or expenditure except in compli-*
22 *ance with the procedures set forth in that section.*

23 *This title may be cited as the “Department of Justice*
24 *Appropriations Act, 2021”.*

1 *TITLE III*2 *SCIENCE*3 *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

4 *For necessary expenses of the Office of Science and*
5 *Technology Policy, in carrying out the purposes of the Na-*
6 *tional Science and Technology Policy, Organization, and*
7 *Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of pas-*
8 *senger motor vehicles, and services as authorized by section*
9 *3109 of title 5, United States Code, not to exceed \$2,250*
10 *for official reception and representation expenses, and rent-*
11 *al of conference rooms in the District of Columbia,*
12 *\$5,544,000.*

13 *NATIONAL SPACE COUNCIL*

14 *For necessary expenses of the National Space Council,*
15 *in carrying out the purposes of title V of Public Law 100-*
16 *685 and Executive Order No. 13803, hire of passenger*
17 *motor vehicles, and services as authorized by section 3109*
18 *of title 5, United States Code, not to exceed \$2,250 for offi-*
19 *cial reception and representation expenses, \$1,965,000: Pro-*
20 *vided, That notwithstanding any other provision of law, the*
21 *National Space Council may accept personnel support from*
22 *Federal agencies, departments, and offices, and such Fed-*
23 *eral agencies, departments, and offices may detail staff*
24 *without reimbursement to the National Space Council for*
25 *purposes provided herein.*

1 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*
2 *SCIENCE*

3 *For necessary expenses, not otherwise provided for, in*
4 *the conduct and support of science research and develop-*
5 *ment activities, including research, development, oper-*
6 *ations, support, and services; maintenance and repair, fa-*
7 *cility planning and design; space flight, spacecraft control,*
8 *and communications activities; program management; per-*
9 *sonnel and related costs, including uniforms or allowances*
10 *therefor, as authorized by sections 5901 and 5902 of title*
11 *5, United States Code; travel expenses; purchase and hire*
12 *of passenger motor vehicles; and purchase, lease, charter,*
13 *maintenance, and operation of mission and administrative*
14 *aircraft, \$7,301,000,000, to remain available until Sep-*
15 *tember 30, 2022: Provided, That, \$2,000,000,000 shall be*
16 *for Earth Science; \$2,700,000,000 shall be for Planetary*
17 *Science; \$1,356,200,000 shall be for Astrophysics;*
18 *\$414,700,000 shall be for the James Webb Space Telescope;*
19 *\$751,000,000 shall be for Heliophysics, and \$79,100,000*
20 *shall be for Biological and Physical Science: Provided fur-*
21 *ther, That the National Aeronautics and Space Administra-*
22 *tion shall use the Space Launch System (SLS) for the Eu-*
23 *ropa Clipper mission if the SLS is available and if tor-*
24 *sional loading analysis has confirmed Clipper's appro-*
25 *priateness for SLS: Provided further, That, if the conditions*

1 *in the preceding proviso cannot be met, the Administrator*
2 *shall conduct a full and open competition, that is not lim-*
3 *ited to the launch vehicles listed in the NLS-II contract of*
4 *the Launch Services Program as of the date of the enact-*
5 *ment of this Act, to select a commercial launch vehicle for*
6 *Europa Clipper.*

7 *AERONAUTICS*

8 *For necessary expenses, not otherwise provided for, in*
9 *the conduct and support of aeronautics research and devel-*
10 *opment activities, including research, development, oper-*
11 *ations, support, and services; maintenance and repair, fa-*
12 *cility planning and design; space flight, spacecraft control,*
13 *and communications activities; program management; per-*
14 *sonnel and related costs, including uniforms or allowances*
15 *therefor, as authorized by sections 5901 and 5902 of title*
16 *5, United States Code; travel expenses; purchase and hire*
17 *of passenger motor vehicles; and purchase, lease, charter,*
18 *maintenance, and operation of mission and administrative*
19 *aircraft, \$828,700,000, to remain available until September*
20 *30, 2022.*

21 *SPACE TECHNOLOGY*

22 *For necessary expenses, not otherwise provided for, in*
23 *the conduct and support of space technology research and*
24 *development activities, including research, development, op-*
25 *erations, support, and services; maintenance and repair, fa-*

1 *cility planning and design; space flight, spacecraft control,*
2 *and communications activities; program management; per-*
3 *sonnel and related costs, including uniforms or allowances*
4 *therefor, as authorized by sections 5901 and 5902 of title*
5 *5, United States Code; travel expenses; purchase and hire*
6 *of passenger motor vehicles; and purchase, lease, charter,*
7 *maintenance, and operation of mission and administrative*
8 *aircraft, \$1,100,000,000, to remain available until Sep-*
9 *tember 30, 2022: Provided, That \$227,000,000 shall be for*
10 *RESTORE–L/SPace Infrastructure DExterous Robot: Pro-*
11 *vided further, That \$110,000,000 shall be for the develop-*
12 *ment, production, and demonstration of a nuclear thermal*
13 *propulsion system, of which \$80,000,000 shall be for the de-*
14 *sign of a flight demonstration system: Provided further,*
15 *That, not later than 180 days after the enactment of this*
16 *Act, the National Aeronautics and Space Administration*
17 *shall provide a plan for the design of a flight demonstration.*

18

EXPLORATION

19 *For necessary expenses, not otherwise provided for, in*
20 *the conduct and support of exploration research and devel-*
21 *opment activities, including research, development, oper-*
22 *ations, support, and services; maintenance and repair, fa-*
23 *cility planning and design; space flight, spacecraft control,*
24 *and communications activities; program management; per-*
25 *sonnel and related costs, including uniforms or allowances*

1 *therefor, as authorized by sections 5901 and 5902 of title*
2 *5, United States Code; travel expenses; purchase and hire*
3 *of passenger motor vehicles; and purchase, lease, charter,*
4 *maintenance, and operation of mission and administrative*
5 *aircraft, \$6,555,400,000, to remain available until Sep-*
6 *tember 30, 2022: Provided, That not less than*
7 *\$1,406,700,000 shall be for the Orion Multi-Purpose Crew*
8 *Vehicle: Provided further, That not less than \$2,585,900,000*
9 *shall be for the Space Launch System (SLS) launch vehicle,*
10 *which shall have a lift capability not less than 130 metric*
11 *tons and which shall have core elements and an Exploration*
12 *Upper Stage developed simultaneously to be used to the*
13 *maximum extent practicable, including for Earth to Moon*
14 *missions and Moon landings: Provided further, That of the*
15 *amounts provided for SLS, not less than \$400,000,000 shall*
16 *be for SLS Block 1B development including the Exploration*
17 *Upper Stage and associated systems including related*
18 *facilitization, to support an SLS Block 1B mission avail-*
19 *able to launch in 2025 in addition to the planned Block*
20 *1 missions for Artemis 1 through Artemis 3: Provided fur-*
21 *ther, That \$590,000,000 shall be for Exploration Ground*
22 *Systems and associated Block 1B activities, including*
23 *\$74,000,000 for a second mobile launch platform: Provided*
24 *further, That the National Aeronautics and Space Adminis-*
25 *tration shall provide to the Committees on Appropriations*

1 *of the House of Representatives and the Senate, concurrent*
2 *with the annual budget submission, a 5-year budget profile*
3 *for an integrated system that includes the SLS, the Orion*
4 *Multi-Purpose Crew Vehicle, and associated ground systems*
5 *that will ensure a crewed launch as early as possible, as*
6 *well as a system-based funding profile for a sustained*
7 *launch cadence that contemplates the use of an SLS Block*
8 *1B cargo variant and associated ground systems: Provided*
9 *further, That \$1,972,800,000 shall be for exploration re-*
10 *search and development.*

11 *SPACE OPERATIONS*

12 *For necessary expenses, not otherwise provided for, in*
13 *the conduct and support of space operations research and*
14 *development activities, including research, development, op-*
15 *erations, support and services; space flight, spacecraft con-*
16 *trol, and communications activities, including operations,*
17 *production, and services; maintenance and repair, facility*
18 *planning and design; program management; personnel and*
19 *related costs, including uniforms or allowances therefor, as*
20 *authorized by sections 5901 and 5902 of title 5, United*
21 *States Code; travel expenses; purchase and hire of passenger*
22 *motor vehicles; and purchase, lease, charter, maintenance,*
23 *and operation of mission and administrative aircraft,*
24 *\$3,988,200,000, to remain available until September 30,*
25 *2022.*

1 *SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS*
2 *ENGAGEMENT*

3 *For necessary expenses, not otherwise provided for, in*
4 *the conduct and support of aerospace and aeronautical edu-*
5 *cation research and development activities, including re-*
6 *search, development, operations, support, and services; pro-*
7 *gram management; personnel and related costs, including*
8 *uniforms or allowances therefor, as authorized by sections*
9 *5901 and 5902 of title 5, United States Code; travel ex-*
10 *penses; purchase and hire of passenger motor vehicles; and*
11 *purchase, lease, charter, maintenance, and operation of*
12 *mission and administrative aircraft, \$127,000,000, to re-*
13 *main available until September 30, 2022, of which*
14 *\$26,000,000 shall be for the Established Program to Stimu-*
15 *late Competitive Research and \$51,000,000 shall be for the*
16 *National Space Grant College and Fellowship Program.*

17 *SAFETY, SECURITY AND MISSION SERVICES*

18 *For necessary expenses, not otherwise provided for, in*
19 *the conduct and support of science, aeronautics, space tech-*
20 *nology, exploration, space operations and education re-*
21 *search and development activities, including research, devel-*
22 *opment, operations, support, and services; maintenance and*
23 *repair, facility planning and design; space flight, spacecraft*
24 *control, and communications activities; program manage-*
25 *ment; personnel and related costs, including uniforms or*

1 allowances therefor, as authorized by sections 5901 and
2 5902 of title 5, United States Code; travel expenses; pur-
3 chase and hire of passenger motor vehicles; not to exceed
4 \$63,000 for official reception and representation expenses;
5 and purchase, lease, charter, maintenance, and operation
6 of mission and administrative aircraft, \$2,936,500,000, to
7 remain available until September 30, 2022: Provided, That
8 if available balances in the “Science, Space, and Technology
9 Education Trust Fund” are not sufficient to provide for
10 the grant disbursements required under the third and fourth
11 provisos under such heading in the Department of Housing
12 and Urban Development-Independent Agencies Appropria-
13 tions Act, 1989 (Public Law 100–404) as amended by the
14 Departments of Veterans Affairs and Housing and Urban
15 Development, and Independent Agencies Appropriations
16 Act, 1995 (Public Law 103–327) up to \$1,000,000 shall be
17 available from amounts made available under this heading
18 to make such grant disbursements.

19 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
20 RESTORATION

21 For necessary expenses for construction of facilities in-
22 cluding repair, rehabilitation, revitalization, and modifica-
23 tion of facilities, construction of new facilities and addi-
24 tions to existing facilities, facility planning and design,
25 and restoration, and acquisition or condemnation of real

1 *property, as authorized by law, and environmental compli-*
2 *ance and restoration, \$390,278,000, to remain available*
3 *until September 30, 2026: Provided, That proceeds from*
4 *leases deposited into this account shall be available for a*
5 *period of 5 years to the extent and in amounts as provided*
6 *in annual appropriations Acts: Provided further, That such*
7 *proceeds referred to in the preceding proviso shall be avail-*
8 *able for obligation for fiscal year 2021 in an amount not*
9 *to exceed \$18,700,000: Provided further, That each annual*
10 *budget request shall include an annual estimate of gross re-*
11 *ceipts and collections and proposed use of all funds collected*
12 *pursuant to section 20145 of title 51, United States Code.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For necessary expenses of the Office of Inspector Gen-*
15 *eral in carrying out the Inspector General Act of 1978,*
16 *\$44,200,000, of which \$500,000 shall remain available until*
17 *September 30, 2022.*

18 *ADMINISTRATIVE PROVISIONS*

19 *(INCLUDING TRANSFERS OF FUNDS)*

20 *Funds for any announced prize otherwise authorized*
21 *shall remain available, without fiscal year limitation, until*
22 *a prize is claimed or the offer is withdrawn.*

23 *Not to exceed 5 percent of any appropriation made*
24 *available for the current fiscal year for the National Aero-*
25 *nautics and Space Administration in this Act may be*

1 *transferred between such appropriations, but no such ap-*
2 *propriation, except as otherwise specifically provided, shall*
3 *be increased by more than 10 percent by any such transfers.*
4 *Any funds transferred to “Construction and Environmental*
5 *Compliance and Restoration” for construction activities*
6 *shall not increase that account by more than 20 percent.*
7 *Balances so transferred shall be merged with and available*
8 *for the same purposes and the same time period as the ap-*
9 *propriations to which transferred. Any transfer pursuant*
10 *to this provision shall be treated as a reprogramming of*
11 *funds under section 505 of this Act and shall not be avail-*
12 *able for obligation except in compliance with the procedures*
13 *set forth in that section.*

14 *Not to exceed 5 percent of any appropriation provided*
15 *for the National Aeronautics and Space Administration*
16 *under previous appropriations Acts that remains available*
17 *for obligation or expenditure in fiscal year 2021 may be*
18 *transferred between such appropriations, but no such ap-*
19 *propriation, except as otherwise specifically provided, shall*
20 *be increased by more than 10 percent by any such transfers.*
21 *Any transfer pursuant to this provision shall retain its*
22 *original availability and shall be treated as a reprogram-*
23 *ming of funds under section 505 of this Act and shall not*
24 *be available for obligation except in compliance with the*
25 *procedures set forth in that section.*

1 *The spending plan required by this Act shall be pro-*
2 *vided by the National Aeronautics and Space Administra-*
3 *tion at the theme, program, project, and activity level. The*
4 *spending plan, as well as any subsequent change of an*
5 *amount established in that spending plan that meets the*
6 *notification requirements of section 505 of this Act, shall*
7 *be treated as a reprogramming under section 505 of this*
8 *Act and shall not be available for obligation or expenditure*
9 *except in compliance with the procedures set forth in that*
10 *section.*

11 *Not more than 40 percent of the amounts made avail-*
12 *able in this Act for the Gateway; Advanced Cislunar and*
13 *Surface Capabilities; Commercial LEO Development;*
14 *Human Landing System; and Lunar Discovery and Explo-*
15 *ration, excluding the Lunar Reconnaissance Orbiter, may*
16 *be obligated until the Administrator submits a multi-year*
17 *plan to the Committees on Appropriations of the House of*
18 *Representatives and the Senate that identifies estimated*
19 *dates, by fiscal year, for Space Launch System flights to*
20 *build the Gateway; the commencement of partnerships with*
21 *commercial entities for additional LEO missions to land*
22 *humans and rovers on the Moon; and conducting additional*
23 *scientific activities on the Moon. The multi-year plan shall*
24 *include key milestones to be met by fiscal year to achieve*
25 *goals for each of the lunar programs described in the pre-*

1 *vious sentence and funding required by fiscal year to*
2 *achieve such milestones, as well as funding provided in fis-*
3 *cal year 2021 and previous years.*

4 *Of the amounts provided for Exploration Systems De-*
5 *velopment, \$25,000,000 shall be transferred to Construction*
6 *and Environmental Compliance and Restoration (CECR)*
7 *for Exploration Construction of Facilities consistent with*
8 *direction provided in the explanatory statement described*
9 *in section 4 (in the matter preceding division A of this con-*
10 *solidated Act). The authority provided by this paragraph*
11 *is in addition to the authority provided by the second para-*
12 *graph under this heading.*

13 *Not more than 20 percent or \$50,000,000, whichever*
14 *is less, of the amounts made available in the current-year*
15 *CECR appropriation may be applied to CECR projects*
16 *funded under previous years' CECR appropriation Acts.*
17 *Use of current-year funds under this provision shall be*
18 *treated as a reprogramming of funds under section 505 of*
19 *this act and shall not be available for obligation except in*
20 *compliance with the procedures set forth in that section.*

21 *NATIONAL SCIENCE FOUNDATION*

22 *RESEARCH AND RELATED ACTIVITIES*

23 *For necessary expenses in carrying out the National*
24 *Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.),*
25 *and Public Law 86–209 (42 U.S.C. 1880 et seq.); services*

1 *as authorized by section 3109 of title 5, United States Code;*
2 *maintenance and operation of aircraft and purchase of*
3 *flight services for research support; acquisition of aircraft;*
4 *and authorized travel; \$6,909,769,000, to remain available*
5 *until September 30, 2022, of which not to exceed*
6 *\$544,000,000 shall remain available until expended for*
7 *polar research and operations support, and for reimburse-*
8 *ment to other Federal agencies for operational and science*
9 *support and logistical and other related activities for the*
10 *United States Antarctic program: Provided, That receipts*
11 *for scientific support services and materials furnished by*
12 *the National Research Centers and other National Science*
13 *Foundation supported research facilities may be credited to*
14 *this appropriation.*

15 *MAJOR RESEARCH EQUIPMENT AND FACILITIES*

16 *CONSTRUCTION*

17 *For necessary expenses for the acquisition, construc-*
18 *tion, commissioning, and upgrading of major research*
19 *equipment, facilities, and other such capital assets pursuant*
20 *to the National Science Foundation Act of 1950 (42 U.S.C.*
21 *1861 et seq.), including authorized travel, \$241,000,000, to*
22 *remain available until expended.*

23 *EDUCATION AND HUMAN RESOURCES*

24 *For necessary expenses in carrying out science, mathe-*
25 *matics, and engineering education and human resources*

1 *programs and activities pursuant to the National Science*
2 *Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including*
3 *services as authorized by section 3109 of title 5, United*
4 *States Code, authorized travel, and rental of conference*
5 *rooms in the District of Columbia, \$968,000,000, to remain*
6 *available until September 30, 2022.*

7 *AGENCY OPERATIONS AND AWARD MANAGEMENT*

8 *For agency operations and award management nec-*
9 *essary in carrying out the National Science Foundation Act*
10 *of 1950 (42 U.S.C. 1861 et seq.); services authorized by sec-*
11 *tion 3109 of title 5, United States Code; hire of passenger*
12 *motor vehicles; uniforms or allowances therefor, as author-*
13 *ized by sections 5901 and 5902 of title 5, United States*
14 *Code; rental of conference rooms in the District of Colum-*
15 *bia; and reimbursement of the Department of Homeland Se-*
16 *curity for security guard services; \$345,640,000: Provided,*
17 *That not to exceed \$8,280 is for official reception and rep-*
18 *resentation expenses: Provided further, That contracts may*
19 *be entered into under this heading in fiscal year 2021 for*
20 *maintenance and operation of facilities and for other serv-*
21 *ices to be provided during the next fiscal year.*

22 *OFFICE OF THE NATIONAL SCIENCE BOARD*

23 *For necessary expenses (including payment of salaries,*
24 *authorized travel, hire of passenger motor vehicles, the rent-*
25 *al of conference rooms in the District of Columbia, and the*

1 *employment of experts and consultants under section 3109*
2 *of title 5, United States Code) involved in carrying out sec-*
3 *tion 4 of the National Science Foundation Act of 1950 (42*
4 *U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et*
5 *seq.), \$4,500,000: Provided, That not to exceed \$2,500 shall*
6 *be available for official reception and representation ex-*
7 *penses.*

8 *OFFICE OF INSPECTOR GENERAL*

9 *For necessary expenses of the Office of Inspector Gen-*
10 *eral as authorized by the Inspector General Act of 1978,*
11 *\$17,850,000, of which \$400,000 shall remain available until*
12 *September 30, 2022.*

13 *ADMINISTRATIVE PROVISIONS*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *Not to exceed 5 percent of any appropriation made*
16 *available for the current fiscal year for the National Science*
17 *Foundation in this Act may be transferred between such*
18 *appropriations, but no such appropriation shall be in-*
19 *creased by more than 10 percent by any such transfers. Any*
20 *transfer pursuant to this paragraph shall be treated as a*
21 *reprogramming of funds under section 505 of this Act and*
22 *shall not be available for obligation except in compliance*
23 *with the procedures set forth in that section.*

24 *The Director of the National Science Foundation*
25 *(NSF) shall notify the Committees on Appropriations of the*

1 *House of Representatives and the Senate at least 30 days*
2 *in advance of any planned divestment through transfer, de-*
3 *commissioning, termination, or deconstruction of any NSF-*
4 *owned facilities or any NSF capital assets (including land,*
5 *structures, and equipment) valued greater than \$2,500,000.*

6 *This title may be cited as the “Science Appropriations*
7 *Act, 2021”.*

8

TITLE IV

9

RELATED AGENCIES

10

COMMISSION ON CIVIL RIGHTS

11

SALARIES AND EXPENSES

12

For necessary expenses of the Commission on Civil
13 *Rights, including hire of passenger motor vehicles,*
14 *\$12,500,000: Provided, That none of the funds appropriated*
15 *in this paragraph may be used to employ any individuals*
16 *under Schedule C of subpart C of part 213 of title 5 of*
17 *the Code of Federal Regulations exclusive of one special as-*
18 *sistant for each Commissioner: Provided further, That none*
19 *of the funds appropriated in this paragraph shall be used*
20 *to reimburse Commissioners for more than 75 billable days,*
21 *with the exception of the chairperson, who is permitted 125*
22 *billable days: Provided further, That the Chair may accept*
23 *and use any gift or donation to carry out the work of the*
24 *Commission: Provided further, That none of the funds ap-*
25 *propriated in this paragraph shall be used for any activity*

1 *or expense that is not explicitly authorized by section 3 of*
2 *the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a):*
3 *Provided further, That notwithstanding the preceding pro-*
4 *viso, \$500,000 shall be used to separately fund the Commis-*
5 *sion on the Social Status of Black Men and Boys.*

6 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Equal Employment Op-*
9 *portunity Commission as authorized by title VII of the*
10 *Civil Rights Act of 1964, the Age Discrimination in Em-*
11 *ployment Act of 1967, the Equal Pay Act of 1963, the Amer-*
12 *icans with Disabilities Act of 1990, section 501 of the Reha-*
13 *bilitation Act of 1973, the Civil Rights Act of 1991, the*
14 *Genetic Information Nondiscrimination Act (GINA) of*
15 *2008 (Public Law 110–233), the ADA Amendments Act of*
16 *2008 (Public Law 110–325), and the Lilly Ledbetter Fair*
17 *Pay Act of 2009 (Public Law 111–2), including services*
18 *as authorized by section 3109 of title 5, United States Code;*
19 *hire of passenger motor vehicles as authorized by section*
20 *1343(b) of title 31, United States Code; nonmonetary*
21 *awards to private citizens; and up to \$31,500,000 for pay-*
22 *ments to State and local enforcement agencies for author-*
23 *ized services to the Commission, \$404,490,000: Provided,*
24 *That the Commission is authorized to make available for*
25 *official reception and representation expenses not to exceed*

1 \$2,250 from available funds: Provided further, That the
2 Commission may take no action to implement any work-
3 force repositioning, restructuring, or reorganization until
4 such time as the Committees on Appropriations of the
5 House of Representatives and the Senate have been notified
6 of such proposals, in accordance with the reprogramming
7 requirements of section 505 of this Act: Provided further,
8 That the Chair may accept and use any gift or donation
9 to carry out the work of the Commission.

10 *INTERNATIONAL TRADE COMMISSION*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the International Trade*
13 *Commission, including hire of passenger motor vehicles and*
14 *services as authorized by section 3109 of title 5, United*
15 *States Code, and not to exceed \$2,250 for official reception*
16 *and representation expenses, \$103,000,000, to remain avail-*
17 *able until expended.*

18 *LEGAL SERVICES CORPORATION*

19 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

20 *For payment to the Legal Services Corporation to*
21 *carry out the purposes of the Legal Services Corporation*
22 *Act of 1974, \$465,000,000, of which \$425,500,000 is for*
23 *basic field programs and required independent audits;*
24 *\$5,500,000 is for the Office of Inspector General, of which*
25 *such amounts as may be necessary may be used to conduct*

1 *additional audits of recipients; \$23,000,000 is for manage-*
2 *ment and grants oversight; \$4,250,000 is for client self-help*
3 *and information technology; \$4,750,000 is for a Pro Bono*
4 *Innovation Fund; and \$2,000,000 is for loan repayment as-*
5 *sistance: Provided, That the Legal Services Corporation*
6 *may continue to provide locality pay to officers and em-*
7 *ployees at a rate no greater than that provided by the Fed-*
8 *eral Government to Washington, DC-based employees as au-*
9 *thorized by section 5304 of title 5, United States Code, not-*
10 *withstanding section 1005(d) of the Legal Services Corpora-*
11 *tion Act (42 U.S.C. 2996d(d)): Provided further, That the*
12 *authorities provided in section 205 of this Act shall be ap-*
13 *plicable to the Legal Services Corporation: Provided fur-*
14 *ther, That, for the purposes of section 505 of this Act, the*
15 *Legal Services Corporation shall be considered an agency*
16 *of the United States Government.*

17 *ADMINISTRATIVE PROVISION—LEGAL SERVICES*

18 *CORPORATION*

19 *None of the funds appropriated in this Act to the Legal*
20 *Services Corporation shall be expended for any purpose pro-*
21 *hibited or limited by, or contrary to any of the provisions*
22 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*
23 *105–119, and all funds appropriated in this Act to the*
24 *Legal Services Corporation shall be subject to the same*
25 *terms and conditions set forth in such sections, except that*

1 *all references in sections 502 and 503 to 1997 and 1998*
2 *shall be deemed to refer instead to 2020 and 2021, respec-*
3 *tively.*

4 *MARINE MAMMAL COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Marine Mammal Com-*
7 *mission as authorized by title II of the Marine Mammal*
8 *Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,769,000.*

9 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Office of the United*
12 *States Trade Representative, including the hire of passenger*
13 *motor vehicles and the employment of experts and consult-*
14 *ants as authorized by section 3109 of title 5, United States*
15 *Code, \$55,000,000, of which \$1,000,000 shall remain avail-*
16 *able until expended: Provided, That of the total amount*
17 *made available under this heading, not to exceed \$124,000*
18 *shall be available for official reception and representation*
19 *expenses.*

20 *TRADE ENFORCEMENT TRUST FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For activities of the United States Trade Representa-*
23 *tive authorized by section 611 of the Trade Facilitation and*
24 *Trade Enforcement Act of 2015 (19 U.S.C. 4405), including*
25 *transfers, \$15,000,000, to be derived from the Trade En-*

1 *forcement Trust Fund: Provided, That any transfer pursu-*
2 *ant to subsection (d)(1) of such section shall be treated as*
3 *a reprogramming under section 505 of this Act.*

4 *STATE JUSTICE INSTITUTE*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the State Justice Institute,*
7 *as authorized by the State Justice Institute Act of 1984 (42*
8 *U.S.C. 10701 et seq.) \$7,000,000, of which \$500,000 shall*
9 *remain available until September 30, 2022: Provided, That*
10 *not to exceed \$2,250 shall be available for official reception*
11 *and representation expenses: Provided further, That, for the*
12 *purposes of section 505 of this Act, the State Justice Insti-*
13 *tute shall be considered an agency of the United States Gov-*
14 *ernment.*

15 *TITLE V*

16 *GENERAL PROVISIONS*

17 *(INCLUDING RESCISSIONS)*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 501. No part of any appropriation contained in*
20 *this Act shall be used for publicity or propaganda purposes*
21 *not authorized by the Congress.*

22 *SEC. 502. No part of any appropriation contained in*
23 *this Act shall remain available for obligation beyond the*
24 *current fiscal year unless expressly so provided herein.*

1 *SEC. 503. The expenditure of any appropriation under*
2 *this Act for any consulting service through procurement*
3 *contract, pursuant to section 3109 of title 5, United States*
4 *Code, shall be limited to those contracts where such expendi-*
5 *tures are a matter of public record and available for public*
6 *inspection, except where otherwise provided under existing*
7 *law, or under existing Executive order issued pursuant to*
8 *existing law.*

9 *SEC. 504. If any provision of this Act or the applica-*
10 *tion of such provision to any person or circumstances shall*
11 *be held invalid, the remainder of the Act and the applica-*
12 *tion of each provision to persons or circumstances other*
13 *than those as to which it is held invalid shall not be affected*
14 *thereby.*

15 *SEC. 505. None of the funds provided under this Act,*
16 *or provided under previous appropriations Acts to the agen-*
17 *cies funded by this Act that remain available for obligation*
18 *or expenditure in fiscal year 2021, or provided from any*
19 *accounts in the Treasury of the United States derived by*
20 *the collection of fees available to the agencies funded by this*
21 *Act, shall be available for obligation or expenditure through*
22 *a reprogramming of funds that: (1) creates or initiates a*
23 *new program, project, or activity; (2) eliminates a pro-*
24 *gram, project, or activity; (3) increases funds or personnel*
25 *by any means for any project or activity for which funds*

1 *have been denied or restricted; (4) relocates an office or em-*
2 *ployees; (5) reorganizes or renames offices, programs, or ac-*
3 *tivities; (6) contracts out or privatizes any functions or ac-*
4 *tivities presently performed by Federal employees; (7) aug-*
5 *ments existing programs, projects, or activities in excess of*
6 *\$500,000 or 10 percent, whichever is less, or reduces by 10*
7 *percent funding for any program, project, or activity, or*
8 *numbers of personnel by 10 percent; or (8) results from any*
9 *general savings, including savings from a reduction in per-*
10 *sonnel, which would result in a change in existing pro-*
11 *grams, projects, or activities as approved by Congress; un-*
12 *less the House and Senate Committees on Appropriations*
13 *are notified 15 days in advance of such reprogramming of*
14 *funds.*

15 *SEC. 506. (a) If it has been finally determined by a*
16 *court or Federal agency that any person intentionally af-*
17 *fixed a label bearing a “Made in America” inscription, or*
18 *any inscription with the same meaning, to any product sold*
19 *in or shipped to the United States that is not made in the*
20 *United States, the person shall be ineligible to receive any*
21 *contract or subcontract made with funds made available in*
22 *this Act, pursuant to the debarment, suspension, and ineli-*
23 *gibility procedures described in sections 9.400 through*
24 *9.409 of title 48, Code of Federal Regulations.*

1 (b)(1) *To the extent practicable, with respect to author-*
2 *ized purchases of promotional items, funds made available*
3 *by this Act shall be used to purchase items that are manu-*
4 *factured, produced, or assembled in the United States, its*
5 *territories or possessions.*

6 (2) *The term “promotional items” has the meaning*
7 *given the term in OMB Circular A–87, Attachment B, Item*
8 *(1)(f)(3).*

9 SEC. 507. (a) *The Departments of Commerce and Jus-*
10 *tice, the National Science Foundation, and the National*
11 *Aeronautics and Space Administration shall provide to the*
12 *Committees on Appropriations of the House of Representa-*
13 *tives and the Senate a quarterly report on the status of bal-*
14 *ances of appropriations at the account level. For unobli-*
15 *gated, uncommitted balances and unobligated, committed*
16 *balances the quarterly reports shall separately identify the*
17 *amounts attributable to each source year of appropriation*
18 *from which the balances were derived. For balances that are*
19 *obligated, but unexpended, the quarterly reports shall sepa-*
20 *rately identify amounts by the year of obligation.*

21 (b) *The report described in subsection (a) shall be sub-*
22 *mitted within 30 days of the end of each quarter.*

23 (c) *If a department or agency is unable to fulfill any*
24 *aspect of a reporting requirement described in subsection*
25 *(a) due to a limitation of a current accounting system, the*

1 department or agency shall fulfill such aspect to the max-
2 imum extent practicable under such accounting system and
3 shall identify and describe in each quarterly report the ex-
4 tent to which such aspect is not fulfilled.

5 SEC. 508. Any costs incurred by a department or agen-
6 cy funded under this Act resulting from, or to prevent, per-
7 sonnel actions taken in response to funding reductions in-
8 cluded in this Act shall be absorbed within the total budg-
9 etary resources available to such department or agency:
10 Provided, That the authority to transfer funds between ap-
11 propriations accounts as may be necessary to carry out this
12 section is provided in addition to authorities included else-
13 where in this Act: Provided further, That use of funds to
14 carry out this section shall be treated as a reprogramming
15 of funds under section 505 of this Act and shall not be avail-
16 able for obligation or expenditure except in compliance with
17 the procedures set forth in that section: Provided further,
18 That for the Department of Commerce, this section shall
19 also apply to actions taken for the care and protection of
20 loan collateral or grant property.

21 SEC. 509. None of the funds provided by this Act shall
22 be available to promote the sale or export of tobacco or to-
23 bacco products, or to seek the reduction or removal by any
24 foreign country of restrictions on the marketing of tobacco
25 or tobacco products, except for restrictions which are not

1 *applied equally to all tobacco or tobacco products of the*
2 *same type.*

3 *SEC. 510. Notwithstanding any other provision of law,*
4 *amounts deposited or available in the Fund established by*
5 *section 1402 of chapter XIV of title II of Public Law 98–*
6 *473 (34 U.S.C. 20101) in any fiscal year in excess of*
7 *\$2,015,000,000 shall not be available for obligation until*
8 *the following fiscal year: Provided, That notwithstanding*
9 *section 1402(d) of such Act, of the amounts available from*
10 *the Fund for obligation: (1) \$10,000,000 shall be transferred*
11 *to the Department of Justice Office of Inspector General*
12 *and remain available until expended for oversight and au-*
13 *diting purposes associated with this section; and (2) 5 per-*
14 *cent shall be available to the Office for Victims of Crime*
15 *for grants, consistent with the requirements of the Victims*
16 *of Crime Act, to Indian Tribes to improve services for vic-*
17 *tims of crime.*

18 *SEC. 511. None of the funds made available to the De-*
19 *partment of Justice in this Act may be used to discriminate*
20 *against or denigrate the religious or moral beliefs of stu-*
21 *dents who participate in programs for which financial as-*
22 *sistance is provided from those funds, or of the parents or*
23 *legal guardians of such students.*

24 *SEC. 512. None of the funds made available in this*
25 *Act may be transferred to any department, agency, or in-*

1 *strumentality of the United States Government, except pur-*
2 *suant to a transfer made by, or transfer authority provided*
3 *in, this Act or any other appropriations Act.*

4 *SEC. 513. (a) The Inspectors General of the Depart-*
5 *ment of Commerce, the Department of Justice, the National*
6 *Aeronautics and Space Administration, the National*
7 *Science Foundation, and the Legal Services Corporation*
8 *shall conduct audits, pursuant to the Inspector General Act*
9 *(5 U.S.C. App.), of grants or contracts for which funds are*
10 *appropriated by this Act, and shall submit reports to Con-*
11 *gress on the progress of such audits, which may include pre-*
12 *liminary findings and a description of areas of particular*
13 *interest, within 180 days after initiating such an audit and*
14 *every 180 days thereafter until any such audit is completed.*

15 *(b) Within 60 days after the date on which an audit*
16 *described in subsection (a) by an Inspector General is com-*
17 *pleted, the Secretary, Attorney General, Administrator, Di-*
18 *rector, or President, as appropriate, shall make the results*
19 *of the audit available to the public on the Internet website*
20 *maintained by the Department, Administration, Founda-*
21 *tion, or Corporation, respectively. The results shall be made*
22 *available in redacted form to exclude—*

23 *(1) any matter described in section 552(b) of*
24 *title 5, United States Code; and*

1 (2) *sensitive personal information for any indi-*
2 *vidual, the public access to which could be used to*
3 *commit identity theft or for other inappropriate or*
4 *unlawful purposes.*

5 (c) *Any person awarded a grant or contract funded*
6 *by amounts appropriated by this Act shall submit a state-*
7 *ment to the Secretary of Commerce, the Attorney General,*
8 *the Administrator, Director, or President, as appropriate,*
9 *certifying that no funds derived from the grant or contract*
10 *will be made available through a subcontract or in any*
11 *other manner to another person who has a financial interest*
12 *in the person awarded the grant or contract.*

13 (d) *The provisions of the preceding subsections of this*
14 *section shall take effect 30 days after the date on which the*
15 *Director of the Office of Management and Budget, in con-*
16 *sultation with the Director of the Office of Government Eth-*
17 *ics, determines that a uniform set of rules and requirements,*
18 *substantially similar to the requirements in such sub-*
19 *sections, consistently apply under the executive branch eth-*
20 *ics program to all Federal departments, agencies, and enti-*
21 *ties.*

22 SEC. 514. (a) *None of the funds appropriated or other-*
23 *wise made available under this Act may be used by the De-*
24 *partments of Commerce and Justice, the National Aero-*
25 *nautics and Space Administration, or the National Science*

1 *Foundation to acquire a high-impact or moderate-impact*
2 *information system, as defined for security categorization*
3 *in the National Institute of Standards and Technology’s*
4 *(NIST) Federal Information Processing Standard Publica-*
5 *tion 199, “Standards for Security Categorization of Federal*
6 *Information and Information Systems” unless the agency*
7 *has—*

8 (1) *reviewed the supply chain risk for the infor-*
9 *mation systems against criteria developed by NIST*
10 *and the Federal Bureau of Investigation (FBI) to in-*
11 *form acquisition decisions for high-impact and mod-*
12 *erate-impact information systems within the Federal*
13 *Government;*

14 (2) *reviewed the supply chain risk from the pre-*
15 *sumptive awardee against available and relevant*
16 *threat information provided by the FBI and other ap-*
17 *propriate agencies; and*

18 (3) *in consultation with the FBI or other appro-*
19 *priate Federal entity, conducted an assessment of any*
20 *risk of cyber-espionage or sabotage associated with the*
21 *acquisition of such system, including any risk associ-*
22 *ated with such system being produced, manufactured,*
23 *or assembled by one or more entities identified by the*
24 *United States Government as posing a cyber threat,*
25 *including but not limited to, those that may be*

1 *owned, directed, or subsidized by the People’s Repub-*
2 *lic of China, the Islamic Republic of Iran, the Demo-*
3 *cratic People’s Republic of Korea, or the Russian Fed-*
4 *eration.*

5 *(b) None of the funds appropriated or otherwise made*
6 *available under this Act may be used to acquire a high-*
7 *impact or moderate-impact information system reviewed*
8 *and assessed under subsection (a) unless the head of the as-*
9 *sessing entity described in subsection (a) has—*

10 *(1) developed, in consultation with NIST, the*
11 *FBI, and supply chain risk management experts, a*
12 *mitigation strategy for any identified risks;*

13 *(2) determined, in consultation with NIST and*
14 *the FBI, that the acquisition of such system is in the*
15 *national interest of the United States; and*

16 *(3) reported that determination to the Commit-*
17 *tees on Appropriations of the House of Representa-*
18 *tives and the Senate and the agency Inspector Gen-*
19 *eral.*

20 *SEC. 515. None of the funds made available in this*
21 *Act shall be used in any way whatsoever to support or jus-*
22 *tify the use of torture by any official or contract employee*
23 *of the United States Government.*

1 *SEC. 516. None of the funds made available in this*
2 *Act may be used to include in any new bilateral or multi-*
3 *lateral trade agreement the text of—*

4 (1) *paragraph 2 of article 16.7 of the United*
5 *States–Singapore Free Trade Agreement;*

6 (2) *paragraph 4 of article 17.9 of the United*
7 *States–Australia Free Trade Agreement; or*

8 (3) *paragraph 4 of article 15.9 of the United*
9 *States–Morocco Free Trade Agreement.*

10 *SEC. 517. None of the funds made available in this*
11 *Act may be used to authorize or issue a national security*
12 *letter in contravention of any of the following laws author-*
13 *izing the Federal Bureau of Investigation to issue national*
14 *security letters: The Right to Financial Privacy Act of*
15 *1978; The Electronic Communications Privacy Act of 1986;*
16 *The Fair Credit Reporting Act; The National Security Act*
17 *of 1947; USA PATRIOT Act; USA FREEDOM Act of*
18 *2015; and the laws amended by these Acts.*

19 *SEC. 518. If at any time during any quarter, the pro-*
20 *gram manager of a project within the jurisdiction of the*
21 *Departments of Commerce or Justice, the National Aero-*
22 *nautics and Space Administration, or the National Science*
23 *Foundation totaling more than \$75,000,000 has reasonable*
24 *cause to believe that the total program cost has increased*
25 *by 10 percent or more, the program manager shall imme-*

1 *diately inform the respective Secretary, Administrator, or*
2 *Director. The Secretary, Administrator, or Director shall*
3 *notify the House and Senate Committees on Appropriations*
4 *within 30 days in writing of such increase, and shall in-*
5 *clude in such notice: the date on which such determination*
6 *was made; a statement of the reasons for such increases;*
7 *the action taken and proposed to be taken to control future*
8 *cost growth of the project; changes made in the performance*
9 *or schedule milestones and the degree to which such changes*
10 *have contributed to the increase in total program costs or*
11 *procurement costs; new estimates of the total project or pro-*
12 *curement costs; and a statement validating that the project's*
13 *management structure is adequate to control total project*
14 *or procurement costs.*

15 *SEC. 519. Funds appropriated by this Act, or made*
16 *available by the transfer of funds in this Act, for intelligence*
17 *or intelligence related activities are deemed to be specifi-*
18 *cally authorized by the Congress for purposes of section 504*
19 *of the National Security Act of 1947 (50 U.S.C. 3094) dur-*
20 *ing fiscal year 2021 until the enactment of the Intelligence*
21 *Authorization Act for fiscal year 2021.*

22 *SEC. 520. None of the funds appropriated or otherwise*
23 *made available by this Act may be used to enter into a*
24 *contract in an amount greater than \$5,000,000 or to award*
25 *a grant in excess of such amount unless the prospective con-*

1 *tractor or grantee certifies in writing to the agency award-*
2 *ing the contract or grant that, to the best of its knowledge*
3 *and belief, the contractor or grantee has filed all Federal*
4 *tax returns required during the three years preceding the*
5 *certification, has not been convicted of a criminal offense*
6 *under the Internal Revenue Code of 1986, and has not, more*
7 *than 90 days prior to certification, been notified of any*
8 *unpaid Federal tax assessment for which the liability re-*
9 *mains unsatisfied, unless the assessment is the subject of*
10 *an installment agreement or offer in compromise that has*
11 *been approved by the Internal Revenue Service and is not*
12 *in default, or the assessment is the subject of a non-frivolous*
13 *administrative or judicial proceeding.*

14 *(RESCISSIONS)*

15 *SEC. 521. (a) Of the unobligated balances from prior*
16 *year appropriations available to the Department of Com-*
17 *merce, the following funds are hereby permanently re-*
18 *scinded, not later than September 30, 2021, from the fol-*
19 *lowing accounts in the specified amounts—*

20 *(1) “Economic Development Administration,*
21 *Economic Development Assistance Programs”,*
22 *\$10,000,000; and*

23 *(2) “National Oceanic and Atmospheric Admin-*
24 *istration, Fisheries Enforcement Asset Forfeiture*
25 *Fund”, \$5,000,000.*

1 (b) *Of the unobligated balances available to the De-*
2 *partment of Justice, the following funds are hereby perma-*
3 *nently rescinded, not later than September 30, 2021, from*
4 *the following accounts in the specified amounts—*

5 (1) *“Working Capital Fund”, \$188,000,000;*

6 (2) *“Federal Bureau of Investigation, Salaries*
7 *and Expenses”, \$80,000,000 including from, but not*
8 *limited to, fees collected to defray expenses for the au-*
9 *tomation of fingerprint identification and criminal*
10 *justice information services and associated costs;*

11 (3) *“State and Local Law Enforcement Activi-*
12 *ties, Office of Justice Programs”, \$127,000,000; and*

13 (4) *“State and Local Law Enforcement Activi-*
14 *ties, Community Oriented Policing Services”,*
15 *\$15,000,000.*

16 (c) *The Departments of Commerce and Justice shall*
17 *submit to the Committees on Appropriations of the House*
18 *of Representatives and the Senate a report no later than*
19 *September 1, 2021, specifying the amount of each rescission*
20 *made pursuant to subsections (a) and (b).*

21 (d) *The amounts rescinded in subsections (a) and (b)*
22 *shall not be from amounts that were designated by the Con-*
23 *gress as an emergency or disaster relief requirement pursu-*
24 *ant to the concurrent resolution on the budget or the Bal-*
25 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *SEC. 522. None of the funds made available in this*
2 *Act may be used to purchase first class or premium airline*
3 *travel in contravention of sections 301–10.122 through 301–*
4 *10.124 of title 41 of the Code of Federal Regulations.*

5 *SEC. 523. None of the funds made available in this*
6 *Act may be used to send or otherwise pay for the attendance*
7 *of more than 50 employees from a Federal department or*
8 *agency, who are stationed in the United States, at any sin-*
9 *gle conference occurring outside the United States unless—*

10 *(1) such conference is a law enforcement training*
11 *or operational conference for law enforcement per-*
12 *sonnel and the majority of Federal employees in at-*
13 *tendance are law enforcement personnel stationed out-*
14 *side the United States; or*

15 *(2) such conference is a scientific conference and*
16 *the department or agency head determines that such*
17 *attendance is in the national interest and notifies the*
18 *Committees on Appropriations of the House of Rep-*
19 *resentatives and the Senate within at least 15 days*
20 *of that determination and the basis for that deter-*
21 *mination.*

22 *SEC. 524. The Director of the Office of Management*
23 *and Budget shall instruct any department, agency, or in-*
24 *strumentality of the United States receiving funds appro-*
25 *priated under this Act to track undisbursed balances in ex-*

1 *pired grant accounts and include in its annual performance*
2 *plan and performance and accountability reports the fol-*
3 *lowing:*

4 (1) *Details on future action the department,*
5 *agency, or instrumentality will take to resolve*
6 *undisbursed balances in expired grant accounts.*

7 (2) *The method that the department, agency, or*
8 *instrumentality uses to track undisbursed balances in*
9 *expired grant accounts.*

10 (3) *Identification of undisbursed balances in ex-*
11 *pired grant accounts that may be returned to the*
12 *Treasury of the United States.*

13 (4) *In the preceding 3 fiscal years, details on the*
14 *total number of expired grant accounts with*
15 *undisbursed balances (on the first day of each fiscal*
16 *year) for the department, agency, or instrumentality*
17 *and the total finances that have not been obligated to*
18 *a specific project remaining in the accounts.*

19 *SEC. 525. To the extent practicable, funds made avail-*
20 *able in this Act should be used to purchase light bulbs that*
21 *are “Energy Star” qualified or have the “Federal Energy*
22 *Management Program” designation.*

23 *SEC. 526. (a) None of the funds made available by this*
24 *Act may be used for the National Aeronautics and Space*
25 *Administration (NASA), the Office of Science and Tech-*

1 *nology Policy (OSTP), or the National Space Council*
2 *(NSC) to develop, design, plan, promulgate, implement, or*
3 *execute a bilateral policy, program, order, or contract of*
4 *any kind to participate, collaborate, or coordinate bilat-*
5 *erally in any way with China or any Chinese-owned com-*
6 *pany unless such activities are specifically authorized by*
7 *a law enacted after the date of enactment of this Act.*

8 *(b) None of the funds made available by this Act may*
9 *be used to effectuate the hosting of official Chinese visitors*
10 *at facilities belonging to or utilized by NASA.*

11 *(c) The limitations described in subsections (a) and*
12 *(b) shall not apply to activities which NASA, OSTP, or*
13 *NSC, after consultation with the Federal Bureau of Inves-*
14 *tigation, have certified—*

15 *(1) pose no risk of resulting in the transfer of*
16 *technology, data, or other information with national*
17 *security or economic security implications to China*
18 *or a Chinese-owned company; and*

19 *(2) will not involve knowing interactions with*
20 *officials who have been determined by the United*
21 *States to have direct involvement with violations of*
22 *human rights.*

23 *(d) Any certification made under subsection (c) shall*
24 *be submitted to the Committees on Appropriations of the*
25 *House of Representatives and the Senate, and the Federal*

1 *Bureau of Investigation, no later than 30 days prior to the*
2 *activity in question and shall include a description of the*
3 *purpose of the activity, its agenda, its major participants,*
4 *and its location and timing.*

5 *SEC. 527. (a) None of the funds made available in this*
6 *Act may be used to maintain or establish a computer net-*
7 *work unless such network blocks the viewing, downloading,*
8 *and exchanging of pornography.*

9 *(b) Nothing in subsection (a) shall limit the use of*
10 *funds necessary for any Federal, State, Tribal, or local law*
11 *enforcement agency or any other entity carrying out crimi-*
12 *nal investigations, prosecution, adjudication, or other law*
13 *enforcement- or victim assistance-related activity.*

14 *SEC. 528. The Departments of Commerce and Justice,*
15 *the National Aeronautics and Space Administration, the*
16 *National Science Foundation, the Commission on Civil*
17 *Rights, the Equal Employment Opportunity Commission,*
18 *the International Trade Commission, the Legal Services*
19 *Corporation, the Marine Mammal Commission, the Offices*
20 *of Science and Technology Policy and the United States*
21 *Trade Representative, the National Space Council, and the*
22 *State Justice Institute shall submit spending plans, signed*
23 *by the respective department or agency head, to the Com-*
24 *mittees on Appropriations of the House of Representatives*

1 *and the Senate not later than 45 days after the date of en-*
2 *actment of this Act.*

3 *SEC. 529. Notwithstanding any other provision of this*
4 *Act, none of the funds appropriated or otherwise made*
5 *available by this Act may be used to pay award or incentive*
6 *fees for contractor performance that has been judged to be*
7 *below satisfactory performance or for performance that does*
8 *not meet the basic requirements of a contract.*

9 *SEC. 530. None of the funds made available by this*
10 *Act may be used in contravention of section 7606 (“Legit-*
11 *imacy of Industrial Hemp Research”) of the Agricultural*
12 *Act of 2014 (Public Law 113–79) by the Department of Jus-*
13 *tice or the Drug Enforcement Administration.*

14 *SEC. 531. None of the funds made available under this*
15 *Act to the Department of Justice may be used, with respect*
16 *to any of the States of Alabama, Alaska, Arizona, Arkansas,*
17 *California, Colorado, Connecticut, Delaware, Florida, Geor-*
18 *gia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana,*
19 *Maine, Maryland, Massachusetts, Michigan, Minnesota,*
20 *Mississippi, Missouri, Montana, Nevada, New Hampshire,*
21 *New Jersey, New Mexico, New York, North Carolina, North*
22 *Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Is-*
23 *land, South Carolina, South Dakota, Tennessee, Texas,*
24 *Utah, Vermont, Virginia, Washington, West Virginia, Wis-*
25 *consin, and Wyoming, or with respect to the District of Co-*

1 *lumbia, the Commonwealth of the Northern Mariana Is-*
2 *lands, the United States Virgin Islands, Guam, or Puerto*
3 *Rico, to prevent any of them from implementing their own*
4 *laws that authorize the use, distribution, possession, or cul-*
5 *tivation of medical marijuana.*

6 *SEC. 532. The Department of Commerce, the National*
7 *Aeronautics and Space Administration, and the National*
8 *Science Foundation shall provide a quarterly report to the*
9 *Committees on Appropriations of the House of Representa-*
10 *tives and the Senate on any official travel to China by any*
11 *employee of such Department or agency, including the pur-*
12 *pose of such travel.*

13 *SEC. 533. None of the funds provided in this Act shall*
14 *be available for obligation for the James Webb Space Tele-*
15 *scope (JWST) after December 31, 2021, if the individual*
16 *identified under subsection (c)(2)(E) of section 30104 of*
17 *title 51, United States Code, as responsible for JWST deter-*
18 *mines that the formulation and development costs (with de-*
19 *velopment cost as defined under section 30104 of title 51,*
20 *United States Code) are likely to exceed \$8,802,700,000, un-*
21 *less the program is modified so that the costs do not exceed*
22 *\$8,802,700,000.*

23 *SEC. 534. Of the amounts made available by this Act,*
24 *not less than 10 percent of each total amount provided, re-*
25 *spectively, for Public Works grants authorized by the Public*

1 *Works and Economic Development Act of 1965 and grants*
2 *authorized by section 27 of the Stevenson-Wydler Tech-*
3 *nology Innovation Act of 1980 (15 U.S.C. 3722) shall be*
4 *allocated for assistance in persistent poverty counties: Pro-*
5 *vided, That for purposes of this section, the term “persistent*
6 *poverty counties” means any county that has had 20 per-*
7 *cent or more of its population living in poverty over the*
8 *past 30 years, as measured by the 1990 and 2000 decennial*
9 *censuses and the most recent Small Area Income and Pov-*
10 *erty Estimates, or any Territory or possession of the United*
11 *States.*

12 *SEC. 535. None of the funds appropriated or otherwise*
13 *made available in this or any other Act may be used to*
14 *transfer, release, or assist in the transfer or release to or*
15 *within the United States, its territories, or possessions*
16 *Khalid Sheikh Mohammed or any other detainee who—*

17 *(1) is not a United States citizen or a member*
18 *of the Armed Forces of the United States; and*

19 *(2) is or was held on or after June 24, 2009, at*
20 *the United States Naval Station, Guantanamo Bay,*
21 *Cuba, by the Department of Defense.*

22 *SEC. 536. (a) None of the funds appropriated or other-*
23 *wise made available in this or any other Act may be used*
24 *to construct, acquire, or modify any facility in the United*
25 *States, its territories, or possessions to house any individual*

1 *described in subsection (c) for the purposes of detention or*
2 *imprisonment in the custody or under the effective control*
3 *of the Department of Defense.*

4 *(b) The prohibition in subsection (a) shall not apply*
5 *to any modification of facilities at United States Naval*
6 *Station, Guantanamo Bay, Cuba.*

7 *(c) An individual described in this subsection is any*
8 *individual who, as of June 24, 2009, is located at United*
9 *States Naval Station, Guantanamo Bay, Cuba, and who—*

10 *(1) is not a citizen of the United States or a*
11 *member of the Armed Forces of the United States; and*

12 *(2) is—*

13 *(A) in the custody or under the effective*
14 *control of the Department of Defense; or*

15 *(B) otherwise under detention at United*
16 *States Naval Station, Guantanamo Bay, Cuba.*

17 *SEC. 537. (a) Notwithstanding any other provision of*
18 *law or treaty, none of the funds appropriated or otherwise*
19 *made available under this Act or any other Act may be*
20 *expended or obligated by a department, agency, or instru-*
21 *mentality of the United States to pay administrative ex-*
22 *penses or to compensate an officer or employee of the United*
23 *States in connection with requiring an export license for*
24 *the export to Canada of components, parts, accessories or*
25 *attachments for firearms listed in Category I, section 121.1*

1 *of title 22, Code of Federal Regulations (International Traf-*
2 *ficking in Arms Regulations (ITAR), part 121, as it existed*
3 *on April 1, 2005) with a total value not exceeding \$500*
4 *wholesale in any transaction, provided that the conditions*
5 *of subsection (b) of this section are met by the exporting*
6 *party for such articles.*

7 *(b) The foregoing exemption from obtaining an export*
8 *license—*

9 *(1) does not exempt an exporter from filing any*
10 *Shipper's Export Declaration or notification letter re-*
11 *quired by law, or from being otherwise eligible under*
12 *the laws of the United States to possess, ship, trans-*
13 *port, or export the articles enumerated in subsection*
14 *(a); and*

15 *(2) does not permit the export without a license*
16 *of—*

17 *(A) fully automatic firearms and compo-*
18 *nents and parts for such firearms, other than for*
19 *end use by the Federal Government, or a Provin-*
20 *cial or Municipal Government of Canada;*

21 *(B) barrels, cylinders, receivers (frames) or*
22 *complete breech mechanisms for any firearm list-*
23 *ed in Category I, other than for end use by the*
24 *Federal Government, or a Provincial or Munic-*
25 *ipal Government of Canada; or*

1 (C) articles for export from Canada to an-
2 other foreign destination.

3 (c) In accordance with this section, the District Direc-
4 tors of Customs and postmasters shall permit the permanent
5 or temporary export without a license of any unclassified
6 articles specified in subsection (a) to Canada for end use
7 in Canada or return to the United States, or temporary
8 import of Canadian-origin items from Canada for end use
9 in the United States or return to Canada for a Canadian
10 citizen.

11 (d) The President may require export licenses under
12 this section on a temporary basis if the President deter-
13 mines, upon publication first in the Federal Register, that
14 the Government of Canada has implemented or maintained
15 inadequate import controls for the articles specified in sub-
16 section (a), such that a significant diversion of such articles
17 has and continues to take place for use in international
18 terrorism or in the escalation of a conflict in another na-
19 tion. The President shall terminate the requirements of a
20 license when reasons for the temporary requirements have
21 ceased.

22 SEC. 538. Notwithstanding any other provision of law,
23 no department, agency, or instrumentality of the United
24 States receiving appropriated funds under this Act or any
25 other Act shall obligate or expend in any way such funds

1 *to pay administrative expenses or the compensation of any*
2 *officer or employee of the United States to deny any appli-*
3 *cation submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and*
4 *qualified pursuant to 27 CFR section 478.112 or .113, for*
5 *a permit to import United States origin “curios or relics”*
6 *firearms, parts, or ammunition.*

7 *SEC. 539. None of the funds made available by this*
8 *Act may be used to pay the salaries or expenses of personnel*
9 *to deny, or fail to act on, an application for the importation*
10 *of any model of shotgun if—*

11 *(1) all other requirements of law with respect to*
12 *the proposed importation are met; and*

13 *(2) no application for the importation of such*
14 *model of shotgun, in the same configuration, had been*
15 *denied by the Attorney General prior to January 1,*
16 *2011, on the basis that the shotgun was not particu-*
17 *larly suitable for or readily adaptable to sporting*
18 *purposes.*

19 *SEC. 540. None of the funds made available by this*
20 *Act may be obligated or expended to implement the Arms*
21 *Trade Treaty until the Senate approves a resolution of rati-*
22 *fication for the Treaty.*

23 *SEC. 541. For an additional amount for “United*
24 *States Marshals Service, Federal Prisoner Detention”,*
25 *\$125,000,000, to remain available until expended, to pre-*

1 *vent, prepare for, and respond to coronavirus, domestically*
2 *or internationally, including for necessary expenses related*
3 *to United States prisoners in the custody of the United*
4 *States Marshals Service, to be used only as authorized by*
5 *section 4013 of title 18, United States Code: Provided, That*
6 *such amount is designated by the Congress as being for an*
7 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
8 *of the Balanced Budget and Emergency Deficit Control Act*
9 *of 1985.*

10 *SEC. 542. For an additional amount for “Federal Bu-*
11 *reau of Investigation, Salaries and Expenses”,*
12 *\$179,000,000, to remain available until September 30,*
13 *2022, to prevent, prepare for, and respond to coronavirus,*
14 *domestically or internationally, including the impact of*
15 *coronavirus on the work of the Department of Justice, to*
16 *make necessary improvements to the National Instant*
17 *Criminal Background Check System, and to offset the loss*
18 *resulting from the coronavirus pandemic of fees collected*
19 *pursuant to section 41104 of title 34, United States Code:*
20 *Provided, That such amount is designated by the Congress*
21 *as being for an emergency requirement pursuant to section*
22 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985.*

24 *SEC. 543. For an additional amount for “Federal*
25 *Prison System, Salaries and Expenses”, \$300,000,000, to*

1 *remain available until September 30, 2022, to prevent, pre-*
2 *pare for, and respond to coronavirus, domestically or inter-*
3 *nationally, including the impact of coronavirus on the work*
4 *of the Department of Justice: Provided, That such amount*
5 *is designated by the Congress as being for an emergency*
6 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
7 *anced Budget and Emergency Deficit Control Act of 1985.*

8 *This division may be cited as the “Commerce, Justice,*
9 *Science, and Related Agencies Appropriations Act, 2021”.*

10 ***DIVISION C—DEPARTMENT OF DEFENSE***
11 ***APPROPRIATIONS ACT, 2021***

12 ***TITLE I***

13 ***MILITARY PERSONNEL***

14 ***MILITARY PERSONNEL, ARMY***

15 *For pay, allowances, individual clothing, subsistence,*
16 *interest on deposits, gratuities, permanent change of station*
17 *travel (including all expenses thereof for organizational*
18 *movements), and expenses of temporary duty travel between*
19 *permanent duty stations, for members of the Army on active*
20 *duty (except members of reserve components provided for*
21 *elsewhere), cadets, and aviation cadets; for members of the*
22 *Reserve Officers’ Training Corps; and for payments pursu-*
23 *ant to section 156 of Public Law 97–377, as amended (42*
24 *U.S.C. 402 note), and to the Department of Defense Mili-*
25 *tary Retirement Fund, \$44,861,853,000.*

1 *MILITARY PERSONNEL, NAVY*

2 *For pay, allowances, individual clothing, subsistence,*
3 *interest on deposits, gratuities, permanent change of station*
4 *travel (including all expenses thereof for organizational*
5 *movements), and expenses of temporary duty travel between*
6 *permanent duty stations, for members of the Navy on active*
7 *duty (except members of the Reserve provided for elsewhere),*
8 *midshipmen, and aviation cadets; for members of the Re-*
9 *serve Officers' Training Corps; and for payments pursuant*
10 *to section 156 of Public Law 97-377, as amended (42*
11 *U.S.C. 402 note), and to the Department of Defense Mili-*
12 *tary Retirement Fund, \$33,764,579,000.*

13 *MILITARY PERSONNEL, MARINE CORPS*

14 *For pay, allowances, individual clothing, subsistence,*
15 *interest on deposits, gratuities, permanent change of station*
16 *travel (including all expenses thereof for organizational*
17 *movements), and expenses of temporary duty travel between*
18 *permanent duty stations, for members of the Marine Corps*
19 *on active duty (except members of the Reserve provided for*
20 *elsewhere); and for payments pursuant to section 156 of*
21 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*
22 *to the Department of Defense Military Retirement Fund,*
23 *\$14,557,436,000.*

1 *MILITARY PERSONNEL, AIR FORCE*

2 *For pay, allowances, individual clothing, subsistence,*
3 *interest on deposits, gratuities, permanent change of station*
4 *travel (including all expenses thereof for organizational*
5 *movements), and expenses of temporary duty travel between*
6 *permanent duty stations, for members of the Air Force on*
7 *active duty (except members of reserve components provided*
8 *for elsewhere), cadets, and aviation cadets; for members of*
9 *the Reserve Officers' Training Corps; and for payments*
10 *pursuant to section 156 of Public Law 97-377, as amended*
11 *(42 U.S.C. 402 note), and to the Department of Defense*
12 *Military Retirement Fund, \$32,784,171,000.*

13 *RESERVE PERSONNEL, ARMY*

14 *For pay, allowances, clothing, subsistence, gratuities,*
15 *travel, and related expenses for personnel of the Army Re-*
16 *serve on active duty under sections 10211, 10302, and 7038*
17 *of title 10, United States Code, or while serving on active*
18 *duty under section 12301(d) of title 10, United States Code,*
19 *in connection with performing duty specified in section*
20 *12310(a) of title 10, United States Code, or while under-*
21 *going reserve training, or while performing drills or equiva-*
22 *lent duty or other duty, and expenses authorized by section*
23 *16131 of title 10, United States Code; and for payments*
24 *to the Department of Defense Military Retirement Fund,*
25 *\$5,037,119,000.*

1 *RESERVE PERSONNEL, NAVY*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Navy Re-*
4 *serve on active duty under section 10211 of title 10, United*
5 *States Code, or while serving on active duty under section*
6 *12301(d) of title 10, United States Code, in connection with*
7 *performing duty specified in section 12310(a) of title 10,*
8 *United States Code, or while undergoing reserve training,*
9 *or while performing drills or equivalent duty, and expenses*
10 *authorized by section 16131 of title 10, United States Code;*
11 *and for payments to the Department of Defense Military*
12 *Retirement Fund, \$2,200,600,000.*

13 *RESERVE PERSONNEL, MARINE CORPS*

14 *For pay, allowances, clothing, subsistence, gratuities,*
15 *travel, and related expenses for personnel of the Marine*
16 *Corps Reserve on active duty under section 10211 of title*
17 *10, United States Code, or while serving on active duty*
18 *under section 12301(d) of title 10, United States Code, in*
19 *connection with performing duty specified in section*
20 *12310(a) of title 10, United States Code, or while under-*
21 *going reserve training, or while performing drills or equiva-*
22 *lent duty, and for members of the Marine Corps platoon*
23 *leaders class, and expenses authorized by section 16131 of*
24 *title 10, United States Code; and for payments to the De-*

1 *partment of Defense Military Retirement Fund,*
2 *\$843,564,000.*

3 *RESERVE PERSONNEL, AIR FORCE*

4 *For pay, allowances, clothing, subsistence, gratuities,*
5 *travel, and related expenses for personnel of the Air Force*
6 *Reserve on active duty under sections 10211, 10305, and*
7 *8038 of title 10, United States Code, or while serving on*
8 *active duty under section 12301(d) of title 10, United States*
9 *Code, in connection with performing duty specified in sec-*
10 *tion 12310(a) of title 10, United States Code, or while un-*
11 *dergoing reserve training, or while performing drills or*
12 *equivalent duty or other duty, and expenses authorized by*
13 *section 16131 of title 10, United States Code; and for pay-*
14 *ments to the Department of Defense Military Retirement*
15 *Fund, \$2,193,493,000.*

16 *NATIONAL GUARD PERSONNEL, ARMY*

17 *For pay, allowances, clothing, subsistence, gratuities,*
18 *travel, and related expenses for personnel of the Army Na-*
19 *tional Guard while on duty under sections 10211, 10302,*
20 *or 12402 of title 10 or section 708 of title 32, United States*
21 *Code, or while serving on duty under section 12301(d) of*
22 *title 10 or section 502(f) of title 32, United States Code,*
23 *in connection with performing duty specified in section*
24 *12310(a) of title 10, United States Code, or while under-*
25 *going training, or while performing drills or equivalent*

1 *duty or other duty, and expenses authorized by section*
2 *16131 of title 10, United States Code; and for payments*
3 *to the Department of Defense Military Retirement Fund,*
4 *\$8,663,999,000.*

5 *NATIONAL GUARD PERSONNEL, AIR FORCE*

6 *For pay, allowances, clothing, subsistence, gratuities,*
7 *travel, and related expenses for personnel of the Air Na-*
8 *tional Guard on duty under sections 10211, 10305, or*
9 *12402 of title 10 or section 708 of title 32, United States*
10 *Code, or while serving on duty under section 12301(d) of*
11 *title 10 or section 502(f) of title 32, United States Code,*
12 *in connection with performing duty specified in section*
13 *12310(a) of title 10, United States Code, or while under-*
14 *going training, or while performing drills or equivalent*
15 *duty or other duty, and expenses authorized by section*
16 *16131 of title 10, United States Code; and for payments*
17 *to the Department of Defense Military Retirement Fund,*
18 *\$4,530,091,000.*

19 *TITLE II*

20 *OPERATION AND MAINTENANCE*

21 *OPERATION AND MAINTENANCE, ARMY*

22 *For expenses, not otherwise provided for, necessary for*
23 *the operation and maintenance of the Army, as authorized*
24 *by law, \$38,418,982,000: Provided, That not to exceed*
25 *\$12,478,000 may be used for emergencies and extraordinary*

1 *expenses, to be expended upon the approval or authority*
2 *of the Secretary of the Army, and payments may be made*
3 *upon his certificate of necessity for confidential military*
4 *purposes.*

5 *OPERATION AND MAINTENANCE, NAVY*

6 *For expenses, not otherwise provided for, necessary for*
7 *the operation and maintenance of the Navy and the Marine*
8 *Corps, as authorized by law, \$47,632,527,000: Provided,*
9 *That not to exceed \$15,055,000 may be used for emergencies*
10 *and extraordinary expenses, to be expended upon the ap-*
11 *proval or authority of the Secretary of the Navy, and pay-*
12 *ments may be made upon his certificate of necessity for con-*
13 *fidential military purposes.*

14 *OPERATION AND MAINTENANCE, MARINE CORPS*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance of the Marine Corps, as au-*
17 *thorized by law, \$7,286,184,000.*

18 *OPERATION AND MAINTENANCE, AIR FORCE*

19 *For expenses, not otherwise provided for, necessary for*
20 *the operation and maintenance of the Air Force, as author-*
21 *ized by law, \$33,528,409,000: Provided, That not to exceed*
22 *\$7,699,000 may be used for emergencies and extraordinary*
23 *expenses, to be expended upon the approval or authority*
24 *of the Secretary of the Air Force, and payments may be*

1 *made upon his certificate of necessity for confidential mili-*
2 *tary purposes.*

3 *OPERATION AND MAINTENANCE, SPACE FORCE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance of the Space Force, as au-*
6 *thorized by law, \$2,492,114,000.*

7 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For expenses, not otherwise provided for, necessary for*
10 *the operation and maintenance of activities and agencies*
11 *of the Department of Defense (other than the military de-*
12 *partments), as authorized by law, \$39,048,990,000: Pro-*
13 *vided, That not more than \$3,000,000 may be used for the*
14 *Combatant Commander Initiative Fund authorized under*
15 *section 166a of title 10, United States Code: Provided fur-*
16 *ther, That not to exceed \$36,000,000 may be used for emer-*
17 *gencies and extraordinary expenses, to be expended upon*
18 *the approval or authority of the Secretary of Defense, and*
19 *payments may be made upon his certificate of necessity for*
20 *confidential military purposes: Provided further, That of*
21 *the funds provided under this heading, not less than*
22 *\$48,000,000 shall be made available for the Procurement*
23 *Technical Assistance Cooperative Agreement Program, of*
24 *which not less than \$4,500,000 shall be available for centers*
25 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*

1 *none of the funds appropriated or otherwise made available*
2 *by this Act may be used to plan or implement the consolida-*
3 *tion of a budget or appropriations liaison office of the Office*
4 *of the Secretary of Defense, the office of the Secretary of*
5 *a military department, or the service headquarters of one*
6 *of the Armed Forces into a legislative affairs or legislative*
7 *liaison office: Provided further, That \$18,000,000, to re-*
8 *main available until expended, is available only for ex-*
9 *penses relating to certain classified activities, and may be*
10 *transferred as necessary by the Secretary of Defense to oper-*
11 *ation and maintenance appropriations or research, develop-*
12 *ment, test and evaluation appropriations, to be merged with*
13 *and to be available for the same time period as the appro-*
14 *priations to which transferred: Provided further, That any*
15 *ceiling on the investment item unit cost of items that may*
16 *be purchased with operation and maintenance funds shall*
17 *not apply to the funds described in the preceding proviso:*
18 *Provided further, That of the funds provided under this*
19 *heading, \$656,140,000, of which \$434,630,000, to remain*
20 *available until September 30, 2022, shall be available for*
21 *International Security Cooperation Programs and other*
22 *programs to provide support and assistance to foreign secu-*
23 *rity forces or other groups or individuals to conduct, sup-*
24 *port or facilitate counterterrorism, crisis response, or build-*
25 *ing partner capacity programs: Provided further, That the*

1 *Secretary of Defense shall, not less than 15 days prior to*
2 *obligating funds made available in this section for Inter-*
3 *national Security Cooperation Programs, notify the con-*
4 *gressional defense committees in writing of the details of*
5 *any such obligation: Provided further, That the Secretary*
6 *of Defense shall provide quarterly reports to the Committees*
7 *on Appropriations of the House of Representatives and the*
8 *Senate on the use and status of funds made available in*
9 *this paragraph: Provided further, That the transfer author-*
10 *ity provided under this heading is in addition to any other*
11 *transfer authority provided elsewhere in this Act.*

12 *OPERATION AND MAINTENANCE, ARMY RESERVE*

13 *For expenses, not otherwise provided for, necessary for*
14 *the operation and maintenance, including training, organi-*
15 *zation, and administration, of the Army Reserve; repair of*
16 *facilities and equipment; hire of passenger motor vehicles;*
17 *travel and transportation; care of the dead; recruiting; pro-*
18 *curement of services, supplies, and equipment; and commu-*
19 *nications, \$2,887,898,000.*

20 *OPERATION AND MAINTENANCE, NAVY RESERVE*

21 *For expenses, not otherwise provided for, necessary for*
22 *the operation and maintenance, including training, organi-*
23 *zation, and administration, of the Navy Reserve; repair of*
24 *facilities and equipment; hire of passenger motor vehicles;*
25 *travel and transportation; care of the dead; recruiting; pro-*

1 *curement of services, supplies, and equipment; and commu-*
2 *nications, \$1,115,150,000.*

3 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Marine Corps Reserve;*
7 *repair of facilities and equipment; hire of passenger motor*
8 *vehicles; travel and transportation; care of the dead; recruit-*
9 *ing; procurement of services, supplies, and equipment; and*
10 *communications, \$283,494,000.*

11 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

12 *For expenses, not otherwise provided for, necessary for*
13 *the operation and maintenance, including training, organi-*
14 *zation, and administration, of the Air Force Reserve; repair*
15 *of facilities and equipment; hire of passenger motor vehicles;*
16 *travel and transportation; care of the dead; recruiting; pro-*
17 *curement of services, supplies, and equipment; and commu-*
18 *nications, \$3,268,461,000.*

19 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

20 *For expenses of training, organizing, and admin-*
21 *istering the Army National Guard, including medical and*
22 *hospital treatment and related expenses in non-Federal hos-*
23 *pitals; maintenance, operation, and repairs to structures*
24 *and facilities; hire of passenger motor vehicles; personnel*
25 *services in the National Guard Bureau; travel expenses*

1 *(other than mileage), as authorized by law for Army per-*
2 *sonnel on active duty, for Army National Guard division,*
3 *regimental, and battalion commanders while inspecting*
4 *units in compliance with National Guard Bureau regula-*
5 *tions when specifically authorized by the Chief, National*
6 *Guard Bureau; supplying and equipping the Army Na-*
7 *tional Guard as authorized by law; and expenses of repair,*
8 *modification, maintenance, and issue of supplies and*
9 *equipment (including aircraft), \$7,350,837,000.*

10 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

11 *For expenses of training, organizing, and admin-*
12 *istering the Air National Guard, including medical and*
13 *hospital treatment and related expenses in non-Federal hos-*
14 *pitals; maintenance, operation, and repairs to structures*
15 *and facilities; transportation of things, hire of passenger*
16 *motor vehicles; supplying and equipping the Air National*
17 *Guard, as authorized by law; expenses for repair, modifica-*
18 *tion, maintenance, and issue of supplies and equipment,*
19 *including those furnished from stocks under the control of*
20 *agencies of the Department of Defense; travel expenses (other*
21 *than mileage) on the same basis as authorized by law for*
22 *Air National Guard personnel on active Federal duty, for*
23 *Air National Guard commanders while inspecting units in*
24 *compliance with National Guard Bureau regulations when*

1 *specifically authorized by the Chief, National Guard Bu-*
2 *reau, \$6,785,853,000.*

3 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
4 *FORCES*

5 *For salaries and expenses necessary for the United*
6 *States Court of Appeals for the Armed Forces, \$15,211,000,*
7 *of which not to exceed \$5,000 may be used for official rep-*
8 *resentation purposes.*

9 *ENVIRONMENTAL RESTORATION, ARMY*
10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the Department of the Army, \$264,285,000, to re-*
12 *main available until transferred: Provided, That the Sec-*
13 *retary of the Army shall, upon determining that such funds*
14 *are required for environmental restoration, reduction and*
15 *recycling of hazardous waste, removal of unsafe buildings*
16 *and debris of the Department of the Army, or for similar*
17 *purposes, transfer the funds made available by this appro-*
18 *priation to other appropriations made available to the De-*
19 *partment of the Army, to be merged with and to be available*
20 *for the same purposes and for the same time period as the*
21 *appropriations to which transferred: Provided further, That*
22 *upon a determination that all or part of the funds trans-*
23 *ferred from this appropriation are not necessary for the*
24 *purposes provided herein, such amounts may be transferred*
25 *back to this appropriation: Provided further, That the*

1 *transfer authority provided under this heading is in addi-*
2 *tion to any other transfer authority provided elsewhere in*
3 *this Act.*

4 *ENVIRONMENTAL RESTORATION, NAVY*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Department of the Navy, \$421,250,000, to re-*
7 *main available until transferred: Provided, That the Sec-*
8 *retary of the Navy shall, upon determining that such funds*
9 *are required for environmental restoration, reduction and*
10 *recycling of hazardous waste, removal of unsafe buildings*
11 *and debris of the Department of the Navy, or for similar*
12 *purposes, transfer the funds made available by this appro-*
13 *priation to other appropriations made available to the De-*
14 *partment of the Navy, to be merged with and to be available*
15 *for the same purposes and for the same time period as the*
16 *appropriations to which transferred: Provided further, That*
17 *upon a determination that all or part of the funds trans-*
18 *ferred from this appropriation are not necessary for the*
19 *purposes provided herein, such amounts may be transferred*
20 *back to this appropriation: Provided further, That the*
21 *transfer authority provided under this heading is in addi-*
22 *tion to any other transfer authority provided elsewhere in*
23 *this Act.*

1 *ENVIRONMENTAL RESTORATION, AIR FORCE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the Department of the Air Force, \$509,250,000,*
4 *to remain available until transferred: Provided, That the*
5 *Secretary of the Air Force shall, upon determining that*
6 *such funds are required for environmental restoration, re-*
7 *duction and recycling of hazardous waste, removal of unsafe*
8 *buildings and debris of the Department of the Air Force,*
9 *or for similar purposes, transfer the funds made available*
10 *by this appropriation to other appropriations made avail-*
11 *able to the Department of the Air Force, to be merged with*
12 *and to be available for the same purposes and for the same*
13 *time period as the appropriations to which transferred:*
14 *Provided further, That upon a determination that all or*
15 *part of the funds transferred from this appropriation are*
16 *not necessary for the purposes provided herein, such*
17 *amounts may be transferred back to this appropriation:*
18 *Provided further, That the transfer authority provided*
19 *under this heading is in addition to any other transfer au-*
20 *thority provided elsewhere in this Act.*

21 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the Department of Defense, \$19,952,000, to remain*
24 *available until transferred: Provided, That the Secretary of*
25 *Defense shall, upon determining that such funds are re-*

1 *quired for environmental restoration, reduction and recy-*
2 *cling of hazardous waste, removal of unsafe buildings and*
3 *debris of the Department of Defense, or for similar purposes,*
4 *transfer the funds made available by this appropriation to*
5 *other appropriations made available to the Department of*
6 *Defense, to be merged with and to be available for the same*
7 *purposes and for the same time period as the appropria-*
8 *tions to which transferred: Provided further, That upon a*
9 *determination that all or part of the funds transferred from*
10 *this appropriation are not necessary for the purposes pro-*
11 *vided herein, such amounts may be transferred back to this*
12 *appropriation: Provided further, That the transfer author-*
13 *ity provided under this heading is in addition to any other*
14 *transfer authority provided elsewhere in this Act.*

15 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

16 *DEFENSE SITES*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the Department of the Army, \$288,750,000, to re-*
19 *main available until transferred: Provided, That the Sec-*
20 *retary of the Army shall, upon determining that such funds*
21 *are required for environmental restoration, reduction and*
22 *recycling of hazardous waste, removal of unsafe buildings*
23 *and debris at sites formerly used by the Department of De-*
24 *fense, transfer the funds made available by this appropria-*
25 *tion to other appropriations made available to the Depart-*

1 *ment of the Army, to be merged with and to be available*
2 *for the same purposes and for the same time period as the*
3 *appropriations to which transferred: Provided further, That*
4 *upon a determination that all or part of the funds trans-*
5 *ferred from this appropriation are not necessary for the*
6 *purposes provided herein, such amounts may be transferred*
7 *back to this appropriation: Provided further, That the*
8 *transfer authority provided under this heading is in addi-*
9 *tion to any other transfer authority provided elsewhere in*
10 *this Act.*

11 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

12 *For expenses relating to the Overseas Humanitarian,*
13 *Disaster, and Civic Aid programs of the Department of De-*
14 *fense (consisting of the programs provided under sections*
15 *401, 402, 404, 407, 2557, and 2561 of title 10, United*
16 *States Code), \$147,500,000, to remain available until Sep-*
17 *tember 30, 2022: Provided, That such amounts shall not*
18 *be subject to the limitation in section 407(c)(3) of title 10,*
19 *United States Code.*

20 *COOPERATIVE THREAT REDUCTION ACCOUNT*

21 *For assistance, including assistance provided by con-*
22 *tract or by grants, under programs and activities of the*
23 *Department of Defense Cooperative Threat Reduction Pro-*
24 *gram authorized under the Department of Defense Cooper-*

1 *tive Threat Reduction Act, \$360,190,000, to remain avail-*
2 *able until September 30, 2023.*

3 *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*

4 *DEVELOPMENT ACCOUNT*

5 *For the Department of Defense Acquisition Workforce*
6 *Development Account, \$88,181,000, to remain available for*
7 *obligation until September 30, 2021: Provided, That no*
8 *other amounts may be otherwise credited or transferred to*
9 *the Account, or deposited into the Account, in fiscal year*
10 *2021 pursuant to section 1705(d) of title 10, United States*
11 *Code.*

12 *TITLE III*

13 *PROCUREMENT*

14 *AIRCRAFT PROCUREMENT, ARMY*

15 *For construction, procurement, production, modifica-*
16 *tion, and modernization of aircraft, equipment, including*
17 *ordnance, ground handling equipment, spare parts, and ac-*
18 *cessories therefor; specialized equipment and training de-*
19 *vices; expansion of public and private plants, including the*
20 *land necessary therefor, for the foregoing purposes, and such*
21 *lands and interests therein, may be acquired, and construc-*
22 *tion prosecuted thereon prior to approval of title; and pro-*
23 *curement and installation of equipment, appliances, and*
24 *machine tools in public and private plants; reserve plant*
25 *and Government and contractor-owned equipment layaway;*

1 *and other expenses necessary for the foregoing purposes,*
2 *\$3,457,342,000, to remain available for obligation until*
3 *September 30, 2023.*

4 *MISSILE PROCUREMENT, ARMY*

5 *For construction, procurement, production, modifica-*
6 *tion, and modernization of missiles, equipment, including*
7 *ordnance, ground handling equipment, spare parts, and ac-*
8 *cessories therefor; specialized equipment and training de-*
9 *vices; expansion of public and private plants, including the*
10 *land necessary therefor, for the foregoing purposes, and such*
11 *lands and interests therein, may be acquired, and construc-*
12 *tion prosecuted thereon prior to approval of title; and pro-*
13 *curement and installation of equipment, appliances, and*
14 *machine tools in public and private plants; reserve plant*
15 *and Government and contractor-owned equipment layaway;*
16 *and other expenses necessary for the foregoing purposes,*
17 *\$3,220,541,000, to remain available for obligation until*
18 *September 30, 2023.*

19 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

20 *VEHICLES, ARMY*

21 *For construction, procurement, production, and modi-*
22 *fication of weapons and tracked combat vehicles, equipment,*
23 *including ordnance, spare parts, and accessories therefor;*
24 *specialized equipment and training devices; expansion of*
25 *public and private plants, including the land necessary*

1 *therefor, for the foregoing purposes, and such lands and in-*
2 *terests therein, may be acquired, and construction pros-*
3 *ecuted thereon prior to approval of title; and procurement*
4 *and installation of equipment, appliances, and machine*
5 *tools in public and private plants; reserve plant and Gov-*
6 *ernment and contractor-owned equipment layaway; and*
7 *other expenses necessary for the foregoing purposes,*
8 *\$3,611,887,000, to remain available for obligation until*
9 *September 30, 2023.*

10 *PROCUREMENT OF AMMUNITION, ARMY*

11 *For construction, procurement, production, and modi-*
12 *fication of ammunition, and accessories therefor; specialized*
13 *equipment and training devices; expansion of public and*
14 *private plants, including ammunition facilities, authorized*
15 *by section 2854 of title 10, United States Code, and the*
16 *land necessary therefor, for the foregoing purposes, and such*
17 *lands and interests therein, may be acquired, and construc-*
18 *tion prosecuted thereon prior to approval of title; and pro-*
19 *curement and installation of equipment, appliances, and*
20 *machine tools in public and private plants; reserve plant*
21 *and Government and contractor-owned equipment layaway;*
22 *and other expenses necessary for the foregoing purposes,*
23 *\$2,790,140,000, to remain available for obligation until*
24 *September 30, 2023.*

1 *stallation of equipment, appliances, and machine tools in*
2 *public and private plants; reserve plant and Government*
3 *and contractor-owned equipment layaway,*
4 *\$19,480,280,000, to remain available for obligation until*
5 *September 30, 2023.*

6 *WEAPONS PROCUREMENT, NAVY*

7 *For construction, procurement, production, modifica-*
8 *tion, and modernization of missiles, torpedoes, other weap-*
9 *ons, and related support equipment including spare parts,*
10 *and accessories therefor; expansion of public and private*
11 *plants, including the land necessary therefor, and such*
12 *lands and interests therein, may be acquired, and construc-*
13 *tion prosecuted thereon prior to approval of title; and pro-*
14 *curement and installation of equipment, appliances, and*
15 *machine tools in public and private plants; reserve plant*
16 *and Government and contractor-owned equipment layaway,*
17 *\$4,477,773,000, to remain available for obligation until*
18 *September 30, 2023.*

19 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

20 *CORPS*

21 *For construction, procurement, production, and modi-*
22 *fication of ammunition, and accessories therefor; specialized*
23 *equipment and training devices; expansion of public and*
24 *private plants, including ammunition facilities, authorized*
25 *by section 2854 of title 10, United States Code, and the*

1 *land necessary therefor, for the foregoing purposes, and such*
2 *lands and interests therein, may be acquired, and construc-*
3 *tion prosecuted thereon prior to approval of title; and pro-*
4 *curement and installation of equipment, appliances, and*
5 *machine tools in public and private plants; reserve plant*
6 *and Government and contractor-owned equipment layaway;*
7 *and other expenses necessary for the foregoing purposes,*
8 *\$792,023,000, to remain available for obligation until Sep-*
9 *tember 30, 2023.*

10 *SHIPBUILDING AND CONVERSION, NAVY*

11 *For expenses necessary for the construction, acquisi-*
12 *tion, or conversion of vessels as authorized by law, includ-*
13 *ing armor and armament thereof, plant equipment, appli-*
14 *ances, and machine tools and installation thereof in public*
15 *and private plants; reserve plant and Government and con-*
16 *tractor-owned equipment layaway; procurement of critical,*
17 *long lead time components and designs for vessels to be con-*
18 *structed or converted in the future; and expansion of public*
19 *and private plants, including land necessary therefor, and*
20 *such lands and interests therein, may be acquired, and con-*
21 *struction prosecuted thereon prior to approval of title, as*
22 *follows:*

23 *Columbia Class Submarine, \$2,869,024,000;*

24 *Columbia Class Submarine (AP),*

25 *\$1,253,175,000;*

1 *Carrier Replacement Program (CVN-80),*
2 \$958,933,000;
3 *Carrier Replacement Program (CVN-81),*
4 \$1,606,432,000;
5 *Virginia Class Submarine, \$4,603,213,000;*
6 *Virginia Class Submarine (AP), \$2,173,187,000;*
7 *CVN Refueling Overhauls, \$1,531,153,000;*
8 *CVN Refueling Overhauls (AP), \$17,384,000;*
9 *DDG-1000 Program, \$78,205,000;*
10 *DDG-51 Destroyer, \$3,219,843,000;*
11 *DDG-51 Destroyer (AP), \$159,297,000;*
12 *FFG-Frigate, \$1,053,123,000;*
13 *LPD Flight II, \$1,125,801,000;*
14 *LPD 32 (AP), \$1,000,000;*
15 *LPD 33 (AP), \$1,000,000;*
16 *Expeditionary Sea Base (AP), \$73,000,000;*
17 *LHA Replacement, \$500,000,000;*
18 *Expeditionary Fast Transport, \$260,000,000;*
19 *TAO Fleet Oiler, \$20,000,000;*
20 *Towing, Salvage, and Rescue Ship,*
21 \$157,790,000;
22 *LCU 1700, \$87,395,000;*
23 *Service Craft, \$244,147,000;*
24 *LCAC SLEP, \$56,461,000;*
25 *Auxiliary Vessels, \$60,000,000;*

1 *For outfitting, post delivery, conversions, and*
2 *first destination transportation, \$752,005,000; and*
3 *Completion of Prior Year Shipbuilding Pro-*
4 *grams, \$407,312,000.*

5 *In all: \$23,268,880,000, to remain available for obliga-*
6 *tion until September 30, 2025: Provided, That additional*
7 *obligations may be incurred after September 30, 2025, for*
8 *engineering services, tests, evaluations, and other such budg-*
9 *eted work that must be performed in the final stage of ship*
10 *construction: Provided further, That none of the funds pro-*
11 *vided under this heading for the construction or conversion*
12 *of any naval vessel to be constructed in shipyards in the*
13 *United States shall be expended in foreign facilities for the*
14 *construction of major components of such vessel: Provided*
15 *further, That none of the funds provided under this heading*
16 *shall be used for the construction of any naval vessel in*
17 *foreign shipyards: Provided further, That funds appro-*
18 *priated or otherwise made available by this Act for Colum-*
19 *bia Class Submarine (AP) may be available for the pur-*
20 *poses authorized by subsections (f), (g), (h) or (i) of section*
21 *2218a of title 10, United States Code, only in accordance*
22 *with the provisions of the applicable subsection.*

23 *OTHER PROCUREMENT, NAVY*

24 *For procurement, production, and modernization of*
25 *support equipment and materials not otherwise provided*

1 *for, Navy ordnance (except ordnance for new aircraft, new*
2 *ships, and ships authorized for conversion); the purchase*
3 *of passenger motor vehicles for replacement only; expansion*
4 *of public and private plants, including the land necessary*
5 *therefor, and such lands and interests therein, may be ac-*
6 *quired, and construction prosecuted thereon prior to ap-*
7 *proval of title; and procurement and installation of equip-*
8 *ment, appliances, and machine tools in public and private*
9 *plants; reserve plant and Government and contractor-owned*
10 *equipment layaway, \$10,512,209,000, to remain available*
11 *for obligation until September 30, 2023: Provided, That*
12 *such funds are also available for the maintenance, repair,*
13 *and modernization of Pacific Fleet ships under a pilot pro-*
14 *gram established for such purposes.*

15 *PROCUREMENT, MARINE CORPS*

16 *For expenses necessary for the procurement, manufac-*
17 *ture, and modification of missiles, armament, military*
18 *equipment, spare parts, and accessories therefor; plant*
19 *equipment, appliances, and machine tools, and installation*
20 *thereof in public and private plants; reserve plant and Gov-*
21 *ernment and contractor-owned equipment layaway; vehicles*
22 *for the Marine Corps, including the purchase of passenger*
23 *motor vehicles for replacement only; and expansion of pub-*
24 *lic and private plants, including land necessary therefor,*
25 *and such lands and interests therein, may be acquired, and*

1 *construction prosecuted thereon prior to approval of title,*
2 *\$2,648,375,000, to remain available for obligation until*
3 *September 30, 2023.*

4 *AIRCRAFT PROCUREMENT, AIR FORCE*

5 *For construction, procurement, and modification of*
6 *aircraft and equipment, including armor and armament,*
7 *specialized ground handling equipment, and training de-*
8 *vices, spare parts, and accessories therefor; specialized*
9 *equipment; expansion of public and private plants, Govern-*
10 *ment-owned equipment and installation thereof in such*
11 *plants, erection of structures, and acquisition of land, for*
12 *the foregoing purposes, and such lands and interests therein,*
13 *may be acquired, and construction prosecuted thereon prior*
14 *to approval of title; reserve plant and Government and con-*
15 *tractor-owned equipment layaway; and other expenses nec-*
16 *essary for the foregoing purposes including rents and trans-*
17 *portation of things, \$19,212,753,000, to remain available*
18 *for obligation until September 30, 2023.*

19 *MISSILE PROCUREMENT, AIR FORCE*

20 *For construction, procurement, and modification of*
21 *missiles, rockets, and related equipment, including spare*
22 *parts and accessories therefor; ground handling equipment,*
23 *and training devices; expansion of public and private*
24 *plants, Government-owned equipment and installation*
25 *thereof in such plants, erection of structures, and acquisi-*

1 *tion of land, for the foregoing purposes, and such lands and*
2 *interests therein, may be acquired, and construction pros-*
3 *ecuted thereon prior to approval of title; reserve plant and*
4 *Government and contractor-owned equipment layaway; and*
5 *other expenses necessary for the foregoing purposes includ-*
6 *ing rents and transportation of things, \$2,142,181,000, to*
7 *remain available for obligation until September 30, 2023.*

8 *PROCUREMENT OF AMMUNITION, AIR FORCE*

9 *For construction, procurement, production, and modi-*
10 *fication of ammunition, and accessories therefor; specialized*
11 *equipment and training devices; expansion of public and*
12 *private plants, including ammunition facilities, authorized*
13 *by section 2854 of title 10, United States Code, and the*
14 *land necessary therefor, for the foregoing purposes, and such*
15 *lands and interests therein, may be acquired, and construc-*
16 *tion prosecuted thereon prior to approval of title; and pro-*
17 *curement and installation of equipment, appliances, and*
18 *machine tools in public and private plants; reserve plant*
19 *and Government and contractor-owned equipment layaway;*
20 *and other expenses necessary for the foregoing purposes,*
21 *\$550,844,000, to remain available for obligation until Sep-*
22 *tember 30, 2023.*

23 *OTHER PROCUREMENT, AIR FORCE*

24 *For procurement and modification of equipment (in-*
25 *cluding ground guidance and electronic control equipment,*

1 *and ground electronic and communication equipment), and*
2 *supplies, materials, and spare parts therefor, not otherwise*
3 *provided for; the purchase of passenger motor vehicles for*
4 *replacement only; lease of passenger motor vehicles; and ex-*
5 *pansion of public and private plants, Government-owned*
6 *equipment and installation thereof in such plants, erection*
7 *of structures, and acquisition of land, for the foregoing pur-*
8 *poses, and such lands and interests therein, may be ac-*
9 *quired, and construction prosecuted thereon, prior to ap-*
10 *proval of title; reserve plant and Government and con-*
11 *tractor-owned equipment layaway, \$23,441,648,000, to re-*
12 *main available for obligation until September 30, 2023.*

13 *PROCUREMENT, SPACE FORCE*

14 *For construction, procurement, and modification of*
15 *spacecraft, rockets, and related equipment, including spare*
16 *parts and accessories therefor; ground handling equipment,*
17 *and training devices; expansion of public and private*
18 *plants, Government-owned equipment and installation*
19 *thereof in such plants, erection of structures, and acquisi-*
20 *tion of land, for the foregoing purposes, and such lands and*
21 *interests therein, may be acquired, and construction pros-*
22 *ecuted thereon prior to approval of title; reserve plant and*
23 *Government and contractor-owned equipment layaway; and*
24 *other expenses necessary for the foregoing purposes includ-*

1 *ing rents and transportation of things, \$2,310,994,000, to*
2 *remain available for obligation until September 30, 2023.*

3 *PROCUREMENT, DEFENSE-WIDE*

4 *For expenses of activities and agencies of the Depart-*
5 *ment of Defense (other than the military departments) nec-*
6 *essary for procurement, production, and modification of*
7 *equipment, supplies, materials, and spare parts therefor,*
8 *not otherwise provided for; the purchase of passenger motor*
9 *vehicles for replacement only; expansion of public and pri-*
10 *vate plants, equipment, and installation thereof in such*
11 *plants, erection of structures, and acquisition of land for*
12 *the foregoing purposes, and such lands and interests therein,*
13 *may be acquired, and construction prosecuted thereon prior*
14 *to approval of title; reserve plant and Government and con-*
15 *tractor-owned equipment layaway, \$5,837,347,000, to re-*
16 *main available for obligation until September 30, 2023.*

17 *DEFENSE PRODUCTION ACT PURCHASES*

18 *For activities by the Department of Defense pursuant*
19 *to sections 108, 301, 302, and 303 of the Defense Production*
20 *Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),*
21 *\$174,639,000, to remain available until expended: Pro-*
22 *vided, That no less than \$60,000,000 of the funds provided*
23 *under this heading shall be obligated and expended by the*
24 *Secretary of Defense in behalf of the Department of Defense*

1 *as if delegated the necessary authorities conferred by the*
2 *Defense Production Act of 1950.*

3 *TITLE IV*

4 *RESEARCH, DEVELOPMENT, TEST AND*
5 *EVALUATION*

6 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
7 *For expenses necessary for basic and applied scientific*
8 *research, development, test and evaluation, including main-*
9 *tenance, rehabilitation, lease, and operation of facilities*
10 *and equipment, \$13,969,032,000, to remain available for*
11 *obligation until September 30, 2022.*

12 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*
13 *For expenses necessary for basic and applied scientific*
14 *research, development, test and evaluation, including main-*
15 *tenance, rehabilitation, lease, and operation of facilities*
16 *and equipment, \$20,078,829,000, to remain available for*
17 *obligation until September 30, 2022: Provided, That funds*
18 *appropriated in this paragraph which are available for the*
19 *V-22 may be used to meet unique operational requirements*
20 *of the Special Operations Forces.*

21 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
22 *FORCE*

23 *For expenses necessary for basic and applied scientific*
24 *research, development, test and evaluation, including main-*
25 *tenance, rehabilitation, lease, and operation of facilities*

1 *and equipment, \$36,357,443,000, to remain available for*
2 *obligation until September 30, 2022.*

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
4 *SPACE FORCE*

5 *For expenses necessary for basic and applied scientific*
6 *research, development, test and evaluation, including main-*
7 *tenance, rehabilitation, lease, and operation of facilities*
8 *and equipment, \$10,540,069,000, to remain available until*
9 *September 30, 2022.*

10 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
11 *DEFENSE-WIDE*

12 *For expenses of activities and agencies of the Depart-*
13 *ment of Defense (other than the military departments), nec-*
14 *essary for basic and applied scientific research, develop-*
15 *ment, test and evaluation; advanced research projects as*
16 *may be designated and determined by the Secretary of De-*
17 *fense, pursuant to law; maintenance, rehabilitation, lease,*
18 *and operation of facilities and equipment, \$25,932,671,000,*
19 *to remain available for obligation until September 30,*
20 *2022.*

21 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

22 *For expenses, not otherwise provided for, necessary for*
23 *the independent activities of the Director, Operational Test*
24 *and Evaluation, in the direction and supervision of oper-*
25 *ational test and evaluation, including initial operational*

1 *test and evaluation which is conducted prior to, and in sup-*
2 *port of, production decisions; joint operational testing and*
3 *evaluation; and administrative expenses in connection*
4 *therewith, \$257,120,000, to remain available for obligation*
5 *until September 30, 2022.*

6

TITLE V

7

REVOLVING AND MANAGEMENT FUNDS

8

DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 *\$1,473,910,000.*

11

TITLE VI

12

OTHER DEPARTMENT OF DEFENSE PROGRAMS

13

DEFENSE HEALTH PROGRAM

14

For expenses, not otherwise provided for, for medical

15 *and health care programs of the Department of Defense as*

16 *authorized by law, \$33,684,607,000; of which*

17 *\$30,747,659,000 shall be for operation and maintenance, of*

18 *which not to exceed one percent shall remain available for*

19 *obligation until September 30, 2022, and of which up to*

20 *\$16,008,365,000 may be available for contracts entered into*

21 *under the TRICARE program; of which \$544,369,000, to*

22 *remain available for obligation until September 30, 2023,*

23 *shall be for procurement; and of which \$2,392,579,000, to*

24 *remain available for obligation until September 30, 2022,*

25 *shall be for research, development, test and evaluation: Pro-*

1 *vided, That, notwithstanding any other provision of law,*
2 *of the amount made available under this heading for re-*
3 *search, development, test and evaluation, not less than*
4 *\$8,000,000 shall be available for HIV prevention edu-*
5 *cational activities undertaken in connection with United*
6 *States military training, exercises, and humanitarian as-*
7 *sistance activities conducted primarily in African nations:*
8 *Provided further, That of the funds provided under this*
9 *heading for research, development, test and evaluation, not*
10 *less than \$1,489,000,000 shall be made available to the*
11 *United States Army Medical Research and Development*
12 *Command to carry out the congressionally directed medical*
13 *research programs: Provided further, That the Secretary of*
14 *Defense shall submit to the congressional defense committees*
15 *quarterly reports on the current status of the deployment*
16 *of the electronic health record: Provided further, That the*
17 *Secretary of Defense shall provide notice to the congres-*
18 *sional defense committees not later than 10 business days*
19 *after delaying the proposed timeline of such deployment if*
20 *such delay is longer than 1 week: Provided further, That*
21 *the Comptroller General of the United States shall perform*
22 *quarterly performance reviews of such deployment.*

1 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
2 *DEFENSE*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For drug interdiction and counter-drug activities of*
5 *the Department of Defense, for transfer to appropriations*
6 *available to the Department of Defense for military per-*
7 *sonnel of the reserve components serving under the provi-*
8 *sions of title 10 and title 32, United States Code; for oper-*
9 *ation and maintenance; for procurement; and for research,*
10 *development, test and evaluation, \$914,429,000, of which*
11 *\$567,003,000 shall be for counter-narcotics support;*
12 *\$127,704,000 shall be for the drug demand reduction pro-*
13 *gram; \$194,211,000 shall be for the National Guard*
14 *counter-drug program; and \$25,511,000 shall be for the Na-*
15 *tional Guard counter-drug schools program: Provided, That*
16 *the funds appropriated under this heading shall be avail-*
17 *able for obligation for the same time period and for the*
18 *same purpose as the appropriation to which transferred:*
19 *Provided further, That upon a determination that all or*
20 *part of the funds transferred from this appropriation are*
21 *not necessary for the purposes provided herein, such*
22 *amounts may be transferred back to this appropriation:*
23 *Provided further, That the transfer authority provided*
24 *under this heading is in addition to any other transfer au-*
25 *thority contained elsewhere in this Act.*

1 *OFFICE OF THE INSPECTOR GENERAL*

2 *For expenses and activities of the Office of the Inspec-*
3 *tor General in carrying out the provisions of the Inspector*
4 *General Act of 1978, as amended, \$375,439,000, of which*
5 *\$373,483,000 shall be for operation and maintenance, of*
6 *which not to exceed \$700,000 is available for emergencies*
7 *and extraordinary expenses to be expended upon the ap-*
8 *proval or authority of the Inspector General, and payments*
9 *may be made upon the Inspector General's certificate of ne-*
10 *cessity for confidential military purposes; of which*
11 *\$858,000, to remain available for obligation until Sep-*
12 *tember 30, 2023, shall be for procurement; and of which*
13 *\$1,098,000, to remain available until September 30, 2022,*
14 *shall be for research, development, test and evaluation.*

15 *TITLE VII*16 *RELATED AGENCIES*17 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*18 *DISABILITY SYSTEM FUND*

19 *For payment to the Central Intelligence Agency Retire-*
20 *ment and Disability System Fund, to maintain the proper*
21 *funding level for continuing the operation of the Central*
22 *Intelligence Agency Retirement and Disability System,*
23 *\$514,000,000.*

1 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

2 *For necessary expenses of the Intelligence Community*
3 *Management Account, \$633,719,000.*

4 *TITLE VIII*

5 *GENERAL PROVISIONS*

6 *SEC. 8001. No part of any appropriation contained*
7 *in this Act shall be used for publicity or propaganda pur-*
8 *poses not authorized by the Congress.*

9 *SEC. 8002. During the current fiscal year, provisions*
10 *of law prohibiting the payment of compensation to, or em-*
11 *ployment of, any person not a citizen of the United States*
12 *shall not apply to personnel of the Department of Defense:*
13 *Provided, That salary increases granted to direct and indi-*
14 *rect hire foreign national employees of the Department of*
15 *Defense funded by this Act shall not be at a rate in excess*
16 *of the percentage increase authorized by law for civilian*
17 *employees of the Department of Defense whose pay is com-*
18 *puted under the provisions of section 5332 of title 5, United*
19 *States Code, or at a rate in excess of the percentage increase*
20 *provided by the appropriate host nation to its own employ-*
21 *ees, whichever is higher: Provided further, That this section*
22 *shall not apply to Department of Defense foreign service*
23 *national employees serving at United States diplomatic*
24 *missions whose pay is set by the Department of State under*
25 *the Foreign Service Act of 1980: Provided further, That the*

1 *That such authority to transfer may not be used unless for*
2 *higher priority items, based on unforeseen military require-*
3 *ments, than those for which originally appropriated and*
4 *in no case where the item for which funds are requested*
5 *has been denied by the Congress: Provided further, That the*
6 *Secretary of Defense shall notify the Congress promptly of*
7 *all transfers made pursuant to this authority or any other*
8 *authority in this Act: Provided further, That no part of*
9 *the funds in this Act shall be available to prepare or present*
10 *a request to the Committees on Appropriations of the House*
11 *of Representatives and the Senate for reprogramming of*
12 *funds, unless for higher priority items, based on unforeseen*
13 *military requirements, than those for which originally ap-*
14 *propriated and in no case where the item for which re-*
15 *programming is requested has been denied by the Congress:*
16 *Provided further, That a request for multiple*
17 *reprogrammings of funds using authority provided in this*
18 *section shall be made prior to June 30, 2021: Provided fur-*
19 *ther, That transfers among military personnel appropria-*
20 *tions shall not be taken into account for purposes of the*
21 *limitation on the amount of funds that may be transferred*
22 *under this section.*

23 *SEC. 8006. (a) With regard to the list of specific pro-*
24 *grams, projects, and activities (and the dollar amounts and*
25 *adjustments to budget activities corresponding to such pro-*

1 *grams, projects, and activities) contained in the tables titled*
2 *Explanation of Project Level Adjustments in the explana-*
3 *tory statement regarding this Act and the tables contained*
4 *in the classified annex accompanying this Act, the obliga-*
5 *tion and expenditure of amounts appropriated or otherwise*
6 *made available in this Act for those programs, projects, and*
7 *activities for which the amounts appropriated exceed the*
8 *amounts requested are hereby required by law to be carried*
9 *out in the manner provided by such tables to the same ex-*
10 *tent as if the tables were included in the text of this Act.*

11 *(b) Amounts specified in the referenced tables described*
12 *in subsection (a) shall not be treated as subdivisions of ap-*
13 *propriations for purposes of section 8005 of this Act: Pro-*
14 *vided, That section 8005 shall apply when transfers of the*
15 *amounts described in subsection (a) occur between appro-*
16 *priation accounts.*

17 *SEC. 8007. (a) Not later than 60 days after enactment*
18 *of this Act, the Department of Defense shall submit a report*
19 *to the congressional defense committees to establish the base-*
20 *line for application of reprogramming and transfer au-*
21 *thorities for fiscal year 2021: Provided, That the report*
22 *shall include—*

23 *(1) a table for each appropriation with a sepa-*
24 *rate column to display the President's budget request,*
25 *adjustments made by Congress, adjustments due to*

1 *enacted rescissions, if appropriate, and the fiscal year*
2 *enacted level;*

3 (2) *a delineation in the table for each appropri-*
4 *ation both by budget activity and program, project,*
5 *and activity as detailed in the Budget Appendix; and*

6 (3) *an identification of items of special congress-*
7 *sional interest.*

8 (b) *Notwithstanding section 8005 of this Act, none of*
9 *the funds provided in this Act shall be available for re-*
10 *programming or transfer until the report identified in sub-*
11 *section (a) is submitted to the congressional defense commit-*
12 *tees, unless the Secretary of Defense certifies in writing to*
13 *the congressional defense committees that such reprogram-*
14 *ming or transfer is necessary as an emergency requirement:*
15 *Provided, That this subsection shall not apply to transfers*
16 *from the following appropriations accounts:*

17 (1) *“Environmental Restoration, Army”;*

18 (2) *“Environmental Restoration, Navy”;*

19 (3) *“Environmental Restoration, Air Force”;*

20 (4) *“Environmental Restoration, Defense-Wide”;*

21 (5) *“Environmental Restoration, Formerly Used*
22 *Defense Sites”;* and

23 (6) *“Drug Interdiction and Counter-drug Activi-*
24 *ties, Defense”.*

(TRANSFER OF FUNDS)

1
2 *SEC. 8008. During the current fiscal year, cash bal-*
3 *ances in working capital funds of the Department of De-*
4 *fense established pursuant to section 2208 of title 10, United*
5 *States Code, may be maintained in only such amounts as*
6 *are necessary at any time for cash disbursements to be made*
7 *from such funds: Provided, That transfers may be made be-*
8 *tween such funds: Provided further, That transfers may be*
9 *made between working capital funds and the “Foreign Cur-*
10 *rency Fluctuations, Defense” appropriation and the “Oper-*
11 *ation and Maintenance” appropriation accounts in such*
12 *amounts as may be determined by the Secretary of Defense,*
13 *with the approval of the Office of Management and Budget,*
14 *except that such transfers may not be made unless the Sec-*
15 *retary of Defense has notified the Congress of the proposed*
16 *transfer: Provided further, That except in amounts equal*
17 *to the amounts appropriated to working capital funds in*
18 *this Act, no obligations may be made against a working*
19 *capital fund to procure or increase the value of war reserve*
20 *material inventory, unless the Secretary of Defense has no-*
21 *tified the Congress prior to any such obligation.*

22 *SEC. 8009. Funds appropriated by this Act may not*
23 *be used to initiate a special access program without prior*
24 *notification 30 calendar days in advance to the congres-*
25 *sional defense committees.*

1 *SEC. 8010. None of the funds provided in this Act shall*
2 *be available to initiate: (1) a multiyear contract that em-*
3 *loys economic order quantity procurement in excess of*
4 *\$20,000,000 in any one year of the contract or that includes*
5 *an unfunded contingent liability in excess of \$20,000,000;*
6 *or (2) a contract for advance procurement leading to a*
7 *multiyear contract that employs economic order quantity*
8 *procurement in excess of \$20,000,000 in any one year, un-*
9 *less the congressional defense committees have been notified*
10 *at least 30 days in advance of the proposed contract award:*
11 *Provided, That no part of any appropriation contained in*
12 *this Act shall be available to initiate a multiyear contract*
13 *for which the economic order quantity advance procurement*
14 *is not funded at least to the limits of the Government's li-*
15 *ability: Provided further, That no part of any appropria-*
16 *tion contained in this Act shall be available to initiate*
17 *multiyear procurement contracts for any systems or compo-*
18 *nent thereof if the value of the multiyear contract would*
19 *exceed \$500,000,000 unless specifically provided in this Act:*
20 *Provided further, That no multiyear procurement contract*
21 *can be terminated without 30-day prior notification to the*
22 *congressional defense committees: Provided further, That the*
23 *execution of multiyear authority shall require the use of a*
24 *present value analysis to determine lowest cost compared*
25 *to an annual procurement: Provided further, That none of*

1 *the funds provided in this Act may be used for a multiyear*
2 *contract executed after the date of the enactment of this Act*
3 *unless in the case of any such contract—*

4 (1) *the Secretary of Defense has submitted to*
5 *Congress a budget request for full funding of units to*
6 *be procured through the contract and, in the case of*
7 *a contract for procurement of aircraft, that includes,*
8 *for any aircraft unit to be procured through the con-*
9 *tract for which procurement funds are requested in*
10 *that budget request for production beyond advance*
11 *procurement activities in the fiscal year covered by*
12 *the budget, full funding of procurement of such unit*
13 *in that fiscal year;*

14 (2) *cancellation provisions in the contract do not*
15 *include consideration of recurring manufacturing*
16 *costs of the contractor associated with the production*
17 *of unfunded units to be delivered under the contract;*

18 (3) *the contract provides that payments to the*
19 *contractor under the contract shall not be made in*
20 *advance of incurred costs on funded units; and*

21 (4) *the contract does not provide for a price ad-*
22 *justment based on a failure to award a follow-on con-*
23 *tract.*

24 SEC. 8011. *Within the funds appropriated for the oper-*
25 *ation and maintenance of the Armed Forces, funds are here-*

1 *by appropriated pursuant to section 401 of title 10, United*
2 *States Code, for humanitarian and civic assistance costs*
3 *under chapter 20 of title 10, United States Code. Such funds*
4 *may also be obligated for humanitarian and civic assist-*
5 *ance costs incidental to authorized operations and pursuant*
6 *to authority granted in section 401 of title 10, United*
7 *States Code, and these obligations shall be reported as re-*
8 *quired by section 401(d) of title 10, United States Code:*
9 *Provided, That funds available for operation and mainte-*
10 *nance shall be available for providing humanitarian and*
11 *similar assistance by using Civic Action Teams in the*
12 *Trust Territories of the Pacific Islands and freely associated*
13 *states of Micronesia, pursuant to the Compact of Free Asso-*
14 *ciation as authorized by Public Law 99–239: Provided fur-*
15 *ther, That upon a determination by the Secretary of the*
16 *Army that such action is beneficial for graduate medical*
17 *education programs conducted at Army medical facilities*
18 *located in Hawaii, the Secretary of the Army may author-*
19 *ize the provision of medical services at such facilities and*
20 *transportation to such facilities, on a nonreimbursable*
21 *basis, for civilian patients from American Samoa, the Com-*
22 *monwealth of the Northern Mariana Islands, the Marshall*
23 *Islands, the Federated States of Micronesia, Palau, and*
24 *Guam.*

1 *SEC. 8012. (a) During the current fiscal year, the ci-*
2 *vilian personnel of the Department of Defense may not be*
3 *managed solely on the basis of any constraint or limitation*
4 *in terms of man years, end strength, full-time equivalent*
5 *positions, or maximum number of employees, but are to be*
6 *managed primarily on the basis of, and in a manner con-*
7 *sistent with—*

8 *(1) the total force management policies and pro-*
9 *cedures established under section 129a of title 10,*
10 *United States Code;*

11 *(2) the workload required to carry out the func-*
12 *tions and activities of the Department; and*

13 *(3) the funds made available to the Department*
14 *for such fiscal year.*

15 *(b) None of the funds appropriated by this Act may*
16 *be used to reduce the civilian workforce programmed full*
17 *time equivalent levels absent the appropriate analysis of the*
18 *impacts of these reductions on workload, military force*
19 *structure, lethality, readiness, operational effectiveness,*
20 *stress on the military force, and fully burdened costs.*

21 *(c) A projection of the number of full-time equivalent*
22 *positions shall not be considered a constraint or limitation*
23 *for purposes of subsection (a) and reducing funding for*
24 *under-execution of such a projection shall not be considered*

1 *managing based on a constraint or limitation for purposes*
2 *of such subsection.*

3 *(d) The fiscal year 2022 budget request for the Depart-*
4 *ment of Defense, and any justification material and other*
5 *documentation supporting such request, shall be prepared*
6 *and submitted to Congress as if subsections (a) and (b) were*
7 *effective with respect to such fiscal year.*

8 *(e) Nothing in this section shall be construed to apply*
9 *to military (civilian) technicians.*

10 *SEC. 8013. None of the funds made available by this*
11 *Act shall be used in any way, directly or indirectly, to in-*
12 *fluence congressional action on any legislation or appro-*
13 *priation matters pending before the Congress.*

14 *SEC. 8014. None of the funds appropriated by this Act*
15 *shall be available for the basic pay and allowances of any*
16 *member of the Army participating as a full-time student*
17 *and receiving benefits paid by the Secretary of Veterans Af-*
18 *airs from the Department of Defense Education Benefits*
19 *Fund when time spent as a full-time student is credited*
20 *toward completion of a service commitment: Provided, That*
21 *this section shall not apply to those members who have reen-*
22 *listed with this option prior to October 1, 1987: Provided*
23 *further, That this section applies only to active components*
24 *of the Army.*

(TRANSFER OF FUNDS)

1
2 *SEC. 8015. (a) Funds appropriated in title III of this*
3 *Act for the Department of Defense Pilot Mentor-Protégé*
4 *Program may be transferred to any other appropriation*
5 *contained in this Act solely for the purpose of implementing*
6 *a Mentor-Protégé Program developmental assistance agree-*
7 *ment pursuant to section 831 of the National Defense Au-*
8 *thorization Act for Fiscal Year 1991 (Public Law 101–510;*
9 *10 U.S.C. 2302 note), as amended, under the authority of*
10 *this provision or any other transfer authority contained in*
11 *this Act.*

12 *(b) The Secretary of Defense shall include with the*
13 *budget justification documents in support of the budget for*
14 *any fiscal year after fiscal year 2021 (as submitted to Con-*
15 *gress pursuant to section 1105 of title 31, United States*
16 *Code) a description of each transfer under this section that*
17 *occurred during the last fiscal year before the fiscal year*
18 *in which such budget is submitted.*

19 *SEC. 8016. None of the funds in this Act may be avail-*
20 *able for the purchase by the Department of Defense (and*
21 *its departments and agencies) of welded shipboard anchor*
22 *and mooring chain 4 inches in diameter and under unless*
23 *the anchor and mooring chain are manufactured in the*
24 *United States from components which are substantially*
25 *manufactured in the United States: Provided, That for the*

1 *purpose of this section, the term “manufactured” shall in-*
2 *clude cutting, heat treating, quality control, testing of chain*
3 *and welding (including the forging and shot blasting proc-*
4 *ess): Provided further, That for the purpose of this section*
5 *substantially all of the components of anchor and mooring*
6 *chain shall be considered to be produced or manufactured*
7 *in the United States if the aggregate cost of the components*
8 *produced or manufactured in the United States exceeds the*
9 *aggregate cost of the components produced or manufactured*
10 *outside the United States: Provided further, That when ade-*
11 *quate domestic supplies are not available to meet Depart-*
12 *ment of Defense requirements on a timely basis, the Sec-*
13 *retary of the Service responsible for the procurement may*
14 *wave this restriction on a case-by-case basis by certifying*
15 *in writing to the Committees on Appropriations of the*
16 *House of Representatives and the Senate that such an ac-*
17 *quisition must be made in order to acquire capability for*
18 *national security purposes.*

19 *SEC. 8017. None of the funds available in this Act to*
20 *the Department of Defense, other than appropriations made*
21 *for necessary or routine refurbishments, upgrades or main-*
22 *tenance activities, shall be used to reduce or to prepare to*
23 *reduce the number of deployed and non-deployed strategic*
24 *delivery vehicles and launchers below the levels set forth in*
25 *the report submitted to Congress in accordance with section*

1 1042 of the National Defense Authorization Act for Fiscal
2 Year 2012.

3 *SEC. 8018. None of the funds appropriated by this Act*
4 *shall be used for the support of any nonappropriated funds*
5 *activity of the Department of Defense that procures malt*
6 *beverages and wine with nonappropriated funds for resale*
7 *(including such alcoholic beverages sold by the drink) on*
8 *a military installation located in the United States unless*
9 *such malt beverages and wine are procured within that*
10 *State, or in the case of the District of Columbia, within*
11 *the District of Columbia, in which the military installation*
12 *is located: Provided, That, in a case in which the military*
13 *installation is located in more than one State, purchases*
14 *may be made in any State in which the installation is lo-*
15 *cated: Provided further, That such local procurement re-*
16 *quirements for malt beverages and wine shall apply to all*
17 *alcoholic beverages only for military installations in States*
18 *which are not contiguous with another State: Provided fur-*
19 *ther, That alcoholic beverages other than wine and malt bev-*
20 *erages, in contiguous States and the District of Columbia*
21 *shall be procured from the most competitive source, price*
22 *and other factors considered.*

23 *SEC. 8019. None of the funds available to the Depart-*
24 *ment of Defense may be used to demilitarize or dispose of*
25 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*

1 rifles, .30 caliber rifles, or M-1911 pistols, or to demili-
2 tarize or destroy small arms ammunition or ammunition
3 components that are not otherwise prohibited from commer-
4 cial sale under Federal law, unless the small arms ammuni-
5 tion or ammunition components are certified by the Sec-
6 retary of the Army or designee as unserviceable or unsafe
7 for further use.

8 *SEC. 8020. No more than \$500,000 of the funds appro-*
9 *priated or made available in this Act shall be used during*
10 *a single fiscal year for any single relocation of an organiza-*
11 *tion, unit, activity or function of the Department of Defense*
12 *into or within the National Capital Region: Provided, That*
13 *the Secretary of Defense may waive this restriction on a*
14 *case-by-case basis by certifying in writing to the congres-*
15 *sional defense committees that such a relocation is required*
16 *in the best interest of the Government.*

17 *SEC. 8021. In addition to the funds provided else-*
18 *where in this Act, \$25,000,000 is appropriated only for in-*
19 *centive payments authorized by section 504 of the Indian*
20 *Financing Act of 1974 (25 U.S.C. 1544): Provided, That*
21 *a prime contractor or a subcontractor at any tier that*
22 *makes a subcontract award to any subcontractor or supplier*
23 *as defined in section 1544 of title 25, United States Code,*
24 *or a small business owned and controlled by an individual*
25 *or individuals defined under section 4221(9) of title 25,*

1 *United States Code, shall be considered a contractor for the*
2 *purposes of being allowed additional compensation under*
3 *section 504 of the Indian Financing Act of 1974 (25 U.S.C.*
4 *1544) whenever the prime contract or subcontract amount*
5 *is over \$500,000 and involves the expenditure of funds ap-*
6 *propriated by an Act making appropriations for the De-*
7 *partment of Defense with respect to any fiscal year: Pro-*
8 *vided further, That notwithstanding section 1906 of title 41,*
9 *United States Code, this section shall be applicable to any*
10 *Department of Defense acquisition of supplies or services,*
11 *including any contract and any subcontract at any tier for*
12 *acquisition of commercial items produced or manufactured,*
13 *in whole or in part, by any subcontractor or supplier de-*
14 *finied in section 1544 of title 25, United States Code, or*
15 *a small business owned and controlled by an individual or*
16 *individuals defined under section 4221(9) of title 25,*
17 *United States Code.*

18 *SEC. 8022. Funds appropriated by this Act for the De-*
19 *fense Media Activity shall not be used for any national or*
20 *international political or psychological activities.*

21 *SEC. 8023. During the current fiscal year, the Depart-*
22 *ment of Defense is authorized to incur obligations of not*
23 *to exceed \$350,000,000 for purposes specified in section*
24 *2350j(c) of title 10, United States Code, in anticipation of*
25 *receipt of contributions, only from the Government of Ku-*

1 *wait, under that section: Provided, That, upon receipt, such*
2 *contributions from the Government of Kuwait shall be cred-*
3 *ited to the appropriations or fund which incurred such obli-*
4 *gations.*

5 *SEC. 8024. The Secretary of Defense shall notify the*
6 *congressional defense committees in writing not more than*
7 *30 days after the receipt of any contribution of funds re-*
8 *ceived from the government of a foreign country for any*
9 *purpose relating to the stationing or operations of the*
10 *United States Armed Forces: Provided, That such notifica-*
11 *tion shall include the amount of the contribution; the pur-*
12 *pose for which such contribution was made; and the author-*
13 *ity under which such contribution was accepted by the Sec-*
14 *retary of Defense: Provided further, That not fewer than*
15 *15 days prior to obligating such funds, the Secretary of De-*
16 *fense shall submit to the congressional defense committees*
17 *in writing a notification of the planned use of such con-*
18 *tributions, including whether such contributions would sup-*
19 *port existing or new stationing or operations of the United*
20 *States Armed Forces.*

21 *SEC. 8025. (a) Of the funds made available in this*
22 *Act, not less than \$56,205,000 shall be available for the*
23 *Civil Air Patrol Corporation, of which—*

24 *(1) \$43,205,000 shall be available from “Oper-*
25 *ation and Maintenance, Air Force” to support Civil*

1 *Air Patrol Corporation operation and maintenance,*
2 *readiness, counter-drug activities, and drug demand*
3 *reduction activities involving youth programs;*

4 (2) *\$11,200,000 shall be available from “Aircraft*
5 *Procurement, Air Force”;* and

6 (3) *\$1,800,000 shall be available from “Other*
7 *Procurement, Air Force” for vehicle procurement.*

8 (b) *The Secretary of the Air Force should waive reim-*
9 *bursement for any funds used by the Civil Air Patrol for*
10 *counter-drug activities in support of Federal, State, and*
11 *local government agencies.*

12 SEC. 8026. (a) *None of the funds appropriated in this*
13 *Act are available to establish a new Department of Defense*
14 *(department) federally funded research and development*
15 *center (FFRDC), either as a new entity, or as a separate*
16 *entity administrated by an organization managing another*
17 *FFRDC, or as a nonprofit membership corporation con-*
18 *sisting of a consortium of other FFRDCs and other non-*
19 *profit entities.*

20 (b) *No member of a Board of Directors, Trustees, Over-*
21 *seers, Advisory Group, Special Issues Panel, Visiting Com-*
22 *mittee, or any similar entity of a defense FFRDC, and no*
23 *paid consultant to any defense FFRDC, except when acting*
24 *in a technical advisory capacity, may be compensated for*
25 *his or her services as a member of such entity, or as a paid*

1 consultant by more than one FFRDC in a fiscal year: Pro-
2 vided, That a member of any such entity referred to pre-
3 viously in this subsection shall be allowed travel expenses
4 and per diem as authorized under the Federal Joint Travel
5 Regulations, when engaged in the performance of member-
6 ship duties.

7 (c) Notwithstanding any other provision of law, none
8 of the funds available to the department from any source
9 during the current fiscal year may be used by a defense
10 FFRDC, through a fee or other payment mechanism, for
11 construction of new buildings not located on a military in-
12 stallation, for payment of cost sharing for projects funded
13 by Government grants, for absorption of contract overruns,
14 or for certain charitable contributions, not to include em-
15 ployee participation in community service and/or develop-
16 ment.

17 (d) Notwithstanding any other provision of law, of the
18 funds available to the department during fiscal year 2021,
19 not more than 6,053 staff years of technical effort (staff
20 years) may be funded for defense FFRDCs: Provided, That,
21 within such funds for 6,053 staff years, funds shall be avail-
22 able only for 1,148 staff years for the defense studies and
23 analysis FFRDCs: Provided further, That this subsection
24 shall not apply to staff years funded in the National Intel-

1 *ligence Program (NIP) and the Military Intelligence Pro-*
2 *gram (MIP).*

3 *(e) The Secretary of Defense shall, with the submission*
4 *of the department's fiscal year 2022 budget request, submit*
5 *a report presenting the specific amounts of staff years of*
6 *technical effort to be allocated for each defense FFRDC dur-*
7 *ing that fiscal year and the associated budget estimates.*

8 *SEC. 8027. None of the funds appropriated or made*
9 *available in this Act shall be used to procure carbon, alloy,*
10 *or armor steel plate for use in any Government-owned facil-*
11 *ity or property under the control of the Department of De-*
12 *fense which were not melted and rolled in the United States*
13 *or Canada: Provided, That these procurement restrictions*
14 *shall apply to any and all Federal Supply Class 9515,*
15 *American Society of Testing and Materials (ASTM) or*
16 *American Iron and Steel Institute (AISI) specifications of*
17 *carbon, alloy or armor steel plate: Provided further, That*
18 *the Secretary of the military department responsible for the*
19 *procurement may waive this restriction on a case-by-case*
20 *basis by certifying in writing to the Committees on Appro-*
21 *priations of the House of Representatives and the Senate*
22 *that adequate domestic supplies are not available to meet*
23 *Department of Defense requirements on a timely basis and*
24 *that such an acquisition must be made in order to acquire*
25 *capability for national security purposes: Provided further,*

1 *That these restrictions shall not apply to contracts which*
2 *are in being as of the date of the enactment of this Act.*

3 *SEC. 8028. For the purposes of this Act, the term “con-*
4 *gressional defense committees” means the Armed Services*
5 *Committee of the House of Representatives, the Armed Serv-*
6 *ices Committee of the Senate, the Subcommittee on Defense*
7 *of the Committee on Appropriations of the Senate, and the*
8 *Subcommittee on Defense of the Committee on Appropria-*
9 *tions of the House of Representatives.*

10 *SEC. 8029. During the current fiscal year, the Depart-*
11 *ment of Defense may acquire the modification, depot main-*
12 *tenance and repair of aircraft, vehicles and vessels as well*
13 *as the production of components and other Defense-related*
14 *articles, through competition between Department of De-*
15 *fense depot maintenance activities and private firms: Pro-*
16 *vided, That the Senior Acquisition Executive of the military*
17 *department or Defense Agency concerned, with power of del-*
18 *egation, shall certify that successful bids include comparable*
19 *estimates of all direct and indirect costs for both public and*
20 *private bids: Provided further, That Office of Management*
21 *and Budget Circular A-76 shall not apply to competitions*
22 *conducted under this section.*

23 *SEC. 8030. (a)(1) If the Secretary of Defense, after con-*
24 *sultation with the United States Trade Representative, de-*
25 *termines that a foreign country which is party to an agree-*

1 *ment described in paragraph (2) has violated the terms of*
2 *the agreement by discriminating against certain types of*
3 *products produced in the United States that are covered by*
4 *the agreement, the Secretary of Defense shall rescind the*
5 *Secretary's blanket waiver of the Buy American Act with*
6 *respect to such types of products produced in that foreign*
7 *country.*

8 (2) *An agreement referred to in paragraph (1) is*
9 *any reciprocal defense procurement memorandum of*
10 *understanding, between the United States and a for-*
11 *foreign country pursuant to which the Secretary of De-*
12 *fense has prospectively waived the Buy American Act*
13 *for certain products in that country.*

14 (b) *The Secretary of Defense shall submit to the Con-*
15 *gress a report on the amount of Department of Defense pur-*
16 *chases from foreign entities in fiscal year 2021. Such report*
17 *shall separately indicate the dollar value of items for which*
18 *the Buy American Act was waived pursuant to any agree-*
19 *ment described in subsection (a)(2), the Trade Agreement*
20 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
21 *agreement to which the United States is a party.*

22 (c) *For purposes of this section, the term "Buy Amer-*
23 *ican Act" means chapter 83 of title 41, United States Code.*

24 SEC. 8031. *During the current fiscal year, amounts*
25 *contained in the Department of Defense Overseas Military*

1 *Facility Investment Recovery Account shall be available*
2 *until expended for the payments specified by section*
3 *2687a(b)(2) of title 10, United States Code.*

4 *SEC. 8032. (a) Notwithstanding any other provision*
5 *of law, the Secretary of the Air Force may convey at no*
6 *cost to the Air Force, without consideration, to Indian*
7 *tribes located in the States of Nevada, Idaho, North Dakota,*
8 *South Dakota, Montana, Oregon, Minnesota, and Wash-*
9 *ington relocatable military housing units located at Grand*
10 *Forks Air Force Base, Malmstrom Air Force Base, Moun-*
11 *tain Home Air Force Base, Ellsworth Air Force Base, and*
12 *Minot Air Force Base that are excess to the needs of the*
13 *Air Force.*

14 *(b) The Secretary of the Air Force shall convey, at no*
15 *cost to the Air Force, military housing units under sub-*
16 *section (a) in accordance with the request for such units*
17 *that are submitted to the Secretary by the Operation Walk-*
18 *ing Shield Program on behalf of Indian tribes located in*
19 *the States of Nevada, Idaho, North Dakota, South Dakota,*
20 *Montana, Oregon, Minnesota, and Washington. Any such*
21 *conveyance shall be subject to the condition that the housing*
22 *units shall be removed within a reasonable period of time,*
23 *as determined by the Secretary.*

24 *(c) The Operation Walking Shield Program shall re-*
25 *solve any conflicts among requests of Indian tribes for hous-*

1 *ing units under subsection (a) before submitting requests*
2 *to the Secretary of the Air Force under subsection (b).*

3 *(d) In this section, the term “Indian tribe” means any*
4 *recognized Indian tribe included on the current list pub-*
5 *lished by the Secretary of the Interior under section 104*
6 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*
7 *lic Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).*

8 *SEC. 8033. During the current fiscal year, appropria-*
9 *tions which are available to the Department of Defense for*
10 *operation and maintenance may be used to purchase items*
11 *having an investment item unit cost of not more than*
12 *\$250,000.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 8034. Subject to section 8005 of this Act, the Sec-*
15 *retary of Defense may transfer funds appropriated in fiscal*
16 *year 2021 for “Shipbuilding and Conversion, Navy: LPD*
17 *Flight II–LPD 31” to “Shipbuilding and Conversion,*
18 *Navy: LPD 32 (AP)”, and “Shipbuilding and Conversion,*
19 *Navy: LPD 33 (AP)” for fiscal year 2021 advance procure-*
20 *ment authorized by section 124(c) of the National Defense*
21 *Authorization Act for Fiscal Year 2021: Provided, That the*
22 *transfer authority provided under this provision is in addi-*
23 *tion to any other transfer authority contained in this Act.*

24 *SEC. 8035. Up to \$14,000,000 of the funds appro-*
25 *priated under the heading “Operation and Maintenance,*

1 Navy” may be made available for the Asia Pacific Regional
2 Initiative Program for the purpose of enabling the United
3 States Indo-Pacific Command to execute Theater Security
4 Cooperation activities such as humanitarian assistance,
5 and payment of incremental and personnel costs of training
6 and exercising with foreign security forces: Provided, That
7 funds made available for this purpose may be used, notwith-
8 standing any other funding authorities for humanitarian
9 assistance, security assistance or combined exercise ex-
10 penses: Provided further, That funds may not be obligated
11 to provide assistance to any foreign country that is other-
12 wise prohibited from receiving such type of assistance under
13 any other provision of law.

14 *SEC. 8036. The Secretary of Defense shall issue regula-*
15 *tions to prohibit the sale of any tobacco or tobacco-related*
16 *products in military resale outlets in the United States, its*
17 *territories and possessions at a price below the most com-*
18 *petitive price in the local community: Provided, That such*
19 *regulations shall direct that the prices of tobacco or tobacco-*
20 *related products in overseas military retail outlets shall be*
21 *within the range of prices established for military retail*
22 *system stores located in the United States.*

23 *SEC. 8037. (a) During the current fiscal year, none*
24 *of the appropriations or funds available to the Department*
25 *of Defense Working Capital Funds shall be used for the pur-*

1 *chase of an investment item for the purpose of acquiring*
2 *a new inventory item for sale or anticipated sale during*
3 *the current fiscal year or a subsequent fiscal year to cus-*
4 *tomers of the Department of Defense Working Capital*
5 *Funds if such an item would not have been chargeable to*
6 *the Department of Defense Business Operations Fund dur-*
7 *ing fiscal year 1994 and if the purchase of such an invest-*
8 *ment item would be chargeable during the current fiscal*
9 *year to appropriations made to the Department of Defense*
10 *for procurement.*

11 *(b) The fiscal year 2022 budget request for the Depart-*
12 *ment of Defense as well as all justification material and*
13 *other documentation supporting the fiscal year 2022 De-*
14 *partment of Defense budget shall be prepared and submitted*
15 *to the Congress on the basis that any equipment which was*
16 *classified as an end item and funded in a procurement ap-*
17 *propriation contained in this Act shall be budgeted for in*
18 *a proposed fiscal year 2022 procurement appropriation and*
19 *not in the supply management business area or any other*
20 *area or category of the Department of Defense Working*
21 *Capital Funds.*

22 *SEC. 8038. None of the funds appropriated by this Act*
23 *for programs of the Central Intelligence Agency shall re-*
24 *main available for obligation beyond the current fiscal year,*
25 *except for funds appropriated for the Reserve for Contin-*

1 *gencies, which shall remain available until September 30,*
2 *2022: Provided, That funds appropriated, transferred, or*
3 *otherwise credited to the Central Intelligence Agency Cen-*
4 *tral Services Working Capital Fund during this or any*
5 *prior or subsequent fiscal year shall remain available until*
6 *expended: Provided further, That any funds appropriated*
7 *or transferred to the Central Intelligence Agency for ad-*
8 *vanced research and development acquisition, for agent op-*
9 *erations, and for covert action programs authorized by the*
10 *President under section 503 of the National Security Act*
11 *of 1947 (50 U.S.C. 3093) shall remain available until Sep-*
12 *tember 30, 2022: Provided further, That any funds appro-*
13 *priated or transferred to the Central Intelligence Agency for*
14 *the construction, improvement, or alteration of facilities,*
15 *including leased facilities, to be used primarily by per-*
16 *sonnel of the intelligence community shall remain available*
17 *until September 30, 2023.*

18 *SEC. 8039. Of the funds appropriated to the Depart-*
19 *ment of Defense under the heading “Operation and Mainte-*
20 *nance, Defense-Wide”, not less than \$12,000,000 shall be*
21 *made available only for the mitigation of environmental*
22 *impacts, including training and technical assistance to*
23 *tribes, related administrative support, the gathering of in-*
24 *formation, documenting of environmental damage, and de-*
25 *veloping a system for prioritization of mitigation and cost*

1 *to complete estimates for mitigation, on Indian lands re-*
2 *sulting from Department of Defense activities.*

3 *SEC. 8040. (a) None of the funds appropriated in this*
4 *Act may be expended by an entity of the Department of*
5 *Defense unless the entity, in expending the funds, complies*
6 *with the Buy American Act. For purposes of this subsection,*
7 *the term “Buy American Act” means chapter 83 of title*
8 *41, United States Code.*

9 *(b) If the Secretary of Defense determines that a person*
10 *has been convicted of intentionally affixing a label bearing*
11 *a “Made in America” inscription to any product sold in*
12 *or shipped to the United States that is not made in Amer-*
13 *ica, the Secretary shall determine, in accordance with sec-*
14 *tion 2410f of title 10, United States Code, whether the per-*
15 *son should be debarred from contracting with the Depart-*
16 *ment of Defense.*

17 *(c) In the case of any equipment or products purchased*
18 *with appropriations provided under this Act, it is the sense*
19 *of the Congress that any entity of the Department of De-*
20 *fense, in expending the appropriation, purchase only Amer-*
21 *ican-made equipment and products, provided that Amer-*
22 *ican-made equipment and products are cost-competitive,*
23 *quality competitive, and available in a timely fashion.*

1 *SEC. 8041. (a) Except as provided in subsections (b)*
2 *and (c), none of the funds made available by this Act may*
3 *be used—*

4 *(1) to establish a field operating agency; or*

5 *(2) to pay the basic pay of a member of the*
6 *Armed Forces or civilian employee of the department*
7 *who is transferred or reassigned from a headquarters*
8 *activity if the member or employee's place of duty re-*
9 *mains at the location of that headquarters.*

10 *(b) The Secretary of Defense or Secretary of a military*
11 *department may waive the limitations in subsection (a),*
12 *on a case-by-case basis, if the Secretary determines, and cer-*
13 *tifies to the Committees on Appropriations of the House of*
14 *Representatives and the Senate that the granting of the*
15 *waiver will reduce the personnel requirements or the finan-*
16 *cial requirements of the department.*

17 *(c) This section does not apply to—*

18 *(1) field operating agencies funded within the*
19 *National Intelligence Program;*

20 *(2) an Army field operating agency established*
21 *to eliminate, mitigate, or counter the effects of impro-*
22 *vised explosive devices, and, as determined by the Sec-*
23 *retary of the Army, other similar threats;*

24 *(3) an Army field operating agency established*
25 *to improve the effectiveness and efficiencies of biomet-*

1 *ric activities and to integrate common biometric tech-*
2 *nologies throughout the Department of Defense; or*

3 *(4) an Air Force field operating agency estab-*
4 *lished to administer the Air Force Mortuary Affairs*
5 *Program and Mortuary Operations for the Depart-*
6 *ment of Defense and authorized Federal entities.*

7 *SEC. 8042. (a) None of the funds appropriated by this*
8 *Act shall be available to convert to contractor performance*
9 *an activity or function of the Department of Defense that,*
10 *on or after the date of the enactment of this Act, is per-*
11 *formed by Department of Defense civilian employees un-*
12 *less—*

13 *(1) the conversion is based on the result of a pub-*
14 *lic-private competition that includes a most efficient*
15 *and cost effective organization plan developed by such*
16 *activity or function;*

17 *(2) the Competitive Sourcing Official determines*
18 *that, over all performance periods stated in the solici-*
19 *tation of offers for performance of the activity or*
20 *function, the cost of performance of the activity or*
21 *function by a contractor would be less costly to the*
22 *Department of Defense by an amount that equals or*
23 *exceeds the lesser of—*

24 *(A) 10 percent of the most efficient organi-*
25 *zation's personnel-related costs for performance*

1 *of that activity or function by Federal employ-*
2 *ees; or*

3 *(B) \$10,000,000; and*

4 *(3) the contractor does not receive an advantage*
5 *for a proposal that would reduce costs for the Depart-*
6 *ment of Defense by—*

7 *(A) not making an employer-sponsored*
8 *health insurance plan available to the workers*
9 *who are to be employed in the performance of*
10 *that activity or function under the contract; or*

11 *(B) offering to such workers an employer-*
12 *sponsored health benefits plan that requires the*
13 *employer to contribute less towards the premium*
14 *or subscription share than the amount that is*
15 *paid by the Department of Defense for health*
16 *benefits for civilian employees under chapter 89*
17 *of title 5, United States Code.*

18 *(b)(1) The Department of Defense, without regard to*
19 *subsection (a) of this section or subsection (a), (b), or (c)*
20 *of section 2461 of title 10, United States Code, and notwith-*
21 *standing any administrative regulation, requirement, or*
22 *policy to the contrary shall have full authority to enter into*
23 *a contract for the performance of any commercial or indus-*
24 *trial type function of the Department of Defense that—*

1 (A) is included on the procurement list es-
2 tablished pursuant to section 2 of the Javits-
3 Wagner-O'Day Act (section 8503 of title 41,
4 United States Code);

5 (B) is planned to be converted to perform-
6 ance by a qualified nonprofit agency for the
7 blind or by a qualified nonprofit agency for
8 other severely handicapped individuals in ac-
9 cordance with that Act; or

10 (C) is planned to be converted to perform-
11 ance by a qualified firm under at least 51 per-
12 cent ownership by an Indian tribe, as defined in
13 section 4(e) of the Indian Self-Determination
14 and Education Assistance Act (25 U.S.C.
15 450b(e)), or a Native Hawaiian Organization, as
16 defined in section 8(a)(15) of the Small Business
17 Act (15 U.S.C. 637(a)(15)).

18 (2) This section shall not apply to depot con-
19 tracts or contracts for depot maintenance as provided
20 in sections 2469 and 2474 of title 10, United States
21 Code.

22 (c) The conversion of any activity or function of the
23 Department of Defense under the authority provided by this
24 section shall be credited toward any competitive or out-
25 sourcing goal, target, or measurement that may be estab-

1 *lished by statute, regulation, or policy and is deemed to*
2 *be awarded under the authority of, and in compliance with,*
3 *subsection (h) of section 2304 of title 10, United States*
4 *Code, for the competition or outsourcing of commercial ac-*
5 *tivities.*

6 *(RESCISSIONS)*

7 *SEC. 8043. Of the funds appropriated in Department*
8 *of Defense Appropriations Acts, the following funds are*
9 *hereby rescinded from the following accounts and programs*
10 *in the specified amounts: Provided, That no amounts may*
11 *be rescinded from amounts that were designated by the Con-*
12 *gress for Overseas Contingency Operations/Global War on*
13 *Terrorism or as an emergency requirement pursuant to the*
14 *Concurrent Resolution on the Budget or the Balanced Budg-*
15 *et and Emergency Deficit Control Act of 1985, as amended:*

16 *“Shipbuilding and Conversion, Navy: DDG–51*
17 *Destroyer”, 2014/2021, \$66,567,000;*

18 *“Procurement of Weapons and Tracked Combat*
19 *Vehicles, Army”, 2019/2021, \$23,840,000;*

20 *“Aircraft Procurement, Navy”, 2019/2021,*
21 *\$23,094,000;*

22 *“Aircraft Procurement, Air Force”, 2019/2021,*
23 *\$465,447,000;*

24 *“Other Procurement, Air Force”, 2019/2021,*
25 *\$12,400,000;*

1 *“Aircraft Procurement, Army”, 2020/2022,*
2 *\$26,900,000;*

3 *“Missile Procurement, Army”, 2020/2022,*
4 *\$2,377,000;*

5 *“Procurement of Weapons and Tracked Combat*
6 *Vehicles, Army”, 2020/2022, \$148,141,000;*

7 *“Procurement of Ammunition, Army”, 2020/*
8 *2022, \$7,500,000;*

9 *“Other Procurement, Army”, 2020/2022,*
10 *\$13,175,000;*

11 *“Aircraft Procurement, Navy”, 2020/2022,*
12 *\$417,128,000;*

13 *“Weapons Procurement, Navy”, 2020/2022,*
14 *\$7,500,000;*

15 *“Procurement of Ammunition, Navy and Marine*
16 *Corps”, 2020/2022, \$8,973,000;*

17 *“Shipbuilding and Conversion, Navy: TAO Fleet*
18 *Oiler (AP)”, 2020/2024, \$73,000,000;*

19 *“Shipbuilding and Conversion, Navy: CVN Re-*
20 *fueling Overhauls”, 2020/2024, \$13,100,000;*

21 *“Other Procurement, Navy”, 2020/2022,*
22 *\$87,052,000;*

23 *“Procurement, Marine Corps”, 2020/2022,*
24 *\$55,139,000;*

1 *“Aircraft Procurement, Air Force”, 2020/2022,*
2 *\$543,015,000;*

3 *“Missile Procurement, Air Force”, 2020/2022,*
4 *\$24,500,000;*

5 *“Space Procurement, Air Force”, 2020/2022,*
6 *\$64,400,000;*

7 *“Other Procurement, Air Force”, 2020/2022,*
8 *\$66,726,000;*

9 *“Research, Development, Test and Evaluation,*
10 *Army”, 2020/2021, \$284,228,000;*

11 *“Research, Development, Test and Evaluation,*
12 *Navy”, 2020/2021, \$84,005,000;*

13 *“Research, Development, Test and Evaluation,*
14 *Air Force”, 2020/2021, \$251,809,000;*

15 *“Research, Development, Test and Evaluation,*
16 *Defense-Wide”, 2020/2021, \$378,031,000; and*

17 *“Defense Counterintelligence and Security Agen-*
18 *cy Working Capital Fund”, 2020/XXXX,*
19 *\$100,000,000.*

20 *SEC. 8044. None of the funds available in this Act may*
21 *be used to reduce the authorized positions for military tech-*
22 *nicians (dual status) of the Army National Guard, Air Na-*
23 *tional Guard, Army Reserve and Air Force Reserve for the*
24 *purpose of applying any administratively imposed civilian*
25 *personnel ceiling, freeze, or reduction on military techni-*

1 cians (*dual status*), unless such reductions are a direct re-
2 sult of a reduction in military force structure.

3 SEC. 8045. None of the funds appropriated or other-
4 wise made available in this Act may be obligated or ex-
5 pended for assistance to the Democratic People's Republic
6 of Korea unless specifically appropriated for that purpose:
7 Provided, That this restriction shall not apply to any ac-
8 tivities incidental to the Defense POW/MIA Accounting
9 Agency mission to recover and identify the remains of
10 United States Armed Forces personnel from the Democratic
11 People's Republic of Korea.

12 SEC. 8046. Funds appropriated in this Act for oper-
13 ation and maintenance of the Military Departments, Com-
14 batant Commands and Defense Agencies shall be available
15 for reimbursement of pay, allowances and other expenses
16 which would otherwise be incurred against appropriations
17 for the National Guard and Reserve when members of the
18 National Guard and Reserve provide intelligence or coun-
19 terintelligence support to Combatant Commands, Defense
20 Agencies and Joint Intelligence Activities, including the ac-
21 tivities and programs included within the National Intel-
22 ligence Program and the Military Intelligence Program:
23 Provided, That nothing in this section authorizes deviation
24 from established Reserve and National Guard personnel and
25 training procedures.

1 *SEC. 8047. (a) None of the funds available to the De-*
2 *partment of Defense for any fiscal year for drug interdic-*
3 *tion or counter-drug activities may be transferred to any*
4 *other department or agency of the United States except as*
5 *specifically provided in an appropriations law.*

6 *(b) None of the funds available to the Central Intel-*
7 *ligence Agency for any fiscal year for drug interdiction or*
8 *counter-drug activities may be transferred to any other de-*
9 *partment or agency of the United States except as specifi-*
10 *cally provided in an appropriations law.*

11 *SEC. 8048. None of the funds appropriated by this Act*
12 *may be used for the procurement of ball and roller bearings*
13 *other than those produced by a domestic source and of do-*
14 *mestic origin: Provided, That the Secretary of the military*
15 *department responsible for such procurement may waive*
16 *this restriction on a case-by-case basis by certifying in writ-*
17 *ing to the Committees on Appropriations of the House of*
18 *Representatives and the Senate, that adequate domestic*
19 *supplies are not available to meet Department of Defense*
20 *requirements on a timely basis and that such an acquisition*
21 *must be made in order to acquire capability for national*
22 *security purposes: Provided further, That this restriction*
23 *shall not apply to the purchase of “commercial items”, as*
24 *defined by section 103 of title 41, United States Code, except*

1 *that the restriction shall apply to ball or roller bearings*
2 *purchased as end items.*

3 *SEC. 8049. Of the amounts appropriated for “Working*
4 *Capital Fund, Army”, \$125,000,000 shall be available to*
5 *maintain competitive rates at the arsenals.*

6 *SEC. 8050. In addition to the amounts appropriated*
7 *or otherwise made available elsewhere in this Act,*
8 *\$49,000,000 is hereby appropriated to the Department of*
9 *Defense: Provided, That upon the determination of the Sec-*
10 *retary of Defense that it shall serve the national interest,*
11 *the Secretary shall make grants in the amounts specified*
12 *as follows: \$24,000,000 to the United Service Organizations*
13 *and \$25,000,000 to the Red Cross.*

14 *SEC. 8051. None of the funds in this Act may be used*
15 *to purchase any supercomputer which is not manufactured*
16 *in the United States, unless the Secretary of Defense cer-*
17 *tifies to the congressional defense committees that such an*
18 *acquisition must be made in order to acquire capability for*
19 *national security purposes that is not available from*
20 *United States manufacturers.*

21 *SEC. 8052. Notwithstanding any other provision in*
22 *this Act, the Small Business Innovation Research program*
23 *and the Small Business Technology Transfer program set-*
24 *asides shall be taken proportionally from all programs,*
25 *projects, or activities to the extent they contribute to the*

1 *extramural budget. The Secretary of each military depart-*
2 *ment, the Director of each Defense Agency, and the head*
3 *of each other relevant component of the Department of De-*
4 *fense shall submit to the congressional defense committees,*
5 *concurrent with submission of the budget justification docu-*
6 *ments to Congress pursuant to section 1105 of title 31,*
7 *United States Code, a report with a detailed accounting*
8 *of the Small Business Innovation Research program and*
9 *the Small Business Technology Transfer program set-asides*
10 *taken from programs, projects, or activities within such de-*
11 *partment, agency, or component during the most recently*
12 *completed fiscal year.*

13 *SEC. 8053. None of the funds available to the Depart-*
14 *ment of Defense under this Act shall be obligated or ex-*
15 *pended to pay a contractor under a contract with the De-*
16 *partment of Defense for costs of any amount paid by the*
17 *contractor to an employee when—*

18 (1) *such costs are for a bonus or otherwise in ex-*
19 *cess of the normal salary paid by the contractor to the*
20 *employee; and*

21 (2) *such bonus is part of restructuring costs asso-*
22 *ciated with a business combination.*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 8054. During the current fiscal year, no more*
25 *than \$30,000,000 of appropriations made in this Act under*

1 *the heading “Operation and Maintenance, Defense-Wide”*
2 *may be transferred to appropriations available for the pay*
3 *of military personnel, to be merged with, and to be available*
4 *for the same time period as the appropriations to which*
5 *transferred, to be used in support of such personnel in con-*
6 *nection with support and services for eligible organizations*
7 *and activities outside the Department of Defense pursuant*
8 *to section 2012 of title 10, United States Code.*

9 *SEC. 8055. During the current fiscal year, in the case*
10 *of an appropriation account of the Department of Defense*
11 *for which the period of availability for obligation has ex-*
12 *pired or which has closed under the provisions of section*
13 *1552 of title 31, United States Code, and which has a nega-*
14 *tive unliquidated or unexpended balance, an obligation or*
15 *an adjustment of an obligation may be charged to any cur-*
16 *rent appropriation account for the same purpose as the ex-*
17 *pired or closed account if—*

18 *(1) the obligation would have been properly*
19 *chargeable (except as to amount) to the expired or*
20 *closed account before the end of the period of avail-*
21 *ability or closing of that account;*

22 *(2) the obligation is not otherwise properly*
23 *chargeable to any current appropriation account of*
24 *the Department of Defense; and*

1 (3) *in the case of an expired account, the obliga-*
2 *tion is not chargeable to a current appropriation of*
3 *the Department of Defense under the provisions of sec-*
4 *tion 1405(b)(8) of the National Defense Authorization*
5 *Act for Fiscal Year 1991, Public Law 101–510, as*
6 *amended (31 U.S.C. 1551 note): Provided, That in*
7 *the case of an expired account, if subsequent review*
8 *or investigation discloses that there was not in fact a*
9 *negative unliquidated or unexpended balance in the*
10 *account, any charge to a current account under the*
11 *authority of this section shall be reversed and re-*
12 *corded against the expired account: Provided further,*
13 *That the total amount charged to a current appro-*
14 *priation under this section may not exceed an*
15 *amount equal to 1 percent of the total appropriation*
16 *for that account:*

17 *Provided, That the Under Secretary of Defense (Comp-*
18 *troller) shall include with the budget of the President for*
19 *fiscal year 2022 (as submitted to Congress pursuant to sec-*
20 *tion 1105 of title 31, United States Code) a statement de-*
21 *scribing each instance if any, during each of the fiscal years*
22 *2016 through 2021 in which the authority in this section*
23 *was exercised.*

24 SEC. 8056. (a) *Notwithstanding any other provision*
25 *of law, the Chief of the National Guard Bureau may permit*

1 *the use of equipment of the National Guard Distance Learn-*
2 *ing Project by any person or entity on a space-available,*
3 *reimbursable basis. The Chief of the National Guard Bu-*
4 *reau shall establish the amount of reimbursement for such*
5 *use on a case-by-case basis.*

6 *(b) Amounts collected under subsection (a) shall be*
7 *credited to funds available for the National Guard Distance*
8 *Learning Project and be available to defray the costs associ-*
9 *ated with the use of equipment of the project under that*
10 *subsection. Such funds shall be available for such purposes*
11 *without fiscal year limitation.*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 8057. Of the funds appropriated in this Act*
14 *under the heading “Operation and Maintenance, Defense-*
15 *Wide”, \$46,000,000 shall be for continued implementation*
16 *and expansion of the Sexual Assault Special Victims’ Coun-*
17 *sel Program: Provided, That the funds are made available*
18 *for transfer to the Department of the Army, the Department*
19 *of the Navy, and the Department of the Air Force: Provided*
20 *further, That funds transferred shall be merged with and*
21 *available for the same purposes and for the same time pe-*
22 *riod as the appropriations to which the funds are trans-*
23 *ferred: Provided further, That this transfer authority is in*
24 *addition to any other transfer authority provided in this*
25 *Act.*

1 *SEC. 8058. None of the funds appropriated in title IV*
2 *of this Act may be used to procure end-items for delivery*
3 *to military forces for operational training, operational use*
4 *or inventory requirements: Provided, That this restriction*
5 *does not apply to end-items used in development, proto-*
6 *typing, and test activities preceding and leading to accept-*
7 *ance for operational use: Provided further, That this restric-*
8 *tion does not apply to programs funded within the National*
9 *Intelligence Program: Provided further, That the Secretary*
10 *of Defense shall, at the time of the submittal to Congress*
11 *of the budget of the President for fiscal year 2022 pursuant*
12 *to section 1105 of title 31, United States Code, submit to*
13 *the congressional defense committees a report detailing the*
14 *use of funds requested in research, development, test and*
15 *evaluation accounts for end-items used in development,*
16 *prototyping and test activities preceding and leading to ac-*
17 *ceptance for operational use: Provided further, That the re-*
18 *port shall set forth, for each end-item covered by the pre-*
19 *ceding proviso, a detailed list of the statutory authorities*
20 *under which amounts in the accounts described in that pro-*
21 *viso were used for such item: Provided further, That the*
22 *Secretary of Defense shall, at the time of the submittal to*
23 *Congress of the budget of the President for fiscal year 2022*
24 *pursuant to section 1105 of title 31, United States Code,*
25 *submit to the congressional defense committees a certifi-*

1 *cation that funds requested for fiscal year 2022 in research,*
2 *development, test and evaluation are in compliance with*
3 *this section: Provided further, That the Secretary of Defense*
4 *may waive this restriction on a case-by-case basis by certi-*
5 *fying in writing to the Committees on Appropriations of*
6 *the House of Representatives and the Senate that it is in*
7 *the national security interest to do so.*

8 *SEC. 8059. (a) The Secretary of Defense may, on a*
9 *case-by-case basis, waive with respect to a foreign country*
10 *each limitation on the procurement of defense items from*
11 *foreign sources provided in law if the Secretary determines*
12 *that the application of the limitation with respect to that*
13 *country would invalidate cooperative programs entered into*
14 *between the Department of Defense and the foreign country,*
15 *or would invalidate reciprocal trade agreements for the pro-*
16 *curement of defense items entered into under section 2531*
17 *of title 10, United States Code, and the country does not*
18 *discriminate against the same or similar defense items pro-*
19 *duced in the United States for that country.*

20 *(b) Subsection (a) applies with respect to—*

21 *(1) contracts and subcontracts entered into on or*
22 *after the date of the enactment of this Act; and*

23 *(2) options for the procurement of items that are*
24 *exercised after such date under contracts that are en-*
25 *tered into before such date if the option prices are ad-*

1 *justed for any reason other than the application of a*
2 *waiver granted under subsection (a).*

3 *(c) Subsection (a) does not apply to a limitation re-*
4 *garding construction of public vessels, ball and roller bear-*
5 *ings, food, and clothing or textile materials as defined by*
6 *section XI (chapters 50–65) of the Harmonized Tariff*
7 *Schedule of the United States and products classified under*
8 *headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019,*
9 *7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502*
10 *through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

11 *SEC. 8060. None of the funds appropriated or other-*
12 *wise made available by this or other Department of Defense*
13 *Appropriations Acts may be obligated or expended for the*
14 *purpose of performing repairs or maintenance to military*
15 *family housing units of the Department of Defense, includ-*
16 *ing areas in such military family housing units that may*
17 *be used for the purpose of conducting official Department*
18 *of Defense business.*

19 *SEC. 8061. Notwithstanding any other provision of*
20 *law, funds appropriated in this Act under the heading “Re-*
21 *search, Development, Test and Evaluation, Defense-Wide”*
22 *for any new start advanced concept technology demonstra-*
23 *tion project or joint capability demonstration project may*
24 *only be obligated 45 days after a report, including a de-*
25 *scription of the project, the planned acquisition and transi-*

1 *tion strategy and its estimated annual and total cost, has*
2 *been provided in writing to the congressional defense com-*
3 *mittees: Provided, That the Secretary of Defense may waive*
4 *this restriction on a case-by-case basis by certifying to the*
5 *congressional defense committees that it is in the national*
6 *interest to do so.*

7 *SEC. 8062. The Secretary of Defense shall continue to*
8 *provide a classified quarterly report to the Committees on*
9 *Appropriations of the House of Representatives and the*
10 *Senate, Subcommittees on Defense on certain matters as di-*
11 *rected in the classified annex accompanying this Act.*

12 *SEC. 8063. Notwithstanding section 12310(b) of title*
13 *10, United States Code, a Reserve who is a member of the*
14 *National Guard serving on full-time National Guard duty*
15 *under section 502(f) of title 32, United States Code, may*
16 *perform duties in support of the ground-based elements of*
17 *the National Ballistic Missile Defense System.*

18 *SEC. 8064. None of the funds provided in this Act may*
19 *be used to transfer to any nongovernmental entity ammuni-*
20 *tion held by the Department of Defense that has a center-*
21 *fire cartridge and a United States military nomenclature*
22 *designation of “armor penetrator”, “armor piercing (AP)”,*
23 *“armor piercing incendiary (API)”, or “armor-piercing in-*
24 *cendiary tracer (API-T)”, except to an entity performing*
25 *demilitarization services for the Department of Defense*

1 *under a contract that requires the entity to demonstrate to*
2 *the satisfaction of the Department of Defense that armor*
3 *piercing projectiles are either: (1) rendered incapable of*
4 *reuse by the demilitarization process; or (2) used to manu-*
5 *facture ammunition pursuant to a contract with the De-*
6 *partment of Defense or the manufacture of ammunition for*
7 *export pursuant to a License for Permanent Export of Un-*
8 *classified Military Articles issued by the Department of*
9 *State.*

10 *SEC. 8065. Notwithstanding any other provision of*
11 *law, the Chief of the National Guard Bureau, or his des-*
12 *ignee, may waive payment of all or part of the consider-*
13 *ation that otherwise would be required under section 2667*
14 *of title 10, United States Code, in the case of a lease of*
15 *personal property for a period not in excess of 1 year to*
16 *any organization specified in section 508(d) of title 32,*
17 *United States Code, or any other youth, social, or fraternal*
18 *nonprofit organization as may be approved by the Chief*
19 *of the National Guard Bureau, or his designee, on a case-*
20 *by-case basis.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 8066. Of the amounts appropriated in this Act*
23 *under the heading “Operation and Maintenance, Army”,*
24 *\$133,724,000 shall remain available until expended: Pro-*
25 *vided, That, notwithstanding any other provision of law,*

1 *the Secretary of Defense is authorized to transfer such funds*
2 *to other activities of the Federal Government: Provided fur-*
3 *ther, That the Secretary of Defense is authorized to enter*
4 *into and carry out contracts for the acquisition of real*
5 *property, construction, personal services, and operations re-*
6 *lated to projects carrying out the purposes of this section:*
7 *Provided further, That contracts entered into under the au-*
8 *thority of this section may provide for such indemnification*
9 *as the Secretary determines to be necessary: Provided fur-*
10 *ther, That projects authorized by this section shall comply*
11 *with applicable Federal, State, and local law to the max-*
12 *imum extent consistent with the national security, as deter-*
13 *mined by the Secretary of Defense.*

14 *SEC. 8067. (a) None of the funds appropriated in this*
15 *or any other Act may be used to take any action to mod-*
16 *ify—*

17 *(1) the appropriations account structure for the*
18 *National Intelligence Program budget, including*
19 *through the creation of a new appropriation or new*
20 *appropriation account;*

21 *(2) how the National Intelligence Program budg-*
22 *et request is presented in the unclassified P-1, R-1,*
23 *and O-1 documents supporting the Department of*
24 *Defense budget request;*

1 (3) *the process by which the National Intelligence*
2 *Program appropriations are apportioned to the exe-*
3 *cuting agencies; or*

4 (4) *the process by which the National Intelligence*
5 *Program appropriations are allotted, obligated and*
6 *disbursed.*

7 (b) *Nothing in subsection (a) shall be construed to pro-*
8 *hibit the merger of programs or changes to the National*
9 *Intelligence Program budget at or below the Expenditure*
10 *Center level, provided such change is otherwise in accord-*
11 *ance with paragraphs (a)(1)–(3).*

12 (c) *The Director of National Intelligence and the Sec-*
13 *retary of Defense may jointly, only for the purposes of*
14 *achieving auditable financial statements and improving fis-*
15 *cal reporting, study and develop detailed proposals for al-*
16 *ternative financial management processes. Such study shall*
17 *include a comprehensive counterintelligence risk assessment*
18 *to ensure that none of the alternative processes will ad-*
19 *versely affect counterintelligence.*

20 (d) *Upon development of the detailed proposals defined*
21 *under subsection (c), the Director of National Intelligence*
22 *and the Secretary of Defense shall—*

23 (1) *provide the proposed alternatives to all af-*
24 *ected agencies;*

1 *tion 116 of the John C. Stennis Center for Public Service*
2 *Training and Development Act (2 U.S.C. 1105).*

3 *SEC. 8070. None of the funds available to the Depart-*
4 *ment of Defense may be obligated to modify command and*
5 *control relationships to give Fleet Forces Command oper-*
6 *ational and administrative control of United States Navy*
7 *forces assigned to the Pacific fleet: Provided, That the com-*
8 *mand and control relationships which existed on October*
9 *1, 2004, shall remain in force until a written modification*
10 *has been proposed to the Committees on Appropriations of*
11 *the House of Representatives and the Senate: Provided fur-*
12 *ther, That the proposed modification may be implemented*
13 *30 days after the notification unless an objection is received*
14 *from either the House or Senate Appropriations Commit-*
15 *tees: Provided further, That any proposed modification*
16 *shall not preclude the ability of the commander of United*
17 *States Indo-Pacific Command to meet operational require-*
18 *ments.*

19 *SEC. 8071. Any notice that is required to be submitted*
20 *to the Committees on Appropriations of the House of Rep-*
21 *resentatives and the Senate under section 806(c)(4) of the*
22 *Bob Stump National Defense Authorization Act for Fiscal*
23 *Year 2003 (10 U.S.C. 2302 note) after the date of the enact-*
24 *ment of this Act shall be submitted pursuant to that require-*
25 *ment concurrently to the Subcommittees on Defense of the*

1 *Committees on Appropriations of the House of Representa-*
2 *tives and the Senate.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8072. Of the amounts appropriated in this Act*
5 *under the headings “Procurement, Defense-Wide” and “Re-*
6 *search, Development, Test and Evaluation, Defense-Wide”,*
7 *\$500,000,000 shall be for the Israeli Cooperative Programs:*
8 *Provided, That of this amount, \$73,000,000 shall be for the*
9 *Secretary of Defense to provide to the Government of Israel*
10 *for the procurement of the Iron Dome defense system to*
11 *counter short-range rocket threats, subject to the U.S.-Israel*
12 *Iron Dome Procurement Agreement, as amended;*
13 *\$177,000,000 shall be for the Short Range Ballistic Missile*
14 *Defense (SRBMD) program, including cruise missile de-*
15 *fense research and development under the SRBMD pro-*
16 *gram, of which \$50,000,000 shall be for co-production ac-*
17 *tivities of SRBMD systems in the United States and in*
18 *Israel to meet Israel’s defense requirements consistent with*
19 *each nation’s laws, regulations, and procedures, subject to*
20 *the U.S.-Israeli co-production agreement for SRBMD, as*
21 *amended; \$77,000,000 shall be for an upper-tier component*
22 *to the Israeli Missile Defense Architecture, of which*
23 *\$77,000,000 shall be for co-production activities of Arrow*
24 *3 Upper Tier systems in the United States and in Israel*
25 *to meet Israel’s defense requirements consistent with each*

1 *nation's laws, regulations, and procedures, subject to the*
2 *U.S.-Israeli co-production agreement for Arrow 3 Upper*
3 *Tier, as amended; and \$173,000,000 shall be for the Arrow*
4 *System Improvement Program including development of a*
5 *long range, ground and airborne, detection suite: Provided*
6 *further, That the transfer authority provided under this*
7 *provision is in addition to any other transfer authority con-*
8 *tained in this Act.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 8073. Of the amounts appropriated in this Act*
11 *under the heading "Shipbuilding and Conversion, Navy",*
12 *\$407,312,000 shall be available until September 30, 2021,*
13 *to fund prior year shipbuilding cost increases: Provided,*
14 *That upon enactment of this Act, the Secretary of the Navy*
15 *shall transfer funds to the following appropriations in the*
16 *amounts specified: Provided further, That the amounts*
17 *transferred shall be merged with and be available for the*
18 *same purposes as the appropriations to which transferred*
19 *to:*

20 *(1) Under the heading "Shipbuilding and Con-*
21 *version, Navy", 2008/2021: Carrier Replacement Pro-*
22 *gram \$71,000,000;*

23 *(2) Under the heading "Shipbuilding and Con-*
24 *version, Navy", 2015/2021: DDG-51 Destroyer*
25 *\$9,634,000;*

1 (3) *Under the heading “Shipbuilding and Con-*
2 *version, Navy”, 2016/2021: CVN Refueling Overhauls*
3 *\$186,200,000;*

4 (4) *Under the heading “Shipbuilding and Con-*
5 *version, Navy”, 2016/2021: LPD–17 \$30,578,000;*

6 (5) *Under the heading “Shipbuilding and Con-*
7 *version, Navy”, 2016/2021: TAO Fleet Oiler*
8 *\$42,500,000;*

9 (6) *Under the heading “Shipbuilding and Con-*
10 *version, Navy”, 2018/2021: TAO Fleet Oiler*
11 *\$17,400,000; and*

12 (7) *Under the heading “Shipbuilding and Con-*
13 *version, Navy”, 2018/2021: Expeditionary Fast*
14 *Transport \$50,000,000.*

15 *SEC. 8074. Funds appropriated by this Act, or made*
16 *available by the transfer of funds in this Act, for intelligence*
17 *activities are deemed to be specifically authorized by the*
18 *Congress for purposes of section 504 of the National Secu-*
19 *rity Act of 1947 (50 U.S.C. 3094) during fiscal year 2021*
20 *until the enactment of the Intelligence Authorization Act*
21 *for Fiscal Year 2021.*

22 *SEC. 8075. None of the funds provided in this Act shall*
23 *be available for obligation or expenditure through a re-*
24 *programming of funds that creates or initiates a new pro-*
25 *gram, project, or activity unless such program, project, or*

1 *activity must be undertaken immediately in the interest of*
2 *national security and only after written prior notification*
3 *to the congressional defense committees.*

4 *SEC. 8076. The budget of the President for fiscal year*
5 *2022 submitted to the Congress pursuant to section 1105*
6 *of title 31, United States Code, shall include separate budget*
7 *justification documents for costs of United States Armed*
8 *Forces' participation in contingency operations for the*
9 *Military Personnel accounts, the Operation and Mainte-*
10 *nance accounts, the Procurement accounts, and the Re-*
11 *search, Development, Test and Evaluation accounts: Pro-*
12 *vided, That these documents shall include a description of*
13 *the funding requested for each contingency operation, for*
14 *each military service, to include all Active and Reserve*
15 *components, and for each appropriations account: Provided*
16 *further, That these documents shall include estimated costs*
17 *for each element of expense or object class, a reconciliation*
18 *of increases and decreases for each contingency operation,*
19 *and programmatic data including, but not limited to, troop*
20 *strength for each Active and Reserve component, and esti-*
21 *mates of the major weapons systems deployed in support*
22 *of each contingency: Provided further, That these documents*
23 *shall include budget exhibits OP-5 and OP-32 (as defined*
24 *in the Department of Defense Financial Management Regu-*

1 lation) for all contingency operations for the budget year
2 and the two preceding fiscal years.

3 SEC. 8077. None of the funds in this Act may be used
4 for research, development, test, evaluation, procurement or
5 deployment of nuclear armed interceptors of a missile de-
6 fense system.

7 SEC. 8078. The Secretary of Defense may use up to
8 \$650,000,000 of the amounts appropriated or otherwise
9 made available in this Act to the Department of Defense
10 for the rapid acquisition and deployment of supplies and
11 associated support services pursuant to section 806 of the
12 Bob Stump National Defense Authorization Act for Fiscal
13 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note), but
14 only for the purposes specified in clauses (i), (ii), (iii), and
15 (iv) of subsection (c)(3)(B) of such section and subject to
16 the applicable limits specified in clauses (i), (ii), and (iii)
17 of such subsection and, in the case of clause (iv) of such
18 subsection, subject to a limit of \$50,000,000: Provided, That
19 the Secretary of Defense shall notify the congressional de-
20 fense committees promptly of all uses of this authority.

21 SEC. 8079. None of the funds appropriated or made
22 available in this Act shall be used to reduce or disestablish
23 the operation of the 53rd Weather Reconnaissance Squad-
24 ron of the Air Force Reserve, if such action would reduce
25 the WC–130 Weather Reconnaissance mission below the lev-

1 *els funded in this Act: Provided, That the Air Force shall*
2 *allow the 53rd Weather Reconnaissance Squadron to per-*
3 *form other missions in support of national defense require-*
4 *ments during the non-hurricane season.*

5 *SEC. 8080. None of the funds provided in this Act shall*
6 *be available for integration of foreign intelligence informa-*
7 *tion unless the information has been lawfully collected and*
8 *processed during the conduct of authorized foreign intel-*
9 *ligence activities: Provided, That information pertaining to*
10 *United States persons shall only be handled in accordance*
11 *with protections provided in the Fourth Amendment of the*
12 *United States Constitution as implemented through Execu-*
13 *tive Order No. 12333.*

14 *SEC. 8081. (a) None of the funds appropriated by this*
15 *Act may be used to transfer research and development, ac-*
16 *quisition, or other program authority relating to current*
17 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

18 *(b) The Army shall retain responsibility for and oper-*
19 *ational control of the MQ-1C Gray Eagle Unmanned Aerial*
20 *Vehicle (UAV) in order to support the Secretary of Defense*
21 *in matters relating to the employment of unmanned aerial*
22 *vehicles.*

23 *SEC. 8082. None of the funds appropriated by this Act*
24 *for programs of the Office of the Director of National Intel-*
25 *ligence shall remain available for obligation beyond the cur-*

1 *rent fiscal year, except for funds appropriated for research*
2 *and technology, which shall remain available until Sep-*
3 *tember 30, 2022.*

4 *SEC. 8083. For purposes of section 1553(b) of title 31,*
5 *United States Code, any subdivision of appropriations*
6 *made in this Act under the heading “Shipbuilding and*
7 *Conversion, Navy” shall be considered to be for the same*
8 *purpose as any subdivision under the heading “Ship-*
9 *building and Conversion, Navy” appropriations in any*
10 *prior fiscal year, and the 1 percent limitation shall apply*
11 *to the total amount of the appropriation.*

12 *SEC. 8084. (a) Not later than 60 days after the date*
13 *of enactment of this Act, the Director of National Intel-*
14 *ligence shall submit a report to the congressional intel-*
15 *ligence committees to establish the baseline for application*
16 *of reprogramming and transfer authorities for fiscal year*
17 *2021: Provided, That the report shall include—*

18 *(1) a table for each appropriation with a sepa-*
19 *rate column to display the President’s budget request,*
20 *adjustments made by Congress, adjustments due to*
21 *enacted rescissions, if appropriate, and the fiscal year*
22 *enacted level;*

23 *(2) a delineation in the table for each appropria-*
24 *tion by Expenditure Center and project; and*

1 (3) *an identification of items of special congressional*
2 *interest.*

3 (b) *None of the funds provided for the National Intel-*
4 *ligence Program in this Act shall be available for re-*
5 *programming or transfer until the report identified in sub-*
6 *section (a) is submitted to the congressional intelligence*
7 *committees, unless the Director of National Intelligence cer-*
8 *tifies in writing to the congressional intelligence committees*
9 *that such reprogramming or transfer is necessary as an*
10 *emergency requirement.*

11 *SEC. 8085. Notwithstanding any other provision of*
12 *law, any transfer of funds, appropriated or otherwise made*
13 *available by this Act, for support to friendly foreign coun-*
14 *tries in connection with the conduct of operations in which*
15 *the United States is not participating, pursuant to section*
16 *331(d) of title 10, United States Code, shall be made in*
17 *accordance with section 8005 or 9002 of this Act, as appli-*
18 *able.*

19 *SEC. 8086. Any transfer of amounts appropriated to*
20 *the Department of Defense Acquisition Workforce Develop-*
21 *ment Account in or for fiscal year 2021 to a military de-*
22 *partment or Defense Agency pursuant to section 1705(e)(1)*
23 *of title 10, United States Code, shall be covered by and sub-*
24 *ject to section 8005 or 9002 of this Act, as applicable.*

1 *SEC. 8087. None of the funds made available by this*
2 *Act for excess defense articles, assistance under section 333*
3 *of title 10, United States Code, or peacekeeping operations*
4 *for the countries designated annually to be in violation of*
5 *the standards of the Child Soldiers Prevention Act of 2008*
6 *(Public Law 110–457; 22 U.S.C. 2370c–1) may be used to*
7 *support any military training or operation that includes*
8 *child soldiers, as defined by the Child Soldiers Prevention*
9 *Act of 2008, unless such assistance is otherwise permitted*
10 *under section 404 of the Child Soldiers Prevention Act of*
11 *2008.*

12 *SEC. 8088. (a) None of the funds provided for the Na-*
13 *tional Intelligence Program in this or any prior appropria-*
14 *tions Act shall be available for obligation or expenditure*
15 *through a reprogramming or transfer of funds in accord-*
16 *ance with section 102A(d) of the National Security Act of*
17 *1947 (50 U.S.C. 3024(d)) that—*

18 *(1) creates a new start effort;*

19 *(2) terminates a program with appropriated*
20 *funding of \$10,000,000 or more;*

21 *(3) transfers funding into or out of the National*
22 *Intelligence Program; or*

23 *(4) transfers funding between appropriations,*
24 *unless the congressional intelligence committees are*
25 *notified 30 days in advance of such reprogramming*

1 of funds; this notification period may be reduced for
2 urgent national security requirements.

3 (b) None of the funds provided for the National Intel-
4 ligence Program in this or any prior appropriations Act
5 shall be available for obligation or expenditure through a
6 reprogramming or transfer of funds in accordance with sec-
7 tion 102A(d) of the National Security Act of 1947 (50
8 U.S.C. 3024(d)) that results in a cumulative increase or
9 decrease of the levels specified in the classified annex accom-
10 panying the Act unless the congressional intelligence com-
11 mittees are notified 30 days in advance of such reprogram-
12 ming of funds; this notification period may be reduced for
13 urgent national security requirements.

14 SEC. 8089. In this fiscal year and each fiscal year
15 thereafter, funds appropriated under the heading “Procure-
16 ment, Space Force” may be obligated for payment of sat-
17 ellite on-orbit incentives in the fiscal year in which an in-
18 centive payment is earned: Provided, That any obligation
19 made pursuant to this section may not be entered into until
20 30 calendar days in session after the congressional defense
21 committees have been notified that an on-orbit incentive
22 payment has been earned.

23 SEC. 8090. For the purposes of this Act, the term “con-
24 gressional intelligence committees” means the Permanent
25 Select Committee on Intelligence of the House of Represent-

1 *atives, the Select Committee on Intelligence of the Senate,*
2 *the Subcommittee on Defense of the Committee on Appro-*
3 *priations of the House of Representatives, and the Sub-*
4 *committee on Defense of the Committee on Appropriations*
5 *of the Senate.*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *SEC. 8091. During the current fiscal year, not to ex-*
8 *ceed \$11,000,000 from each of the appropriations made in*
9 *title II of this Act for “Operation and Maintenance, Army”,*
10 *“Operation and Maintenance, Navy”, and “Operation and*
11 *Maintenance, Air Force” may be transferred by the mili-*
12 *tary department concerned to its central fund established*
13 *for Fisher Houses and Suites pursuant to section 2493(d)*
14 *of title 10, United States Code.*

15 *SEC. 8092. None of the funds appropriated by this Act*
16 *may be available for the purpose of making remittances to*
17 *the Department of Defense Acquisition Workforce Develop-*
18 *ment Account in accordance with section 1705 of title 10,*
19 *United States Code.*

20 *SEC. 8093. (a) Any agency receiving funds made*
21 *available in this Act, shall, subject to subsections (b) and*
22 *(c), post on the public Web site of that agency any report*
23 *required to be submitted by the Congress in this or any*
24 *other Act, upon the determination by the head of the agency*
25 *that it shall serve the national interest.*

1 **(b)** *Subsection (a) shall not apply to a report if—*

2 **(1)** *the public posting of the report compromises*
3 *national security; or*

4 **(2)** *the report contains proprietary information.*

5 **(c)** *The head of the agency posting such report shall*
6 *do so only after such report has been made available to the*
7 *requesting Committee or Committees of Congress for no less*
8 *than 45 days.*

9 **SEC. 8094.** *(a) None of the funds appropriated or oth-*
10 *erwise made available by this Act may be expended for any*
11 *Federal contract for an amount in excess of \$1,000,000, un-*
12 *less the contractor agrees not to—*

13 **(1)** *enter into any agreement with any of its em-*
14 *ployees or independent contractors that requires, as a*
15 *condition of employment, that the employee or inde-*
16 *pendent contractor agree to resolve through arbitra-*
17 *tion any claim under title VII of the Civil Rights Act*
18 *of 1964 or any tort related to or arising out of sexual*
19 *assault or harassment, including assault and battery,*
20 *intentional infliction of emotional distress, false im-*
21 *prisonment, or negligent hiring, supervision, or reten-*
22 *tion; or*

23 **(2)** *take any action to enforce any provision of*
24 *an existing agreement with an employee or inde-*
25 *pendent contractor that mandates that the employee*

1 *or independent contractor resolve through arbitration*
2 *any claim under title VII of the Civil Rights Act of*
3 *1964 or any tort related to or arising out of sexual*
4 *assault or harassment, including assault and battery,*
5 *intentional infliction of emotional distress, false im-*
6 *prisonment, or negligent hiring, supervision, or reten-*
7 *tion.*

8 *(b) None of the funds appropriated or otherwise made*
9 *available by this Act may be expended for any Federal con-*
10 *tract unless the contractor certifies that it requires each cov-*
11 *ered subcontractor to agree not to enter into, and not to*
12 *take any action to enforce any provision of, any agreement*
13 *as described in paragraphs (1) and (2) of subsection (a),*
14 *with respect to any employee or independent contractor per-*
15 *forming work related to such subcontract. For purposes of*
16 *this subsection, a “covered subcontractor” is an entity that*
17 *has a subcontract in excess of \$1,000,000 on a contract sub-*
18 *ject to subsection (a).*

19 *(c) The prohibitions in this section do not apply with*
20 *respect to a contractor’s or subcontractor’s agreements with*
21 *employees or independent contractors that may not be en-*
22 *forced in a court of the United States.*

23 *(d) The Secretary of Defense may waive the applica-*
24 *tion of subsection (a) or (b) to a particular contractor or*
25 *subcontractor for the purposes of a particular contract or*

1 subcontract if the Secretary or the Deputy Secretary per-
2 sonally determines that the waiver is necessary to avoid
3 harm to national security interests of the United States,
4 and that the term of the contract or subcontract is not
5 longer than necessary to avoid such harm. The determina-
6 tion shall set forth with specificity the grounds for the waiv-
7 er and for the contract or subcontract term selected, and
8 shall state any alternatives considered in lieu of a waiver
9 and the reasons each such alternative would not avoid harm
10 to national security interests of the United States. The Sec-
11 retary of Defense shall transmit to Congress, and simulta-
12 neously make public, any determination under this sub-
13 section not less than 15 business days before the contract
14 or subcontract addressed in the determination may be
15 awarded.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8095. From within the funds appropriated for
18 operation and maintenance for the Defense Health Program
19 in this Act, up to \$137,000,000, shall be available for trans-
20 fer to the Joint Department of Defense-Department of Vet-
21 erans Affairs Medical Facility Demonstration Fund in ac-
22 cordance with the provisions of section 1704 of the National
23 Defense Authorization Act for Fiscal Year 2010, Public Law
24 111-84: Provided, That for purposes of section 1704(b), the
25 facility operations funded are operations of the integrated

1 *Captain James A. Lovell Federal Health Care Center, con-*
2 *sisting of the North Chicago Veterans Affairs Medical Cen-*
3 *ter, the Navy Ambulatory Care Center, and supporting fa-*
4 *cilities designated as a combined Federal medical facility*
5 *as described by section 706 of Public Law 110–417: Pro-*
6 *vided further, That additional funds may be transferred*
7 *from funds appropriated for operation and maintenance for*
8 *the Defense Health Program to the Joint Department of De-*
9 *fense-Department of Veterans Affairs Medical Facility*
10 *Demonstration Fund upon written notification by the Sec-*
11 *retary of Defense to the Committees on Appropriations of*
12 *the House of Representatives and the Senate.*

13 *SEC. 8096. None of the funds appropriated or other-*
14 *wise made available by this Act may be used by the Depart-*
15 *ment of Defense or a component thereof in contravention*
16 *of the provisions of section 130h of title 10, United States*
17 *Code.*

18 *SEC. 8097. Appropriations available to the Depart-*
19 *ment of Defense may be used for the purchase of heavy and*
20 *light armored vehicles for the physical security of personnel*
21 *or for force protection purposes up to a limit of \$450,000*
22 *per vehicle, notwithstanding price or other limitations ap-*
23 *plicable to the purchase of passenger carrying vehicles.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8098. Upon a determination by the Director of
3 National Intelligence that such action is necessary and in
4 the national interest, the Director may, with the approval
5 of the Office of Management and Budget, transfer not to
6 exceed \$1,500,000,000 of the funds made available in this
7 Act for the National Intelligence Program: Provided, That
8 such authority to transfer may not be used unless for higher
9 priority items, based on unforeseen intelligence require-
10 ments, than those for which originally appropriated and
11 in no case where the item for which funds are requested
12 has been denied by the Congress: Provided further, That a
13 request for multiple reprogrammings of funds using author-
14 ity provided in this section shall be made prior to June
15 30, 2021.

16 SEC. 8099. None of the funds made available by this
17 Act may be used in contravention of the War Powers Reso-
18 lution (50 U.S.C. 1541 et seq.).

19 SEC. 8100. None of the funds appropriated or other-
20 wise made available in this or any other Act may be used
21 to transfer, release, or assist in the transfer or release to
22 or within the United States, its territories, or possessions
23 Khalid Sheikh Mohammed or any other detainee who—

24 (1) is not a United States citizen or a member
25 of the Armed Forces of the United States; and

1 (2) *is or was held on or after June 24, 2009, at*
2 *United States Naval Station, Guantánamo Bay,*
3 *Cuba, by the Department of Defense.*

4 *SEC. 8101. None of the funds appropriated or other-*
5 *wise made available in this Act may be used to transfer*
6 *any individual detained at United States Naval Station*
7 *Guantánamo Bay, Cuba, to the custody or control of the*
8 *individual's country of origin, any other foreign country,*
9 *or any other foreign entity except in accordance with sec-*
10 *tion 1034 of the National Defense Authorization Act for Fis-*
11 *cal Year 2016 (Public Law 114–92) and section 1035 of*
12 *the John S. McCain National Defense Authorization Act for*
13 *Fiscal Year 2019 (Public Law 115–232).*

14 *SEC. 8102. (a) None of the funds appropriated or oth-*
15 *erwise made available by this or any other Act may be used*
16 *by the Secretary of Defense, or any other official or officer*
17 *of the Department of Defense, to enter into a contract,*
18 *memorandum of understanding, or cooperative agreement*
19 *with, or make a grant to, or provide a loan or loan guar-*
20 *antee to Rosoboronexport or any subsidiary of*
21 *Rosoboronexport.*

22 *(b) The Secretary of Defense may waive the limitation*
23 *in subsection (a) if the Secretary, in consultation with the*
24 *Secretary of State and the Director of National Intelligence,*
25 *determines that it is in the vital national security interest*

1 *of the United States to do so, and certifies in writing to*
2 *the congressional defense committees that—*

3 (1) *Rosoboronexport has ceased the transfer of le-*
4 *thal military equipment to, and the maintenance of*
5 *existing lethal military equipment for, the Govern-*
6 *ment of the Syrian Arab Republic;*

7 (2) *the armed forces of the Russian Federation*
8 *have withdrawn from Crimea, other than armed*
9 *forces present on military bases subject to agreements*
10 *in force between the Government of the Russian Fed-*
11 *eration and the Government of Ukraine; and*

12 (3) *agents of the Russian Federation have ceased*
13 *taking active measures to destabilize the control of the*
14 *Government of Ukraine over eastern Ukraine.*

15 (c) *The Inspector General of the Department of Defense*
16 *shall conduct a review of any action involving*
17 *Rosoboronexport with respect to a waiver issued by the Sec-*
18 *retary of Defense pursuant to subsection (b), and not later*
19 *than 90 days after the date on which such a waiver is issued*
20 *by the Secretary of Defense, the Inspector General shall sub-*
21 *mit to the congressional defense committees a report con-*
22 *taining the results of the review conducted with respect to*
23 *such waiver.*

24 SEC. 8103. *None of the funds made available in this*
25 *Act may be used for the purchase or manufacture of a flag*

1 *of the United States unless such flags are treated as covered*
2 *items under section 2533a(b) of title 10, United States*
3 *Code.*

4 *SEC. 8104. (a) None of the funds appropriated or oth-*
5 *erwise made available in this or any other Act may be used*
6 *to construct, acquire, or modify any facility in the United*
7 *States, its territories, or possessions to house any individual*
8 *described in subsection (c) for the purposes of detention or*
9 *imprisonment in the custody or under the effective control*
10 *of the Department of Defense.*

11 *(b) The prohibition in subsection (a) shall not apply*
12 *to any modification of facilities at United States Naval*
13 *Station, Guantánamo Bay, Cuba.*

14 *(c) An individual described in this subsection is any*
15 *individual who, as of June 24, 2009, is located at United*
16 *States Naval Station, Guantánamo Bay, Cuba, and who—*

17 *(1) is not a citizen of the United States or a*
18 *member of the Armed Forces of the United States; and*

19 *(2) is—*

20 *(A) in the custody or under the effective*
21 *control of the Department of Defense; or*

22 *(B) otherwise under detention at United*
23 *States Naval Station, Guantánamo Bay, Cuba.*

24 *SEC. 8105. Of the amounts appropriated in this Act*
25 *for “Shipbuilding and Conversion, Navy”, \$60,000,000, to*

1 *remain available for obligation until September 30, 2025,*
2 *may be used for the purchase of two used sealift vessels for*
3 *the National Defense Reserve Fleet, established under sec-*
4 *tion 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C.*
5 *57100): Provided, That such amounts are available for re-*
6 *imbursements to the Ready Reserve Force, Maritime Ad-*
7 *ministration account of the United States Department of*
8 *Transportation for programs, projects, activities, and ex-*
9 *penses related to the National Defense Reserve Fleet: Pro-*
10 *vided further, That notwithstanding 10 U.S.C. 2218 (Na-*
11 *tional Defense Sealift Fund), none of these funds shall be*
12 *transferred to the National Defense Sealift Fund for execu-*
13 *tion.*

14 *SEC. 8106. The Secretary of Defense shall post grant*
15 *awards on a public website in a searchable format.*

16 *SEC. 8107. If the Secretary of a military department*
17 *reduces each research, development, test and evaluation, and*
18 *procurement account of the military department pursuant*
19 *to paragraph (1) of section 828(d) of the National Defense*
20 *Authorization Act for Fiscal Year 2016 (Public Law 114–*
21 *92; 10 U.S.C. 2430 note), the Secretary shall allocate the*
22 *reduction determined under paragraph (2) of such section*
23 *828(d) proportionally from all programs, projects, or ac-*
24 *tivities under such account: Provided, That the authority*
25 *under section 804(d)(2) of the National Defense Authoriza-*

1 *tion Act for Fiscal Year 2016 (Public Law 114–92; 10*
2 *U.S.C. 2302 note) to transfer amounts available in the*
3 *Rapid Prototyping Fund shall be subject to section 8005*
4 *or 9002 of this Act, as applicable.*

5 *SEC. 8108. None of the funds made available by this*
6 *Act may be used by the National Security Agency to—*

7 *(1) conduct an acquisition pursuant to section*
8 *702 of the Foreign Intelligence Surveillance Act of*
9 *1978 for the purpose of targeting a United States per-*
10 *son; or*

11 *(2) acquire, monitor, or store the contents (as*
12 *such term is defined in section 2510(8) of title 18,*
13 *United States Code) of any electronic communication*
14 *of a United States person from a provider of elec-*
15 *tronic communication services to the public pursuant*
16 *to section 501 of the Foreign Intelligence Surveillance*
17 *Act of 1978.*

18 *SEC. 8109. None of the funds made available in this*
19 *or any other Act may be used to pay the salary of any*
20 *officer or employee of any agency funded by this Act who*
21 *approves or implements the transfer of administrative re-*
22 *sponsibilities or budgetary resources of any program,*
23 *project, or activity financed by this Act to the jurisdiction*
24 *of another Federal agency not financed by this Act without*
25 *the express authorization of Congress: Provided, That this*

1 *limitation shall not apply to transfers of funds expressly*
2 *provided for in Defense Appropriations Acts, or provisions*
3 *of Acts providing supplemental appropriations for the De-*
4 *partment of Defense.*

5 *SEC. 8110. Of the amounts appropriated in this Act*
6 *for “Operation and Maintenance, Navy”, \$376,029,000, to*
7 *remain available until expended, may be used for any pur-*
8 *poses related to the National Defense Reserve Fleet estab-*
9 *lished under section 11 of the Merchant Ship Sales Act of*
10 *1946 (46 U.S.C. 57100): Provided, That such amounts are*
11 *available for reimbursements to the Ready Reserve Force,*
12 *Maritime Administration account of the United States De-*
13 *partment of Transportation for programs, projects, activi-*
14 *ties, and expenses related to the National Defense Reserve*
15 *Fleet.*

16 *SEC. 8111. None of the funds made available in this*
17 *Act may be obligated for activities authorized under section*
18 *1208 of the Ronald W. Reagan National Defense Authoriza-*
19 *tion Act for Fiscal Year 2005 (Public Law 112–81; 125*
20 *Stat. 1621) to initiate support for, or expand support to,*
21 *foreign forces, irregular forces, groups, or individuals unless*
22 *the congressional defense committees are notified in accord-*
23 *ance with the direction contained in the classified annex*
24 *accompanying this Act, not less than 15 days before initi-*
25 *ating such support: Provided, That none of the funds made*

1 *available in this Act may be used under section 1208 for*
2 *any activity that is not in support of an ongoing military*
3 *operation being conducted by United States Special Oper-*
4 *ations Forces to combat terrorism: Provided further, That*
5 *the Secretary of Defense may waive the prohibitions in this*
6 *section if the Secretary determines that such waiver is re-*
7 *quired by extraordinary circumstances and, by not later*
8 *than 72 hours after making such waiver, notifies the con-*
9 *gressional defense committees of such waiver.*

10 *SEC. 8112. The Secretary of Defense, in consultation*
11 *with the Service Secretaries, shall submit a report to the*
12 *congressional defense committees, not later than 180 days*
13 *after the enactment of this Act, detailing the submission of*
14 *records during the previous 12 months to databases acces-*
15 *sible to the National Instant Criminal Background Check*
16 *System (NICS), including the Interstate Identification*
17 *Index (III), the National Crime Information Center*
18 *(NCIC), and the NICS Index, as required by Public Law*
19 *110–180: Provided, That such report shall provide the num-*
20 *ber and category of records submitted by month to each such*
21 *database, by Service or Component: Provided further, That*
22 *such report shall identify the number and category of*
23 *records submitted by month to those databases for which*
24 *the Identification for Firearm Sales (IFFS) flag or other*
25 *database flags were used to pre-validate the records and in-*

1 *dicate that such persons are prohibited from receiving or*
2 *possessing a firearm: Provided further, That such report*
3 *shall describe the steps taken during the previous 12*
4 *months, by Service or Component, to ensure complete and*
5 *accurate submission and appropriate flagging of records of*
6 *individuals prohibited from gun possession or receipt pur-*
7 *suant to 18 U.S.C. 922(g) or (n) including applicable*
8 *records involving proceedings under the Uniform Code of*
9 *Military Justice.*

10 *SEC. 8113. (a) None of the funds provided in this Act*
11 *for the TAO Fleet Oiler program shall be used to award*
12 *a new contract that provides for the acquisition of the fol-*
13 *lowing components unless those components are manufac-*
14 *tured in the United States: Auxiliary equipment (including*
15 *pumps) for shipboard services; propulsion equipment (in-*
16 *cluding engines, reduction gears, and propellers); shipboard*
17 *cranes; and spreaders for shipboard cranes.*

18 *(b) None of the funds provided in this Act for the*
19 *FFG(X) Frigate program shall be used to award a new con-*
20 *tract that provides for the acquisition of the following com-*
21 *ponents unless those components are manufactured in the*
22 *United States: Air circuit breakers; gyrocompasses; elec-*
23 *tronic navigation chart systems; steering controls; pumps;*
24 *propulsion and machinery control systems; totally enclosed*
25 *lifeboats; auxiliary equipment pumps; shipboard cranes;*

1 *auxiliary chill water systems; and propulsion propellers:*
2 *Provided, That the Secretary of the Navy shall incorporate*
3 *United States manufactured propulsion engines and pro-*
4 *pulsion reduction gears into the FFG(X) Frigate program*
5 *beginning not later than with the eleventh ship of the pro-*
6 *gram.*

7 *SEC. 8114. No amounts credited or otherwise made*
8 *available in this or any other Act to the Department of De-*
9 *fense Acquisition Workforce Development Account may be*
10 *transferred to:*

11 *(1) the Rapid Prototyping Fund established*
12 *under section 804(d) of the National Defense Author-*
13 *ization Act for Fiscal Year 2016 (10 U.S.C. 2302*
14 *note); or*

15 *(2) credited to a military-department specific*
16 *fund established under section 804(d)(2) of the Na-*
17 *tional Defense Authorization Act for Fiscal Year 2016*
18 *(as amended by section 897 of the National Defense*
19 *Authorization Act for Fiscal Year 2017).*

20 *SEC. 8115. None of the funds made available by this*
21 *Act may be used for Government Travel Charge Card ex-*
22 *penses by military or civilian personnel of the Department*
23 *of Defense for gaming, or for entertainment that includes*
24 *topless or nude entertainers or participants, as prohibited*
25 *by Department of Defense FMR, Volume 9, Chapter 3 and*

1 *Department of Defense Instruction 1015.10 (enclosure 3,*
2 *14a and 14b).*

3 *SEC. 8116. (a) None of the funds made available in*
4 *this Act may be used to maintain or establish a computer*
5 *network unless such network is designed to block access to*
6 *pornography websites.*

7 *(b) Nothing in subsection (a) shall limit the use of*
8 *funds necessary for any Federal, State, tribal, or local law*
9 *enforcement agency or any other entity carrying out crimi-*
10 *nal investigations, prosecution, or adjudication activities,*
11 *or for any activity necessary for the national defense, in-*
12 *cluding intelligence activities.*

13 *SEC. 8117. None of the funds appropriated by this Act*
14 *may be made available to deliver F-35 air vehicles or any*
15 *other F-35 weapon system equipment to the Republic of*
16 *Turkey, except in accordance with section 1245 of the Na-*
17 *tional Defense Authorization Act for Fiscal Year 2020 (Pub-*
18 *lic Law 116-92).*

19 *SEC. 8118. In addition to amounts provided elsewhere*
20 *in this Act, there is appropriated \$284,000,000, for an ad-*
21 *ditional amount for “Operation and Maintenance, Defense-*
22 *Wide”, to remain available until expended: Provided, That*
23 *such funds shall only be available to the Secretary of De-*
24 *fense, acting through the Office of Economic Adjustment of*
25 *the Department of Defense, or for transfer to the Secretary*

1 *of Education, notwithstanding any other provision of law,*
2 *to make grants, conclude cooperative agreements, or supple-*
3 *ment other Federal funds to construct, renovate, repair, or*
4 *expand elementary and secondary public schools on mili-*
5 *tary installations in order to address capacity or facility*
6 *condition deficiencies at such schools: Provided further,*
7 *That in making such funds available, the Office of Eco-*
8 *nomics Adjustment or the Secretary of Education shall give*
9 *priority consideration to those military installations with*
10 *schools having the most serious capacity or facility condi-*
11 *tion deficiencies as determined by the Secretary of Defense:*
12 *Provided further, That as a condition of receiving funds*
13 *under this section a local educational agency or State shall*
14 *provide a matching share as described in the notice titled*
15 *“Department of Defense Program for Construction, Renova-*
16 *tion, Repair or Expansion of Public Schools Located on*
17 *Military Installations” published by the Department of De-*
18 *fense in the Federal Register on September 9, 2011 (76 Fed.*
19 *Reg. 55883 et seq.): Provided further, That these provisions*
20 *apply to funds provided under this section, and to funds*
21 *previously provided by Congress to construct, renovate, re-*
22 *pair, or expand elementary and secondary public schools*
23 *on military installations in order to address capacity or*
24 *facility condition deficiencies at such schools to the extent*

1 *such funds remain unobligated on the date of enactment of*
2 *this section.*

3 *SEC. 8119. In carrying out the program described in*
4 *the memorandum on the subject of “Policy for Assisted Re-*
5 *productive Services for the Benefit of Seriously or Severely*
6 *Ill/Injured (Category II or III) Active Duty Service Mem-*
7 *bers” issued by the Assistant Secretary of Defense for*
8 *Health Affairs on April 3, 2012, and the guidance issued*
9 *to implement such memorandum, the Secretary of Defense*
10 *shall apply such policy and guidance, except that—*

11 *(1) the limitation on periods regarding embryo*
12 *cryopreservation and storage set forth in part III(G)*
13 *and in part IV(H) of such memorandum shall not*
14 *apply; and*

15 *(2) the term “assisted reproductive technology”*
16 *shall include embryo cryopreservation and storage*
17 *without limitation on the duration of such*
18 *cryopreservation and storage.*

19 *SEC. 8120. None of the funds made available by this*
20 *Act may be used to carry out the closure or realignment*
21 *of the United States Naval Station, Guantánamo Bay,*
22 *Cuba.*

23 *SEC. 8121. None of the funds provided for, or otherwise*
24 *made available, in this or any other Act, may be obligated*
25 *or expended by the Secretary of Defense to provide motor-*

1 ized vehicles, aviation platforms, munitions other than
2 small arms and munitions appropriate for customary cere-
3 monial honors, operational military units, or operational
4 military platforms if the Secretary determines that pro-
5 viding such units, platforms, or equipment would under-
6 mine the readiness of such units, platforms, or equipment.

7 *SEC. 8122. The Secretary of Defense may obligate and*
8 *expend funds made available under this Act for procure-*
9 *ment or for research, development, test and evaluation for*
10 *the F-35 Joint Strike Fighter to modify up to six F-35*
11 *aircraft, including up to two F-35 aircraft of each variant,*
12 *to a test configuration: Provided, That the Secretary of De-*
13 *fense shall, with the concurrence of the Secretary of the Air*
14 *Force and the Secretary of the Navy, notify the congres-*
15 *sional defense committees not fewer than 30 days prior to*
16 *obligating and expending funds under this section: Provided*
17 *further, That any transfer of funds pursuant to the author-*
18 *ity provided in this section shall be made in accordance*
19 *with section 8005 or 9002 of this Act, as appropriate, if*
20 *applicable: Provided further, That aircraft referred to pre-*
21 *viously in this section are not additional to aircraft referred*
22 *to in section 8135 of the Department of Defense Appropria-*
23 *tions Act, 2019 and section 8126 of the Department of De-*
24 *fense Appropriations Act, 2020.*

1 *SEC. 8123. Amounts appropriated for “Defense Health*
2 *Program” in this Act and hereafter may be obligated to*
3 *make death gratuity payments, as authorized in subchapter*
4 *II of chapter 75 of title 10, United States Code, if no appro-*
5 *priation for “Military Personnel” is available for obligation*
6 *for such payments: Provided, That such obligations may*
7 *subsequently be recorded against appropriations available*
8 *for “Military Personnel”.*

9 *SEC. 8124. (a) None of the funds made available by*
10 *this or any other Act may be used to enter into a contract,*
11 *memorandum of understanding, or cooperative agreement*
12 *with, make a grant to, or provide a loan or loan guarantee*
13 *to any corporation that has any unpaid Federal tax liabil-*
14 *ity that has been assessed, for which all judicial and admin-*
15 *istrative remedies have been exhausted or have lapsed, and*
16 *that is not being paid in a timely manner pursuant to an*
17 *agreement with the authority responsible for collecting such*
18 *tax liability, provided that the applicable Federal agency*
19 *is aware of the unpaid Federal tax liability.*

20 *(b) Subsection (a) shall not apply if the applicable*
21 *Federal agency has considered suspension or debarment of*
22 *the corporation described in such subsection and has made*
23 *a determination that such suspension or debarment is not*
24 *necessary to protect the interests of the Federal Government.*

1 *SEC. 8125. During fiscal year 2021, any advance bill-*
2 *ing for background investigation services and related serv-*
3 *ices purchased from activities financed using Defense Work-*
4 *ing Capital Funds shall be excluded from the calculation*
5 *of cumulative advance billings under section 2208(l)(3) of*
6 *title 10, United States Code.*

7 *SEC. 8126. None of the funds appropriated or other-*
8 *wise made available by this Act may be used to transfer*
9 *the National Reconnaissance Office to the Space Force: Pro-*
10 *vided, That nothing in this Act shall be construed to limit*
11 *or prohibit cooperation, collaboration, and coordination be-*
12 *tween the National Reconnaissance Office and the Space*
13 *Force or any other elements of the Department of Defense.*

14 *SEC. 8127. None of the funds appropriated or other-*
15 *wise made available by this Act may be used to transfer*
16 *any element of the Department of the Army, the Depart-*
17 *ment of the Navy, or a Department of Defense agency to*
18 *the Space Force unless, concurrent with the fiscal year 2022*
19 *budget submission (as submitted to Congress pursuant to*
20 *section 1105 of title 31, United States Code), the Secretary*
21 *of Defense provides a report to the Committees on Appro-*
22 *priations of the House of Representatives and the Senate,*
23 *detailing any plans to transfer appropriate space elements*
24 *of the Department of the Army, the Department of the*
25 *Navy, or a Department of Defense agency to the Space*

1 *Force and certifies in writing to the Committees on Appro-*
2 *priations of the House of Representatives and the Senate*
3 *that such transfer is consistent with the mission of the*
4 *Space Force and will not have an adverse impact on the*
5 *Department or agency from which such element is being*
6 *transferred: Provided, That such report shall include fiscal*
7 *year 2022 budget and future years defense program adjust-*
8 *ments associated with such planned transfers.*

9 *SEC. 8128. Funds appropriated in titles I and IX of*
10 *this Act under headings for “Military Personnel” may be*
11 *used for expenses described therein for members of the Space*
12 *Force on active duty: Provided, That amounts appropriated*
13 *under such headings may be used for payments pursuant*
14 *to section 156 of Public Law 97–377, as amended (42*
15 *U.S.C. 402 note), and to the Department of Defense Mili-*
16 *tary Retirement Fund.*

17 *SEC. 8129. Notwithstanding any other provision of*
18 *this Act, to reflect savings due to favorable foreign exchange*
19 *rates, the total amount appropriated in this Act is hereby*
20 *reduced by \$375,000,000.*

21 *SEC. 8130. Notwithstanding any other provision of*
22 *this Act, to reflect savings due to lower than anticipated*
23 *fuel costs, the total amount appropriated in this Act is here-*
24 *by reduced by \$1,700,362,000.*

1 *SEC. 8131. (a) Amounts appropriated under title IV*
2 *of this Act, as detailed in budget activity eight of the tables*
3 *in the explanatory statement regarding this Act, may be*
4 *used for expenses for the agile research, development, test*
5 *and evaluation, procurement, production, modification,*
6 *and operation and maintenance, only for the following Soft-*
7 *ware and Digital Technology Pilot programs—*

8 (1) *Defensive Cyber Operations Army (PE*
9 *0608041A);*

10 (2) *Risk Management Information (PE*
11 *0608013N);*

12 (3) *Maritime Tactical Command Control (PE*
13 *0608231N);*

14 (4) *Space Command and Control (PE*
15 *1203614SF);*

16 (5) *National Background Investigation Services*
17 *(PE 0608197V);*

18 (6) *Global Command and Control System-Joint*
19 *(PE 0308150K);*

20 (7) *Algorithmic Warfare Cross Functional Team*
21 *(PE 0308588D8Z); and*

22 (8) *Acquisition visibility (PE 0608648D8Z).*

23 (b) *None of the funds appropriated by this or prior*
24 *Department of Defense Appropriations Acts may be obli-*

1 *gated or expended to initiate additional Software and Dig-*
2 *ital Technology Pilot Programs in fiscal year 2021.*

3 *SEC. 8132. (a) In addition to amounts otherwise made*
4 *available in this Act, there is appropriated \$100,000,000*
5 *to the Under Secretary of Defense (Acquisition and*
6 *Sustainment), to remain available until expended.*

7 *(b) The funds provided by subsection (a) shall be avail-*
8 *able to the Under Secretary of Defense (Acquisition and*
9 *Sustainment), in coordination with the Assistant Secretary*
10 *of the Army (Acquisition, Logistics and Technology) and*
11 *the Assistant Secretary of the Navy (Research, Development*
12 *and Acquisition) and the Assistant Secretary of the Air*
13 *Force (Acquisition, Technology and Logistics), to assess and*
14 *strengthen the manufacturing and defense industrial base*
15 *and supply chain resiliency of the United States.*

16 *(c)(1) The Under Secretary of Defense (Comptroller)*
17 *shall transfer funds provided by subsection (a) to appro-*
18 *priations for operation and maintenance; procurement; and*
19 *research, development, test and evaluation to accomplish the*
20 *purposes specified in subsection (b). Such transferred funds*
21 *shall be merged with and be available for the same purposes*
22 *and for the same time period as the appropriation to which*
23 *they are transferred.*

1 *tion development, systems engineering, naval architecture,*
2 *marine engineering, operations research analysis, industry*
3 *studies, preliminary design, development of the Detailed*
4 *Design and Construction Request for Proposals solicitation*
5 *package, or related activities for the AS(X) Submarine Ten-*
6 *der, T-ARC(X) Cable Laying and Repair Ship, or T-*
7 *AGOS(X) Oceanographic Surveillance Ship may be used to*
8 *award a new contract for such activities unless these con-*
9 *tracts include specifications that all auxiliary equipment,*
10 *including pumps and propulsion shafts are manufactured*
11 *in the United States.*

12 *SEC. 8135. None of the funds made available by this*
13 *Act may be obligated or expended for the purpose of decom-*
14 *missioning the USS Fort Worth or the USS Coronado.*

15 *SEC. 8136. Of the amounts appropriated in this Act*
16 *under the heading “Operation and Maintenance, Defense-*
17 *Wide”, \$50,000,000, to remain available until September*
18 *30, 2022: Provided, That such funds shall only be available*
19 *to the Secretary of Defense, acting through the Office of Eco-*
20 *nomics Adjustment of the Department of Defense, to make*
21 *grants to communities impacted by military aviation noise*
22 *for the purpose of installing noise mitigating insulation at*
23 *covered facilities: Provided further, That, to be eligible to*
24 *receive a grant under the program, a community must enter*
25 *into an agreement with the Secretary under which the com-*

1 *munity prioritizes the use of funds for the installation of*
2 *noise mitigation at covered facilities in the community:*
3 *Provided further, That as a condition of receiving funds*
4 *under this section a State or local entity shall provide a*
5 *matching share of ten percent: Provided further, That*
6 *grants under the program may be used to meet the Federal*
7 *match requirement under the airport improvement program*
8 *established under subchapter I of chapter 471 and sub-*
9 *chapter I of chapter 475 of title 49, United States Code:*
10 *Provided further, That, in carrying out the program, the*
11 *Secretary of Defense shall coordinate with the Secretary of*
12 *Transportation to minimize duplication of efforts with any*
13 *other noise mitigation program compliant with part 150*
14 *of title 14, Code of Federal Regulations: Provided further,*
15 *That, in this section, the term “covered facilities” means*
16 *hospitals, daycare facilities, schools, facilities serving senior*
17 *citizens, and private residences that are located within one*
18 *mile or a day-night average sound level of 65 or greater*
19 *of a military installation or another location at which mili-*
20 *tary aircraft are stationed or are located in an area im-*
21 *pacted by military aviation noise within one mile or a day-*
22 *night average sound level of 65 or greater, as determined*
23 *by the Department of Defense or Federal Aviation Adminis-*
24 *tration noise modeling programs.*

1 *MILITARY PERSONNEL, NAVY*

2 *For an additional amount for “Military Personnel,*
3 *Navy”, \$382,286,000: Provided, That such amount is des-*
4 *ignated by the Congress for Overseas Contingency Oper-*
5 *ations/Global War on Terrorism pursuant to section*
6 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
7 *Deficit Control Act of 1985.*

8 *MILITARY PERSONNEL, MARINE CORPS*

9 *For an additional amount for “Military Personnel,*
10 *Marine Corps”, \$129,943,000: Provided, That such amount*
11 *is designated by the Congress for Overseas Contingency Op-*
12 *erations/Global War on Terrorism pursuant to section*
13 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
14 *Deficit Control Act of 1985.*

15 *MILITARY PERSONNEL, AIR FORCE*

16 *For an additional amount for “Military Personnel,*
17 *Air Force”, \$1,077,168,000: Provided, That such amount*
18 *is designated by the Congress for Overseas Contingency Op-*
19 *erations/Global War on Terrorism pursuant to section*
20 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

22 *RESERVE PERSONNEL, ARMY*

23 *For an additional amount for “Reserve Personnel,*
24 *Army”, \$33,414,000: Provided, That such amount is des-*
25 *ignated by the Congress for Overseas Contingency Oper-*

1 *ations/Global War on Terrorism pursuant to section*
2 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
3 *Deficit Control Act of 1985.*

4 *RESERVE PERSONNEL, NAVY*

5 *For an additional amount for “Reserve Personnel,*
6 *Navy”, \$11,771,000: Provided, That such amount is des-*
7 *ignated by the Congress for Overseas Contingency Oper-*
8 *ations/Global War on Terrorism pursuant to section*
9 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985.*

11 *RESERVE PERSONNEL, MARINE CORPS*

12 *For an additional amount for “Reserve Personnel, Ma-*
13 *rine Corps”, \$2,048,000: Provided, That such amount is*
14 *designated by the Congress for Overseas Contingency Oper-*
15 *ations/Global War on Terrorism pursuant to section*
16 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
17 *Deficit Control Act of 1985.*

18 *RESERVE PERSONNEL, AIR FORCE*

19 *For an additional amount for “Reserve Personnel, Air*
20 *Force”, \$16,816,000: Provided, That such amount is des-*
21 *ignated by the Congress for Overseas Contingency Oper-*
22 *ations/Global War on Terrorism pursuant to section*
23 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985.*

1 *NATIONAL GUARD PERSONNEL, ARMY*

2 *For an additional amount for “National Guard Per-*
3 *sonnel, Army”, \$195,314,000: Provided, That such amount*
4 *is designated by the Congress for Overseas Contingency Op-*
5 *erations/Global War on Terrorism pursuant to section*
6 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
7 *Deficit Control Act of 1985.*

8 *NATIONAL GUARD PERSONNEL, AIR FORCE*

9 *For an additional amount for “National Guard Per-*
10 *sonnel, Air Force”, \$5,800,000: Provided, That such*
11 *amount is designated by the Congress for Overseas Contin-*
12 *gency Operations/Global War on Terrorism pursuant to sec-*
13 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
14 *gency Deficit Control Act of 1985.*

15 *OPERATION AND MAINTENANCE*16 *OPERATION AND MAINTENANCE, ARMY*

17 *For an additional amount for “Operation and Mainte-*
18 *nance, Army”, \$17,497,254,000: Provided, That such*
19 *amount is designated by the Congress for Overseas Contin-*
20 *gency Operations/Global War on Terrorism pursuant to sec-*
21 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985.*

23 *OPERATION AND MAINTENANCE, NAVY*

24 *For an additional amount for “Operation and Mainte-*
25 *nance, Navy”, \$11,568,363,000: Provided, That such*

1 *amount is designated by the Congress for Overseas Contin-*
2 *gency Operations/Global War on Terrorism pursuant to sec-*
3 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985.*

5 *OPERATION AND MAINTENANCE, MARINE CORPS*

6 *For an additional amount for “Operation and Mainte-*
7 *nance, Marine Corps”, \$1,108,667,000: Provided, That such*
8 *amount is designated by the Congress for Overseas Contin-*
9 *gency Operations/Global War on Terrorism pursuant to sec-*
10 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
11 *gency Deficit Control Act of 1985.*

12 *OPERATION AND MAINTENANCE, AIR FORCE*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Air Force”, \$18,432,020,000: Provided, That such*
15 *amount is designated by the Congress for Overseas Contin-*
16 *gency Operations/Global War on Terrorism pursuant to sec-*
17 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
18 *gency Deficit Control Act of 1985.*

19 *OPERATION AND MAINTENANCE, SPACE FORCE*

20 *For an additional amount for “Operation and Mainte-*
21 *nance, Space Force”, \$77,115,000: Provided, That such*
22 *amount is designated by the Congress for Overseas Contin-*
23 *gency Operations/Global War on Terrorism pursuant to sec-*
24 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
25 *gency Deficit Control Act of 1985.*

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Defense-Wide”, \$6,041,898,000: Provided, That such*
4 *amount is designated by the Congress for Overseas Contin-*
5 *gency Operations/Global War on Terrorism pursuant to sec-*
6 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
7 *gency Deficit Control Act of 1985.*

8 *OPERATION AND MAINTENANCE, ARMY RESERVE*

9 *For an additional amount for “Operation and Mainte-*
10 *nance, Army Reserve”, \$33,399,000: Provided, That such*
11 *amount is designated by the Congress for Overseas Contin-*
12 *gency Operations/Global War on Terrorism pursuant to sec-*
13 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
14 *gency Deficit Control Act of 1985.*

15 *OPERATION AND MAINTENANCE, NAVY RESERVE*

16 *For an additional amount for “Operation and Mainte-*
17 *nance, Navy Reserve”, \$21,492,000: Provided, That such*
18 *amount is designated by the Congress for Overseas Contin-*
19 *gency Operations/Global War on Terrorism pursuant to sec-*
20 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
21 *gency Deficit Control Act of 1985.*

22 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

23 *For an additional amount for “Operation and Mainte-*
24 *nance, Marine Corps Reserve”, \$8,707,000: Provided, That*
25 *such amount is designated by the Congress for Overseas*

1 *Contingency Operations/Global War on Terrorism pursu-*
2 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985.*

4 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Air Force Reserve”, \$30,090,000: Provided, That*
7 *such amount is designated by the Congress for Overseas*
8 *Contingency Operations/Global War on Terrorism pursu-*
9 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Army National Guard”, \$79,792,000: Provided,*
14 *That such amount is designated by the Congress for Over-*
15 *seas Contingency Operations/Global War on Terrorism pur-*
16 *suant to section 251(b)(2)(A)(ii) of the Balanced Budget*
17 *and Emergency Deficit Control Act of 1985.*

18 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Air National Guard”, \$175,642,000: Provided, That*
21 *such amount is designated by the Congress for Overseas*
22 *Contingency Operations/Global War on Terrorism pursu-*
23 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 *AFGHANISTAN SECURITY FORCES FUND*

2 *For the “Afghanistan Security Forces Fund”,*
3 *\$3,047,612,000, to remain available until September 30,*
4 *2022: Provided, That such funds shall be available to the*
5 *Secretary of Defense for the purpose of allowing the Com-*
6 *mander, Combined Security Transition Command—Af-*
7 *ghanistan, or the Secretary’s designee, to provide assistance,*
8 *with the concurrence of the Secretary of State, to the secu-*
9 *rity forces of Afghanistan, including the provision of equip-*
10 *ment, supplies, services, training, facility and infrastruc-*
11 *ture repair, renovation, construction, and funding: Pro-*
12 *vided further, That the Secretary of Defense may obligate*
13 *and expend funds made available to the Department of De-*
14 *fense in this title for additional costs associated with exist-*
15 *ing projects previously funded with amounts provided*
16 *under the heading “Afghanistan Infrastructure Fund” in*
17 *prior Acts: Provided further, That such costs shall be lim-*
18 *ited to contract changes resulting from inflation, market*
19 *fluctuation, rate adjustments, and other necessary contract*
20 *actions to complete existing projects, and associated super-*
21 *vision and administration costs and costs for design during*
22 *construction: Provided further, That the Secretary may not*
23 *use more than \$50,000,000 under the authority provided*
24 *in this section: Provided further, That the Secretary shall*
25 *notify in advance such contract changes and adjustments*

1 *in annual reports to the congressional defense committees:*
2 *Provided further, That the authority to provide assistance*
3 *under this heading is in addition to any other authority*
4 *to provide assistance to foreign nations: Provided further,*
5 *That contributions of funds for the purposes provided herein*
6 *from any person, foreign government, or international orga-*
7 *nization may be credited to this Fund, to remain available*
8 *until expended, and used for such purposes: Provided fur-*
9 *ther, That the Secretary of Defense shall notify the congres-*
10 *sional defense committees in writing upon the receipt and*
11 *upon the obligation of any contribution, delineating the*
12 *sources and amounts of the funds received and the specific*
13 *use of such contributions: Provided further, That the Sec-*
14 *retary of Defense shall, not fewer than 15 days prior to obli-*
15 *gating from this appropriation account, notify the congres-*
16 *sional defense committees in writing of the details of any*
17 *such obligation: Provided further, That the Secretary of De-*
18 *fense shall notify the congressional defense committees of*
19 *any proposed new projects or activities, or transfer of funds*
20 *between budget sub-activity groups in excess of \$20,000,000:*
21 *Provided further, That the United States may accept equip-*
22 *ment procured using funds provided under this heading in*
23 *this or prior Acts that was transferred to the security forces*
24 *of Afghanistan and returned by such forces to the United*
25 *States: Provided further, That equipment procured using*

1 *funds provided under this heading in this or prior Acts,*
2 *and not yet transferred to the security forces of Afghanistan*
3 *or transferred to the security forces of Afghanistan and re-*
4 *turned by such forces to the United States, may be treated*
5 *as stocks of the Department of Defense upon written notifi-*
6 *cation to the congressional defense committees: Provided*
7 *further, That of the funds provided under this heading, not*
8 *less than \$20,000,000 shall be for recruitment and retention*
9 *of women in the Afghanistan National Security Forces, and*
10 *the recruitment and training of female security personnel:*
11 *Provided further, That funds appropriated under this head-*
12 *ing and made available for the salaries and benefits of per-*
13 *sonnel of the Afghanistan Security Forces may only be used*
14 *for personnel who are enrolled in the Afghanistan Personnel*
15 *and Pay System: Provided further, That funds appro-*
16 *priated under this heading for the Afghanistan Security*
17 *Forces may only be obligated if the Secretary of Defense,*
18 *in consultation with the Secretary of State, certifies in*
19 *writing to the congressional defense committees that such*
20 *forces are controlled by a civilian, representative govern-*
21 *ment that is committed to protecting human rights and*
22 *women's rights and preventing terrorists and terrorist*
23 *groups from using the territory of Afghanistan to threaten*
24 *the security of the United States and United States allies:*
25 *Provided further, That such amount is designated by the*

1 *Congress for Overseas Contingency Operations/Global War*
2 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
3 *Balanced Budget and Emergency Deficit Control Act of*
4 *1985.*

5 *COUNTER-ISIS TRAIN AND EQUIP FUND*

6 *For the “Counter-Islamic State of Iraq and Syria*
7 *Train and Equip Fund”, \$710,000,000, to remain available*
8 *until September 30, 2022: Provided, That such funds shall*
9 *be available to the Secretary of Defense in coordination*
10 *with the Secretary of State, to provide assistance, including*
11 *training; equipment; logistics support, supplies, and serv-*
12 *ices; stipends; infrastructure repair and renovation; con-*
13 *struction for facility fortification and humane treatment;*
14 *and sustainment, to foreign security forces, irregular forces,*
15 *groups, or individuals participating, or preparing to par-*
16 *ticipate in activities to counter the Islamic State of Iraq*
17 *and Syria, and their affiliated or associated groups: Pro-*
18 *vided further, That amounts made available under this*
19 *heading shall be available to provide assistance only for ac-*
20 *tivities in a country designated by the Secretary of Defense,*
21 *in coordination with the Secretary of State, as having a*
22 *security mission to counter the Islamic State of Iraq and*
23 *Syria, and following written notification to the congres-*
24 *sional defense committees of such designation: Provided fur-*
25 *ther, That the Secretary of Defense shall ensure that prior*

1 *to providing assistance to elements of any forces or individ-*
2 *uals, such elements or individuals are appropriately vetted,*
3 *including at a minimum, assessing such elements for asso-*
4 *ciations with terrorist groups or groups associated with the*
5 *Government of Iran; and receiving commitments from such*
6 *elements to promote respect for human rights and the rule*
7 *of law: Provided further, That the Secretary of Defense*
8 *shall, not fewer than 15 days prior to obligating from this*
9 *appropriation account, notify the congressional defense*
10 *committees in writing of the details of any such obligation:*
11 *Provided further, That the Secretary of Defense may accept*
12 *and retain contributions, including assistance in-kind,*
13 *from foreign governments, including the Government of*
14 *Iraq and other entities, to carry out assistance authorized*
15 *under this heading: Provided further, That contributions of*
16 *funds for the purposes provided herein from any foreign*
17 *government or other entity may be credited to this Fund,*
18 *to remain available until expended, and used for such pur-*
19 *poses: Provided further, That the Secretary of Defense shall*
20 *prioritize such contributions when providing any assistance*
21 *for construction for facility fortification: Provided further,*
22 *That the Secretary of Defense may waive a provision of*
23 *law relating to the acquisition of items and support services*
24 *or sections 40 and 40A of the Arms Export Control Act*
25 *(22 U.S.C. 2780 and 2785) if the Secretary determines that*

1 *such provision of law would prohibit, restrict, delay or oth-*
2 *erwise limit the provision of such assistance and a notice*
3 *of and justification for such waiver is submitted to the con-*
4 *gressional defense committees, the Committees on Appro-*
5 *priations and Foreign Relations of the Senate and the Com-*
6 *mittees on Appropriations and Foreign Affairs of the House*
7 *of Representatives: Provided further, That the United States*
8 *may accept equipment procured using funds provided under*
9 *this heading, or under the heading, “Iraq Train and Equip*
10 *Fund” in prior Acts, that was transferred to security forces,*
11 *irregular forces, or groups participating, or preparing to*
12 *participate in activities to counter the Islamic State of Iraq*
13 *and Syria and returned by such forces or groups to the*
14 *United States, and such equipment may be treated as stocks*
15 *of the Department of Defense upon written notification to*
16 *the congressional defense committees: Provided further, That*
17 *equipment procured using funds provided under this head-*
18 *ing, or under the heading, “Iraq Train and Equip Fund”*
19 *in prior Acts, and not yet transferred to security forces,*
20 *irregular forces, or groups participating, or preparing to*
21 *participate in activities to counter the Islamic State of Iraq*
22 *and Syria may be treated as stocks of the Department of*
23 *Defense when determined by the Secretary to no longer be*
24 *required for transfer to such forces or groups and upon*
25 *written notification to the congressional defense committees:*

1 *Provided further, That the Secretary of Defense shall pro-*
2 *vide quarterly reports to the congressional defense commit-*
3 *tees on the use of funds provided under this heading, includ-*
4 *ing, but not limited to, the number of individuals trained,*
5 *the nature and scope of support and sustainment provided*
6 *to each group or individual, the area of operations for each*
7 *group, and the contributions of other countries, groups, or*
8 *individuals: Provided further, That such amount is des-*
9 *ignated by the Congress for Overseas Contingency Oper-*
10 *ations/Global War on Terrorism pursuant to section*
11 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *PROCUREMENT*

14 *AIRCRAFT PROCUREMENT, ARMY*

15 *For an additional amount for “Aircraft Procurement,*
16 *Army”, \$595,112,000, to remain available until September*
17 *30, 2023: Provided, That such amount is designated by the*
18 *Congress for Overseas Contingency Operations/Global War*
19 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
20 *Balanced Budget and Emergency Deficit Control Act of*
21 *1985.*

22 *MISSILE PROCUREMENT, ARMY*

23 *For an additional amount for “Missile Procurement,*
24 *Army”, \$796,599,000, to remain available until September*
25 *30, 2023: Provided, That such amount is designated by the*

1 *Congress for Overseas Contingency Operations/Global War*
2 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
3 *Balanced Budget and Emergency Deficit Control Act of*
4 *1985.*

5 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
6 *VEHICLES, ARMY*

7 *For an additional amount for “Procurement of Weap-*
8 *ons and Tracked Combat Vehicles, Army”, \$15,225,000, to*
9 *remain available until September 30, 2023: Provided, That*
10 *such amount is designated by the Congress for Overseas*
11 *Contingency Operations/Global War on Terrorism pursu-*
12 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985.*

14 *PROCUREMENT OF AMMUNITION, ARMY*

15 *For an additional amount for “Procurement of Am-*
16 *munition, Army”, \$103,875,000, to remain available until*
17 *September 30, 2023: Provided, That such amount is des-*
18 *ignated by the Congress for Overseas Contingency Oper-*
19 *ations/Global War on Terrorism pursuant to section*
20 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

22 *OTHER PROCUREMENT, ARMY*

23 *For an additional amount for “Other Procurement,*
24 *Army”, \$924,823,000, to remain available until September*
25 *30, 2023: Provided, That such amount is designated by the*

1 *Congress for Overseas Contingency Operations/Global War*
2 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
3 *Balanced Budget and Emergency Deficit Control Act of*
4 *1985.*

5 *AIRCRAFT PROCUREMENT, NAVY*

6 *For an additional amount for “Aircraft Procurement,*
7 *Navy”, \$32,905,000, to remain available until September*
8 *30, 2023: Provided, That such amount is designated by the*
9 *Congress for Overseas Contingency Operations/Global War*
10 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
11 *Balanced Budget and Emergency Deficit Control Act of*
12 *1985.*

13 *WEAPONS PROCUREMENT, NAVY*

14 *For an additional amount for “Weapons Procurement,*
15 *Navy”, \$5,572,000, to remain available until September 30,*
16 *2023: Provided, That such amount is designated by the*
17 *Congress for Overseas Contingency Operations/Global War*
18 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
19 *Balanced Budget and Emergency Deficit Control Act of*
20 *1985.*

21 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

22 *CORPS*

23 *For an additional amount for “Procurement of Am-*
24 *munity, Navy and Marine Corps”, \$77,424,000, to re-*
25 *main available until September 30, 2023: Provided, That*

1 *such amount is designated by the Congress for Overseas*
2 *Contingency Operations/Global War on Terrorism pursu-*
3 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985.*

5 *OTHER PROCUREMENT, NAVY*

6 *For an additional amount for “Other Procurement,*
7 *Navy”, \$341,612,000, to remain available until September*
8 *30, 2023: Provided, That such amount is designated by the*
9 *Congress for Overseas Contingency Operations/Global War*
10 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
11 *Balanced Budget and Emergency Deficit Control Act of*
12 *1985.*

13 *PROCUREMENT, MARINE CORPS*

14 *For an additional amount for “Procurement, Marine*
15 *Corps”, \$47,963,000, to remain available until September*
16 *30, 2023: Provided, That such amount is designated by the*
17 *Congress for Overseas Contingency Operations/Global War*
18 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
19 *Balanced Budget and Emergency Deficit Control Act of*
20 *1985.*

21 *AIRCRAFT PROCUREMENT, AIR FORCE*

22 *For an additional amount for “Aircraft Procurement,*
23 *Air Force”, \$772,738,000, to remain available until Sep-*
24 *tember 30, 2023: Provided, That such amount is designated*
25 *by the Congress for Overseas Contingency Operations/Glob-*

1 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
2 *of the Balanced Budget and Emergency Deficit Control Act*
3 *of 1985.*

4 *MISSILE PROCUREMENT, AIR FORCE*

5 *For an additional amount for “Missile Procurement,*
6 *Air Force”, \$223,772,000, to remain available until Sep-*
7 *tember 30, 2023: Provided, That such amount is designated*
8 *by the Congress for Overseas Contingency Operations/Glob-*
9 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
10 *of the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985.*

12 *PROCUREMENT OF AMMUNITION, AIR FORCE*

13 *For an additional amount for “Procurement of Am-*
14 *munication, Air Force”, \$785,617,000, to remain available*
15 *until September 30, 2023: Provided, That such amount is*
16 *designated by the Congress for Overseas Contingency Oper-*
17 *ations/Global War on Terrorism pursuant to section*
18 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985.*

20 *OTHER PROCUREMENT, AIR FORCE*

21 *For an additional amount for “Other Procurement,*
22 *Air Force”, \$355,339,000, to remain available until Sep-*
23 *tember 30, 2023: Provided, That such amount is designated*
24 *by the Congress for Overseas Contingency Operations/Glob-*
25 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*

1 *of the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *PROCUREMENT, DEFENSE-WIDE*

4 *For an additional amount for “Procurement, Defense-*
5 *Wide”, \$342,137,000, to remain available until September*
6 *30, 2023: Provided, That such amount is designated by the*
7 *Congress for Overseas Contingency Operations/Global War*
8 *on Terrorism pursuant to section 251(b)(2)(A)(i) of the*
9 *Balanced Budget and Emergency Deficit Control Act of*
10 *1985.*

11 *NATIONAL GUARD AND RESERVE EQUIPMENT*

12 *ACCOUNT*

13 *For procurement of rotary-wing aircraft; combat, tac-*
14 *tical and support vehicles; other weapons; and other pro-*
15 *curement items for the reserve components of the Armed*
16 *Forces, \$950,000,000, to remain available for obligation*
17 *until September 30, 2023: Provided, That the Chiefs of Na-*
18 *tional Guard and Reserve components shall, not later than*
19 *30 days after enactment of this Act, individually submit*
20 *to the congressional defense committees the modernization*
21 *priority assessment for their respective National Guard or*
22 *Reserve component: Provided further, That none of the*
23 *funds made available by this paragraph may be used to*
24 *procure manned fixed wing aircraft, or procure or modify*
25 *missiles, munitions, or ammunition: Provided further, That*

1 *such amount is designated by the Congress for Overseas*
2 *Contingency Operations/Global War on Terrorism pursu-*
3 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985.*

5 *RESEARCH, DEVELOPMENT, TEST AND*
6 *EVALUATION*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

8 *For an additional amount for “Research, Develop-*
9 *ment, Test and Evaluation, Army”, \$175,824,000, to re-*
10 *main available until September 30, 2022: Provided, That*
11 *such amount is designated by the Congress for Overseas*
12 *Contingency Operations/Global War on Terrorism pursu-*
13 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

16 *For an additional amount for “Research, Develop-*
17 *ment, Test and Evaluation, Navy”, \$59,562,000, to remain*
18 *available until September 30, 2022: Provided, That such*
19 *amount is designated by the Congress for Overseas Contin-*
20 *gency Operations/Global War on Terrorism pursuant to sec-*
21 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
2 *FORCE*

3 *For an additional amount for “Research, Develop-*
4 *ment, Test and Evaluation, Air Force”, \$5,304,000, to re-*
5 *main available until September 30, 2022: Provided, That*
6 *such amount is designated by the Congress for Overseas*
7 *Contingency Operations/Global War on Terrorism pursu-*
8 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
11 *DEFENSE-WIDE*

12 *For an additional amount for “Research, Develop-*
13 *ment, Test and Evaluation, Defense-Wide”, \$80,818,000, to*
14 *remain available until September 30, 2022: Provided, That*
15 *such amount is designated by the Congress for Overseas*
16 *Contingency Operations/Global War on Terrorism pursu-*
17 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *REVOLVING AND MANAGEMENT FUNDS*

20 *DEFENSE WORKING CAPITAL FUNDS*

21 *For an additional amount for “Defense Working Cap-*
22 *ital Funds”, \$20,090,000: Provided, That such amount is*
23 *designated by the Congress for Overseas Contingency Oper-*
24 *ations/Global War on Terrorism pursuant to section*

1 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985.*

3 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

4 *DEFENSE HEALTH PROGRAM*

5 *For an additional amount for “Defense Health Pro-*
6 *gram”, \$365,098,000, which shall be for operation and*
7 *maintenance: Provided, That such amount is designated by*
8 *the Congress for Overseas Contingency Operations/Global*
9 *War on Terrorism pursuant to section 251(b)(2)(A)(ii) of*
10 *the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985.*

12 *OFFICE OF THE INSPECTOR GENERAL*

13 *For an additional amount for the “Office of the Inspec-*
14 *tor General”, \$24,069,000: Provided, That such amount is*
15 *designated by the Congress for Overseas Contingency Oper-*
16 *ations/Global War on Terrorism pursuant to section*
17 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985.*

19 *GENERAL PROVISIONS—THIS TITLE*

20 *SEC. 9001. Notwithstanding any other provision of*
21 *law, funds made available in this title are in addition to*
22 *amounts appropriated or otherwise made available for the*
23 *Department of Defense for fiscal year 2021.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9002. Upon the determination of the Secretary
3 of Defense that such action is necessary in the national in-
4 terest, the Secretary may, with the approval of the Office
5 of Management and Budget, transfer up to \$2,000,000,000
6 between the appropriations or funds made available to the
7 Department of Defense in this title: Provided, That the Sec-
8 retary shall notify the Congress promptly of each transfer
9 made pursuant to the authority in this section: Provided
10 further, That the authority provided in this section is in
11 addition to any other transfer authority available to the
12 Department of Defense and is subject to the same terms and
13 conditions as the authority provided in section 8005 of this
14 Act.

15 SEC. 9003. Supervision and administration costs and
16 costs for design during construction associated with a con-
17 struction project funded with appropriations available for
18 operation and maintenance or the “Afghanistan Security
19 Forces Fund” provided in this Act and executed in direct
20 support of overseas contingency operations in Afghanistan,
21 may be obligated at the time a construction contract is
22 awarded: Provided, That, for the purpose of this section,
23 supervision and administration costs and costs for design
24 during construction include all in-house Government costs.

1 *SEC. 9004. From funds made available in this title,*
2 *the Secretary of Defense may purchase for use by military*
3 *and civilian employees of the Department of Defense in the*
4 *United States Central Command area of responsibility: (1)*
5 *passenger motor vehicles up to a limit of \$75,000 per vehi-*
6 *cle; and (2) heavy and light armored vehicles for the phys-*
7 *ical security of personnel or for force protection purposes*
8 *up to a limit of \$450,000 per vehicle, notwithstanding price*
9 *or other limitations applicable to the purchase of passenger*
10 *carrying vehicles.*

11 *SEC. 9005. Not to exceed \$2,000,000 of the amounts*
12 *appropriated by this title under the heading “Operation*
13 *and Maintenance, Army” may be used, notwithstanding*
14 *any other provision of law, to fund the Commanders’ Emer-*
15 *gency Response Program (CERP), for the purpose of ena-*
16 *bling military commanders in Afghanistan to respond to*
17 *urgent, small-scale, humanitarian relief and reconstruction*
18 *requirements within their areas of responsibility: Provided,*
19 *That each project (including any ancillary or related ele-*
20 *ments in connection with such project) executed under this*
21 *authority shall not exceed \$500,000: Provided further, That*
22 *not later than 45 days after the end of each 6 months of*
23 *the fiscal year, the Secretary of Defense shall submit to the*
24 *congressional defense committees a report regarding the*
25 *source of funds and the allocation and use of funds during*

1 *that 6-month period that were made available pursuant to*
2 *the authority provided in this section or under any other*
3 *provision of law for the purposes described herein.*

4 *SEC. 9006. Funds available to the Department of De-*
5 *fense for operation and maintenance may be used, notwith-*
6 *standing any other provision of law, to provide supplies,*
7 *services, transportation, including airlift and sealift, and*
8 *other logistical support to allied forces participating in a*
9 *combined operation with the armed forces of the United*
10 *States and coalition forces supporting military and sta-*
11 *bility operations in Afghanistan and to counter the Islamic*
12 *State of Iraq and Syria: Provided, That the Secretary of*
13 *Defense shall provide quarterly reports to the congressional*
14 *defense committees regarding support provided under this*
15 *section.*

16 *SEC. 9007. None of the funds appropriated or other-*
17 *wise made available by this or any other Act shall be obli-*
18 *gated or expended by the United States Government for a*
19 *purpose as follows:*

20 *(1) To establish any military installation or base*
21 *for the purpose of providing for the permanent sta-*
22 *tioning of United States Armed Forces in Iraq.*

23 *(2) To exercise United States control over any*
24 *oil resource of Iraq or Syria.*

1 (3) *To establish any military installation or base*
2 *for the purpose of providing for the permanent sta-*
3 *tioning of United States Armed Forces in Afghani-*
4 *stan.*

5 *SEC. 9008. None of the funds made available in this*
6 *Act may be used in contravention of the following laws en-*
7 *acted or regulations promulgated to implement the United*
8 *Nations Convention Against Torture and Other Cruel, In-*
9 *human or Degrading Treatment or Punishment (done at*
10 *New York on December 10, 1984):*

11 (1) *Section 2340A of title 18, United States*
12 *Code.*

13 (2) *Section 2242 of the Foreign Affairs Reform*
14 *and Restructuring Act of 1998 (division G of Public*
15 *Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231*
16 *note) and regulations prescribed thereto, including*
17 *regulations under part 208 of title 8, Code of Federal*
18 *Regulations, and part 95 of title 22, Code of Federal*
19 *Regulations.*

20 (3) *Sections 1002 and 1003 of the Department of*
21 *Defense, Emergency Supplemental Appropriations to*
22 *Address Hurricanes in the Gulf of Mexico, and Pan-*
23 *demic Influenza Act, 2006 (Public Law 109–148).*

24 *SEC. 9009. None of the funds provided for the “Afghan-*
25 *istan Security Forces Fund” (ASFF) may be obligated*

1 *prior to the approval of a financial and activity plan by*
2 *the Afghanistan Resources Oversight Council (AROC) of the*
3 *Department of Defense: Provided, That the AROC must ap-*
4 *prove the requirement and acquisition plan for any service*
5 *requirements in excess of \$50,000,000 annually and any*
6 *non-standard equipment requirements in excess of*
7 *\$100,000,000 using ASFF: Provided further, That the De-*
8 *partment of Defense must certify to the congressional de-*
9 *fense committees that the AROC has convened and approved*
10 *a process for ensuring compliance with the requirements in*
11 *the preceding proviso and accompanying report language*
12 *for the ASFF.*

13 *SEC. 9010. Funds made available in this title to the*
14 *Department of Defense for operation and maintenance may*
15 *be used to purchase items having an investment unit cost*
16 *of not more than \$250,000: Provided, That, upon deter-*
17 *mination by the Secretary of Defense that such action is*
18 *necessary to meet the operational requirements of a Com-*
19 *mander of a Combatant Command engaged in contingency*
20 *operations overseas, such funds may be used to purchase*
21 *items having an investment item unit cost of not more than*
22 *\$500,000.*

23 *SEC. 9011. Up to \$500,000,000 of funds appropriated*
24 *by this Act for the Defense Security Cooperation Agency*
25 *in “Operation and Maintenance, Defense-Wide” may be*

1 *used to provide assistance to the Government of Jordan to*
2 *support the armed forces of Jordan and to enhance security*
3 *along its borders.*

4 *SEC. 9012. None of the funds made available by this*
5 *Act under the headings “Afghanistan Security Forces*
6 *Fund” and “Counter-ISIS Train and Equip Fund”, and*
7 *under the heading “Operation and Maintenance, Defense-*
8 *Wide” for Department of Defense security cooperation grant*
9 *programs, may be used to procure or transfer man-portable*
10 *air defense systems.*

11 *SEC. 9013. Of the amounts appropriated in this title*
12 *under the heading “Operation and Maintenance, Defense-*
13 *Wide”, for the Defense Security Cooperation Agency,*
14 *\$275,000,000, of which \$137,500,000 to remain available*
15 *until September 30, 2022 shall be for the Ukraine Security*
16 *Assistance Initiative: Provided, That such funds shall be*
17 *available to the Secretary of Defense, in coordination with*
18 *the Secretary of State, to provide assistance, including*
19 *training; equipment; lethal assistance; logistics support,*
20 *supplies and services; sustainment; and intelligence support*
21 *to the military and national security forces of Ukraine, and*
22 *for replacement of any weapons or articles provided to the*
23 *Government of Ukraine from the inventory of the United*
24 *States: Provided further, That the Secretary of Defense*
25 *shall, not less than 15 days prior to obligating funds made*

1 *available in this section, notify the congressional defense*
2 *committees in writing of the details of any such obligation:*
3 *Provided further, That the Secretary of Defense shall, not*
4 *more than 60 days after such notification is made, inform*
5 *such committees if such funds have not been obligated and*
6 *the reasons therefor: Provided further, That the United*
7 *States may accept equipment procured using funds made*
8 *available in this section in this or prior Acts that was*
9 *transferred to the security forces of Ukraine and returned*
10 *by such forces to the United States: Provided further, That*
11 *equipment procured using funds made available in this sec-*
12 *tion in this or prior Acts, and not yet transferred to the*
13 *military or National Security Forces of Ukraine or re-*
14 *turned by such forces to the United States, may be treated*
15 *as stocks of the Department of Defense upon written notifi-*
16 *cation to the congressional defense committees: Provided*
17 *further, That the Secretary of Defense shall provide quar-*
18 *terly reports to the Committees on Appropriations of the*
19 *House of Representatives and the Senate on the use and*
20 *status of funds made available in this section.*

21 *SEC. 9014. Funds appropriated in this title shall be*
22 *available for replacement of funds for items provided to the*
23 *Government of Ukraine from the inventory of the United*
24 *States to the extent specifically provided for in section 9013*
25 *of this Act.*

1 *SEC. 9015. None of the funds made available by this*
2 *Act may be used to provide arms, training, or other assist-*
3 *ance to the Azov Battalion.*

4 *SEC. 9016. Equipment procured using funds provided*
5 *in prior Acts under the heading “Counterterrorism Part-*
6 *nerships Fund” for the program authorized by section 1209*
7 *of the Carl Levin and Howard P. “Buck” McKeon National*
8 *Defense Authorization Act for Fiscal Year 2015 (Public*
9 *Law 113–291), and not yet transferred to authorized recipi-*
10 *ents may be transferred to foreign security forces, irregular*
11 *forces, groups, or individuals, authorized to receive assist-*
12 *ance using amounts provided under the heading “Counter-*
13 *ISIS Train and Equip Fund” in this Act: Provided, That*
14 *such equipment may be transferred 15 days following writ-*
15 *ten notification to the congressional defense committees.*

16 *SEC. 9017. None of the funds made available by this*
17 *Act may be used with respect to Iraq in contravention of*
18 *the War Powers Resolution (50 U.S.C. 1541 et seq.), includ-*
19 *ing for the introduction of United States armed forces into*
20 *hostilities in Iraq, into situations in Iraq where imminent*
21 *involvement in hostilities is clearly indicated by the cir-*
22 *cumstances, or into Iraqi territory, airspace, or waters*
23 *while equipped for combat, in contravention of the congres-*
24 *sional consultation and reporting requirements of sections*
25 *3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).*

1 *SEC. 9018. None of the funds made available by this*
2 *Act may be used with respect to Syria in contravention of*
3 *the War Powers Resolution (50 U.S.C. 1541 et seq.), includ-*
4 *ing for the introduction of United States armed or military*
5 *forces into hostilities in Syria, into situations in Syria*
6 *where imminent involvement in hostilities is clearly indi-*
7 *cated by the circumstances, or into Syrian territory, air-*
8 *space, or waters while equipped for combat, in contraven-*
9 *tion of the congressional consultation and reporting require-*
10 *ments of sections 3 and 4 of that law (50 U.S.C. 1542 and*
11 *1543).*

12 *SEC. 9019. None of the funds in this Act may be made*
13 *available for the transfer of additional C-130 cargo aircraft*
14 *to the Afghanistan National Security Forces or the Afghani-*
15 *stan Air Force.*

16 *SEC. 9020. Funds made available by this Act under*
17 *the heading “Afghanistan Security Forces Fund” may be*
18 *used to provide limited training, equipment, and other as-*
19 *sistance that would otherwise be prohibited by 10 U.S.C.*
20 *362 to a unit of the security forces of Afghanistan only if*
21 *the Secretary of Defense certifies to the congressional defense*
22 *committees, within 30 days of a decision to provide such*
23 *assistance, that (1) a denial of such assistance would*
24 *present significant risk to United States or coalition forces*
25 *or significantly undermine United States national security*

1 *objectives in Afghanistan; and (2) the Secretary has sought*
2 *a commitment by the Government of Afghanistan to take*
3 *all necessary corrective steps: Provided, That such certifi-*
4 *cation shall be accompanied by a report describing: (1) the*
5 *information relating to the gross violation of human rights;*
6 *(2) the circumstances that necessitated the provision of such*
7 *assistance; (3) the Afghan security force unit involved; (4)*
8 *the assistance provided and the assistance withheld; and (5)*
9 *the corrective steps to be taken by the Government of Af-*
10 *ghanistan: Provided further, That every 120 days after the*
11 *initial report an additional report shall be submitted de-*
12 *tailing the status of any corrective steps taken by the Gov-*
13 *ernment of Afghanistan: Provided further, That if the Gov-*
14 *ernment of Afghanistan has not initiated necessary correc-*
15 *tive steps within 1 year of the certification, the authority*
16 *under this section to provide assistance to such unit shall*
17 *no longer apply: Provided further, That the Secretary shall*
18 *submit a report to such committees detailing the final dis-*
19 *position of the case by the Government of Afghanistan.*

20 *SEC. 9021. None of the funds made available by this*
21 *Act may be made available for any member of the Taliban*
22 *except to support a reconciliation activity that includes the*
23 *participation of members of the Government of Afghanistan,*
24 *does not restrict the participation of women, and is author-*

1 ized by section 1218 of the National Defense Authorization
2 Act for Fiscal Year 2020 (Public Law 116– 92).

3 SEC. 9022. Nothing in this Act may be construed as
4 authorizing the use of force against Iran.

5 (RESCISSIONS)

6 SEC. 9023. Of the funds appropriated in Department
7 of Defense Appropriations Acts, the following funds are
8 hereby rescinded from the following accounts and programs
9 in the specified amounts: Provided, That such amounts are
10 designated by the Congress for Overseas Contingency Oper-
11 ations/Global War on Terrorism pursuant to section
12 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985:

14 “Procurement of Weapons and Tracked Combat
15 Vehicles, Army”, 2019/2021, \$90,000,000;

16 “Aircraft Procurement, Air Force”, 2019/2021,
17 \$16,400,000;

18 “Operation and Maintenance, Defense-Wide:
19 DSCA Security Cooperation”, 2020/2021,
20 \$75,000,000;

21 “Operation and Maintenance, Defense-Wide: Co-
22 alition Support Funds”, 2020/2021, \$45,000,000;

23 “Afghanistan Security Forces Fund”, 2020/2021,
24 \$1,100,000,000;

1 *“Counter-ISIS Train and Equip Fund”, 2020/*
2 *2021, \$400,000,000;*

3 *“Procurement of Weapons and Tracked Combat*
4 *Vehicles, Army”, 2020/2022, \$100,000,000;*

5 *“Procurement of Ammunition, Air Force”, 2020/*
6 *2022, \$49,679,000;*

7 *“Research, Development, Test and Evaluation,*
8 *Army”, 2020/2021, \$2,878,000; and*

9 *“Research, Development, Test and Evaluation,*
10 *Defense-Wide”, 2020/2021, \$7,165,000.*

11 *SEC. 9024. Of the amounts appropriated in this title*
12 *under the heading “Operation and Maintenance, Defense-*
13 *Wide”, for the Defense Security Cooperation Agency,*
14 *\$753,603,000, to remain available until September 30,*
15 *2022, shall be available for International Security Coopera-*
16 *tion Programs and other programs to provide support and*
17 *assistance to foreign security forces or other groups or indi-*
18 *viduals to conduct, support or facilitate counterterrorism,*
19 *crisis response, or building partner capacity programs:*
20 *Provided, That the Secretary of Defense shall, not less than*
21 *15 days prior to obligating funds made available in this*
22 *section, notify the congressional defense committees in writ-*
23 *ing of the details of any planned obligation: Provided fur-*
24 *ther, That the Secretary of Defense shall provide quarterly*
25 *reports to the Committees on Appropriations of the House*

1 *of Representatives and the Senate on the use and status of*
2 *funds made available in this section.*

3 *SEC. 9025. Of the amounts appropriated in this title*
4 *under the heading “Operation and Maintenance, Defense-*
5 *Wide”, for the Defense Security Cooperation Agency,*
6 *\$100,000,000, to remain available until September 30,*
7 *2022, shall be for payments to reimburse key cooperating*
8 *nations for logistical, military, and other support, includ-*
9 *ing access, provided to United States military and stability*
10 *operations in Afghanistan and to counter the Islamic State*
11 *of Iraq and Syria: Provided, That such reimbursement pay-*
12 *ments may be made in such amounts as the Secretary of*
13 *Defense, with the concurrence of the Secretary of State, and*
14 *in consultation with the Director of the Office of Manage-*
15 *ment and Budget, may determine, based on documentation*
16 *determined by the Secretary of Defense to adequately ac-*
17 *count for the support provided, and such determination is*
18 *final and conclusive upon the accounting officers of the*
19 *United States, and 15 days following written notification*
20 *to the appropriate congressional committees: Provided fur-*
21 *ther, That these funds may be used for the purpose of pro-*
22 *viding specialized training and procuring supplies and spe-*
23 *cialized equipment and providing such supplies and loan-*
24 *ing such equipment on a non-reimbursable basis to coal-*
25 *ition forces supporting United States military and stability*

1 *operations in Afghanistan and to counter the Islamic State*
2 *of Iraq and Syria, and 15 days following written notifica-*
3 *tion to the appropriate congressional committees: Provided*
4 *further, That the Secretary of Defense shall provide quar-*
5 *terly reports to the Committees on Appropriations of the*
6 *House of Representatives and the Senate on the use and*
7 *status of funds made available in this section.*

8 *SEC. 9026. Of the amounts appropriated in this title*
9 *under the heading “Operation and Maintenance, Defense-*
10 *Wide”, for the Defense Security Cooperation Agency,*
11 *\$250,000,000, to remain available until September 30,*
12 *2022, shall be available to reimburse Jordan, Lebanon,*
13 *Egypt, Tunisia, and Oman under section 1226 of the Na-*
14 *tional Defense Authorization Act for Fiscal Year 2016 (22*
15 *U.S.C. 2151 note), for enhanced border security, of which*
16 *not less than \$150,000,000 shall be for Jordan: Provided,*
17 *That the Secretary of Defense shall, not less than 15 days*
18 *prior to obligating funds made available in this section, no-*
19 *tify the congressional defense committees in writing of the*
20 *details of any planned obligation and the nature of the ex-*
21 *penses incurred: Provided further, That the Secretary of De-*
22 *fense shall provide quarterly reports to the Committees on*
23 *Appropriations of the House of Representatives and the*
24 *Senate on the use and status of funds made available in*
25 *this section.*

1 *SEC. 9027. Each amount designated in this Act by the*
2 *Congress for Overseas Contingency Operations/Global War*
3 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
4 *Balanced Budget and Emergency Deficit Control Act of*
5 *1985 shall be available (or rescinded, if applicable) only*
6 *if the President subsequently so designates all such amounts*
7 *and transmits such designations to the Congress.*

8 *SEC. 9028. None of the funds appropriated or other-*
9 *wise made available by this Act may be used in contraven-*
10 *tion of the First Amendment of the Constitution.*

11 *This division may be cited as the “Department of De-*
12 *fense Appropriations Act, 2021”.*

13 ***DIVISION D—ENERGY AND WATER DEVEL-***
14 ***OPMENT AND RELATED AGENCIES AP-***
15 ***PROPRIATIONS ACT, 2021***

16 ***TITLE I***

17 ***CORPS OF ENGINEERS—CIVIL***

18 ***DEPARTMENT OF THE ARMY***

19 ***CORPS OF ENGINEERS—CIVIL***

20 *The following appropriations shall be expended under*
21 *the direction of the Secretary of the Army and the super-*
22 *vision of the Chief of Engineers for authorized civil func-*
23 *tions of the Department of the Army pertaining to river*
24 *and harbor, flood and storm damage reduction, shore pro-*
25 *tection, aquatic ecosystem restoration, and related efforts.*

INVESTIGATIONS

1
2 *For expenses necessary where authorized by law for the*
3 *collection and study of basic information pertaining to*
4 *river and harbor, flood and storm damage reduction, shore*
5 *protection, aquatic ecosystem restoration, and related needs;*
6 *for surveys and detailed studies, and plans and specifica-*
7 *tions of proposed river and harbor, flood and storm damage*
8 *reduction, shore protection, and aquatic ecosystem restora-*
9 *tion projects, and related efforts prior to construction; for*
10 *restudy of authorized projects; and for miscellaneous inves-*
11 *tigations, and, when authorized by law, surveys and de-*
12 *tailed studies, and plans and specifications of projects prior*
13 *to construction, \$153,000,000, to remain available until ex-*
14 *pended: Provided, That the Secretary shall initiate nine*
15 *new study starts during fiscal year 2021: Provided further,*
16 *That the Secretary shall not deviate from the new starts*
17 *proposed in the work plan, once the plan has been submitted*
18 *to the Committees on Appropriations of both Houses of Con-*
19 *gress.*

CONSTRUCTION

20
21 *For expenses necessary for the construction of river*
22 *and harbor, flood and storm damage reduction, shore pro-*
23 *tection, aquatic ecosystem restoration, and related projects*
24 *authorized by law; for conducting detailed studies, and*
25 *plans and specifications, of such projects (including those*

1 *involving participation by States, local governments, or*
2 *private groups) authorized or made eligible for selection by*
3 *law (but such detailed studies, and plans and specifications,*
4 *shall not constitute a commitment of the Government to*
5 *construction); \$2,692,645,000, to remain available until ex-*
6 *pended; of which such sums as are necessary to cover the*
7 *Federal share of construction costs for facilities under the*
8 *Dredged Material Disposal Facilities program shall be de-*
9 *rived from the Harbor Maintenance Trust Fund as author-*
10 *ized by Public Law 104–303; and of which such sums as*
11 *are necessary to cover 35 percent of the costs of construction,*
12 *replacement, rehabilitation, and expansion of inland water-*
13 *ways projects, shall be derived from the Inland Waterways*
14 *Trust Fund, except as otherwise specifically provided for*
15 *in law.*

16 *MISSISSIPPI RIVER AND TRIBUTARIES*

17 *For expenses necessary for flood damage reduction*
18 *projects and related efforts in the Mississippi River alluvial*
19 *valley below Cape Girardeau, Missouri, as authorized by*
20 *law, \$380,000,000, to remain available until expended, of*
21 *which such sums as are necessary to cover the Federal share*
22 *of eligible operation and maintenance costs for inland har-*
23 *bors shall be derived from the Harbor Maintenance Trust*
24 *Fund: Provided, That the Secretary shall initiate one new*
25 *study start in fiscal year 2021: Provided further, That the*

1 *Secretary shall not deviate from the work plan, once the*
2 *plan has been submitted to the Committees on Appropria-*
3 *tions of both Houses of Congress.*

4 *OPERATION AND MAINTENANCE*

5 *For expenses necessary for the operation, maintenance,*
6 *and care of existing river and harbor, flood and storm dam-*
7 *age reduction, aquatic ecosystem restoration, and related*
8 *projects authorized by law; providing security for infra-*
9 *structure owned or operated by the Corps, including admin-*
10 *istrative buildings and laboratories; maintaining harbor*
11 *channels provided by a State, municipality, or other public*
12 *agency that serve essential navigation needs of general com-*
13 *merce, where authorized by law; surveying and charting*
14 *northern and northwestern lakes and connecting waters;*
15 *clearing and straightening channels; and removing obstruc-*
16 *tions to navigation, \$3,849,655,000, to remain available*
17 *until expended, of which such sums as are necessary to cover*
18 *the Federal share of eligible operation and maintenance*
19 *costs for coastal harbors and channels, and for inland har-*
20 *bors shall be derived from the Harbor Maintenance Trust*
21 *Fund; of which such sums as become available from the spe-*
22 *cial account for the Corps of Engineers established by the*
23 *Land and Water Conservation Fund Act of 1965 shall be*
24 *derived from that account for resource protection, research,*
25 *interpretation, and maintenance activities related to re-*

1 *source protection in the areas at which outdoor recreation*
2 *is available; and of which such sums as become available*
3 *from fees collected under section 217 of Public Law 104–*
4 *303 shall be used to cover the cost of operation and mainte-*
5 *nance of the dredged material disposal facilities for which*
6 *such fees have been collected: Provided, That 1 percent of*
7 *the total amount of funds provided for each of the programs,*
8 *projects, or activities funded under this heading shall not*
9 *be allocated to a field operating activity prior to the begin-*
10 *ning of the fourth quarter of the fiscal year and shall be*
11 *available for use by the Chief of Engineers to fund such*
12 *emergency activities as the Chief of Engineers determines*
13 *to be necessary and appropriate, and that the Chief of Engi-*
14 *neers shall allocate during the fourth quarter any remain-*
15 *ing funds which have not been used for emergency activities*
16 *proportionally in accordance with the amounts provided for*
17 *the programs, projects, or activities.*

18 *REGULATORY PROGRAM*

19 *For expenses necessary for administration of laws per-*
20 *taining to regulation of navigable waters and wetlands,*
21 *\$210,000,000, to remain available until September 30,*
22 *2022.*

23 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

24 *For expenses necessary to clean up contamination*
25 *from sites in the United States resulting from work per-*

1 *formed as part of the Nation's early atomic energy pro-*
2 *gram, \$250,000,000, to remain available until expended.*

3 *FLOOD CONTROL AND COASTAL EMERGENCIES*

4 *For expenses necessary to prepare for flood, hurricane,*
5 *and other natural disasters and support emergency oper-*
6 *ations, repairs, and other activities in response to such dis-*
7 *asters as authorized by law, \$35,000,000, to remain avail-*
8 *able until expended.*

9 *EXPENSES*

10 *For expenses necessary for the supervision and general*
11 *administration of the civil works program in the head-*
12 *quarters of the Corps of Engineers and the offices of the*
13 *Division Engineers; and for costs of management and oper-*
14 *ation of the Humphreys Engineer Center Support Activity,*
15 *the Institute for Water Resources, the United States Army*
16 *Engineer Research and Development Center, and the*
17 *United States Army Corps of Engineers Finance Center al-*
18 *locable to the civil works program, \$206,000,000, to remain*
19 *available until September 30, 2022, of which not to exceed*
20 *\$5,000 may be used for official reception and representation*
21 *purposes and only during the current fiscal year: Provided,*
22 *That no part of any other appropriation provided in this*
23 *title shall be available to fund the civil works activities of*
24 *the Office of the Chief of Engineers or the civil works execu-*
25 *tive direction and management activities of the division of*

1 *ices: Provided further, That any Flood Control and Coastal*
2 *Emergencies appropriation may be used to fund the super-*
3 *vision and general administration of emergency operations,*
4 *repairs, and other activities in response to any flood, hurri-*
5 *cane, or other natural disaster.*

6 *OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR*
7 *CIVIL WORKS*

8 *(INCLUDING RESCISSION OF FUNDS)*

9 *For the Office of the Assistant Secretary of the Army*
10 *for Civil Works as authorized by 10 U.S.C. 3016(b)(3),*
11 *\$5,000,000, to remain available until September 30, 2022:*
12 *Provided, That not more than 75 percent of such amount*
13 *may be obligated or expended until the Assistant Secretary*
14 *submits to the Committees on Appropriations of both*
15 *Houses of Congress the report required under section 101(d)*
16 *of this Act and a work plan that allocates at least 95 per-*
17 *cent of the additional funding provided under each heading*
18 *in this title, as designated under such heading in the ex-*
19 *planatory statement described in section 4 (in the matter*
20 *preceding division A of this consolidated Act), to specific*
21 *programs, projects, or activities: Provided further, That of*
22 *the unobligated balances available from amounts appro-*
23 *priated in prior Acts under this heading, \$500,000 is here-*
24 *by rescinded: Provided further, That no amounts may be*
25 *rescinded from amounts that were designated by the Con-*

1 *gress as an emergency requirement pursuant to a concur-*
2 *rent resolution on the budget or the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985.*

4 *WATER INFRASTRUCTURE FINANCE AND INNOVATION*
5 *PROGRAM ACCOUNT*

6 *For the cost of direct loans and for the cost of guaran-*
7 *teed loans, as authorized by the Water Infrastructure Fi-*
8 *nance and Innovation Act of 2014, \$12,000,000, to remain*
9 *available until expended, for safety projects to maintain,*
10 *upgrade, and repair dams identified in the National Inven-*
11 *tory of Dams with a primary owner type of state, local*
12 *government, public utility, or private: Provided, That, no*
13 *project may be funded with amounts provided under this*
14 *heading for a dam that is identified as jointly owned in*
15 *the National Inventory of Dams and where one of those*
16 *joint owners is the Federal Government: Provided further,*
17 *That such costs, including the cost of modifying such loans,*
18 *shall be as defined in section 502 of the Congressional Budg-*
19 *et Act of 1974: Provided further, That these funds are avail-*
20 *able to subsidize gross obligations for the principal amount*
21 *of direct loans, including capitalized interest, and total*
22 *loan principal, including capitalized interest, any part of*
23 *which is to be guaranteed, not to exceed \$950,000,000: Pro-*
24 *vided further, That, within 30 days of enactment of this*
25 *Act, the Secretary, in consultation with the Office of Man-*

1 *agement and Budget, shall transmit a report to the Com-*
2 *mittees on Appropriations of the House of Representatives*
3 *and the Senate that provides: (1) an analysis of how sub-*
4 *sidy rates will be determined for loans financed by appro-*
5 *priations provided under this heading in this Act; (2) a*
6 *comparison of the factors that will be considered in esti-*
7 *mating subsidy rates for loans financed under this heading*
8 *in this Act with factors that will be considered in estimates*
9 *of subsidy rates for other projects authorized by the Water*
10 *Infrastructure Finance and Innovation Act of 2014, includ-*
11 *ing an analysis of how both sets of rates will be determined;*
12 *and (3) an analysis of the process for developing draft regu-*
13 *lations for the Water Infrastructure Finance and Innova-*
14 *tion program, including a crosswalk from the statutory re-*
15 *quirements for such program, and a timetable for pub-*
16 *lishing such regulations: Provided further, That the use of*
17 *direct loans or loan guarantee authority under this heading*
18 *for direct loans or commitments to guarantee loans for any*
19 *project shall be in accordance with the criteria published*
20 *in the Federal Register on June 30, 2020 (85 FR 39189)*
21 *pursuant to the fourth proviso under the heading “Water*
22 *Infrastructure Finance and Innovation Program Account”*
23 *in division D of the Further Consolidated Appropriations*
24 *Act, 2020 (Public Law 116–94): Provided further, That*
25 *none of the direct loans or loan guarantee authority made*

1 *available under this heading shall be available for any*
2 *project unless the Secretary and the Director of the Office*
3 *of Management and Budget have certified in advance in*
4 *writing that the direct loan or loan guarantee, as applica-*
5 *ble, and the project comply with the criteria referenced in*
6 *the previous proviso: Provided further, That any references*
7 *to the Environmental Protection Agency (EPA) or the Ad-*
8 *ministrator in the criteria referenced in the previous two*
9 *provisos shall be deemed to be references to the Army Corps*
10 *of Engineers or the Secretary of the Army, respectively, for*
11 *purposes of the direct loans or loan guarantee authority*
12 *made available under this heading: Provided further, That,*
13 *for the purposes of carrying out the Congressional Budget*
14 *Act of 1974, the Director of the Congressional Budget Office*
15 *may request, and the Secretary shall promptly provide, doc-*
16 *umentation and information relating to a project identified*
17 *in a Letter of Interest submitted to the Secretary pursuant*
18 *to a Notice of Funding Availability for applications for*
19 *credit assistance under the Water Infrastructure Finance*
20 *and Innovation Act Program, including with respect to a*
21 *project that was initiated or completed before the date of*
22 *enactment of this Act.*

23 *In addition, fees authorized to be collected pursuant*
24 *to sections 5029 and 5030 of the Water Infrastructure Fi-*

1 *nance and Innovation Act of 2014 shall be deposited in this*
2 *account, to remain available until expended.*

3 *In addition, for administrative expenses to carry out*
4 *the direct and guaranteed loan programs, \$2,200,000, to re-*
5 *main available until September 30, 2022.*

6 *GENERAL PROVISIONS—CORPS OF ENGINEERS—*

7 *CIVIL*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 101. (a) None of the funds provided in title I*
10 *of this Act, or provided by previous appropriations Acts*
11 *to the agencies or entities funded in title I of this Act that*
12 *remain available for obligation or expenditure in fiscal year*
13 *2021, shall be available for obligation or expenditure*
14 *through a reprogramming of funds that:*

15 *(1) creates or initiates a new program, project,*
16 *or activity;*

17 *(2) eliminates a program, project, or activity;*

18 *(3) increases funds or personnel for any pro-*
19 *gram, project, or activity for which funds have been*
20 *denied or restricted by this Act, unless prior approval*
21 *is received from the Committees on Appropriations of*
22 *both Houses of Congress;*

23 *(4) proposes to use funds directed for a specific*
24 *activity for a different purpose, unless prior approval*

1 *is received from the Committees on Appropriations of*
2 *both Houses of Congress;*

3 *(5) augments or reduces existing programs,*
4 *projects, or activities in excess of the amounts con-*
5 *tained in paragraphs (6) through (10), unless prior*
6 *approval is received from the Committees on Appro-*
7 *priations of both Houses of Congress;*

8 *(6) INVESTIGATIONS.—For a base level over*
9 *\$100,000, reprogramming of 25 percent of the base*
10 *amount up to a limit of \$150,000 per project, study*
11 *or activity is allowed: Provided, That for a base level*
12 *less than \$100,000, the reprogramming limit is*
13 *\$25,000: Provided further, That up to \$25,000 may be*
14 *reprogrammed into any continuing study or activity*
15 *that did not receive an appropriation for existing ob-*
16 *ligations and concomitant administrative expenses;*

17 *(7) CONSTRUCTION.—For a base level over*
18 *\$2,000,000, reprogramming of 15 percent of the base*
19 *amount up to a limit of \$3,000,000 per project, study*
20 *or activity is allowed: Provided, That for a base level*
21 *less than \$2,000,000, the reprogramming limit is*
22 *\$300,000: Provided further, That up to \$3,000,000*
23 *may be reprogrammed for settled contractor claims,*
24 *changed conditions, or real estate deficiency judg-*
25 *ments: Provided further, That up to \$300,000 may be*

1 *reprogrammed into any continuing study or activity*
2 *that did not receive an appropriation for existing ob-*
3 *ligations and concomitant administrative expenses;*

4 (8) *OPERATION AND MAINTENANCE.—Unlimited*
5 *reprogramming authority is granted for the Corps to*
6 *be able to respond to emergencies: Provided, That the*
7 *Chief of Engineers shall notify the Committees on Ap-*
8 *propriations of both Houses of Congress of these emer-*
9 *gency actions as soon thereafter as practicable: Pro-*
10 *vided further, That for a base level over \$1,000,000,*
11 *reprogramming of 15 percent of the base amount up*
12 *to a limit of \$5,000,000 per project, study, or activity*
13 *is allowed: Provided further, That for a base level less*
14 *than \$1,000,000, the reprogramming limit is*
15 *\$150,000: Provided further, That \$150,000 may be re-*
16 *programmed into any continuing study or activity*
17 *that did not receive an appropriation;*

18 (9) *MISSISSIPPI RIVER AND TRIBUTARIES.—The*
19 *reprogramming guidelines in paragraphs (6), (7),*
20 *and (8) shall apply to the Investigations, Construc-*
21 *tion, and Operation and Maintenance portions of the*
22 *Mississippi River and Tributaries Account, respec-*
23 *tively; and*

1 (10) *FORMERLY UTILIZED SITES REMEDIAL AC-*
2 *TION PROGRAM.*—*Reprogramming of up to 15 percent*
3 *of the base of the receiving project is permitted.*

4 (b) *DE MINIMUS REPROGRAMMINGS.*—*In no case*
5 *should a reprogramming for less than \$50,000 be submitted*
6 *to the Committees on Appropriations of both Houses of Con-*
7 *gress.*

8 (c) *CONTINUING AUTHORITIES PROGRAM.*—*Subsection*
9 *(a)(1) shall not apply to any project or activity funded*
10 *under the continuing authorities program.*

11 (d) *Not later than 60 days after the date of enactment*
12 *of this Act, the Secretary shall submit a report to the Com-*
13 *mittees on Appropriations of both Houses of Congress to*
14 *establish the baseline for application of reprogramming and*
15 *transfer authorities for the current fiscal year which shall*
16 *include:*

17 (1) *A table for each appropriation with a sepa-*
18 *rate column to display the President's budget request,*
19 *adjustments made by Congress, adjustments due to*
20 *enacted rescissions, if applicable, and the fiscal year*
21 *enacted level; and*

22 (2) *A delineation in the table for each appro-*
23 *priation both by object class and program, project*
24 *and activity as detailed in the budget appendix for*
25 *the respective appropriations; and*

1 (3) *An identification of items of special congressional*
2 *interest.*

3 *SEC. 102. The Secretary shall allocate funds made*
4 *available in this Act solely in accordance with the provisions*
5 *of this Act and the explanatory statement described*
6 *in section 4 (in the matter preceding division A of this consolidated*
7 *Act), including the determination and designation*
8 *of new starts.*

9 *SEC. 103. None of the funds made available in this*
10 *title may be used to award or modify any contract that*
11 *commits funds beyond the amounts appropriated for that*
12 *program, project, or activity that remain unobligated, except*
13 *that such amounts may include any funds that have*
14 *been made available through reprogramming pursuant to*
15 *section 101.*

16 *SEC. 104. The Secretary of the Army may transfer to*
17 *the Fish and Wildlife Service, and the Fish and Wildlife*
18 *Service may accept and expend, up to \$5,400,000 of funds*
19 *provided in this title under the heading “Operation and*
20 *Maintenance” to mitigate for fisheries lost due to Corps of*
21 *Engineers projects.*

22 *SEC. 105. None of the funds in this Act shall be used*
23 *for an open lake placement alternative for dredged material,*
24 *after evaluating the least costly, environmentally acceptable*
25 *manner for the disposal or management of dredged material*

1 *originating from Lake Erie or tributaries thereto, unless it*
2 *is approved under a State water quality certification pur-*
3 *suant to section 401 of the Federal Water Pollution Control*
4 *Act (33 U.S.C. 1341): Provided, That until an open lake*
5 *placement alternative for dredged material is approved*
6 *under a State water quality certification, the Corps of En-*
7 *gineers shall continue upland placement of such dredged*
8 *material consistent with the requirements of section 101 of*
9 *the Water Resources Development Act of 1986 (33 U.S.C.*
10 *2211).*

11 *SEC. 106. None of the funds made available by this*
12 *Act or any other Act may be used to reorganize or to trans-*
13 *fer the Civil Works functions or authority of the Corps of*
14 *Engineers or the Secretary of the Army to another depart-*
15 *ment or agency.*

16 *SEC. 107. Additional funding provided in this Act*
17 *shall be allocated only to projects determined to be eligible*
18 *by the Chief of Engineers.*

19 *SEC. 108. None of the funds made available by this*
20 *Act may be used to carry out any water supply reallocation*
21 *study under the Wolf Creek Dam, Lake Cumberland, Ken-*
22 *tucky, project authorized under the Act of July 24, 1946*
23 *(60 Stat. 636, ch. 595).*

24 *SEC. 109. (a) When allocating the additional funding*
25 *provided in this title under the headings "Construction"*

1 *and “Mississippi River and Tributaries”, the Secretary*
2 *shall initiate a total of seven new construction starts during*
3 *fiscal year 2021.*

4 *(b) For new construction projects, project cost sharing*
5 *agreements shall be executed as soon as practicable but no*
6 *later than December 31, 2021.*

7 *(c) No allocation for a new start shall be considered*
8 *final and no work allowance shall be made until the Sec-*
9 *retary provides to the Committees on Appropriations of*
10 *both Houses of Congress an out-year funding scenario dem-*
11 *onstrating the affordability of the selected new starts and*
12 *the impacts on other projects.*

13 *(d) The Secretary shall not deviate from the new starts*
14 *proposed in the work plan, once the plan has been submitted*
15 *to the Committees on Appropriations of both Houses of Con-*
16 *gress.*

17 *TITLE II*

18 *DEPARTMENT OF THE INTERIOR*

19 *CENTRAL UTAH PROJECT*

20 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

21 *For carrying out activities authorized by the Central*
22 *Utah Project Completion Act, \$21,000,000, to remain avail-*
23 *able until expended, of which \$1,800,000 shall be deposited*
24 *into the Utah Reclamation Mitigation and Conservation*
25 *Account for use by the Utah Reclamation Mitigation and*

1 *Conservation Commission: Provided, That of the amount*
2 *provided under this heading, \$1,500,000 shall be available*
3 *until September 30, 2022, for expenses necessary in car-*
4 *rying out related responsibilities of the Secretary of the In-*
5 *terior: Provided further, That for fiscal year 2021, of the*
6 *amount made available to the Commission under this Act*
7 *or any other Act, the Commission may use an amount not*
8 *to exceed \$1,500,000 for administrative expenses.*

9 *BUREAU OF RECLAMATION*

10 *The following appropriations shall be expended to exe-*
11 *cute authorized functions of the Bureau of Reclamation:*

12 *WATER AND RELATED RESOURCES*

13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For management, development, and restoration of*
15 *water and related natural resources and for related activi-*
16 *ties, including the operation, maintenance, and rehabilita-*
17 *tion of reclamation and other facilities, participation in*
18 *fulfilling related Federal responsibilities to Native Ameri-*
19 *cans, and related grants to, and cooperative and other*
20 *agreements with, State and local governments, federally rec-*
21 *ognized Indian Tribes, and others, \$1,521,125,000, to re-*
22 *main available until expended, of which \$58,476,000 shall*
23 *be available for transfer to the Upper Colorado River Basin*
24 *Fund and \$5,584,000 shall be available for transfer to the*
25 *Lower Colorado River Basin Development Fund; of which*

1 *such amounts as may be necessary may be advanced to the*
2 *Colorado River Dam Fund: Provided, That \$25,882,000*
3 *shall be available for transfer into the Blackfeet Water Set-*
4 *tlement Implementation Fund established by section 3717*
5 *of Public Law 114–322: Provided further, That such trans-*
6 *fers may be increased or decreased within the overall appro-*
7 *priation under this heading: Provided further, That of the*
8 *total appropriated, the amount for program activities that*
9 *can be financed by the Reclamation Fund or the Bureau*
10 *of Reclamation special fee account established by 16 U.S.C.*
11 *6806 shall be derived from that Fund or account: Provided*
12 *further, That funds contributed under 43 U.S.C. 395 are*
13 *available until expended for the purposes for which the*
14 *funds were contributed: Provided further, That funds ad-*
15 *vanced under 43 U.S.C. 397a shall be credited to this ac-*
16 *count and are available until expended for the same pur-*
17 *poses as the sums appropriated under this heading: Pro-*
18 *vided further, That of the amounts provided herein, funds*
19 *may be used for high-priority projects which shall be car-*
20 *ried out by the Youth Conservation Corps, as authorized*
21 *by 16 U.S.C. 1706: Provided further, That within available*
22 *funds, \$250,000 shall be for grants and financial assistance*
23 *for educational activities: Provided further, That in accord-*
24 *ance with section 4007 of Public Law 114–322, funding*
25 *provided for such purpose in fiscal years 2017, 2018, 2019,*

1 *and 2020 shall be made available for the construction, pre-*
2 *construction, or study of the Friant-Kern Canal Capacity*
3 *Correction Resulting from Subsidence, the Boise River*
4 *Basin—Anderson Ranch Dam Raise, the North-of-the-Delta*
5 *Off Stream Storage (Sites Reservoir Project), the Los*
6 *Vaqueros Reservoir Phase 2 Expansion Project, and the Cle*
7 *Elum Pool Raise (Yakima), as recommended by the Sec-*
8 *retary in the letters dated June 22, 2020, and December*
9 *3, 2020, inclusive; the Delta Mendota Canal Subsidence*
10 *Correction, the Del Puerto Water District, the San Luis*
11 *Low Point Improvement Project, and the Sacramento Re-*
12 *gional Water Bank, as recommended by the Secretary in*
13 *the letter dated June 22, 2020: Provided further, That in*
14 *accordance with section 4009(c) of Public Law 114–322,*
15 *and as recommended by the Secretary in a letter dated De-*
16 *cember 3, 2020, funding provided for such purpose in fiscal*
17 *years 2019 and 2020 shall be made available to the El Paso*
18 *Aquifer Storage and Recovery Using Reclaimed Water*
19 *Project, the Pure Water Monterey: A Groundwater Replen-*
20 *ishment Project, the Pure Water Soquel: Groundwater Re-*
21 *plenishment and Seawater Intrusion Prevention Project,*
22 *the Magna Water District Water Reclamation and Reuse*
23 *Project, the Pure Water Oceanside: Mission Basin Ground-*
24 *water Purification Facility Project, the Groundwater Reli-*
25 *ability Improvement Program Recycled Water Project, and*

1 *the Palmdale Regional Groundwater Recharge and Recov-*
2 *ery Project: Provided further, That in accordance with sec-*
3 *tion 4009(a) of Public Law 114–322, and as recommended*
4 *by the Secretary in a letter dated December 3, 2020, fund-*
5 *ing provided for such purpose in fiscal years 2019 and 2020*
6 *shall be made available to the Doheny Ocean Desalination*
7 *Project, the North Pleasant Valley Desalter Facility, and*
8 *the Energy-Efficient Brackish Groundwater Desalination*
9 *Project.*

10 *CENTRAL VALLEY PROJECT RESTORATION FUND*

11 *For carrying out the programs, projects, plans, habitat*
12 *restoration, improvement, and acquisition provisions of the*
13 *Central Valley Project Improvement Act, \$55,875,000, to be*
14 *derived from such sums as may be collected in the Central*
15 *Valley Project Restoration Fund pursuant to sections*
16 *3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,*
17 *to remain available until expended: Provided, That the Bu-*
18 *reau of Reclamation is directed to assess and collect the full*
19 *amount of the additional mitigation and restoration pay-*
20 *ments authorized by section 3407(d) of Public Law 102–*
21 *575: Provided further, That none of the funds made avail-*
22 *able under this heading may be used for the acquisition or*
23 *leasing of water for in-stream purposes if the water is al-*
24 *ready committed to in-stream purposes by a court adopted*
25 *decree or order.*

1 CALIFORNIA BAY-DELTA RESTORATION
2 (INCLUDING TRANSFERS OF FUNDS)

3 *For carrying out activities authorized by the Water*
4 *Supply, Reliability, and Environmental Improvement Act,*
5 *consistent with plans to be approved by the Secretary of*
6 *the Interior, \$33,000,000, to remain available until ex-*
7 *pendent, of which such amounts as may be necessary to*
8 *carry out such activities may be transferred to appropriate*
9 *accounts of other participating Federal agencies to carry*
10 *out authorized purposes: Provided, That funds appro-*
11 *priated herein may be used for the Federal share of the costs*
12 *of CALFED Program management: Provided further, That*
13 *CALFED implementation shall be carried out in a bal-*
14 *anced manner with clear performance measures dem-*
15 *onstrating concurrent progress in achieving the goals and*
16 *objectives of the Program.*

17 POLICY AND ADMINISTRATION

18 *For expenses necessary for policy, administration, and*
19 *related functions in the Office of the Commissioner, the*
20 *Denver office, and offices in the six regions of the Bureau*
21 *of Reclamation, to remain available until September 30,*
22 *2022, \$60,000,000, to be derived from the Reclamation*
23 *Fund and be nonreimbursable as provided in 43 U.S.C.*
24 *377: Provided, That no part of any other appropriation in*

1 *this Act shall be available for activities or functions budg-*
2 *eted as policy and administration expenses.*

3 *ADMINISTRATIVE PROVISION*

4 *Appropriations for the Bureau of Reclamation shall*
5 *be available for purchase of not to exceed five passenger*
6 *motor vehicles, which are for replacement only.*

7 *GENERAL PROVISIONS—DEPARTMENT OF THE*
8 *INTERIOR*

9 *SEC. 201. (a) None of the funds provided in title II*
10 *of this Act for Water and Related Resources, or provided*
11 *by previous or subsequent appropriations Acts to the agen-*
12 *cies or entities funded in title II of this Act for Water and*
13 *Related Resources that remain available for obligation or*
14 *expenditure in fiscal year 2021, shall be available for obli-*
15 *gation or expenditure through a reprogramming of funds*
16 *that—*

17 *(1) initiates or creates a new program, project,*
18 *or activity;*

19 *(2) eliminates a program, project, or activity;*

20 *(3) increases funds for any program, project, or*
21 *activity for which funds have been denied or restricted*
22 *by this Act, unless prior approval is received from the*
23 *Committees on Appropriations of both Houses of Con-*
24 *gress;*

1 (4) *restarts or resumes any program, project or*
2 *activity for which funds are not provided in this Act,*
3 *unless prior approval is received from the Committees*
4 *on Appropriations of both Houses of Congress;*

5 (5) *transfers funds in excess of the following lim-*
6 *its, unless prior approval is received from the Com-*
7 *mittees on Appropriations of both Houses of Congress:*

8 (A) *15 percent for any program, project or*
9 *activity for which \$2,000,000 or more is avail-*
10 *able at the beginning of the fiscal year; or*

11 (B) *\$400,000 for any program, project or*
12 *activity for which less than \$2,000,000 is avail-*
13 *able at the beginning of the fiscal year;*

14 (6) *transfers more than \$500,000 from either the*
15 *Facilities Operation, Maintenance, and Rehabilita-*
16 *tion category or the Resources Management and De-*
17 *velopment category to any program, project, or activ-*
18 *ity in the other category, unless prior approval is re-*
19 *ceived from the Committees on Appropriations of both*
20 *Houses of Congress; or*

21 (7) *transfers, where necessary to discharge legal*
22 *obligations of the Bureau of Reclamation, more than*
23 *\$5,000,000 to provide adequate funds for settled con-*
24 *tractor claims, increased contractor earnings due to*
25 *accelerated rates of operations, and real estate defi-*

1 *ciency judgments, unless prior approval is received*
2 *from the Committees on Appropriations of both*
3 *Houses of Congress.*

4 *(b) Subsection (a)(5) shall not apply to any transfer*
5 *of funds within the Facilities Operation, Maintenance, and*
6 *Rehabilitation category.*

7 *(c) For purposes of this section, the term “transfer”*
8 *means any movement of funds into or out of a program,*
9 *project, or activity.*

10 *(d) The Bureau of Reclamation shall submit reports*
11 *on a quarterly basis to the Committees on Appropriations*
12 *of both Houses of Congress detailing all the funds repro-*
13 *grammed between programs, projects, activities, or cat-*
14 *egories of funding. The first quarterly report shall be sub-*
15 *mitted not later than 60 days after the date of enactment*
16 *of this Act.*

17 *SEC. 202. (a) None of the funds appropriated or other-*
18 *wise made available by this Act may be used to determine*
19 *the final point of discharge for the interceptor drain for*
20 *the San Luis Unit until development by the Secretary of*
21 *the Interior and the State of California of a plan, which*
22 *shall conform to the water quality standards of the State*
23 *of California as approved by the Administrator of the Envi-*
24 *ronmental Protection Agency, to minimize any detrimental*
25 *effect of the San Luis drainage waters.*

1 **(b)** *The costs of the Kesterson Reservoir Cleanup Pro-*
2 *gram and the costs of the San Joaquin Valley Drainage*
3 *Program shall be classified by the Secretary of the Interior*
4 *as reimbursable or nonreimbursable and collected until fully*
5 *repaid pursuant to the “Cleanup Program—Alternative*
6 *Repayment Plan” and the “SJVDP—Alternative Repay-*
7 *ment Plan” described in the report entitled “Repayment*
8 *Report, Kesterson Reservoir Cleanup Program and San*
9 *Joaquin Valley Drainage Program, February 1995”, pre-*
10 *pared by the Department of the Interior, Bureau of Rec-*
11 *lamation. Any future obligations of funds by the United*
12 *States relating to, or providing for, drainage service or*
13 *drainage studies for the San Luis Unit shall be fully reim-*
14 *bursable by San Luis Unit beneficiaries of such service or*
15 *studies pursuant to Federal reclamation law.*

16 **SEC. 203.** *Section 9504(e) of the Omnibus Public Land*
17 *Management Act of 2009 (42 U.S.C. 10364(e)) is amended*
18 *by striking “ \$530,000,000” and inserting “ \$610,000,000”.*

19 **SEC. 204.** *Title I of Public Law 108–361 (the*
20 *CALFED Bay-Delta Authorization Act) (118 Stat. 1681),*
21 *as amended by section 4007(k) of Public Law 114–322, is*
22 *amended by striking “2020” each place it appears and in-*
23 *serting “2021”.*

1 *SEC. 205. Section 9106(g)(2) of Public Law 111–11*
2 *(Omnibus Public Land Management Act of 2009) is amend-*
3 *ed by striking “2020” and inserting “2021”.*

4 *SEC. 206. Section 6002(g)(4) of the Omnibus Public*
5 *Land Management Act of 2009 (Public Law 111–11) is*
6 *amended by striking “2020” and inserting “2021”.*

7 *SEC. 207. (a) Section 104(c) of the Reclamation States*
8 *Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c))*
9 *is amended by striking “2020” and inserting “2021”.*

10 *(b) Section 301 of the Reclamation States Emergency*
11 *Drought Relief Act of 1991 (43 U.S.C. 2241) is amended*
12 *by striking “2020” and inserting “2021”.*

13 *SEC. 208. None of the funds made available by this*
14 *Act may be used for pre-construction or construction activi-*
15 *ties for any project recommended after enactment of the En-*
16 *ergy and Water Development and Related Agencies Appro-*
17 *priations Act, 2020 and prior to enactment of this Act by*
18 *the Secretary of the Interior and transmitted to the appro-*
19 *priate committees of Congress pursuant to section 4007, sec-*
20 *tion 4009(a), or section 4009(c) of the Water Infrastructure*
21 *Improvements for the Nation Act (Public Law 114–322) if*
22 *such project is not named in this Act.*

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TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSIONS OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,864,000,293, to remain available until expended: Provided, That of such amount, \$165,000,000 shall be available until September 30, 2022, for program direction: Provided further, That of the unobligated balances available from amounts appropriated in Public Law 111–8 under this heading, \$806,831 is hereby rescinded: Provided further, That of the unobligated balances available from amounts appropriated in Public Law 111–85 under this heading, \$1,433,462 is hereby rescinded: Provided further, That no amounts may be rescinded under the previous two provisos from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolu-

1 *tion on the Budget or the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985.*

3 *CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY*
4 *RESPONSE*

5 *For Department of Energy expenses including the pur-*
6 *chase, construction, and acquisition of plant and capital*
7 *equipment, and other expenses necessary for energy sector*
8 *cybersecurity, energy security, and emergency response ac-*
9 *tivities in carrying out the purposes of the Department of*
10 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
11 *ing the acquisition or condemnation of any real property*
12 *or any facility or for plant or facility acquisition, construc-*
13 *tion, or expansion, \$156,000,000, to remain available until*
14 *expended: Provided, That of such amount, \$12,000,000 shall*
15 *be available until September 30, 2022, for program direc-*
16 *tion.*

17 *ELECTRICITY*

18 *For Department of Energy expenses including the pur-*
19 *chase, construction, and acquisition of plant and capital*
20 *equipment, and other expenses necessary for electricity ac-*
21 *tivities in carrying out the purposes of the Department of*
22 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
23 *ing the acquisition or condemnation of any real property*
24 *or any facility or for plant or facility acquisition, construc-*
25 *tion, or expansion, \$211,720,000, to remain available until*

1 *expended: Provided, That of such amount, \$18,000,000 shall*
2 *be available until September 30, 2022, for program direc-*
3 *tion.*

4 *NUCLEAR ENERGY*

5 *For Department of Energy expenses including the pur-*
6 *chase, construction, and acquisition of plant and capital*
7 *equipment, and other expenses necessary for nuclear energy*
8 *activities in carrying out the purposes of the Department*
9 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*
10 *cluding the acquisition or condemnation of any real prop-*
11 *erty or any facility or for plant or facility acquisition, con-*
12 *struction, or expansion, \$1,507,600,000, to remain avail-*
13 *able until expended: Provided, That of such amount,*
14 *\$75,131,000 shall be available until September 30, 2022,*
15 *for program direction.*

16 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

17 *For Department of Energy expenses necessary in car-*
18 *rying out fossil energy research and development activities,*
19 *under the authority of the Department of Energy Organiza-*
20 *tion Act (42 U.S.C. 7101 et seq.), including the acquisition*
21 *of interest, including defeasible and equitable interests in*
22 *any real property or any facility or for plant or facility*
23 *acquisition or expansion, and for conducting inquiries,*
24 *technological investigations and research concerning the ex-*
25 *traction, processing, use, and disposal of mineral substances*

1 *without objectionable social and environmental costs (30*
2 *U.S.C. 3, 1602, and 1603), \$750,000,000, to remain avail-*
3 *able until expended: Provided, That of such amount*
4 *\$61,500,000 shall be available until September 30, 2022,*
5 *for program direction.*

6 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

7 *For Department of Energy expenses necessary to carry*
8 *out naval petroleum and oil shale reserve activities,*
9 *\$13,006,000, to remain available until expended: Provided,*
10 *That notwithstanding any other provision of law, unobli-*
11 *gated funds remaining from prior years shall be available*
12 *for all naval petroleum and oil shale reserve activities.*

13 *STRATEGIC PETROLEUM RESERVE*

14 *For Department of Energy expenses necessary for*
15 *Strategic Petroleum Reserve facility development and oper-*
16 *ations and program management activities pursuant to the*
17 *Energy Policy and Conservation Act (42 U.S.C. 6201 et*
18 *seq.), \$188,000,000, to remain available until expended.*

19 *SPR PETROLEUM ACCOUNT*

20 *For the acquisition, transportation, and injection of*
21 *petroleum products, and for other necessary expenses pursu-*
22 *ant to the Energy Policy and Conservation Act of 1975,*
23 *as amended (42 U.S.C. 6201 et seq.), sections 403 and 404*
24 *of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239*
25 *note), and section 5010 of the 21st Century Cures Act (Pub-*

1 *lic Law 114–255), \$1,000,000, to remain available until ex-*
2 *pended.*

3 *NORTHEAST HOME HEATING OIL RESERVE*

4 *For Department of Energy expenses necessary for*
5 *Northeast Home Heating Oil Reserve storage, operation,*
6 *and management activities pursuant to the Energy Policy*
7 *and Conservation Act (42 U.S.C. 6201 et seq.), \$6,500,000,*
8 *to remain available until expended.*

9 *ENERGY INFORMATION ADMINISTRATION*

10 *For Department of Energy expenses necessary in car-*
11 *rying out the activities of the Energy Information Adminis-*
12 *tration, \$126,800,000, to remain available until expended.*

13 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

14 *For Department of Energy expenses, including the*
15 *purchase, construction, and acquisition of plant and cap-*
16 *ital equipment and other expenses necessary for non-defense*
17 *environmental cleanup activities in carrying out the pur-*
18 *poses of the Department of Energy Organization Act (42*
19 *U.S.C. 7101 et seq.), including the acquisition or con-*
20 *demnation of any real property or any facility or for plant*
21 *or facility acquisition, construction, or expansion,*
22 *\$319,200,000, to remain available until expended: Pro-*
23 *vided, That, in addition, fees collected pursuant to sub-*
24 *section (b)(1) of section 6939f of title 42, United States*
25 *Code, and deposited under this heading in fiscal year 2021*

1 *pursuant to section 309 of title III of division C of Public*
2 *Law 116-94 are appropriated, to remain available until*
3 *expended, for mercury storage costs.*

4 *URANIUM ENRICHMENT DECONTAMINATION AND*
5 *DECOMMISSIONING FUND*

6 *For Department of Energy expenses necessary in car-*
7 *rying out uranium enrichment facility decontamination*
8 *and decommissioning, remedial actions, and other activities*
9 *of title II of the Atomic Energy Act of 1954, and title X,*
10 *subtitle A, of the Energy Policy Act of 1992, \$841,000,000,*
11 *to be derived from the Uranium Enrichment Decontamina-*
12 *tion and Decommissioning Fund, to remain available until*
13 *expended, of which \$5,000,000 shall be available in accord-*
14 *ance with title X, subtitle A, of the Energy Policy Act of*
15 *1992.*

16 *SCIENCE*

17 *For Department of Energy expenses including the pur-*
18 *chase, construction, and acquisition of plant and capital*
19 *equipment, and other expenses necessary for science activi-*
20 *ties in carrying out the purposes of the Department of En-*
21 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
22 *the acquisition or condemnation of any real property or*
23 *any facility or for plant or facility acquisition, construc-*
24 *tion, or expansion, and purchase of not more than 35 pas-*
25 *senger motor vehicles for replacement only, \$7,026,000,000,*

1 *to remain available until expended: Provided, That of such*
2 *amount, \$192,000,000 shall be available until September*
3 *30, 2022, for program direction: Provided further, That of*
4 *the amount provided under this heading in this Act,*
5 *\$2,300,000,000 is designated by the Congress as being for*
6 *an emergency requirement pursuant to section*
7 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985.*

9 *NUCLEAR WASTE DISPOSAL*

10 *For Department of Energy expenses necessary for nu-*
11 *clear waste disposal activities to carry out the purposes of*
12 *the Nuclear Waste Policy Act of 1982, Public Law 97–425,*
13 *as amended, including interim storage activities,*
14 *\$27,500,000, to remain available until expended, of which*
15 *\$7,500,000 shall be derived from the Nuclear Waste Fund.*

16 *ADVANCED RESEARCH PROJECTS AGENCY—ENERGY*

17 *For Department of Energy expenses necessary in car-*
18 *rying out the activities authorized by section 5012 of the*
19 *America COMPETES Act (Public Law 110–69),*
20 *\$427,000,000, to remain available until expended: Pro-*
21 *vided, That of such amount, \$35,000,000 shall be available*
22 *until September 30, 2022, for program direction.*

1 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*
2 *PROGRAM*
3 *(INCLUDING RESCISSION OF FUNDS)*

4 *Such sums as are derived from amounts received from*
5 *borrowers pursuant to section 1702(b) of the Energy Policy*
6 *Act of 2005 under this heading in prior Acts, shall be col-*
7 *lected in accordance with section 502(7) of the Congres-*
8 *sional Budget Act of 1974: Provided, That for necessary ad-*
9 *ministrative expenses of the Title 17 Innovative Technology*
10 *Loan Guarantee Program, as authorized, \$32,000,000 is*
11 *appropriated, to remain available until September 30,*
12 *2022: Provided further, That up to \$32,000,000 of fees col-*
13 *lected in fiscal year 2021 pursuant to section 1702(h) of*
14 *the Energy Policy Act of 2005 shall be credited as offsetting*
15 *collections under this heading and used for necessary ad-*
16 *ministrative expenses in this appropriation and shall re-*
17 *main available until September 30, 2022: Provided further,*
18 *That to the extent that fees collected in fiscal year 2021*
19 *exceed \$32,000,000, those excess amounts shall be credited*
20 *as offsetting collections under this heading and available*
21 *in future fiscal years only to the extent provided in advance*
22 *in appropriations Acts: Provided further, That the sum*
23 *herein appropriated from the general fund shall be reduced*
24 *(1) as such fees are received during fiscal year 2021 (esti-*
25 *mated at \$3,000,000) and (2) to the extent that any remain-*

1 *ing general fund appropriations can be derived from fees*
2 *collected in previous fiscal years that are not otherwise ap-*
3 *propriated, so as to result in a final fiscal year 2021 appro-*
4 *priation from the general fund estimated at \$0: Provided*
5 *further, That the Department of Energy shall not subordi-*
6 *nate any loan obligation to other financing in violation of*
7 *section 1702 of the Energy Policy Act of 2005 or subordi-*
8 *nate any Guaranteed Obligation to any loan or other debt*
9 *obligations in violation of section 609.10 of title 10, Code*
10 *of Federal Regulations: Provided further, That, of the unob-*
11 *ligated balances available under the heading “Department*
12 *of Energy—Energy Programs—Title 17—Innovative Tech-*
13 *nology Loan Guarantee Program” in the American Recov-*
14 *ery and Reinvestment Act of 2009 (Public Law 111–5) for*
15 *the cost of guaranteed loans authorized by section 1705 of*
16 *the Energy Policy Act of 2005, \$392,000,000 are hereby re-*
17 *scinded: Provided further, That the amounts rescinded pur-*
18 *suant to the preceding proviso that were previously des-*
19 *ignated by the Congress as an emergency requirement pur-*
20 *suant to section 204(a) of S. Con. Res. 21 (110th Congress)*
21 *and section 301(b)(2) of S. Con. Res. 70 (110th Congress),*
22 *the concurrent resolutions on the budget for fiscal years*
23 *2008 and 2009, are designated by the Congress as an emer-*
24 *gency requirement pursuant to section 251(b)(2)(A)(i) of*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *ADVANCED TECHNOLOGY VEHICLES MANUFACTURING*

4 *LOAN PROGRAM*

5 *(INCLUDING RESCISSION OF FUNDS)*

6 *For Department of Energy administrative expenses*
7 *necessary in carrying out the Advanced Technology Vehicles*
8 *Manufacturing Loan Program, \$5,000,000, to remain*
9 *available until September 30, 2022: Provided, That, of the*
10 *unobligated balances available from amounts appropriated*
11 *for the costs of direct loans in section 129 of division A*
12 *of the Consolidated Security, Disaster Assistance, and Con-*
13 *tinuing Appropriations Act, 2009 (Public Law 110–329),*
14 *\$1,908,000,000 are hereby rescinded: Provided further, That*
15 *the amounts rescinded pursuant to the preceding proviso*
16 *that were previously designated by the Congress as an emer-*
17 *gency requirement pursuant to section 204(a) of S. Con.*
18 *Res. 21 (110th Congress) and section 301(b)(2) of S. Con.*
19 *Res. 70 (110th Congress), the concurrent resolutions on the*
20 *budget for fiscal years 2008 and 2009, are designated by*
21 *the Congress as an emergency requirement pursuant to sec-*
22 *tion 251(b)(2)(A)(i) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985.*

1 *TRIBAL ENERGY LOAN GUARANTEE PROGRAM*

2 *For Department of Energy administrative expenses*
3 *necessary in carrying out the Tribal Energy Loan Guar-*
4 *antee Program, \$2,000,000, to remain available until Sep-*
5 *tember 30, 2022.*

6 *OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS*

7 *For necessary expenses for Indian Energy activities in*
8 *carrying out the purposes of the Department of Energy Or-*
9 *ganization Act (42 U.S.C. 7101 et seq.), \$22,000,000, to re-*
10 *main available until expended: Provided, That, of the*
11 *amount appropriated under this heading, \$5,000,000 shall*
12 *be available until September 30, 2022, for program direc-*
13 *tion.*

14 *DEPARTMENTAL ADMINISTRATION*

15 *For salaries and expenses of the Department of Energy*
16 *necessary for departmental administration in carrying out*
17 *the purposes of the Department of Energy Organization Act*
18 *(42 U.S.C. 7101 et seq.), \$259,378,000, to remain available*
19 *until September 30, 2022, including the hire of passenger*
20 *motor vehicles and official reception and representation ex-*
21 *penses not to exceed \$30,000, plus such additional amounts*
22 *as necessary to cover increases in the estimated amount of*
23 *cost of work for others notwithstanding the provisions of*
24 *the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*
25 *That such increases in cost of work are offset by revenue*

1 *increases of the same or greater amount: Provided further,*
2 *That moneys received by the Department for miscellaneous*
3 *revenues estimated to total \$93,378,000 in fiscal year 2021*
4 *may be retained and used for operating expenses within this*
5 *account, as authorized by section 201 of Public Law 95–*
6 *238, notwithstanding the provisions of 31 U.S.C. 3302: Pro-*
7 *vided further, That the sum herein appropriated shall be*
8 *reduced as collections are received during the fiscal year*
9 *so as to result in a final fiscal year 2021 appropriation*
10 *from the general fund estimated at not more than*
11 *\$166,000,000.*

12 *OFFICE OF THE INSPECTOR GENERAL*

13 *For expenses necessary for the Office of the Inspector*
14 *General in carrying out the provisions of the Inspector Gen-*
15 *eral Act of 1978, \$57,739,000, to remain available until*
16 *September 30, 2022.*

17 *ATOMIC ENERGY DEFENSE ACTIVITIES*

18 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

19 *WEAPONS ACTIVITIES*

20 *For Department of Energy expenses, including the*
21 *purchase, construction, and acquisition of plant and cap-*
22 *ital equipment and other incidental expenses necessary for*
23 *atomic energy defense weapons activities in carrying out*
24 *the purposes of the Department of Energy Organization Act*
25 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*

1 *demnation of any real property or any facility or for plant*
2 *or facility acquisition, construction, or expansion, and the*
3 *purchase of not to exceed one aircraft, one ambulance, and*
4 *two passenger buses, for replacement only, \$15,345,000,000,*
5 *to remain available until expended: Provided, That of such*
6 *amount, \$75,000,000 shall be available for the Uranium Re-*
7 *serve Program: Provided further, That of such amount,*
8 *\$123,684,000 shall be available until September 30, 2022,*
9 *for program direction.*

10 *DEFENSE NUCLEAR NONPROLIFERATION*

11 *For Department of Energy expenses, including the*
12 *purchase, construction, and acquisition of plant and cap-*
13 *ital equipment and other incidental expenses necessary for*
14 *defense nuclear nonproliferation activities, in carrying out*
15 *the purposes of the Department of Energy Organization Act*
16 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
17 *demnation of any real property or any facility or for plant*
18 *or facility acquisition, construction, or expansion,*
19 *\$2,260,000,000, to remain available until expended.*

20 *NAVAL REACTORS*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For Department of Energy expenses necessary for*
23 *naval reactors activities to carry out the Department of En-*
24 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
25 *the acquisition (by purchase, condemnation, construction,*

1 *or otherwise) of real property, plant, and capital equip-*
2 *ment, facilities, and facility expansion, \$1,684,000,000, to*
3 *remain available until expended, of which, \$91,000,000*
4 *shall be transferred to “Department of Energy—Energy*
5 *Programs—Nuclear Energy”, for the Advanced Test Reac-*
6 *tor: Provided, That of such amount, \$51,700,000 shall be*
7 *available until September 30, 2022, for program direction.*

8 *FEDERAL SALARIES AND EXPENSES*

9 *For expenses necessary for Federal Salaries and Ex-*
10 *penses in the National Nuclear Security Administration,*
11 *\$443,200,000, to remain available until September 30,*
12 *2022, including official reception and representation ex-*
13 *penses not to exceed \$17,000.*

14 *ENVIRONMENTAL AND OTHER DEFENSE*

15 *ACTIVITIES*

16 *DEFENSE ENVIRONMENTAL CLEANUP*

17 *For Department of Energy expenses, including the*
18 *purchase, construction, and acquisition of plant and cap-*
19 *ital equipment and other expenses necessary for atomic en-*
20 *ergy defense environmental cleanup activities in carrying*
21 *out the purposes of the Department of Energy Organization*
22 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*
23 *condemnation of any real property or any facility or for*
24 *plant or facility acquisition, construction, or expansion,*
25 *and the purchase of not to exceed 1 passenger minivan for*

1 *replacement only, \$6,426,000,000, to remain available until*
2 *expended: Provided, That of such amount, \$289,000,000*
3 *shall be available until September 30, 2022, for program*
4 *direction.*

5 *OTHER DEFENSE ACTIVITIES*

6 *For Department of Energy expenses, including the*
7 *purchase, construction, and acquisition of plant and cap-*
8 *ital equipment and other expenses, necessary for atomic en-*
9 *ergy defense, other defense activities, and classified activi-*
10 *ties, in carrying out the purposes of the Department of En-*
11 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
12 *the acquisition or condemnation of any real property or*
13 *any facility or for plant or facility acquisition, construc-*
14 *tion, or expansion, \$920,000,000, to remain available until*
15 *expended: Provided, That of such amount, \$334,948,000*
16 *shall be available until September 30, 2022, for program*
17 *direction.*

18 *POWER MARKETING ADMINISTRATIONS*

19 *BONNEVILLE POWER ADMINISTRATION FUND*

20 *Expenditures from the Bonneville Power Administra-*
21 *tion Fund, established pursuant to Public Law 93–454, are*
22 *approved for official reception and representation expenses*
23 *in an amount not to exceed \$5,000: Provided, That during*
24 *fiscal year 2021, no new direct loan obligations may be*
25 *made.*

1 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*
2 *ADMINISTRATION*

3 *For expenses necessary for operation and maintenance*
4 *of power transmission facilities and for marketing electric*
5 *power and energy, including transmission wheeling and*
6 *ancillary services, pursuant to section 5 of the Flood Con-*
7 *trol Act of 1944 (16 U.S.C. 825s), as applied to the south-*
8 *eastern power area, \$7,246,000, including official reception*
9 *and representation expenses in an amount not to exceed*
10 *\$1,500, to remain available until expended: Provided, That*
11 *notwithstanding 31 U.S.C. 3302 and section 5 of the Flood*
12 *Control Act of 1944, up to \$7,246,000 collected by the*
13 *Southeastern Power Administration from the sale of power*
14 *and related services shall be credited to this account as dis-*
15 *cretionary offsetting collections, to remain available until*
16 *expended for the sole purpose of funding the annual ex-*
17 *penses of the Southeastern Power Administration: Provided*
18 *further, That the sum herein appropriated for annual ex-*
19 *penses shall be reduced as collections are received during*
20 *the fiscal year so as to result in a final fiscal year 2021*
21 *appropriation estimated at not more than \$0: Provided fur-*
22 *ther, That notwithstanding 31 U.S.C. 3302, up to*
23 *\$52,000,000 collected by the Southeastern Power Adminis-*
24 *tration pursuant to the Flood Control Act of 1944 to recover*
25 *purchase power and wheeling expenses shall be credited to*

1 *this account as offsetting collections, to remain available*
2 *until expended for the sole purpose of making purchase*
3 *power and wheeling expenditures: Provided further, That*
4 *for purposes of this appropriation, annual expenses means*
5 *expenditures that are generally recovered in the same year*
6 *that they are incurred (excluding purchase power and*
7 *wheeling expenses).*

8 *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*
9 *ADMINISTRATION*

10 *For expenses necessary for operation and maintenance*
11 *of power transmission facilities and for marketing electric*
12 *power and energy, for construction and acquisition of*
13 *transmission lines, substations and appurtenant facilities,*
14 *and for administrative expenses, including official recep-*
15 *tion and representation expenses in an amount not to ex-*
16 *ceed \$1,500 in carrying out section 5 of the Flood Control*
17 *Act of 1944 (16 U.S.C. 825s), as applied to the South-*
18 *western Power Administration, \$47,540,000, to remain*
19 *available until expended: Provided, That notwithstanding*
20 *31 U.S.C. 3302 and section 5 of the Flood Control Act of*
21 *1944 (16 U.S.C. 825s), up to \$37,140,000 collected by the*
22 *Southwestern Power Administration from the sale of power*
23 *and related services shall be credited to this account as dis-*
24 *cretionary offsetting collections, to remain available until*
25 *expended, for the sole purpose of funding the annual ex-*

1 *penses of the Southwestern Power Administration: Provided*
2 *further, That the sum herein appropriated for annual ex-*
3 *penses shall be reduced as collections are received during*
4 *the fiscal year so as to result in a final fiscal year 2021*
5 *appropriation estimated at not more than \$10,400,000:*
6 *Provided further, That notwithstanding 31 U.S.C. 3302, up*
7 *to \$34,000,000 collected by the Southwestern Power Admin-*
8 *istration pursuant to the Flood Control Act of 1944 to re-*
9 *cover purchase power and wheeling expenses shall be cred-*
10 *ited to this account as offsetting collections, to remain avail-*
11 *able until expended for the sole purpose of making purchase*
12 *power and wheeling expenditures: Provided further, That*
13 *for purposes of this appropriation, annual expenses means*
14 *expenditures that are generally recovered in the same year*
15 *that they are incurred (excluding purchase power and*
16 *wheeling expenses).*

17 *CONSTRUCTION, REHABILITATION, OPERATION AND*
18 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*
19 *For carrying out the functions authorized by title III,*
20 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
21 *7152), and other related activities including conservation*
22 *and renewable resources programs as authorized,*
23 *\$259,126,000, including official reception and representa-*
24 *tion expenses in an amount not to exceed \$1,500, to remain*
25 *available until expended, of which \$259,126,000 shall be de-*

1 rived from the Department of the Interior Reclamation
2 Fund: Provided, That notwithstanding 31 U.S.C. 3302, sec-
3 tion 5 of the Flood Control Act of 1944 (16 U.S.C. 825s),
4 and section 1 of the Interior Department Appropriation
5 Act, 1939 (43 U.S.C. 392a), up to \$169,754,000 collected
6 by the Western Area Power Administration from the sale
7 of power and related services shall be credited to this ac-
8 count as discretionary offsetting collections, to remain
9 available until expended, for the sole purpose of funding
10 the annual expenses of the Western Area Power Administra-
11 tion: Provided further, That the sum herein appropriated
12 for annual expenses shall be reduced as collections are re-
13 ceived during the fiscal year so as to result in a final fiscal
14 year 2021 appropriation estimated at not more than
15 \$89,372,000, of which \$89,372,000 is derived from the Rec-
16 lamation Fund: Provided further, That notwithstanding 31
17 U.S.C. 3302, up to \$192,000,000 collected by the Western
18 Area Power Administration pursuant to the Flood Control
19 Act of 1944 and the Reclamation Project Act of 1939 to
20 recover purchase power and wheeling expenses shall be cred-
21 ited to this account as offsetting collections, to remain avail-
22 able until expended for the sole purpose of making purchase
23 power and wheeling expenditures: Provided further, That
24 for purposes of this appropriation, annual expenses means
25 expenditures that are generally recovered in the same year

1 *that they are incurred (excluding purchase power and*
2 *wheeling expenses).*

3 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

4 *FUND*

5 *For operation, maintenance, and emergency costs for*
6 *the hydroelectric facilities at the Falcon and Amistad*
7 *Dams, \$5,776,000, to remain available until expended, and*
8 *to be derived from the Falcon and Amistad Operating and*
9 *Maintenance Fund of the Western Area Power Administra-*
10 *tion, as provided in section 2 of the Act of June 18, 1954*
11 *(68 Stat. 255): Provided, That notwithstanding the provi-*
12 *sions of that Act and of 31 U.S.C. 3302, up to \$5,548,000*
13 *collected by the Western Area Power Administration from*
14 *the sale of power and related services from the Falcon and*
15 *Amistad Dams shall be credited to this account as discre-*
16 *tionary offsetting collections, to remain available until ex-*
17 *pended for the sole purpose of funding the annual expenses*
18 *of the hydroelectric facilities of these Dams and associated*
19 *Western Area Power Administration activities: Provided*
20 *further, That the sum herein appropriated for annual ex-*
21 *penses shall be reduced as collections are received during*
22 *the fiscal year so as to result in a final fiscal year 2021*
23 *appropriation estimated at not more than \$228,000: Pro-*
24 *vided further, That for purposes of this appropriation, an-*
25 *ual expenses means expenditures that are generally recov-*

1 *ered in the same year that they are incurred: Provided fur-*
2 *ther, That for fiscal year 2021, the Administrator of the*
3 *Western Area Power Administration may accept up to*
4 *\$1,526,000 in funds contributed by United States power*
5 *customers of the Falcon and Amistad Dams for deposit into*
6 *the Falcon and Amistad Operating and Maintenance Fund,*
7 *and such funds shall be available for the purpose for which*
8 *contributed in like manner as if said sums had been specifi-*
9 *cally appropriated for such purpose: Provided further, That*
10 *any such funds shall be available without further appro-*
11 *priation and without fiscal year limitation for use by the*
12 *Commissioner of the United States Section of the Inter-*
13 *national Boundary and Water Commission for the sole pur-*
14 *pose of operating, maintaining, repairing, rehabilitating,*
15 *replacing, or upgrading the hydroelectric facilities at these*
16 *Dams in accordance with agreements reached between the*
17 *Administrator, Commissioner, and the power customers.*

18 *FEDERAL ENERGY REGULATORY COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the Federal Energy Regu-*
21 *latory Commission to carry out the provisions of the De-*
22 *partment of Energy Organization Act (42 U.S.C. 7101 et*
23 *seq.), including services as authorized by 5 U.S.C. 3109,*
24 *official reception and representation expenses not to exceed*
25 *\$3,000, and the hire of passenger motor vehicles,*

1 \$404,350,000, to remain available until expended: Pro-
2 vided, That notwithstanding any other provision of law, not
3 to exceed \$404,350,000 of revenues from fees and annual
4 charges, and other services and collections in fiscal year
5 2021 shall be retained and used for expenses necessary in
6 this account, and shall remain available until expended:
7 Provided further, That the sum herein appropriated from
8 the general fund shall be reduced as revenues are received
9 during fiscal year 2021 so as to result in a final fiscal year
10 2021 appropriation from the general fund estimated at not
11 more than \$0.

12 GENERAL PROVISIONS—DEPARTMENT OF

13 ENERGY

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 301. (a) No appropriation, funds, or authority
16 made available by this title for the Department of Energy
17 shall be used to initiate or resume any program, project,
18 or activity or to prepare or initiate Requests For Proposals
19 or similar arrangements (including Requests for
20 Quotations, Requests for Information, and Funding Oppor-
21 tunity Announcements) for a program, project, or activity
22 if the program, project, or activity has not been funded by
23 Congress.

24 (b)(1) Unless the Secretary of Energy notifies the Com-
25 mittees on Appropriations of both Houses of Congress at

1 *least 3 full business days in advance, none of the funds*
2 *made available in this title may be used to—*

3 (A) *make a grant allocation or discretionary*
4 *grant award totaling \$1,000,000 or more;*

5 (B) *make a discretionary contract award or*
6 *Other Transaction Agreement totaling \$1,000,000 or*
7 *more, including a contract covered by the Federal Ac-*
8 *quisition Regulation;*

9 (C) *issue a letter of intent to make an allocation,*
10 *award, or Agreement in excess of the limits in sub-*
11 *paragraph (A) or (B); or*

12 (D) *announce publicly the intention to make an*
13 *allocation, award, or Agreement in excess of the limits*
14 *in subparagraph (A) or (B).*

15 (2) *The Secretary of Energy shall submit to the Com-*
16 *mittees on Appropriations of both Houses of Congress with-*
17 *in 15 days of the conclusion of each quarter a report detail-*
18 *ing each grant allocation or discretionary grant award to-*
19 *taling less than \$1,000,000 provided during the previous*
20 *quarter.*

21 (3) *The notification required by paragraph (1) and the*
22 *report required by paragraph (2) shall include the recipient*
23 *of the award, the amount of the award, the fiscal year for*
24 *which the funds for the award were appropriated, the ac-*
25 *count and program, project, or activity from which the*

1 *funds are being drawn, the title of the award, and a brief*
2 *description of the activity for which the award is made.*

3 (c) *The Department of Energy may not, with respect*
4 *to any program, project, or activity that uses budget au-*
5 *thority made available in this title under the heading “De-*
6 *partment of Energy—Energy Programs”, enter into a*
7 *multiyear contract, award a multiyear grant, or enter into*
8 *a multiyear cooperative agreement unless—*

9 (1) *the contract, grant, or cooperative agreement*
10 *is funded for the full period of performance as antici-*
11 *ipated at the time of award; or*

12 (2) *the contract, grant, or cooperative agreement*
13 *includes a clause conditioning the Federal Govern-*
14 *ment’s obligation on the availability of future year*
15 *budget authority and the Secretary notifies the Com-*
16 *mittees on Appropriations of both Houses of Congress*
17 *at least 3 days in advance.*

18 (d) *Except as provided in subsections (e), (f), and (g),*
19 *the amounts made available by this title shall be expended*
20 *as authorized by law for the programs, projects, and activi-*
21 *ties specified in the “Final Bill” column in the “Depart-*
22 *ment of Energy” table included under the heading “Title*
23 *III—Department of Energy” in the explanatory statement*
24 *described in section 4 (in the matter preceding division A*
25 *of this consolidated Act).*

1 (e) *The amounts made available by this title may be*
2 *reprogrammed for any program, project, or activity, and*
3 *the Department shall notify, and obtain the prior approval*
4 *of, the Committees on Appropriations of both Houses of*
5 *Congress at least 30 days prior to the use of any proposed*
6 *reprogramming that would cause any program, project, or*
7 *activity funding level to increase or decrease by more than*
8 *\$5,000,000 or 10 percent, whichever is less, during the time*
9 *period covered by this Act.*

10 (f) *None of the funds provided in this title shall be*
11 *available for obligation or expenditure through a re-*
12 *programming of funds that—*

13 (1) *creates, initiates, or eliminates a program,*
14 *project, or activity;*

15 (2) *increases funds or personnel for any pro-*
16 *gram, project, or activity for which funds are denied*
17 *or restricted by this Act; or*

18 (3) *reduces funds that are directed to be used for*
19 *a specific program, project, or activity by this Act.*

20 (g)(1) *The Secretary of Energy may waive any re-*
21 *quirement or restriction in this section that applies to the*
22 *use of funds made available for the Department of Energy*
23 *if compliance with such requirement or restriction would*
24 *pose a substantial risk to human health, the environment,*
25 *welfare, or national security.*

1 (2) *The Secretary of Energy shall notify the Commit-*
2 *tees on Appropriations of both Houses of Congress of any*
3 *waiver under paragraph (1) as soon as practicable, but not*
4 *later than 3 days after the date of the activity to which*
5 *a requirement or restriction would otherwise have applied.*
6 *Such notice shall include an explanation of the substantial*
7 *risk under paragraph (1) that permitted such waiver.*

8 (h) *The unexpended balances of prior appropriations*
9 *provided for activities in this Act may be available to the*
10 *same appropriation accounts for such activities established*
11 *pursuant to this title. Available balances may be merged*
12 *with funds in the applicable established accounts and there-*
13 *after may be accounted for as one fund for the same time*
14 *period as originally enacted.*

15 SEC. 302. *Funds appropriated by this or any other*
16 *Act, or made available by the transfer of funds in this Act,*
17 *for intelligence activities are deemed to be specifically au-*
18 *thorized by the Congress for purposes of section 504 of the*
19 *National Security Act of 1947 (50 U.S.C. 3094) during fis-*
20 *cal year 2021 until the enactment of the Intelligence Au-*
21 *thorization Act for fiscal year 2021.*

22 SEC. 303. *None of the funds made available in this*
23 *title shall be used for the construction of facilities classified*
24 *as high-hazard nuclear facilities under 10 CFR Part 830*
25 *unless independent oversight is conducted by the Office of*

1 *Enterprise Assessments to ensure the project is in compli-*
2 *ance with nuclear safety requirements.*

3 *SEC. 304. None of the funds made available in this*
4 *title may be used to approve critical decision-2 or critical*
5 *decision-3 under Department of Energy Order 413.3B, or*
6 *any successive departmental guidance, for construction*
7 *projects where the total project cost exceeds \$100,000,000,*
8 *until a separate independent cost estimate has been devel-*
9 *oped for the project for that critical decision.*

10 *SEC. 305. Notwithstanding section 161 of the Energy*
11 *Policy and Conservation Act (42 U.S.C. 6241), upon a de-*
12 *termination by the President in this fiscal year that a re-*
13 *gional supply shortage of refined petroleum product of sig-*
14 *nificant scope and duration exists, that a severe increase*
15 *in the price of refined petroleum product will likely result*
16 *from such shortage, and that a draw down and sale of re-*
17 *fined petroleum product would assist directly and signifi-*
18 *cantly in reducing the adverse impact of such shortage, the*
19 *Secretary of Energy may draw down and sell refined petro-*
20 *leum product from the Strategic Petroleum Reserve. Pro-*
21 *ceeds from a sale under this section shall be deposited into*
22 *the SPR Petroleum Account established in section 167 of*
23 *the Energy Policy and Conservation Act (42 U.S.C. 6247),*
24 *and such amounts shall be available for obligation, without*
25 *fiscal year limitation, consistent with that section.*

1 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*2 *SALARIES AND EXPENSES*

3 *For expenses necessary for the Defense Nuclear Facili-*
4 *ties Safety Board in carrying out activities authorized by*
5 *the Atomic Energy Act of 1954, as amended by Public Law*
6 *100–456, section 1441, \$31,000,000, to remain available*
7 *until September 30, 2022.*

8 *DELTA REGIONAL AUTHORITY*9 *SALARIES AND EXPENSES*

10 *For expenses necessary for the Delta Regional Author-*
11 *ity and to carry out its activities, as authorized by the*
12 *Delta Regional Authority Act of 2000, notwithstanding sec-*
13 *tions 382F(d), 382M, and 382N of said Act, \$30,000,000,*
14 *to remain available until expended.*

15 *DENALI COMMISSION*

16 *For expenses necessary for the Denali Commission in-*
17 *cluding the purchase, construction, and acquisition of plant*
18 *and capital equipment as necessary and other expenses,*
19 *\$15,000,000, to remain available until expended, notwith-*
20 *standing the limitations contained in section 306(g) of the*
21 *Denali Commission Act of 1998: Provided, That funds shall*
22 *be available for construction projects in an amount not to*
23 *exceed 80 percent of total project cost for distressed commu-*
24 *nities, as defined by section 307 of the Denali Commission*
25 *Act of 1998 (division C, title III, Public Law 105–277),*

1 *as amended by section 701 of appendix D, title VII, Public*
2 *Law 106–113 (113 Stat. 1501A–280), and an amount not*
3 *to exceed 50 percent for non-distressed communities: Pro-*
4 *vided further, That notwithstanding any other provision of*
5 *law regarding payment of a non-Federal share in connec-*
6 *tion with a grant-in-aid program, amounts under this*
7 *heading shall be available for the payment of such a non-*
8 *Federal share for programs undertaken to carry out the*
9 *purposes of the Commission.*

10 *NORTHERN BORDER REGIONAL COMMISSION*

11 *For expenses necessary for the Northern Border Re-*
12 *gional Commission in carrying out activities authorized by*
13 *subtitle V of title 40, United States Code, \$30,000,000, to*
14 *remain available until expended: Provided, That such*
15 *amounts shall be available for administrative expenses, not-*
16 *withstanding section 15751(b) of title 40, United States*
17 *Code.*

18 *SOUTHEAST CRESCENT REGIONAL COMMISSION*

19 *For expenses necessary for the Southeast Crescent Re-*
20 *gional Commission in carrying out activities authorized by*
21 *subtitle V of title 40, United States Code, \$1,000,000, to*
22 *remain available until expended.*

23 *SOUTHWEST BORDER REGIONAL COMMISSION*

24 *For expenses necessary for the Southwest Border Re-*
25 *gional Commission in carrying out activities authorized by*

1 *subtitle V of title 40, United States Code, \$250,000, to re-*
2 *main available until expended.*

3 *NUCLEAR REGULATORY COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary for the Commission in carrying*
6 *out the purposes of the Energy Reorganization Act of 1974*
7 *and the Atomic Energy Act of 1954, \$830,900,000, includ-*
8 *ing official representation expenses not to exceed \$25,000,*
9 *to remain available until expended: Provided, That of the*
10 *amount appropriated herein, not more than \$9,500,000*
11 *may be made available for salaries, travel, and other sup-*
12 *port costs for the Office of the Commission, to remain avail-*
13 *able until September 30, 2022: Provided further, That reve-*
14 *nues from licensing fees, inspection services, and other serv-*
15 *ices and collections estimated at \$710,293,000 in fiscal year*
16 *2021 shall be retained and used for necessary salaries and*
17 *expenses in this account, notwithstanding 31 U.S.C. 3302,*
18 *and shall remain available until expended: Provided fur-*
19 *ther, That the sum herein appropriated shall be reduced by*
20 *the amount of revenues received during fiscal year 2021 so*
21 *as to result in a final fiscal year 2021 appropriation esti-*
22 *mated at not more than \$120,607,000.*

23 *OFFICE OF INSPECTOR GENERAL*

24 *For expenses necessary for the Office of Inspector Gen-*
25 *eral in carrying out the provisions of the Inspector General*

1 *Act of 1978, \$13,499,000, to remain available until Sep-*
2 *tember 30, 2022: Provided, That revenues from licensing*
3 *fees, inspection services, and other services and collections*
4 *estimated at \$11,106,000 in fiscal year 2021 shall be re-*
5 *tained and be available until September 30, 2022, for nec-*
6 *essary salaries and expenses in this account, notwith-*
7 *standing section 3302 of title 31, United States Code: Pro-*
8 *vided further, That the sum herein appropriated shall be*
9 *reduced by the amount of revenues received during fiscal*
10 *year 2021 so as to result in a final fiscal year 2021 appro-*
11 *priation estimated at not more than \$2,393,000: Provided*
12 *further, That of the amounts appropriated under this head-*
13 *ing, \$1,206,000 shall be for Inspector General services for*
14 *the Defense Nuclear Facilities Safety Board.*

15 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

16 *SALARIES AND EXPENSES*

17 *For expenses necessary for the Nuclear Waste Tech-*
18 *nical Review Board, as authorized by Public Law 100–203,*
19 *section 5051, \$3,600,000, to be derived from the Nuclear*
20 *Waste Fund, to remain available until September 30, 2022.*

21 *GENERAL PROVISIONS—INDEPENDENT*

22 *AGENCIES*

23 *SEC. 401. The Nuclear Regulatory Commission shall*
24 *comply with the July 5, 2011, version of Chapter VI of its*
25 *Internal Commission Procedures when responding to Con-*

1 *gressional requests for information, consistent with Depart-*
2 *ment of Justice guidance for all Federal agencies.*

3 *SEC. 402. (a) The amounts made available by this title*
4 *for the Nuclear Regulatory Commission may be repro-*
5 *grammed for any program, project, or activity, and the*
6 *Commission shall notify the Committees on Appropriations*
7 *of both Houses of Congress at least 30 days prior to the*
8 *use of any proposed reprogramming that would cause any*
9 *program funding level to increase or decrease by more than*
10 *\$500,000 or 10 percent, whichever is less, during the time*
11 *period covered by this Act.*

12 *(b)(1) The Nuclear Regulatory Commission may waive*
13 *the notification requirement in subsection (a) if compliance*
14 *with such requirement would pose a substantial risk to*
15 *human health, the environment, welfare, or national secu-*
16 *rity.*

17 *(2) The Nuclear Regulatory Commission shall notify*
18 *the Committees on Appropriations of both Houses of Con-*
19 *gress of any waiver under paragraph (1) as soon as prac-*
20 *ticable, but not later than 3 days after the date of the activ-*
21 *ity to which a requirement or restriction would otherwise*
22 *have applied. Such notice shall include an explanation of*
23 *the substantial risk under paragraph (1) that permitted*
24 *such waiver and shall provide a detailed report to the Com-*

1 *mittees of such waiver and changes to funding levels to pro-*
2 *grams, projects, or activities.*

3 *(c) Except as provided in subsections (a), (b), and (d),*
4 *the amounts made available by this title for “Nuclear Regu-*
5 *latory Commission—Salaries and Expenses” shall be ex-*
6 *pende as directed in the explanatory statement described*
7 *in section 4 (in the matter preceding division A of this con-*
8 *solidated Act).*

9 *(d) None of the funds provided for the Nuclear Regu-*
10 *latory Commission shall be available for obligation or ex-*
11 *penditure through a reprogramming of funds that increases*
12 *funds or personnel for any program, project, or activity for*
13 *which funds are denied or restricted by this Act.*

14 *(e) The Commission shall provide a monthly report to*
15 *the Committees on Appropriations of both Houses of Con-*
16 *gress, which includes the following for each program,*
17 *project, or activity, including any prior year appropria-*
18 *tions—*

- 19 *(1) total budget authority;*
20 *(2) total unobligated balances; and*
21 *(3) total unliquidated obligations.*

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

1
2
3
4 *SEC. 501. None of the funds appropriated by this Act*
5 *may be used in any way, directly or indirectly, to influence*
6 *congressional action on any legislation or appropriation*
7 *matters pending before Congress, other than to commu-*
8 *nicate to Members of Congress as described in 18 U.S.C.*
9 *1913.*

10 *SEC. 502. (a) None of the funds made available in title*
11 *III of this Act may be transferred to any department, agen-*
12 *cy, or instrumentality of the United States Government, ex-*
13 *cept pursuant to a transfer made by or transfer authority*
14 *provided in this Act or any other appropriations Act for*
15 *any fiscal year, transfer authority referenced in the explan-*
16 *atory statement described in section 4 (in the matter pre-*
17 *ceding division A of this consolidated Act), or any authority*
18 *whereby a department, agency, or instrumentality of the*
19 *United States Government may provide goods or services*
20 *to another department, agency, or instrumentality.*

21 *(b) None of the funds made available for any depart-*
22 *ment, agency, or instrumentality of the United States Gov-*
23 *ernment may be transferred to accounts funded in title III*
24 *of this Act, except pursuant to a transfer made by or trans-*
25 *fer authority provided in this Act or any other appropria-*

1 *tions Act for any fiscal year, transfer authority referenced*
2 *in the explanatory statement described in section 4 (in the*
3 *matter preceding division A of this consolidated Act), or*
4 *any authority whereby a department, agency, or instru-*
5 *mentality of the United States Government may provide*
6 *goods or services to another department, agency, or instru-*
7 *mentality.*

8 *(c) The head of any relevant department or agency*
9 *funded in this Act utilizing any transfer authority shall*
10 *submit to the Committees on Appropriations of both Houses*
11 *of Congress a semiannual report detailing the transfer au-*
12 *thorities, except for any authority whereby a department,*
13 *agency, or instrumentality of the United States Government*
14 *may provide goods or services to another department, agen-*
15 *cy, or instrumentality, used in the previous 6 months and*
16 *in the year-to-date. This report shall include the amounts*
17 *transferred and the purposes for which they were trans-*
18 *ferred, and shall not replace or modify existing notification*
19 *requirements for each authority.*

20 *SEC. 503. None of the funds made available by this*
21 *Act may be used in contravention of Executive Order No.*
22 *12898 of February 11, 1994 (Federal Actions to Address*
23 *Environmental Justice in Minority Populations and Low-*
24 *Income Populations).*

1 *SEC. 504. (a) None of the funds made available in this*
2 *Act may be used to maintain or establish a computer net-*
3 *work unless such network blocks the viewing, downloading,*
4 *and exchanging of pornography.*

5 *(b) Nothing in subsection (a) shall limit the use of*
6 *funds necessary for any Federal, State, Tribal, or local law*
7 *enforcement agency or any other entity carrying out crimi-*
8 *nal investigations, prosecution, or adjudication activities.*

9 *SEC. 505. (a) Requirements relating to non-Federal*
10 *cost-share grants and cooperative agreements for the Delta*
11 *Regional Authority under section 382D of the Agricultural*
12 *Act of 1961 and Consolidated Farm and Rural Develop-*
13 *ment Act (7 U.S.C. 2009aa-3) are waived for grants*
14 *awarded in fiscal year 2020 and in subsequent years in*
15 *response to economic distress directly related to the impacts*
16 *of the Coronavirus Disease (COVID-19).*

17 *(b) Requirements relating to non-Federal cost-share*
18 *grants and cooperative agreements for the Northern Border*
19 *Regional Commission under section 15501(d) of title 40,*
20 *United States Code, are waived for grants awarded in fiscal*
21 *year 2020 and in subsequent years in response to economic*
22 *distress directly related to the impacts of the Coronavirus*
23 *Disease (COVID-19).*

24 *(c) Requirements relating to non-Federal cost-share*
25 *grants and cooperative agreements for the Denali Commis-*

1 *sion are waived for grants awarded in fiscal year 2020 and*
2 *in subsequent years in response to economic distress directly*
3 *related to the impacts of the Coronavirus Disease (COVID–*
4 *19).*

5 *SEC. 506. Of the unavailable collections currently in*
6 *the United States Enrichment Corporation Fund,*
7 *\$291,000,000 shall be transferred to and merged with the*
8 *Uranium Enrichment Decontamination and Decommis-*
9 *sioning Fund and shall be available only to the extent pro-*
10 *vided in advance in appropriations Acts.*

11 *This division may be cited as the “Energy and Water*
12 *Development and Related Agencies Appropriations Act,*
13 *2021”.*

14 ***DIVISION E—FINANCIAL SERVICES AND***
15 ***GENERAL GOVERNMENT APPROPRIA-***
16 ***TIONS ACT, 2021***

17 ***TITLE I***

18 ***DEPARTMENT OF THE TREASURY***

19 ***DEPARTMENTAL OFFICES***

20 ***SALARIES AND EXPENSES***

21 *For necessary expenses of the Departmental Offices in-*
22 *cluding operation and maintenance of the Treasury Build-*
23 *ing and Freedman’s Bank Building; hire of passenger*
24 *motor vehicles; maintenance, repairs, and improvements of,*
25 *and purchase of commercial insurance policies for, real*

1 *properties leased or owned overseas, when necessary for the*
2 *performance of official business; executive direction pro-*
3 *gram activities; international affairs and economic policy*
4 *activities; domestic finance and tax policy activities, in-*
5 *cluding technical assistance to State, local, and territorial*
6 *entities; and Treasury-wide management policies and pro-*
7 *grams activities, \$233,000,000: Provided, That of the*
8 *amount appropriated under this heading—*

9 (1) *not to exceed \$350,000 is for official recep-*
10 *tion and representation expenses;*

11 (2) *not to exceed \$258,000 is for unforeseen*
12 *emergencies of a confidential nature to be allocated*
13 *and expended under the direction of the Secretary of*
14 *the Treasury and to be accounted for solely on the*
15 *Secretary's certificate; and*

16 (3) *not to exceed \$24,000,000 shall remain avail-*
17 *able until September 30, 2022, for—*

18 (A) *the Treasury-wide Financial Statement*
19 *Audit and Internal Control Program;*

20 (B) *information technology modernization*
21 *requirements;*

22 (C) *the audit, oversight, and administration*
23 *of the Gulf Coast Restoration Trust Fund;*

24 (D) *the development and implementation of*
25 *programs within the Office of Cybersecurity and*

1 *Critical Infrastructure Protection, including en-*
2 *tering into cooperative agreements;*

3 *(E) operations and maintenance of facili-*
4 *ties; and*

5 *(F) international operations.*

6 *COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED*

7 *STATES FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary expenses of the Committee on Foreign*
10 *Investment in the United States, \$20,000,000, to remain*
11 *available until expended: Provided, That the chairperson of*
12 *the Committee may transfer such amounts to any depart-*
13 *ment or agency represented on the Committee (including*
14 *the Department of the Treasury) subject to advance notifi-*
15 *cation to the Committees on Appropriations of the House*
16 *of Representatives and the Senate: Provided further, That*
17 *amounts so transferred shall remain available until ex-*
18 *pended for expenses of implementing section 721 of the De-*
19 *fense Production Act of 1950, as amended (50 U.S.C. 4565),*
20 *and shall be available in addition to any other funds avail-*
21 *able to any department or agency: Provided further, That*
22 *fees authorized by section 721(p) of such Act shall be cred-*
23 *ited to this appropriation as offsetting collections: Provided*
24 *further, That the total amount appropriated under this*
25 *heading from the general fund shall be reduced as such off-*

1 *setting collections are received during fiscal year 2021, so*
2 *as to result in a total appropriation from the general fund*
3 *estimated at not more than \$15,000,000.*

4 *OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE*

5 *SALARIES AND EXPENSES*

6 *For the necessary expenses of the Office of Terrorism*
7 *and Financial Intelligence to safeguard the financial sys-*
8 *tem against illicit use and to combat rogue nations, ter-*
9 *rorist facilitators, weapons of mass destruction*
10 *proliferators, human rights abusers, money launderers,*
11 *drug kingpins, and other national security threats,*
12 *\$175,000,000, of which not less than \$3,000,000 shall be*
13 *available for addressing human rights violations and cor-*
14 *ruption, including activities authorized by the Global*
15 *Magnitsky Human Rights Accountability Act (22 U.S.C.*
16 *2656 note): Provided, That of the amounts appropriated*
17 *under this heading, up to \$10,000,000 shall remain avail-*
18 *able until September 30, 2022.*

19 *CYBERSECURITY ENHANCEMENT ACCOUNT*

20 *For salaries and expenses for enhanced cybersecurity*
21 *for systems operated by the Department of the Treasury,*
22 *\$18,000,000, to remain available until September 30, 2023:*
23 *Provided, That such funds shall supplement and not sup-*
24 *plant any other amounts made available to the Treasury*
25 *offices and bureaus for cybersecurity: Provided further,*

1 *That of the total amount made available under this heading*
2 *\$1,000,000 shall be available for administrative expenses for*
3 *the Treasury Chief Information Officer to provide oversight*
4 *of the investments made under this heading: Provided fur-*
5 *ther, That such funds shall supplement and not supplant*
6 *any other amounts made available to the Treasury Chief*
7 *Information Officer.*

8 *DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS*

9 *PROGRAMS*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For development and acquisition of automatic data*
12 *processing equipment, software, and services and for repairs*
13 *and renovations to buildings owned by the Department of*
14 *the Treasury, \$6,118,000, to remain available until Sep-*
15 *tember 30, 2023: Provided, That these funds shall be trans-*
16 *ferred to accounts and in amounts as necessary to satisfy*
17 *the requirements of the Department's offices, bureaus, and*
18 *other organizations: Provided further, That this transfer*
19 *authority shall be in addition to any other transfer author-*
20 *ity provided in this Act: Provided further, That none of*
21 *the funds appropriated under this heading shall be used to*
22 *support or supplement "Internal Revenue Service, Oper-*
23 *ations Support" or "Internal Revenue Service, Business*
24 *Systems Modernization".*

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 *For necessary expenses of the Office of Inspector Gen-*
4 *eral in carrying out the provisions of the Inspector General*
5 *Act of 1978, \$41,044,000, including hire of passenger motor*
6 *vehicles; of which not to exceed \$100,000 shall be available*
7 *for unforeseen emergencies of a confidential nature, to be*
8 *allocated and expended under the direction of the Inspector*
9 *General of the Treasury; of which up to \$2,800,000 to re-*
10 *main available until September 30, 2022, shall be for audits*
11 *and investigations conducted pursuant to section 1608 of*
12 *the Resources and Ecosystems Sustainability, Tourist Op-*
13 *portunities, and Revived Economies of the Gulf Coast*
14 *States Act of 2012 (33 U.S.C. 1321 note); and of which*
15 *not to exceed \$1,000 shall be available for official reception*
16 *and representation expenses.*

17 TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

18 SALARIES AND EXPENSES

19 *For necessary expenses of the Treasury Inspector Gen-*
20 *eral for Tax Administration in carrying out the Inspector*
21 *General Act of 1978, as amended, including purchase and*
22 *hire of passenger motor vehicles (31 U.S.C. 1343(b)); and*
23 *services authorized by 5 U.S.C. 3109, at such rates as may*
24 *be determined by the Inspector General for Tax Administra-*
25 *tion; \$170,250,000, of which \$5,000,000 shall remain avail-*

1 *able until September 30, 2022; of which not to exceed*
2 *\$6,000,000 shall be available for official travel expenses; of*
3 *which not to exceed \$500,000 shall be available for unfore-*
4 *seen emergencies of a confidential nature, to be allocated*
5 *and expended under the direction of the Inspector General*
6 *for Tax Administration; and of which not to exceed \$1,500*
7 *shall be available for official reception and representation*
8 *expenses.*

9 *SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET*
10 *RELIEF PROGRAM*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Office of the Special In-*
13 *pector General in carrying out the provisions of the Emer-*
14 *gency Economic Stabilization Act of 2008 (Public Law*
15 *110–343), \$19,000,000.*

16 *FINANCIAL CRIMES ENFORCEMENT NETWORK*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Financial Crimes En-*
19 *forcement Network, including hire of passenger motor vehi-*
20 *cles; travel and training expenses of non-Federal and for-*
21 *eign government personnel to attend meetings and training*
22 *concerned with domestic and foreign financial intelligence*
23 *activities, law enforcement, and financial regulation; serv-*
24 *ices authorized by 5 U.S.C. 3109; not to exceed \$12,000 for*
25 *official reception and representation expenses; and for as-*

1 *sistance to Federal law enforcement agencies, with or with-*
2 *out reimbursement, \$126,963,000, of which not to exceed*
3 *\$34,335,000 shall remain available until September 30,*
4 *2023.*

5 *BUREAU OF THE FISCAL SERVICE*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of operations of the Bureau of*
8 *the Fiscal Service, \$345,569,000; of which not to exceed*
9 *\$8,000,000, to remain available until September 30, 2023,*
10 *is for information systems modernization initiatives; and*
11 *of which \$5,000 shall be available for official reception and*
12 *representation expenses.*

13 *In addition, \$165,000, to be derived from the Oil Spill*
14 *Liability Trust Fund to reimburse administrative and per-*
15 *sonnel expenses for financial management of the Fund, as*
16 *authorized by section 1012 of Public Law 101–380.*

17 *ALCOHOL AND TOBACCO TAX AND TRADE BUREAU*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of carrying out section 1111*
20 *of the Homeland Security Act of 2002, including hire of*
21 *passenger motor vehicles, \$124,337,000; of which not to ex-*
22 *ceed \$6,000 shall be available for official reception and rep-*
23 *resentation expenses; and of which not to exceed \$50,000*
24 *shall be available for cooperative research and development*
25 *programs for laboratory services; and provision of labora-*

1 *tory assistance to State and local agencies with or without*
2 *reimbursement: Provided, That of the amount appropriated*
3 *under this heading, \$5,000,000 shall be for the costs of accel-*
4 *erating the processing of formula and label applications:*
5 *Provided further, That of the amount appropriated under*
6 *this heading, \$5,000,000, to remain available until Sep-*
7 *tember 30, 2022, shall be for the costs associated with en-*
8 *forcement of and education regarding the trade practice*
9 *provisions of the Federal Alcohol Administration Act (27*
10 *U.S.C. 201 et seq.).*

11 *UNITED STATES MINT*

12 *UNITED STATES MINT PUBLIC ENTERPRISE FUND*

13 *Pursuant to section 5136 of title 31, United States*
14 *Code, the United States Mint is provided funding through*
15 *the United States Mint Public Enterprise Fund for costs*
16 *associated with the production of circulating coins, numis-*
17 *matic coins, and protective services, including both oper-*
18 *ating expenses and capital investments: Provided, That the*
19 *aggregate amount of new liabilities and obligations in-*
20 *curred during fiscal year 2021 under such section 5136 for*
21 *circulating coinage and protective service capital invest-*
22 *ments of the United States Mint shall not exceed*
23 *\$50,000,000.*

1 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS*2 *FUND PROGRAM ACCOUNT*

3 *To carry out the Riegle Community Development and*
4 *Regulatory Improvement Act of 1994 (subtitle A of title I*
5 *of Public Law 103–325), including services authorized by*
6 *section 3109 of title 5, United States Code, but at rates for*
7 *individuals not to exceed the per diem rate equivalent to*
8 *the rate for EX–III, \$270,000,000. Of the amount appro-*
9 *priated under this heading—*

10 *(1) not less than \$167,000,000, notwithstanding*
11 *section 108(e) of Public Law 103–325 (12 U.S.C.*
12 *4707(e)) with regard to Small and/or Emerging Com-*
13 *munity Development Financial Institutions Assist-*
14 *ance awards, is available until September 30, 2022,*
15 *for financial assistance and technical assistance*
16 *under subparagraphs (A) and (B) of section*
17 *108(a)(1), respectively, of Public Law 103–325 (12*
18 *U.S.C. 4707(a)(1)(A) and (B)), of which up to*
19 *\$1,600,000 may be available for training and out-*
20 *reach under section 109 of Public Law 103–325 (12*
21 *U.S.C. 4708), of which up to \$2,374,500 may be used*
22 *for the cost of direct loans, of which up to \$6,000,000,*
23 *notwithstanding subsection (d) of section 108 of Pub-*
24 *lic Law 103–325 (12 U.S.C. 4707 (d)), may be avail-*
25 *able to provide financial assistance, technical assist-*

1 *ance, training, and outreach to community develop-*
2 *ment financial institutions to expand investments*
3 *that benefit individuals with disabilities, and of*
4 *which not less than \$2,000,000 shall be for the Eco-*
5 *nomie Mobility Corps to be operated in conjunction*
6 *with the Corporation for National and Community*
7 *Service, pursuant to 42 U.S.C. 12571: Provided, That*
8 *the cost of direct and guaranteed loans, including the*
9 *cost of modifying such loans, shall be as defined in*
10 *section 502 of the Congressional Budget Act of 1974:*
11 *Provided further, That these funds are available to*
12 *subsidize gross obligations for the principal amount of*
13 *direct loans not to exceed \$25,000,000: Provided fur-*
14 *ther, That of the funds provided under this para-*
15 *graph, excluding those made to community develop-*
16 *ment financial institutions to expand investments*
17 *that benefit individuals with disabilities and those*
18 *made to community development financial institu-*
19 *tions that serve populations living in persistent pov-*
20 *erty counties, the CDFI Fund shall prioritize Finan-*
21 *cial Assistance awards to organizations that invest*
22 *and lend in high-poverty areas: Provided further,*
23 *That for purposes of this section, the term “high-pov-*
24 *erty area” means any census tract with a poverty*
25 *rate of at least 20 percent as measured by the 2011–*

1 *2015 5-year data series available from the American*
2 *Community Survey of the Bureau of the Census for*
3 *all States and Puerto Rico or with a poverty rate of*
4 *at least 20 percent as measured by the 2010 Island*
5 *areas Decennial Census data for any territory or pos-*
6 *session of the United States;*

7 *(2) Not less than \$16,500,000, notwithstanding*
8 *section 108(e) of Public Law 103–325 (12 U.S.C.*
9 *4707(e)), is available until September 30, 2022, for fi-*
10 *nancial assistance, technical assistance, training, and*
11 *outreach programs designed to benefit Native Amer-*
12 *ican, Native Hawaiian, and Alaska Native commu-*
13 *nities and provided primarily through qualified com-*
14 *munity development lender organizations with experi-*
15 *ence and expertise in community development bank-*
16 *ing and lending in Indian country, Native American*
17 *organizations, Tribes and Tribal organizations, and*
18 *other suitable providers;*

19 *(3) not less than \$26,000,000 is available until*
20 *September 30, 2022, for the Bank Enterprise Award*
21 *program;*

22 *(4) not less than \$23,000,000, notwithstanding*
23 *subsections (d) and (e) of section 108 of Public Law*
24 *103–325 (12 U.S.C. 4707(d) and (e)), is available*
25 *until September 30, 2022, for a Healthy Food Fi-*

1 *ancing Initiative to provide financial assistance,*
2 *technical assistance, training, and outreach to com-*
3 *munity development financial institutions for the*
4 *purpose of offering affordable financing and technical*
5 *assistance to expand the availability of healthy food*
6 *options in distressed communities;*

7 (5) *not less than \$8,500,000 is available until*
8 *September 30, 2022, to provide grants for loan loss*
9 *reserve funds and to provide technical assistance for*
10 *small dollar loan programs under section 122 of Pub-*
11 *lic Law 103–325 (12 U.S.C. 4719): Provided, That*
12 *sections 108(d) and 122(b)(2) of such Public Law*
13 *shall not apply to the provision of such grants and*
14 *technical assistance;*

15 (6) *up to \$29,000,000 is available until Sep-*
16 *tember 30, 2021, for administrative expenses, includ-*
17 *ing administration of CDFI Fund programs and the*
18 *New Markets Tax Credit Program, of which not less*
19 *than \$1,000,000 is for development of tools to better*
20 *assess and inform CDFI investment performance, and*
21 *up to \$300,000 is for administrative expenses to*
22 *carry out the direct loan program; and*

23 (7) *during fiscal year 2021, none of the funds*
24 *available under this heading are available for the*
25 *cost, as defined in section 502 of the Congressional*

1 *Budget Act of 1974, of commitments to guarantee*
2 *bonds and notes under section 114A of the Riegle*
3 *Community Development and Regulatory Improve-*
4 *ment Act of 1994 (12 U.S.C. 4713a): Provided, That*
5 *commitments to guarantee bonds and notes under*
6 *such section 114A shall not exceed \$500,000,000: Pro-*
7 *vided further, That such section 114A shall remain in*
8 *effect until December 31, 2021: Provided further, That*
9 *of the funds awarded under this heading, except those*
10 *provided for the Economic Mobility Corps, not less*
11 *than 10 percent shall be used for awards that support*
12 *investments that serve populations living in persistent*
13 *poverty counties: Provided further, That for the pur-*
14 *poses of this paragraph and paragraph (1), the term*
15 *“persistent poverty counties” means any county, in-*
16 *cluding county equivalent areas in Puerto Rico, that*
17 *has had 20 percent or more of its population living*
18 *in poverty over the past 30 years, as measured by the*
19 *1990 and 2000 decennial censuses and the 2011–2015*
20 *5-year data series available from the American Com-*
21 *munity Survey of the Bureau of the Census or any*
22 *other territory or possession of the United States that*
23 *has had 20 percent or more of its population living*
24 *in poverty over the past 30 years, as measured by the*

1 1990, 2000 and 2010 Island Areas Decennial Cen-
2 suses, or equivalent data, of the Bureau of the Census.

3 *INTERNAL REVENUE SERVICE*

4 *TAXPAYER SERVICES*

5 *For necessary expenses of the Internal Revenue Service*
6 *to provide taxpayer services, including pre-filing assistance*
7 *and education, filing and account services, taxpayer advo-*
8 *cacy services, and other services as authorized by 5 U.S.C.*
9 *3109, at such rates as may be determined by the Commis-*
10 *sioner, \$2,555,606,000, of which not less than \$11,000,000*
11 *shall be for the Tax Counseling for the Elderly Program,*
12 *of which not less than \$13,000,000 shall be available for*
13 *low-income taxpayer clinic grants, of which not less than*
14 *\$30,000,000, to remain available until September 30, 2022,*
15 *shall be available for the Community Volunteer Income Tax*
16 *Assistance Matching Grants Program for tax return prepa-*
17 *ration assistance, and of which not less than \$211,000,000*
18 *shall be available for operating expenses of the Taxpayer*
19 *Advocate Service: Provided, That of the amounts made*
20 *available for the Taxpayer Advocate Service, not less than*
21 *\$5,500,000 shall be for identity theft and refund fraud case-*
22 *work.*

23 *ENFORCEMENT*

24 *For necessary expenses for tax enforcement activities*
25 *of the Internal Revenue Service to determine and collect*

1 *owed taxes, to provide legal and litigation support, to con-*
2 *duct criminal investigations, to enforce criminal statutes*
3 *related to violations of internal revenue laws and other fi-*
4 *nancial crimes, to purchase and hire passenger motor vehi-*
5 *cles (31 U.S.C. 1343(b)), and to provide other services as*
6 *authorized by 5 U.S.C. 3109, at such rates as may be deter-*
7 *mined by the Commissioner, \$5,212,622,000, of which not*
8 *to exceed \$250,000,000 shall remain available until Sep-*
9 *tember 30, 2022; of which not less than \$60,257,000 shall*
10 *be for the Interagency Crime and Drug Enforcement pro-*
11 *gram; and of which not to exceed \$15,000,000 shall be for*
12 *investigative technology for the Criminal Investigation Di-*
13 *vision: Provided, That the amount made available for inves-*
14 *tigative technology for the Criminal Investigation Division*
15 *shall be in addition to amounts made available for the*
16 *Criminal Investigation Division under the “Operations*
17 *Support” heading.*

18 *OPERATIONS SUPPORT*

19 *For necessary expenses of the Internal Revenue Service*
20 *to support taxpayer services and enforcement programs, in-*
21 *cluding rent payments; facilities services; printing; postage;*
22 *physical security; headquarters and other IRS-wide admin-*
23 *istration activities; research and statistics of income; tele-*
24 *communications; information technology development, en-*
25 *hancement, operations, maintenance, and security; the hire*

1 of passenger motor vehicles (31 U.S.C. 1343(b)); the oper-
2 ations of the Internal Revenue Service Oversight Board;
3 and other services as authorized by 5 U.S.C. 3109, at such
4 rates as may be determined by the Commissioner;
5 \$3,928,102,000, of which not to exceed \$275,000,000 shall
6 remain available until September 30, 2022; of which not
7 to exceed \$10,000,000 shall remain available until expended
8 for acquisition of equipment and construction, repair and
9 renovation of facilities; of which not to exceed \$1,000,000
10 shall remain available until September 30, 2023, for re-
11 search; of which not less than \$10,000,000, to remain avail-
12 able until expended, shall be available for establishment of
13 an application through which entities registering and re-
14 newing registrations in the System for Award Management
15 may request an authenticated electronic certification stat-
16 ing that the entity does or does not have a seriously delin-
17 quent tax debt; and of which not to exceed \$20,000 shall
18 be for official reception and representation expenses: Pro-
19 vided, That not later than 30 days after the end of each
20 quarter, the Internal Revenue Service shall submit a report
21 to the Committees on Appropriations of the House of Rep-
22 resentatives and the Senate and the Comptroller General
23 of the United States detailing major information technology
24 investments in the Internal Revenue Service Integrated
25 Modernization Business Plan portfolio, including detailed,

1 *plain language summaries on the status of plans, costs, and*
2 *results; prior results and actual expenditures of the prior*
3 *quarter; upcoming deliverables and costs for the fiscal year;*
4 *risks and mitigation strategies associated with ongoing*
5 *work; reasons for any cost or schedule variances; and total*
6 *expenditures by fiscal year: Provided further, That the In-*
7 *ternal Revenue Service shall include, in its budget justifica-*
8 *tion for fiscal year 2022, a summary of cost and schedule*
9 *performance information for its major information tech-*
10 *nology systems.*

11 *BUSINESS SYSTEMS MODERNIZATION*

12 *For necessary expenses of the Internal Revenue Serv-*
13 *ice's business systems modernization program,*
14 *\$222,724,000, to remain available until September 30,*
15 *2023, for the capital asset acquisition of information tech-*
16 *nology systems, including management and related contrac-*
17 *tual costs of said acquisitions, including related Internal*
18 *Revenue Service labor costs, and contractual costs associ-*
19 *ated with operations authorized by 5 U.S.C. 3109: Pro-*
20 *vided, That not later than 30 days after the end of each*
21 *quarter, the Internal Revenue Service shall submit a report*
22 *to the Committees on Appropriations of the House of Rep-*
23 *resentatives and the Senate and the Comptroller General*
24 *of the United States detailing major information technology*
25 *investments in the Internal Revenue Service Integrated*

1 *Modernization Business Plan portfolio, including detailed,*
2 *plain language summaries on the status of plans, costs, and*
3 *results; prior results and actual expenditures of the prior*
4 *quarter; upcoming deliverables and costs for the fiscal year;*
5 *risks and mitigation strategies associated with ongoing*
6 *work; reasons for any cost or schedule variances; and total*
7 *expenditures by fiscal year.*

8 *ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE*

9 *SERVICE*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 101. Not to exceed 4 percent of the appropriation*
12 *made available in this Act to the Internal Revenue Service*
13 *under the “Enforcement” heading, and not to exceed 5 per-*
14 *cent of any other appropriation made available in this Act*
15 *to the Internal Revenue Service, may be transferred to any*
16 *other Internal Revenue Service appropriation upon the ad-*
17 *vance approval of the Committees on Appropriations of the*
18 *House of Representatives and the Senate.*

19 *SEC. 102. The Internal Revenue Service shall main-*
20 *tain an employee training program, which shall include the*
21 *following topics: taxpayers’ rights, dealing courteously with*
22 *taxpayers, cross-cultural relations, ethics, and the impartial*
23 *application of tax law.*

24 *SEC. 103. The Internal Revenue Service shall institute*
25 *and enforce policies and procedures that will safeguard the*

1 *confidentiality of taxpayer information and protect tax-*
2 *payers against identity theft.*

3 *SEC. 104. Funds made available by this or any other*
4 *Act to the Internal Revenue Service shall be available for*
5 *improved facilities and increased staffing to provide suffi-*
6 *cient and effective 1–800 help line service for taxpayers. The*
7 *Commissioner shall continue to make improvements to the*
8 *Internal Revenue Service 1–800 help line service a priority*
9 *and allocate resources necessary to enhance the response*
10 *time to taxpayer communications, particularly with regard*
11 *to victims of tax-related crimes.*

12 *SEC. 105. The Internal Revenue Service shall issue a*
13 *notice of confirmation of any address change relating to an*
14 *employer making employment tax payments, and such no-*
15 *tice shall be sent to both the employer’s former and new*
16 *address and an officer or employee of the Internal Revenue*
17 *Service shall give special consideration to an offer-in-com-*
18 *promise from a taxpayer who has been the victim of fraud*
19 *by a third party payroll tax preparer.*

20 *SEC. 106. None of the funds made available under this*
21 *Act may be used by the Internal Revenue Service to target*
22 *citizens of the United States for exercising any right guar-*
23 *anteed under the First Amendment to the Constitution of*
24 *the United States.*

1 *SEC. 107. None of the funds made available in this*
2 *Act may be used by the Internal Revenue Service to target*
3 *groups for regulatory scrutiny based on their ideological be-*
4 *liefs.*

5 *SEC. 108. None of funds made available by this Act*
6 *to the Internal Revenue Service shall be obligated or ex-*
7 *pended on conferences that do not adhere to the procedures,*
8 *verification processes, documentation requirements, and*
9 *policies issued by the Chief Financial Officer, Human Cap-*
10 *ital Office, and Agency-Wide Shared Services as a result*
11 *of the recommendations in the report published on May 31,*
12 *2013, by the Treasury Inspector General for Tax Adminis-*
13 *tration entitled “Review of the August 2010 Small Busi-*
14 *ness/Self-Employed Division’s Conference in Anaheim,*
15 *California” (Reference Number 2013–10–037).*

16 *SEC. 109. None of the funds made available in this*
17 *Act to the Internal Revenue Service may be obligated or*
18 *expended—*

19 (1) *to make a payment to any employee under*
20 *a bonus, award, or recognition program; or*

21 (2) *under any hiring or personnel selection proc-*
22 *ess with respect to re-hiring a former employee;*

23 *unless such program or process takes into account the con-*
24 *duct and Federal tax compliance of such employee or former*
25 *employee.*

1 *hol and Tobacco Tax and Trade Bureau” may be trans-*
2 *ferred between such appropriations upon the advance ap-*
3 *proval of the Committees on Appropriations of the House*
4 *of Representatives and the Senate: Provided, That no trans-*
5 *fer under this section may increase or decrease any such*
6 *appropriation by more than 2 percent.*

7 *SEC. 113. Not to exceed 2 percent of any appropriation*
8 *made available in this Act to the Internal Revenue Service*
9 *may be transferred to the Treasury Inspector General for*
10 *Tax Administration’s appropriation upon the advance ap-*
11 *proval of the Committees on Appropriations of the House*
12 *of Representatives and the Senate: Provided, That no trans-*
13 *fer may increase or decrease any such appropriation by*
14 *more than 2 percent.*

15 *SEC. 114. None of the funds appropriated in this Act*
16 *or otherwise available to the Department of the Treasury*
17 *or the Bureau of Engraving and Printing may be used to*
18 *redesign the \$1 Federal Reserve note.*

19 *SEC. 115. The Secretary of the Treasury may transfer*
20 *funds from the “Bureau of the Fiscal Service—Salaries and*
21 *Expenses” to the Debt Collection Fund as necessary to cover*
22 *the costs of debt collection: Provided, That such amounts*
23 *shall be reimbursed to such salaries and expenses account*
24 *from debt collections received in the Debt Collection Fund.*

1 *SEC. 116. None of the funds appropriated or otherwise*
2 *made available by this or any other Act may be used by*
3 *the United States Mint to construct or operate any museum*
4 *without the explicit approval of the Committees on Appro-*
5 *priations of the House of Representatives and the Senate,*
6 *the House Committee on Financial Services, and the Senate*
7 *Committee on Banking, Housing, and Urban Affairs.*

8 *SEC. 117. None of the funds appropriated or otherwise*
9 *made available by this or any other Act or source to the*
10 *Department of the Treasury, the Bureau of Engraving and*
11 *Printing, and the United States Mint, individually or col-*
12 *lectively, may be used to consolidate any or all functions*
13 *of the Bureau of Engraving and Printing and the United*
14 *States Mint without the explicit approval of the House*
15 *Committee on Financial Services; the Senate Committee on*
16 *Banking, Housing, and Urban Affairs; and the Committees*
17 *on Appropriations of the House of Representatives and the*
18 *Senate.*

19 *SEC. 118. Funds appropriated by this Act, or made*
20 *available by the transfer of funds in this Act, for the De-*
21 *partment of the Treasury's intelligence or intelligence re-*
22 *lated activities are deemed to be specifically authorized by*
23 *the Congress for purposes of section 504 of the National Se-*
24 *curity Act of 1947 (50 U.S.C. 414) during fiscal year 2021*

1 *until the enactment of the Intelligence Authorization Act*
2 *for Fiscal Year 2021.*

3 *SEC. 119. Not to exceed \$5,000 shall be made available*
4 *from the Bureau of Engraving and Printing's Industrial*
5 *Revolving Fund for necessary official reception and rep-*
6 *resentation expenses.*

7 *SEC. 120. The Secretary of the Treasury shall submit*
8 *a Capital Investment Plan to the Committees on Appro-*
9 *priations of the House of Representatives and the Senate*
10 *not later than 30 days following the submission of the an-*
11 *nual budget submitted by the President: Provided, That*
12 *such Capital Investment Plan shall include capital invest-*
13 *ment spending from all accounts within the Department of*
14 *the Treasury, including but not limited to the Department-*
15 *wide Systems and Capital Investment Programs account,*
16 *Treasury Franchise Fund account, and the Treasury For-*
17 *feiture Fund account: Provided further, That such Capital*
18 *Investment Plan shall include expenditures occurring in*
19 *previous fiscal years for each capital investment project*
20 *that has not been fully completed.*

21 *SEC. 121. Within 45 days after the date of enactment*
22 *of this Act, the Secretary of the Treasury shall submit an*
23 *itemized report to the Committees on Appropriations of the*
24 *House of Representatives and the Senate on the amount of*
25 *total funds charged to each office by the Franchise Fund*

1 *including the amount charged for each service provided by*
2 *the Franchise Fund to each office, a detailed description*
3 *of the services, a detailed explanation of how each charge*
4 *for each service is calculated, and a description of the role*
5 *customers have in governing in the Franchise Fund.*

6 *SEC. 122. During fiscal year 2021—*

7 *(1) none of the funds made available in this or*
8 *any other Act may be used by the Department of the*
9 *Treasury, including the Internal Revenue Service, to*
10 *issue, revise, or finalize any regulation, revenue rul-*
11 *ing, or other guidance not limited to a particular tax-*
12 *payer relating to the standard which is used to deter-*
13 *mine whether an organization is operated exclusively*
14 *for the promotion of social welfare for purposes of sec-*
15 *tion 501(c)(4) of the Internal Revenue Code of 1986*
16 *(including the proposed regulations published at 78*
17 *Fed. Reg. 71535 (November 29, 2013)); and*

18 *(2) the standard and definitions as in effect on*
19 *January 1, 2010, which are used to make such deter-*
20 *minations shall apply after the date of the enactment*
21 *of this Act for purposes of determining status under*
22 *section 501(c)(4) of such Code of organizations cre-*
23 *ated on, before, or after such date.*

24 *SEC. 123. (a) Not later than 60 days after the end of*
25 *each quarter, the Office of Financial Stability and the Of-*

1 *Office of Financial Research shall submit reports on their ac-*
2 *tivities to the Committees on Appropriations of the House*
3 *of Representatives and the Senate, the Committee on Finan-*
4 *cial Services of the House of Representatives and the Senate*
5 *Committee on Banking, Housing, and Urban Affairs.*

6 (b) *The reports required under subsection (a) shall in-*
7 *clude—*

8 (1) *the obligations made during the previous*
9 *quarter by object class, office, and activity;*

10 (2) *the estimated obligations for the remainder of*
11 *the fiscal year by object class, office, and activity;*

12 (3) *the number of full-time equivalents within*
13 *each office during the previous quarter;*

14 (4) *the estimated number of full-time equivalents*
15 *within each office for the remainder of the fiscal year;*
16 *and*

17 (5) *actions taken to achieve the goals, objectives,*
18 *and performance measures of each office.*

19 (c) *At the request of any such Committees specified in*
20 *subsection (a), the Office of Financial Stability and the Of-*
21 *Office of Financial Research shall make officials available to*
22 *testify on the contents of the reports required under sub-*
23 *section (a).*

24 SEC. 124. *In addition to the amounts otherwise made*
25 *available to the Department of the Treasury, \$25,000,000,*

1 *to remain available until expended, shall be for expenses*
2 *associated with digitization and distribution of the Depart-*
3 *ment's records of matured savings bonds that have not been*
4 *redeemed.*

5 *This title may be cited as the "Department of the*
6 *Treasury Appropriations Act, 2021".*

7 **TITLE II**

8 **EXECUTIVE OFFICE OF THE PRESIDENT AND**
9 **FUNDS APPROPRIATED TO THE PRESIDENT**

10 **THE WHITE HOUSE**

11 **SALARIES AND EXPENSES**

12 *For necessary expenses for the White House as author-*
13 *ized by law, including not to exceed \$3,850,000 for services*
14 *as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsist-*
15 *ence expenses as authorized by 3 U.S.C. 105, which shall*
16 *be expended and accounted for as provided in that section;*
17 *hire of passenger motor vehicles, and travel (not to exceed*
18 *\$100,000 to be expended and accounted for as provided by*
19 *3 U.S.C. 103); and not to exceed \$19,000 for official recep-*
20 *tion and representation expenses, to be available for alloca-*
21 *tion within the Executive Office of the President; and for*
22 *necessary expenses of the Office of Policy Development, in-*
23 *cluding services as authorized by 5 U.S.C. 3109 and 3*
24 *U.S.C. 107, \$55,000,000.*

1 *EXECUTIVE RESIDENCE AT THE WHITE HOUSE*

2 *OPERATING EXPENSES*

3 *For necessary expenses of the Executive Residence at*
4 *the White House, \$13,641,000, to be expended and ac-*
5 *counted for as provided by 3 U.S.C. 105, 109, 110, and*
6 *112–114.*

7 *REIMBURSABLE EXPENSES*

8 *For the reimbursable expenses of the Executive Resi-*
9 *dence at the White House, such sums as may be necessary:*
10 *Provided, That all reimbursable operating expenses of the*
11 *Executive Residence shall be made in accordance with the*
12 *provisions of this paragraph: Provided further, That, not-*
13 *withstanding any other provision of law, such amount for*
14 *reimbursable operating expenses shall be the exclusive au-*
15 *thority of the Executive Residence to incur obligations and*
16 *to receive offsetting collections, for such expenses: Provided*
17 *further, That the Executive Residence shall require each*
18 *person sponsoring a reimbursable political event to pay in*
19 *advance an amount equal to the estimated cost of the event,*
20 *and all such advance payments shall be credited to this ac-*
21 *count and remain available until expended: Provided fur-*
22 *ther, That the Executive Residence shall require the na-*
23 *tional committee of the political party of the President to*
24 *maintain on deposit \$25,000, to be separately accounted for*
25 *and available for expenses relating to reimbursable political*

1 *events sponsored by such committee during such fiscal year:*
2 *Provided further, That the Executive Residence shall ensure*
3 *that a written notice of any amount owed for a reimburs-*
4 *able operating expense under this paragraph is submitted*
5 *to the person owing such amount within 60 days after such*
6 *expense is incurred, and that such amount is collected with-*
7 *in 30 days after the submission of such notice: Provided*
8 *further, That the Executive Residence shall charge interest*
9 *and assess penalties and other charges on any such amount*
10 *that is not reimbursed within such 30 days, in accordance*
11 *with the interest and penalty provisions applicable to an*
12 *outstanding debt on a United States Government claim*
13 *under 31 U.S.C. 3717: Provided further, That each such*
14 *amount that is reimbursed, and any accompanying interest*
15 *and charges, shall be deposited in the Treasury as miscella-*
16 *neous receipts: Provided further, That the Executive Resi-*
17 *dence shall prepare and submit to the Committees on Ap-*
18 *propriations, by not later than 90 days after the end of*
19 *the fiscal year covered by this Act, a report setting forth*
20 *the reimbursable operating expenses of the Executive Resi-*
21 *dence during the preceding fiscal year, including the total*
22 *amount of such expenses, the amount of such total that con-*
23 *sists of reimbursable official and ceremonial events, the*
24 *amount of such total that consists of reimbursable political*
25 *events, and the portion of each such amount that has been*

1 *reimbursed as of the date of the report: Provided further,*
2 *That the Executive Residence shall maintain a system for*
3 *the tracking of expenses related to reimbursable events with-*
4 *in the Executive Residence that includes a standard for the*
5 *classification of any such expense as political or non-*
6 *political: Provided further, That no provision of this para-*
7 *graph may be construed to exempt the Executive Residence*
8 *from any other applicable requirement of subchapter I or*
9 *II of chapter 37 of title 31, United States Code.*

10 *WHITE HOUSE REPAIR AND RESTORATION*

11 *For the repair, alteration, and improvement of the Ex-*
12 *ecutive Residence at the White House pursuant to 3 U.S.C.*
13 *105(d), \$2,500,000, to remain available until expended, for*
14 *required maintenance, resolution of safety and health*
15 *issues, and continued preventative maintenance.*

16 *COUNCIL OF ECONOMIC ADVISERS*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Council of Economic Ad-*
19 *visers in carrying out its functions under the Employment*
20 *Act of 1946 (15 U.S.C. 1021 et seq.), \$4,000,000.*

21 *NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY*

22 *COUNCIL*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the National Security Coun-*
25 *cil and the Homeland Security Council, including services*

1 *as authorized by 5 U.S.C. 3109, \$12,150,000 of which not*
2 *to exceed \$5,000 shall be available for official reception and*
3 *representation expenses.*

4 *OFFICE OF ADMINISTRATION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Office of Administration,*
7 *including services as authorized by 5 U.S.C. 3109 and 3*
8 *U.S.C. 107, and hire of passenger motor vehicles,*
9 *\$100,000,000, of which not to exceed \$12,800,000 shall re-*
10 *main available until expended for continued modernization*
11 *of information resources within the Executive Office of the*
12 *President.*

13 *PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For expenses of the Office of Administration to carry*
16 *out the Presidential Transition Act of 1963, as amended,*
17 *and similar expenses, in addition to amounts otherwise ap-*
18 *propriated by law, \$8,000,000: Provided, That such funds*
19 *may be transferred to other accounts that provide funding*
20 *for offices within the Executive Office of the President and*
21 *the Office of the Vice President in this Act or any other*
22 *Act, to carry out such purposes.*

1 *OFFICE OF MANAGEMENT AND BUDGET*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Office of Management*
4 *and Budget, including hire of passenger motor vehicles and*
5 *services as authorized by 5 U.S.C. 3109, to carry out the*
6 *provisions of chapter 35 of title 44, United States Code,*
7 *and to prepare and submit the budget of the United States*
8 *Government, in accordance with section 1105(a) of title 31,*
9 *United States Code, \$106,600,000, of which not to exceed*
10 *\$3,000 shall be available for official representation expenses:*
11 *Provided, That none of the funds appropriated in this Act*
12 *for the Office of Management and Budget may be used for*
13 *the purpose of reviewing any agricultural marketing orders*
14 *or any activities or regulations under the provisions of the*
15 *Agricultural Marketing Agreement Act of 1937 (7 U.S.C.*
16 *601 et seq.): Provided further, That none of the funds made*
17 *available for the Office of Management and Budget by this*
18 *Act may be expended for the altering of the transcript of*
19 *actual testimony of witnesses, except for testimony of offi-*
20 *cials of the Office of Management and Budget, before the*
21 *Committees on Appropriations or their subcommittees: Pro-*
22 *vided further, That none of the funds made available for*
23 *the Office of Management and Budget by this Act may be*
24 *expended for the altering of the annual work plan developed*
25 *by the Corps of Engineers for submission to the Committees*

1 *on Appropriations: Provided further, That none of the funds*
2 *provided in this or prior Acts shall be used, directly or indi-*
3 *rectly, by the Office of Management and Budget, for evalu-*
4 *ating or determining if water resource project or study re-*
5 *ports submitted by the Chief of Engineers acting through*
6 *the Secretary of the Army are in compliance with all appli-*
7 *cable laws, regulations, and requirements relevant to the*
8 *Civil Works water resource planning process: Provided fur-*
9 *ther, That the Office of Management and Budget shall have*
10 *not more than 60 days in which to perform budgetary pol-*
11 *icy reviews of water resource matters on which the Chief*
12 *of Engineers has reported: Provided further, That the Direc-*
13 *tor of the Office of Management and Budget shall notify*
14 *the appropriate authorizing and appropriating committees*
15 *when the 60-day review is initiated: Provided further, That*
16 *if water resource reports have not been transmitted to the*
17 *appropriate authorizing and appropriating committees*
18 *within 15 days after the end of the Office of Management*
19 *and Budget review period based on the notification from*
20 *the Director, Congress shall assume Office of Management*
21 *and Budget concurrence with the report and act accord-*
22 *ingly.*

23 *INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR*

24 *For necessary expenses of the Office of the Intellectual*
25 *Property Enforcement Coordinator, as authorized by title*

1 *III of the Prioritizing Resources and Organization for In-*
2 *tellectual Property Act of 2008 (Public Law 110–403), in-*
3 *cluding services authorized by 5 U.S.C. 3109, \$1,800,000.*

4 *OFFICE OF NATIONAL DRUG CONTROL POLICY*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Office of National Drug*
7 *Control Policy; for research activities pursuant to the Office*
8 *of National Drug Control Policy Reauthorization Act of*
9 *1998, as amended; not to exceed \$10,000 for official recep-*
10 *tion and representation expenses; and for participation in*
11 *joint projects or in the provision of services on matters of*
12 *mutual interest with nonprofit, research, or public organi-*
13 *zations or agencies, with or without reimbursement,*
14 *\$18,400,000: Provided, That the Office is authorized to ac-*
15 *cept, hold, administer, and utilize gifts, both real and per-*
16 *sonal, public and private, without fiscal year limitation,*
17 *for the purpose of aiding or facilitating the work of the Of-*
18 *fice.*

19 *FEDERAL DRUG CONTROL PROGRAMS*

20 *HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For necessary expenses of the Office of National Drug*
23 *Control Policy’s High Intensity Drug Trafficking Areas*
24 *Program, \$290,000,000, to remain available until Sep-*
25 *tember 30, 2022, for drug control activities consistent with*

1 *the approved strategy for each of the designated High Inten-*
2 *sity Drug Trafficking Areas (“HIDTAs”), of which not less*
3 *than 51 percent shall be transferred to State and local enti-*
4 *ties for drug control activities and shall be obligated not*
5 *later than 120 days after enactment of this Act: Provided,*
6 *That up to 49 percent may be transferred to Federal agen-*
7 *cies and departments in amounts determined by the Direc-*
8 *tor of the Office of National Drug Control Policy, of which*
9 *up to \$2,700,000 may be used for auditing services and as-*
10 *sociated activities: Provided further, That any unexpended*
11 *funds obligated prior to fiscal year 2019 may be used for*
12 *any other approved activities of that HIDTA, subject to re-*
13 *programming requirements: Provided further, That each*
14 *HIDTA designated as of September 30, 2020, shall be fund-*
15 *ed at not less than the fiscal year 2020 base level, unless*
16 *the Director submits to the Committees on Appropriations*
17 *of the House of Representatives and the Senate justification*
18 *for changes to those levels based on clearly articulated prior-*
19 *ities and published Office of National Drug Control Policy*
20 *performance measures of effectiveness: Provided further,*
21 *That the Director shall notify the Committees on Appro-*
22 *priations of the initial allocation of fiscal year 2021 fund-*
23 *ing among HIDTAs not later than 45 days after enactment*
24 *of this Act, and shall notify the Committees of planned uses*
25 *of discretionary HIDTA funding, as determined in con-*

1 *sultation with the HIDTA Directors, not later than 90 days*
2 *after enactment of this Act: Provided further, That upon*
3 *a determination that all or part of the funds so transferred*
4 *from this appropriation are not necessary for the purposes*
5 *provided herein and upon notification to the Committees*
6 *on Appropriations of the House of Representatives and the*
7 *Senate, such amounts may be transferred back to this ap-*
8 *propriation.*

9 *OTHER FEDERAL DRUG CONTROL PROGRAMS*

10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *For other drug control activities authorized by the*
12 *Anti-Drug Abuse Act of 1988 and the Office of National*
13 *Drug Control Policy Reauthorization Act of 1998, as*
14 *amended, \$128,182,000, to remain available until ex-*
15 *pended, which shall be available as follows: \$102,000,000*
16 *for the Drug-Free Communities Program, of which*
17 *\$2,500,000 shall be made available as directed by section*
18 *4 of Public Law 107–82, as amended by section 8204 of*
19 *Public Law 115–271; \$3,000,000 for drug court training*
20 *and technical assistance; \$14,000,000 for anti-doping ac-*
21 *tivities; up to \$2,932,000 for the United States membership*
22 *dues to the World Anti-Doping Agency; \$1,250,000 for the*
23 *Model Acts Program; and \$5,000,000 for activities author-*
24 *ized by section 103 of Public Law 114–198: Provided, That*
25 *amounts made available under this heading may be trans-*

1 *ferred to other Federal departments and agencies to carry*
2 *out such activities: Provided further, That the Director of*
3 *the Office of National Drug Control Policy shall, not fewer*
4 *than 30 days prior to obligating funds under this heading*
5 *for United States membership dues to the World Anti-*
6 *Doping Agency, submit to the Committees on Appropria-*
7 *tions of the House of Representatives and the Senate a*
8 *spending plan and explanation of the proposed uses of these*
9 *funds.*

10 *UNANTICIPATED NEEDS*

11 *For expenses necessary to enable the President to meet*
12 *unanticipated needs, in furtherance of the national interest,*
13 *security, or defense which may arise at home or abroad dur-*
14 *ing the current fiscal year, as authorized by 3 U.S.C. 108,*
15 *\$1,000,000, to remain available until September 30, 2022.*

16 *INFORMATION TECHNOLOGY OVERSIGHT AND REFORM*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For necessary expenses for the furtherance of inte-*
19 *grated, efficient, secure, and effective uses of information*
20 *technology in the Federal Government, \$12,500,000, to re-*
21 *main available until expended: Provided, That the Director*
22 *of the Office of Management and Budget may transfer these*
23 *funds to one or more other agencies to carry out projects*
24 *to meet these purposes.*

1 *SPECIAL ASSISTANCE TO THE PRESIDENT*2 *SALARIES AND EXPENSES*

3 *For necessary expenses to enable the Vice President to*
4 *provide assistance to the President in connection with spe-*
5 *cially assigned functions; services as authorized by 5 U.S.C.*
6 *3109 and 3 U.S.C. 106, including subsistence expenses as*
7 *authorized by 3 U.S.C. 106, which shall be expended and*
8 *accounted for as provided in that section; and hire of pas-*
9 *senger motor vehicles, \$4,698,000.*

10 *OFFICIAL RESIDENCE OF THE VICE PRESIDENT*11 *OPERATING EXPENSES*12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the care, operation, refurnishing, improvement,*
14 *and to the extent not otherwise provided for, heating and*
15 *lighting, including electric power and fixtures, of the offi-*
16 *cial residence of the Vice President; the hire of passenger*
17 *motor vehicles; and not to exceed \$90,000 pursuant to 3*
18 *U.S.C. 106(b)(2), \$302,000: Provided, That advances, re-*
19 *payments, or transfers from this appropriation may be*
20 *made to any department or agency for expenses of carrying*
21 *out such activities.*

1 *ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF*
2 *THE PRESIDENT AND FUNDS APPROPRIATED TO THE*
3 *PRESIDENT*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 201. From funds made available in this Act*
6 *under the headings “The White House”, “Executive Resi-*
7 *dence at the White House”, “White House Repair and Res-*
8 *toration”, “Council of Economic Advisers”, “National Se-*
9 *curity Council and Homeland Security Council”, “Office*
10 *of Administration”, “Special Assistance to the President”,*
11 *and “Official Residence of the Vice President”, the Director*
12 *of the Office of Management and Budget (or such other offi-*
13 *cer as the President may designate in writing), may, with*
14 *advance approval of the Committees on Appropriations of*
15 *the House of Representatives and the Senate, transfer not*
16 *to exceed 10 percent of any such appropriation to any other*
17 *such appropriation, to be merged with and available for*
18 *the same time and for the same purposes as the appropria-*
19 *tion to which transferred: Provided, That the amount of an*
20 *appropriation shall not be increased by more than 50 per-*
21 *cent by such transfers: Provided further, That no amount*
22 *shall be transferred from “Special Assistance to the Presi-*
23 *dent” or “Official Residence of the Vice President” without*
24 *the approval of the Vice President.*

1 *SEC. 202. (a) During fiscal year 2021, any Executive*
2 *order or Presidential memorandum issued or revoked by the*
3 *President shall be accompanied by a written statement from*
4 *the Director of the Office of Management and Budget on*
5 *the budgetary impact, including costs, benefits, and reve-*
6 *nues, of such order or memorandum.*

7 *(b) Any such statement shall include—*

8 *(1) a narrative summary of the budgetary im-*
9 *pact of such order or memorandum on the Federal*
10 *Government;*

11 *(2) the impact on mandatory and discretionary*
12 *obligations and outlays as the result of such order or*
13 *memorandum, listed by Federal agency, for each year*
14 *in the 5-fiscal-year period beginning in fiscal year*
15 *2021; and*

16 *(3) the impact on revenues of the Federal Gov-*
17 *ernment as the result of such order or memorandum*
18 *over the 5-fiscal-year period beginning in fiscal year*
19 *2021.*

20 *(c) If an Executive order or Presidential memorandum*
21 *is issued during fiscal year 2021 due to a national emer-*
22 *gency, the Director of the Office of Management and Budget*
23 *may issue the statement required by subsection (a) not later*
24 *than 15 days after the date that such order or memorandum*
25 *is issued.*

1 *In addition, there are appropriated such sums as may*
2 *be necessary under current law for the salaries of the chief*
3 *justice and associate justices of the court.*

4 *CARE OF THE BUILDING AND GROUNDS*

5 *For such expenditures as may be necessary to enable*
6 *the Architect of the Capitol to carry out the duties imposed*
7 *upon the Architect by 40 U.S.C. 6111 and 6112,*
8 *\$10,618,000, to remain available until expended.*

9 *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*
10 *CIRCUIT*

11 *SALARIES AND EXPENSES*

12 *For salaries of officers and employees, and for nec-*
13 *essary expenses of the court, as authorized by law,*
14 *\$33,500,000.*

15 *In addition, there are appropriated such sums as may*
16 *be necessary under current law for the salaries of the chief*
17 *judge and judges of the court.*

18 *UNITED STATES COURT OF INTERNATIONAL TRADE*

19 *SALARIES AND EXPENSES*

20 *For salaries of officers and employees of the court, serv-*
21 *ices, and necessary expenses of the court, as authorized by*
22 *law, \$20,000,000.*

23 *In addition, there are appropriated such sums as may*
24 *be necessary under current law for the salaries of the chief*
25 *judge and judges of the court.*

1 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*
2 *JUDICIAL SERVICES*
3 *SALARIES AND EXPENSES*

4 *For the salaries of judges of the United States Court*
5 *of Federal Claims, magistrate judges, and all other officers*
6 *and employees of the Federal Judiciary not otherwise spe-*
7 *cifically provided for, necessary expenses of the courts, and*
8 *the purchase, rental, repair, and cleaning of uniforms for*
9 *Probation and Pretrial Services Office staff, as authorized*
10 *by law, \$5,393,701,000 (including the purchase of firearms*
11 *and ammunition); of which not to exceed \$27,817,000 shall*
12 *remain available until expended for space alteration*
13 *projects and for furniture and furnishings related to new*
14 *space alteration and construction projects.*

15 *In addition, there are appropriated such sums as may*
16 *be necessary under current law for the salaries of circuit*
17 *and district judges (including judges of the territorial courts*
18 *of the United States), bankruptcy judges, and justices and*
19 *judges retired from office or from regular active service.*

20 *In addition, for expenses of the United States Court*
21 *of Federal Claims associated with processing cases under*
22 *the National Childhood Vaccine Injury Act of 1986 (Public*
23 *Law 99–660), not to exceed \$9,900,000, to be appropriated*
24 *from the Vaccine Injury Compensation Trust Fund.*

DEFENDER SERVICES

1
2 *For the operation of Federal Defender organizations;*
3 *the compensation and reimbursement of expenses of attor-*
4 *neys appointed to represent persons under 18 U.S.C. 3006A*
5 *and 3599, and for the compensation and reimbursement of*
6 *expenses of persons furnishing investigative, expert, and*
7 *other services for such representations as authorized by law;*
8 *the compensation (in accordance with the maximums under*
9 *18 U.S.C. 3006A) and reimbursement of expenses of attor-*
10 *neys appointed to assist the court in criminal cases where*
11 *the defendant has waived representation by counsel; the*
12 *compensation and reimbursement of expenses of attorneys*
13 *appointed to represent jurors in civil actions for the protec-*
14 *tion of their employment, as authorized by 28 U.S.C.*
15 *1875(d)(1); the compensation and reimbursement of ex-*
16 *penses of attorneys appointed under 18 U.S.C. 983(b)(1)*
17 *in connection with certain judicial civil forfeiture pro-*
18 *ceedings; the compensation and reimbursement of travel ex-*
19 *penses of guardians ad litem appointed under 18 U.S.C.*
20 *4100(b); and for necessary training and general adminis-*
21 *trative expenses, \$1,316,240,000, to remain available until*
22 *expended.*

FEES OF JURORS AND COMMISSIONERS

23
24 *For fees and expenses of jurors as authorized by 28*
25 *U.S.C. 1871 and 1876; compensation of jury commissioners*

1 *as authorized by 28 U.S.C. 1863; and compensation of com-*
2 *missioners appointed in condemnation cases pursuant to*
3 *rule 71.1(h) of the Federal Rules of Civil Procedure (28*
4 *U.S.C. Appendix Rule 71.1(h)), \$32,517,000, to remain*
5 *available until expended: Provided, That the compensation*
6 *of land commissioners shall not exceed the daily equivalent*
7 *of the highest rate payable under 5 U.S.C. 5332.*

8

COURT SECURITY

9

(INCLUDING TRANSFER OF FUNDS)

10 *For necessary expenses, not otherwise provided for, in-*
11 *cident to the provision of protective guard services for*
12 *United States courthouses and other facilities housing Fed-*
13 *eral court operations, and the procurement, installation,*
14 *and maintenance of security systems and equipment for*
15 *United States courthouses and other facilities housing Fed-*
16 *eral court operations, including building ingress-egress con-*
17 *trol, inspection of mail and packages, directed security pa-*
18 *trols, perimeter security, basic security services provided by*
19 *the Federal Protective Service, and other similar activities*
20 *as authorized by section 1010 of the Judicial Improvement*
21 *and Access to Justice Act (Public Law 100-702),*
22 *\$664,011,000, of which not to exceed \$20,000,000 shall re-*
23 *main available until expended, to be expended directly or*
24 *transferred to the United States Marshals Service, which*
25 *shall be responsible for administering the Judicial Facility*

1 *Security Program consistent with standards or guidelines*
2 *agreed to by the Director of the Administrative Office of*
3 *the United States Courts and the Attorney General.*

4 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

5 *COURTS*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Administrative Office of*
8 *the United States Courts as authorized by law, including*
9 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*
10 *motor vehicle as authorized by 31 U.S.C. 1343(b), adver-*
11 *tising and rent in the District of Columbia and elsewhere,*
12 *\$95,675,000, of which not to exceed \$8,500 is authorized*
13 *for official reception and representation expenses.*

14 *FEDERAL JUDICIAL CENTER*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Federal Judicial Center,*
17 *as authorized by Public Law 90–219, \$29,015,000; of which*
18 *\$1,800,000 shall remain available through September 30,*
19 *2022, to provide education and training to Federal court*
20 *personnel; and of which not to exceed \$1,500 is authorized*
21 *for official reception and representation expenses.*

22 *UNITED STATES SENTENCING COMMISSION*

23 *SALARIES AND EXPENSES*

24 *For the salaries and expenses necessary to carry out*
25 *the provisions of chapter 58 of title 28, United States Code,*

1 \$19,965,000, of which not to exceed \$1,000 is authorized
2 for official reception and representation expenses.

3 *ADMINISTRATIVE PROVISIONS—THE JUDICIARY*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 301. Appropriations and authorizations made in*
6 *this title which are available for salaries and expenses shall*
7 *be available for services as authorized by 5 U.S.C. 3109.*

8 *SEC. 302. Not to exceed 5 percent of any appropriation*
9 *made available for the current fiscal year for the Judiciary*
10 *in this Act may be transferred between such appropriations,*
11 *but no such appropriation, except “Courts of Appeals, Dis-*
12 *trict Courts, and Other Judicial Services, Defender Serv-*
13 *ices” and “Courts of Appeals, District Courts, and Other*
14 *Judicial Services, Fees of Jurors and Commissioners”, shall*
15 *be increased by more than 10 percent by any such transfers:*
16 *Provided, That any transfer pursuant to this section shall*
17 *be treated as a reprogramming of funds under sections 604*
18 *and 608 of this Act and shall not be available for obligation*
19 *or expenditure except in compliance with the procedures set*
20 *forth in section 608.*

21 *SEC. 303. Notwithstanding any other provision of law,*
22 *the salaries and expenses appropriation for “Courts of Ap-*
23 *peals, District Courts, and Other Judicial Services” shall*
24 *be available for official reception and representation ex-*
25 *penses of the Judicial Conference of the United States: Pro-*

1 *vided, That such available funds shall not exceed \$11,000*
2 *and shall be administered by the Director of the Adminis-*
3 *trative Office of the United States Courts in the capacity*
4 *as Secretary of the Judicial Conference.*

5 *SEC. 304. Section 3315(a) of title 40, United States*
6 *Code, shall be applied by substituting “Federal” for “execu-*
7 *tive” each place it appears.*

8 *SEC. 305. In accordance with 28 U.S.C. 561–569, and*
9 *notwithstanding any other provision of law, the United*
10 *States Marshals Service shall provide, for such courthouses*
11 *as its Director may designate in consultation with the Di-*
12 *rector of the Administrative Office of the United States*
13 *Courts, for purposes of a pilot program, the security services*
14 *that 40 U.S.C. 1315 authorizes the Department of Home-*
15 *land Security to provide, except for the services specified*
16 *in 40 U.S.C. 1315(b)(2)(E). For building-specific security*
17 *services at these courthouses, the Director of the Administra-*
18 *tive Office of the United States Courts shall reimburse the*
19 *United States Marshals Service rather than the Department*
20 *of Homeland Security.*

21 *SEC. 306. (a) Section 203(c) of the Judicial Improve-*
22 *ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133*
23 *note), is amended in the matter following paragraph 12—*

1 (1) *in the second sentence (relating to the Dis-*
2 *trict of Kansas), by striking “29 years and 6 months”*
3 *and inserting “30 years and 6 months”; and*

4 (2) *in the sixth sentence (relating to the District*
5 *of Hawaii), by striking “26 years and 6 months” and*
6 *inserting “27 years and 6 months”.*

7 (b) *Section 406 of the Transportation, Treasury,*
8 *Housing and Urban Development, the Judiciary, the Dis-*
9 *trict of Columbia, and Independent Agencies Appropria-*
10 *tions Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28*
11 *U.S.C. 133 note) is amended in the second sentence (relat-*
12 *ing to the eastern District of Missouri) by striking “27*
13 *years and 6 months” and inserting “28 years and 6*
14 *months”.*

15 (c) *Section 312(c)(2) of the 21st Century Department*
16 *of Justice Appropriations Authorization Act (Public Law*
17 *107–273; 28 U.S.C. 133 note), is amended—*

18 (1) *in the first sentence by striking “18 years”*
19 *and inserting “19 years”;*

20 (2) *in the second sentence (relating to the central*
21 *District of California), by striking “17 years and 6*
22 *months” and inserting “18 years and 6 months”; and*

23 (3) *in the third sentence (relating to the western*
24 *district of North Carolina), by striking “16 years”*
25 *and inserting “17 years”.*

1 *This title may be cited as the “Judiciary Appropria-*
2 *tions Act, 2021”.*

3

TITLE IV

4

DISTRICT OF COLUMBIA

5

FEDERAL FUNDS

6

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

7

For a Federal payment to the District of Columbia,
8 *to be deposited into a dedicated account, for a nationwide*
9 *program to be administered by the Mayor, for District of*
10 *Columbia resident tuition support, \$40,000,000, to remain*
11 *available until expended: Provided, That such funds, in-*
12 *cluding any interest accrued thereon, may be used on behalf*
13 *of eligible District of Columbia residents to pay an amount*
14 *based upon the difference between in-State and out-of-State*
15 *tuition at public institutions of higher education, or to pay*
16 *up to \$2,500 each year at eligible private institutions of*
17 *higher education: Provided further, That the awarding of*
18 *such funds may be prioritized on the basis of a resident’s*
19 *academic merit, the income and need of eligible students*
20 *and such other factors as may be authorized: Provided fur-*
21 *ther, That the District of Columbia government shall main-*
22 *tain a dedicated account for the Resident Tuition Support*
23 *Program that shall consist of the Federal funds appro-*
24 *priated to the Program in this Act and any subsequent ap-*
25 *propriations, any unobligated balances from prior fiscal*

1 *years, and any interest earned in this or any fiscal year:*
2 *Provided further, That the account shall be under the con-*
3 *trol of the District of Columbia Chief Financial Officer, who*
4 *shall use those funds solely for the purposes of carrying out*
5 *the Resident Tuition Support Program: Provided further,*
6 *That the Office of the Chief Financial Officer shall provide*
7 *a quarterly financial report to the Committees on Appro-*
8 *priations of the House of Representatives and the Senate*
9 *for these funds showing, by object class, the expenditures*
10 *made and the purpose therefor.*

11 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
12 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

13 *For a Federal payment of necessary expenses, as deter-*
14 *mined by the Mayor of the District of Columbia in written*
15 *consultation with the elected county or city officials of sur-*
16 *rounding jurisdictions, \$38,400,000, to remain available*
17 *until expended, for an additional amount for fiscal year*
18 *2021, for the costs of providing public safety at events re-*
19 *lated to the presence of the National Capital in the District*
20 *of Columbia, including support requested by the Director*
21 *of the United States Secret Service in carrying out protec-*
22 *tive duties under the direction of the Secretary of Homeland*
23 *Security, and for the costs of providing support to respond*
24 *to immediate and specific terrorist threats or attacks in the*
25 *District of Columbia or surrounding jurisdictions: Pro-*

1 *vided, That, of the amount provided under this heading in*
2 *this Act, \$21,872,372 shall be used for costs associated with*
3 *the Presidential Inauguration held in January 2021, and*
4 *shall be in addition to the amount made available for this*
5 *purpose in section 131 of the Continuing Appropriations*
6 *Act, 2021 and Other Extensions Act (Public Law 116–159).*

7 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

8 *COURTS*

9 *For salaries and expenses for the District of Columbia*
10 *Courts, \$250,088,000 to be allocated as follows: for the Dis-*
11 *trict of Columbia Court of Appeals, \$14,682,000, of which*
12 *not to exceed \$2,500 is for official reception and representa-*
13 *tion expenses; for the Superior Court of the District of Co-*
14 *lumbia, \$125,660,000, of which not to exceed \$2,500 is for*
15 *official reception and representation expenses; for the Dis-*
16 *trict of Columbia Court System, \$79,247,000, of which not*
17 *to exceed \$2,500 is for official reception and representation*
18 *expenses; and \$30,499,000, to remain available until Sep-*
19 *tember 30, 2022, for capital improvements for District of*
20 *Columbia courthouse facilities: Provided, That funds made*
21 *available for capital improvements shall be expended con-*
22 *sistent with the District of Columbia Courts master plan*
23 *study and facilities condition assessment: Provided further,*
24 *That, in addition to the amounts appropriated herein, fees*
25 *received by the District of Columbia Courts for admin-*

1 *istering bar examinations and processing District of Co-*
2 *lumbia bar admissions may be retained and credited to this*
3 *appropriation, to remain available until expended, for sala-*
4 *ries and expenses associated with such activities, notwith-*
5 *standing section 450 of the District of Columbia Home Rule*
6 *Act (D.C. Official Code, sec. 1-204.50): Provided further,*
7 *That notwithstanding any other provision of law, all*
8 *amounts under this heading shall be apportioned quarterly*
9 *by the Office of Management and Budget and obligated and*
10 *expended in the same manner as funds appropriated for*
11 *salaries and expenses of other Federal agencies: Provided*
12 *further, That 30 days after providing written notice to the*
13 *Committees on Appropriations of the House of Representa-*
14 *tives and the Senate, the District of Columbia Courts may*
15 *reallocate not more than \$9,000,000 of the funds provided*
16 *under this heading among the items and entities funded*
17 *under this heading: Provided further, That the Joint Com-*
18 *mittee on Judicial Administration in the District of Colum-*
19 *bia may, by regulation, establish a program substantially*
20 *similar to the program set forth in subchapter II of chapter*
21 *35 of title 5, United States Code, for employees of the Dis-*
22 *trict of Columbia Courts.*

1 *FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT*
2 *OF COLUMBIA COURTS*

3 *For payments authorized under section 11–2604 and*
4 *section 11–2605, D.C. Official Code (relating to representa-*
5 *tion provided under the District of Columbia Criminal Jus-*
6 *tice Act), payments for counsel appointed in proceedings*
7 *in the Family Court of the Superior Court of the District*
8 *of Columbia under chapter 23 of title 16, D.C. Official*
9 *Code, or pursuant to contractual agreements to provide*
10 *guardian ad litem representation, training, technical as-*
11 *sistance, and such other services as are necessary to improve*
12 *the quality of guardian ad litem representation, payments*
13 *for counsel appointed in adoption proceedings under chap-*
14 *ter 3 of title 16, D.C. Official Code, and payments author-*
15 *ized under section 21–2060, D.C. Official Code (relating to*
16 *services provided under the District of Columbia Guardian-*
17 *ship, Protective Proceedings, and Durable Power of Attor-*
18 *ney Act of 1986), \$46,005,000, to remain available until*
19 *expended: Provided, That funds provided under this head-*
20 *ing shall be administered by the Joint Committee on Judi-*
21 *cial Administration in the District of Columbia: Provided*
22 *further, That, notwithstanding any other provision of law,*
23 *this appropriation shall be apportioned quarterly by the Of-*
24 *fice of Management and Budget and obligated and expended*

1 *in the same manner as funds appropriated for expenses of*
2 *other Federal agencies.*

3 *FEDERAL PAYMENT TO THE COURT SERVICES AND OF-*
4 *FENDER SUPERVISION AGENCY FOR THE DISTRICT OF*
5 *COLUMBIA*

6 *For salaries and expenses, including the transfer and*
7 *hire of motor vehicles, of the Court Services and Offender*
8 *Supervision Agency for the District of Columbia, as author-*
9 *ized by the National Capital Revitalization and Self-Gov-*
10 *ernment Improvement Act of 1997, \$245,923,000, of which*
11 *not to exceed \$2,000 is for official reception and representa-*
12 *tion expenses related to Community Supervision and Pre-*
13 *trial Services Agency programs, and of which not to exceed*
14 *\$25,000 is for dues and assessments relating to the imple-*
15 *mentation of the Court Services and Offender Supervision*
16 *Agency Interstate Supervision Act of 2002: Provided, That,*
17 *of the funds appropriated under this heading, \$179,180,000*
18 *shall be for necessary expenses of Community Supervision*
19 *and Sex Offender Registration, to include expenses relating*
20 *to the supervision of adults subject to protection orders or*
21 *the provision of services for or related to such persons: Pro-*
22 *vided further, That, of the funds appropriated under this*
23 *heading, \$66,743,000 shall be available to the Pretrial Serv-*
24 *ices Agency, of which \$459,000 shall remain available until*
25 *September 30, 2023, for costs associated with relocation*

1 *under a replacement lease for headquarters offices, field of-*
2 *fices, and related facilities: Provided further, That notwith-*
3 *standing any other provision of law, all amounts under this*
4 *heading shall be apportioned quarterly by the Office of*
5 *Management and Budget and obligated and expended in*
6 *the same manner as funds appropriated for salaries and*
7 *expenses of other Federal agencies: Provided further, That*
8 *amounts under this heading may be used for programmatic*
9 *incentives for defendants to successfully complete their*
10 *terms of supervision.*

11 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

12 *PUBLIC DEFENDER SERVICE*

13 *For salaries and expenses, including the transfer and*
14 *hire of motor vehicles, of the District of Columbia Public*
15 *Defender Service, as authorized by the National Capital Re-*
16 *vitalization and Self-Government Improvement Act of 1997,*
17 *\$46,212,000: Provided, That notwithstanding any other*
18 *provision of law, all amounts under this heading shall be*
19 *apportioned quarterly by the Office of Management and*
20 *Budget and obligated and expended in the same manner*
21 *as funds appropriated for salaries and expenses of Federal*
22 *agencies: Provided further, That the District of Columbia*
23 *Public Defender Service may establish for employees of the*
24 *District of Columbia Public Defender Service a program*
25 *substantially similar to the program set forth in subchapter*

1 *II of chapter 35 of title 5, United States Code, except that*
2 *the maximum amount of the payment made under the pro-*
3 *gram to any individual may not exceed the amount referred*
4 *to in section 3523(b)(3)(B) of title 5, United States Code:*
5 *Provided further, That for the purposes of engaging with,*
6 *and receiving services from, Federal Franchise Fund Pro-*
7 *grams established in accordance with section 403 of the*
8 *Government Management Reform Act of 1994, as amended,*
9 *the District of Columbia Public Defender Service shall be*
10 *considered an agency of the United States Government.*

11 *FEDERAL PAYMENT TO THE CRIMINAL JUSTICE*

12 *COORDINATING COUNCIL*

13 *For a Federal payment to the Criminal Justice Co-*
14 *ordinating Council, \$2,150,000, to remain available until*
15 *expended, to support initiatives related to the coordination*
16 *of Federal and local criminal justice resources in the Dis-*
17 *trict of Columbia.*

18 *FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS*

19 *For a Federal payment, to remain available until Sep-*
20 *tember 30, 2022, to the Commission on Judicial Disabilities*
21 *and Tenure, \$325,000, and for the Judicial Nomination*
22 *Commission, \$275,000.*

23 *FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT*

24 *For a Federal payment for a school improvement pro-*
25 *gram in the District of Columbia, \$52,500,000, to remain*

1 *available until expended, for payments authorized under the*
2 *Scholarships for Opportunity and Results Act (division C*
3 *of Public Law 112–10): Provided, That, to the extent that*
4 *funds are available for opportunity scholarships and fol-*
5 *lowing the priorities included in section 3006 of such Act,*
6 *the Secretary of Education shall make scholarships avail-*
7 *able to students eligible under section 3013(3) of such Act*
8 *(Public Law 112–10; 125 Stat. 211) including students who*
9 *were not offered a scholarship during any previous school*
10 *year: Provided further, That within funds provided for op-*
11 *portunity scholarships up to \$1,750,000 shall be for the ac-*
12 *tivities specified in sections 3007(b) through 3007(d) of the*
13 *Act and up to \$500,000 shall be for the activities specified*
14 *in section 3009 of the Act.*

15 *FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA*

16 *NATIONAL GUARD*

17 *For a Federal payment to the District of Columbia*
18 *National Guard, \$600,000, to remain available until ex-*
19 *pended for the Major General David F. Wherley, Jr. Dis-*
20 *trict of Columbia National Guard Retention and College*
21 *Access Program.*

22 *FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/*

23 *AIDS*

24 *For a Federal payment to the District of Columbia*
25 *for the testing of individuals for, and the treatment of indi-*

1 *viduals with, human immunodeficiency virus and acquired*
2 *immunodeficiency syndrome in the District of Columbia,*
3 *\$4,000,000.*

4 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER*
5 *AND SEWER AUTHORITY*

6 *For a Federal payment to the District of Columbia*
7 *Water and Sewer Authority, \$8,000,000, to remain avail-*
8 *able until expended, to continue implementation of the*
9 *Combined Sewer Overflow Long-Term Plan: Provided, That*
10 *the District of Columbia Water and Sewer Authority pro-*
11 *vides a 100 percent match for this payment.*

12 *DISTRICT OF COLUMBIA FUNDS*

13 *Local funds are appropriated for the District of Co-*
14 *lumbia for the current fiscal year out of the General Fund*
15 *of the District of Columbia (“General Fund”) for programs*
16 *and activities set forth in the Fiscal Year 2021 Local Budg-*
17 *et Act of 2020 (D.C. Act 23–408) and at rates set forth*
18 *under such Act, as amended as of the date of enactment*
19 *of this Act: Provided, That notwithstanding any other pro-*
20 *vision of law, except as provided in section 450A of the Dis-*
21 *trict of Columbia Home Rule Act (section 1–204.50a, D.C.*
22 *Official Code), sections 816 and 817 of the Financial Serv-*
23 *ices and General Government Appropriations Act, 2009*
24 *(secs. 47–369.01 and 47–369.02, D.C. Official Code), and*
25 *provisions of this Act, the total amount appropriated in*

1 *this Act for operating expenses for the District of Columbia*
2 *for fiscal year 2021 under this heading shall not exceed the*
3 *estimates included in the Fiscal Year 2021 Local Budget*
4 *Act of 2020, as amended as of the date of enactment of this*
5 *Act or the sum of the total revenues of the District of Colum-*
6 *bia for such fiscal year: Provided further, That the amount*
7 *appropriated may be increased by proceeds of one-time*
8 *transactions, which are expended for emergency or unan-*
9 *ticipated operating or capital needs: Provided further, That*
10 *such increases shall be approved by enactment of local Dis-*
11 *trict law and shall comply with all reserve requirements*
12 *contained in the District of Columbia Home Rule Act: Pro-*
13 *vided further, That the Chief Financial Officer of the Dis-*
14 *trict of Columbia shall take such steps as are necessary to*
15 *assure that the District of Columbia meets these require-*
16 *ments, including the apportioning by the Chief Financial*
17 *Officer of the appropriations and funds made available to*
18 *the District during fiscal year 2021, except that the Chief*
19 *Financial Officer may not reprogram for operating ex-*
20 *penses any funds derived from bonds, notes, or other obliga-*
21 *tions issued for capital projects.*

22 *This title may be cited as the “District of Columbia*
23 *Appropriations Act, 2021”.*

1 *available for the liquidation of obligations equal to current*
2 *year payments on leases entered into prior to the date of*
3 *enactment of this Act: Provided further, That for the pur-*
4 *pose of recording and liquidating any lease obligations that*
5 *should have been recorded and liquidated against accounts*
6 *closed pursuant to 31 U.S.C. 1552, and consistent with the*
7 *preceding proviso, such amounts shall be transferred to and*
8 *recorded in a no-year account in the Treasury, which has*
9 *been established for the sole purpose of recording adjust-*
10 *ments for and liquidating such unpaid obligations.*

11 *CONSUMER PRODUCT SAFETY COMMISSION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Consumer Product Safety*
14 *Commission, including hire of passenger motor vehicles,*
15 *services as authorized by 5 U.S.C. 3109, but at rates for*
16 *individuals not to exceed the per diem rate equivalent to*
17 *the maximum rate payable under 5 U.S.C. 5376, purchase*
18 *of nominal awards to recognize non-Federal officials' con-*
19 *tributions to Commission activities, and not to exceed*
20 *\$4,000 for official reception and representation expenses,*
21 *\$135,000,000, of which \$1,300,000 shall remain available*
22 *until expended to carry out the program, including admin-*
23 *istrative costs, required by section 1405 of the Virginia*
24 *Graeme Baker Pool and Spa Safety Act (Public Law 110-*
25 *140; 15 U.S.C. 8004).*

1 *ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY*
2 *COMMISSION*

3 *SEC. 501. During fiscal year 2021, none of the*
4 *amounts made available by this Act may be used to finalize*
5 *or implement the Safety Standard for Recreational Off-*
6 *Highway Vehicles published by the Consumer Product Safe-*
7 *ty Commission in the Federal Register on November 19,*
8 *2014 (79 Fed. Reg. 68964) until after—*

9 *(1) the National Academy of Sciences, in con-*
10 *sultation with the National Highway Traffic Safety*
11 *Administration and the Department of Defense, com-*
12 *pletes a study to determine—*

13 *(A) the technical validity of the lateral sta-*
14 *bility and vehicle handling requirements pro-*
15 *posed by such standard for purposes of reducing*
16 *the risk of Recreational Off-Highway Vehicle (re-*
17 *ferred to in this section as “ROV”) rollovers in*
18 *the off-road environment, including the repeat-*
19 *ability and reproducibility of testing for compli-*
20 *ance with such requirements;*

21 *(B) the number of ROV rollovers that would*
22 *be prevented if the proposed requirements were*
23 *adopted;*

24 *(C) whether there is a technical basis for the*
25 *proposal to provide information on a point-of-*

1 *sale hangtag about a ROV's rollover resistance*
2 *on a progressive scale; and*

3 *(D) the effect on the utility of ROVs used by*
4 *the United States military if the proposed re-*
5 *quirements were adopted; and*

6 *(2) a report containing the results of the study*
7 *completed under paragraph (1) is delivered to—*

8 *(A) the Committee on Commerce, Science,*
9 *and Transportation of the Senate;*

10 *(B) the Committee on Energy and Com-*
11 *merce of the House of Representatives;*

12 *(C) the Committee on Appropriations of the*
13 *Senate; and*

14 *(D) the Committee on Appropriations of the*
15 *House of Representatives.*

16 *ELECTION ASSISTANCE COMMISSION*

17 *SALARIES AND EXPENSES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses to carry out the Help America*
20 *Vote Act of 2002 (Public Law 107–252), \$17,000,000, of*
21 *which \$1,500,000 shall be transferred to the National Insti-*
22 *tute of Standards and Technology for election reform activi-*
23 *ties authorized under the Help America Vote Act of 2002.*

1 *FEDERAL COMMUNICATIONS COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Communications*
4 *Commission, as authorized by law, including uniforms and*
5 *allowances therefor, as authorized by 5 U.S.C. 5901–5902;*
6 *not to exceed \$4,000 for official reception and representa-*
7 *tion expenses; purchase and hire of motor vehicles; special*
8 *counsel fees; and services as authorized by 5 U.S.C. 3109,*
9 *\$341,000,000, to remain available until expended: Pro-*
10 *vided, That in addition, \$33,000,000, shall be made avail-*
11 *able until expended for implementing title VIII of the Com-*
12 *munications Act of 1934 (47 U.S.C. 641 et seq.), as added*
13 *by the Broadband DATA Act (Public Law 116–130): Pro-*
14 *vided further, That \$374,000,000 of offsetting collections*
15 *shall be assessed and collected pursuant to section 9 of title*
16 *I of the Communications Act of 1934, shall be retained and*
17 *used for necessary expenses and shall remain available until*
18 *expended: Provided further, That the sum herein appro-*
19 *priated shall be reduced as such offsetting collections are*
20 *received during fiscal year 2021 so as to result in a final*
21 *fiscal year 2021 appropriation estimated at \$0: Provided*
22 *further, That, notwithstanding 47 U.S.C. 309(j)(8)(B), pro-*
23 *ceeds from the use of a competitive bidding system that may*
24 *be retained and made available for obligation shall not ex-*
25 *ceed \$134,495,000 for fiscal year 2021: Provided further,*

1 *That, of the amount appropriated under this heading, not*
2 *less than \$11,326,800 shall be for the salaries and expenses*
3 *of the Office of Inspector General.*

4 *ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS*
5 *COMMISSION*

6 *SEC. 510. Section 302 of the Universal Service*
7 *Antideficiency Temporary Suspension Act is amended by*
8 *striking “December 31, 2020” each place it appears and*
9 *inserting “December 31, 2021”.*

10 *SEC. 511. None of the funds appropriated by this Act*
11 *may be used by the Federal Communications Commission*
12 *to modify, amend, or change its rules or regulations for uni-*
13 *versal service support payments to implement the February*
14 *27, 2004, recommendations of the Federal-State Joint*
15 *Board on Universal Service regarding single connection or*
16 *primary line restrictions on universal service support pay-*
17 *ments.*

18 *FEDERAL DEPOSIT INSURANCE CORPORATION*

19 *OFFICE OF THE INSPECTOR GENERAL*

20 *For necessary expenses of the Office of Inspector Gen-*
21 *eral in carrying out the provisions of the Inspector General*
22 *Act of 1978, \$42,982,000, to be derived from the Deposit*
23 *Insurance Fund or, only when appropriate, the FSLIC Res-*
24 *olution Fund.*

1 *FEDERAL ELECTION COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses to carry out the provisions of*
4 *the Federal Election Campaign Act of 1971, \$71,497,000,*
5 *of which not to exceed \$5,000 shall be available for reception*
6 *and representation expenses.*

7 *FEDERAL LABOR RELATIONS AUTHORITY*8 *SALARIES AND EXPENSES*

9 *For necessary expenses to carry out functions of the*
10 *Federal Labor Relations Authority, pursuant to Reorga-*
11 *nization Plan Numbered 2 of 1978, and the Civil Service*
12 *Reform Act of 1978, including services authorized by 5*
13 *U.S.C. 3109, and including hire of experts and consultants,*
14 *hire of passenger motor vehicles, and including official re-*
15 *ception and representation expenses (not to exceed \$1,500)*
16 *and rental of conference rooms in the District of Columbia*
17 *and elsewhere, \$26,600,000: Provided, That public members*
18 *of the Federal Service Impasses Panel may be paid travel*
19 *expenses and per diem in lieu of subsistence as authorized*
20 *by law (5 U.S.C. 5703) for persons employed intermittently*
21 *in the Government service, and compensation as authorized*
22 *by 5 U.S.C. 3109: Provided further, That, notwithstanding*
23 *31 U.S.C. 3302, funds received from fees charged to non-*
24 *Federal participants at labor-management relations con-*
25 *ferences shall be credited to and merged with this account,*

1 *to be available without further appropriation for the costs*
2 *of carrying out these conferences.*

3 *FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL*

4 *ENVIRONMENTAL REVIEW IMPROVEMENT FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses of the Environmental Review*
7 *Improvement Fund established pursuant to 42 U.S.C.*
8 *4370m-8(d), \$10,000,000, to remain available until ex-*
9 *pended: Provided, That funds appropriated in prior appro-*
10 *priations Acts under the heading "General Services Admin-*
11 *istration—General Activities—Environmental Review Im-*
12 *provement Fund" shall be transferred to and merged with*
13 *this account.*

14 *FEDERAL TRADE COMMISSION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Federal Trade Commis-*
17 *sion, including uniforms or allowances therefor, as author-*
18 *ized by 5 U.S.C. 5901-5902; services as authorized by 5*
19 *U.S.C. 3109; hire of passenger motor vehicles; and not to*
20 *exceed \$2,000 for official reception and representation ex-*
21 *penses, \$351,000,000, to remain available until expended:*
22 *Provided, That not to exceed \$300,000 shall be available*
23 *for use to contract with a person or persons for collection*
24 *services in accordance with the terms of 31 U.S.C. 3718:*
25 *Provided further, That, notwithstanding any other provi-*

1 sion of law, not to exceed \$150,000,000 of offsetting collec-
2 tions derived from fees collected for premerger notification
3 filings under the Hart-Scott-Rodino Antitrust Improve-
4 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
5 of collection, shall be retained and used for necessary ex-
6 penses in this appropriation: Provided further, That, not-
7 withstanding any other provision of law, not to exceed
8 \$19,000,000 in offsetting collections derived from fees suffi-
9 cient to implement and enforce the Telemarketing Sales
10 Rule, promulgated under the Telemarketing and Consumer
11 Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.),
12 shall be credited to this account, and be retained and used
13 for necessary expenses in this appropriation: Provided fur-
14 ther, That the sum herein appropriated from the general
15 fund shall be reduced as such offsetting collections are re-
16 ceived during fiscal year 2021, so as to result in a final
17 fiscal year 2021 appropriation from the general fund esti-
18 mated at not more than \$182,000,000: Provided further,
19 That none of the funds made available to the Federal Trade
20 Commission may be used to implement subsection (e)(2)(B)
21 of section 43 of the Federal Deposit Insurance Act (12
22 U.S.C. 1831t).

1 *GENERAL SERVICES ADMINISTRATION*2 *REAL PROPERTY ACTIVITIES*3 *FEDERAL BUILDINGS FUND*4 *LIMITATIONS ON AVAILABILITY OF REVENUE*5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *Amounts in the Fund, including revenues and collec-*
7 *tions deposited into the Fund, shall be available for nec-*
8 *essary expenses of real property management and related*
9 *activities not otherwise provided for, including operation,*
10 *maintenance, and protection of federally owned and leased*
11 *buildings; rental of buildings in the District of Columbia;*
12 *restoration of leased premises; moving governmental agen-*
13 *cies (including space adjustments and telecommunications*
14 *relocation expenses) in connection with the assignment, al-*
15 *location, and transfer of space; contractual services incident*
16 *to cleaning or servicing buildings, and moving; repair and*
17 *alteration of federally owned buildings, including grounds,*
18 *approaches, and appurtenances; care and safeguarding of*
19 *sites; maintenance, preservation, demolition, and equip-*
20 *ment; acquisition of buildings and sites by purchase, con-*
21 *demnation, or as otherwise authorized by law; acquisition*
22 *of options to purchase buildings and sites; conversion and*
23 *extension of federally owned buildings; preliminary plan-*
24 *ning and design of projects by contract or otherwise; con-*
25 *struction of new buildings (including equipment for such*

1 *buildings); and payment of principal, interest, and any*
2 *other obligations for public buildings acquired by install-*
3 *ment purchase and purchase contract; in the aggregate*
4 *amount of \$9,065,489,000, of which—*

5 *(1) \$230,000,000 shall remain available until ex-*
6 *pended for construction and acquisition (including*
7 *funds for sites and expenses, and associated design*
8 *and construction services) as follows:*

9 *(A) \$135,500,000 shall be for the United*
10 *States Courthouse, Hartford, Connecticut; and*

11 *(B) \$94,500,000 shall be for the United*
12 *States Courthouse, Chattanooga, Tennessee:*

13 *Provided, That each of the foregoing limits of costs on*
14 *new construction and acquisition projects may be ex-*
15 *ceeded to the extent that savings are effected in other*
16 *such projects, but not to exceed 10 percent of the*
17 *amounts included in a transmitted prospectus, if re-*
18 *quired, unless advance approval is obtained from the*
19 *Committees on Appropriations of a greater amount;*

20 *(2) \$576,581,000 shall remain available until ex-*
21 *pended for repairs and alterations, including associ-*
22 *ated design and construction services, of which—*

23 *(A) \$203,908,000 is for Major Repairs and*
24 *Alterations; and*

1 (B) \$372,673,000 is for *Basic Repairs and*
2 *Alterations:*

3 *Provided, That funds made available in this or any*
4 *previous Act in the Federal Buildings Fund for Re-*
5 *pairs and Alterations shall, for prospectus projects, be*
6 *limited to the amount identified for each project, ex-*
7 *cept each project in this or any previous Act may be*
8 *increased by an amount not to exceed 10 percent un-*
9 *less advance approval is obtained from the Commit-*
10 *tees on Appropriations of a greater amount: Provided*
11 *further, That additional projects for which*
12 *prospectuses have been fully approved may be funded*
13 *under this category only if advance approval is ob-*
14 *tained from the Committees on Appropriations: Pro-*
15 *vided further, That the amounts provided in this or*
16 *any prior Act for “Repairs and Alterations” may be*
17 *used to fund costs associated with implementing secu-*
18 *rity improvements to buildings necessary to meet the*
19 *minimum standards for security in accordance with*
20 *current law and in compliance with the reprogram-*
21 *ming guidelines of the appropriate Committees of the*
22 *House and Senate: Provided further, That the dif-*
23 *ference between the funds appropriated and expended*
24 *on any projects in this or any prior Act, under the*
25 *heading “Repairs and Alterations”, may be trans-*

1 ferred to “Basic Repairs and Alterations” or used to
2 fund authorized increases in prospectus projects: Pro-
3 vided further, That the amount provided in this or
4 any prior Act for “Basic Repairs and Alterations”
5 may be used to pay claims against the Government
6 arising from any projects under the heading “Repairs
7 and Alterations” or used to fund authorized increases
8 in prospectus projects;

9 (3) \$5,725,464,000 for rental of space to remain
10 available until expended; and

11 (4) \$2,533,444,000 for building operations to re-
12 main available until expended: Provided, That the
13 total amount of funds made available from this Fund
14 to the General Services Administration shall not be
15 available for expenses of any construction, repair, al-
16 teration and acquisition project for which a pro-
17 spectus, if required by 40 U.S.C. 3307(a), has not
18 been approved, except that necessary funds may be ex-
19 pended for each project for required expenses for the
20 development of a proposed prospectus: Provided fur-
21 ther, That funds available in the Federal Buildings
22 Fund may be expended for emergency repairs when
23 advance approval is obtained from the Committees on
24 Appropriations: Provided further, That amounts nec-
25 essary to provide reimbursable special services to

1 *other agencies under 40 U.S.C. 592(b)(2) and*
2 *amounts to provide such reimbursable fencing, light-*
3 *ing, guard booths, and other facilities on private or*
4 *other property not in Government ownership or con-*
5 *trol as may be appropriate to enable the United*
6 *States Secret Service to perform its protective func-*
7 *tions pursuant to 18 U.S.C. 3056, shall be available*
8 *from such revenues and collections: Provided further,*
9 *That revenues and collections and any other sums ac-*
10 *cruing to this Fund during fiscal year 2021, exclud-*
11 *ing reimbursements under 40 U.S.C. 592(b)(2), in ex-*
12 *cess of the aggregate new obligational authority au-*
13 *thorized for Real Property Activities of the Federal*
14 *Buildings Fund in this Act shall remain in the Fund*
15 *and shall not be available for expenditure except as*
16 *authorized in appropriations Acts.*

17 *GENERAL ACTIVITIES*

18 *GOVERNMENT-WIDE POLICY*

19 *For expenses authorized by law, not otherwise provided*
20 *for, for Government-wide policy and evaluation activities*
21 *associated with the management of real and personal prop-*
22 *erty assets and certain administrative services; Govern-*
23 *ment-wide policy support responsibilities relating to acqui-*
24 *sition, travel, motor vehicles, information technology man-*

1 *agement, and related technology activities; and services as*
2 *authorized by 5 U.S.C. 3109; \$64,000,000.*

3 *OPERATING EXPENSES*

4 *For expenses authorized by law, not otherwise provided*
5 *for, for Government-wide activities associated with utiliza-*
6 *tion and donation of surplus personal property; disposal*
7 *of real property; agency-wide policy direction, manage-*
8 *ment, and communications; and services as authorized by*
9 *5 U.S.C. 3109; \$49,440,000, of which \$26,890,000 is for*
10 *Real and Personal Property Management and Disposal;*
11 *and of which \$22,550,000 is for the Office of the Adminis-*
12 *trator, of which not to exceed \$7,500 is for official reception*
13 *and representation expenses.*

14 *CIVILIAN BOARD OF CONTRACT APPEALS*

15 *For expenses authorized by law, not otherwise provided*
16 *for, for the activities associated with the Civilian Board of*
17 *Contract Appeals, \$9,301,000, of which \$2,000,000 shall re-*
18 *main available until September 30, 2022.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *For necessary expenses of the Office of Inspector Gen-*
21 *eral and service authorized by 5 U.S.C. 3109, \$67,000,000:*
22 *Provided, That not to exceed \$50,000 shall be available for*
23 *payment for information and detection of fraud against the*
24 *Government, including payment for recovery of stolen Gov-*
25 *ernment property: Provided further, That not to exceed*

1 *Federal Government to enhance its ability to conduct ac-*
2 *tivities electronically in the aggregate amount not to exceed*
3 *\$100,000,000: Provided further, That appropriations, reve-*
4 *nues, reimbursements, and collections accruing to this Fund*
5 *during fiscal year 2021 in excess of such amount shall re-*
6 *main in the Fund and shall not be available for expenditure*
7 *except as authorized in appropriations Acts: Provided fur-*
8 *ther, That, of the total amount appropriated, up to*
9 *\$5,000,000 shall be available for support functions and full-*
10 *time hires to support activities related to the Administra-*
11 *tion’s requirements under title II of the Foundations for*
12 *Evidence-Based Policymaking Act (Public Law 115–435):*
13 *Provided further, That the transfer authorities provided*
14 *herein shall be in addition to any other transfer authority*
15 *provided in this Act.*

16 *EXPENSES, PRESIDENTIAL TRANSITION*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For necessary expenses to carry out the Presidential*
19 *Transition Act of 1963 (3 U.S.C. 102 note) and 40 U.S.C.*
20 *581(e), \$9,900,000, of which not to exceed \$1,000,000 is for*
21 *activities authorized by sections 3(a)(8) and 3(a)(9) of the*
22 *Act: Provided, That such amounts may be transferred and*
23 *credited to the “Acquisition Services Fund” or “Federal*
24 *Buildings Fund” to reimburse obligations incurred prior*
25 *to enactment of this Act for the purposes provided herein*

1 *related to the Presidential election in 2020: Provided fur-*
2 *ther, That amounts available under this heading shall be*
3 *in addition to any other amounts available for such pur-*
4 *poses: Provided further, That in the case where the Presi-*
5 *dent-elect is the incumbent President or in the case where*
6 *the Vice-President-elect is the incumbent Vice President,*
7 *\$8,900,000 is hereby permanently rescinded, pursuant to*
8 *section 3(g) of the Presidential Transition Act of 1963.*

9 *TECHNOLOGY MODERNIZATION FUND*

10 *For the Technology Modernization Fund, \$25,000,000,*
11 *to remain available until expended, for technology-related*
12 *modernization activities.*

13 *ASSET PROCEEDS AND SPACE MANAGEMENT FUND*

14 *For carrying out section 16(b) of the Federal Assets*
15 *Sale and Transfer Act of 2016 (40 U.S.C. 1303 note),*
16 *\$16,000,000, to remain available until expended.*

17 *ADMINISTRATIVE PROVISIONS—GENERAL SERVICES*

18 *ADMINISTRATION*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 520. Funds available to the General Services Ad-*
21 *ministration shall be available for the hire of passenger*
22 *motor vehicles.*

23 *SEC. 521. Funds in the Federal Buildings Fund made*
24 *available for fiscal year 2021 for Federal Buildings Fund*
25 *activities may be transferred between such activities only*

1 *to the extent necessary to meet program requirements: Pro-*
2 *vided, That any proposed transfers shall be approved in ad-*
3 *vance by the Committees on Appropriations of the House*
4 *of Representatives and the Senate.*

5 *SEC. 522. Except as otherwise provided in this title,*
6 *funds made available by this Act shall be used to transmit*
7 *a fiscal year 2022 request for United States Courthouse con-*
8 *struction only if the request: (1) meets the design guide*
9 *standards for construction as established and approved by*
10 *the General Services Administration, the Judicial Con-*
11 *ference of the United States, and the Office of Management*
12 *and Budget; (2) reflects the priorities of the Judicial Con-*
13 *ference of the United States as set out in its approved*
14 *Courthouse Project Priorities plan; and (3) includes a*
15 *standardized courtroom utilization study of each facility to*
16 *be constructed, replaced, or expanded.*

17 *SEC. 523. None of the funds provided in this Act may*
18 *be used to increase the amount of occupiable square feet,*
19 *provide cleaning services, security enhancements, or any*
20 *other service usually provided through the Federal Build-*
21 *ings Fund, to any agency that does not pay the rate per*
22 *square foot assessment for space and services as determined*
23 *by the General Services Administration in consideration of*
24 *the Public Buildings Amendments Act of 1972 (Public Law*
25 *92–313).*

1 *SEC. 524. From funds made available under the head-*
2 *ing “Federal Buildings Fund, Limitations on Availability*
3 *of Revenue”, claims against the Government of less than*
4 *\$250,000 arising from direct construction projects and ac-*
5 *quisition of buildings may be liquidated from savings ef-*
6 *fecting in other construction projects with prior notification*
7 *to the Committees on Appropriations of the House of Rep-*
8 *resentatives and the Senate.*

9 *SEC. 525. In any case in which the Committee on*
10 *Transportation and Infrastructure of the House of Rep-*
11 *resentatives and the Committee on Environment and Public*
12 *Works of the Senate adopt a resolution granting lease au-*
13 *thority pursuant to a prospectus transmitted to Congress*
14 *by the Administrator of the General Services Administra-*
15 *tion under 40 U.S.C. 3307, the Administrator shall ensure*
16 *that the delineated area of procurement is identical to the*
17 *delineated area included in the prospectus for all lease*
18 *agreements, except that, if the Administrator determines*
19 *that the delineated area of the procurement should not be*
20 *identical to the delineated area included in the prospectus,*
21 *the Administrator shall provide an explanatory statement*
22 *to each of such committees and the Committees on Appro-*
23 *priations of the House of Representatives and the Senate*
24 *prior to exercising any lease authority provided in the reso-*
25 *lution.*

1 *SEC. 526. With respect to each project funded under*
2 *the heading “Major Repairs and Alterations”, and with re-*
3 *spect to E–Government projects funded under the heading*
4 *“Federal Citizen Services Fund”, the Administrator of Gen-*
5 *eral Services shall submit a spending plan and explanation*
6 *for each project to be undertaken to the Committees on Ap-*
7 *propriations of the House of Representatives and the Senate*
8 *not later than 60 days after the date of enactment of this*
9 *Act.*

10 *HARRY S TRUMAN SCHOLARSHIP FOUNDATION*

11 *SALARIES AND EXPENSES*

12 *For payment to the Harry S Truman Scholarship*
13 *Foundation Trust Fund, established by section 10 of Public*
14 *Law 93–642, \$2,000,000, to remain available until ex-*
15 *pended.*

16 *MERIT SYSTEMS PROTECTION BOARD*

17 *SALARIES AND EXPENSES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses to carry out functions of the*
20 *Merit Systems Protection Board pursuant to Reorganiza-*
21 *tion Plan Numbered 2 of 1978, the Civil Service Reform*
22 *Act of 1978, and the Whistleblower Protection Act of 1989*
23 *(5 U.S.C. 5509 note), including services as authorized by*
24 *5 U.S.C. 3109, rental of conference rooms in the District*
25 *of Columbia and elsewhere, hire of passenger motor vehicles,*

1 *direct procurement of survey printing, and not to exceed*
2 *\$2,000 for official reception and representation expenses,*
3 *\$44,490,000, to remain available until September 30, 2022,*
4 *and in addition not to exceed \$2,345,000, to remain avail-*
5 *able until September 30, 2022, for administrative expenses*
6 *to adjudicate retirement appeals to be transferred from the*
7 *Civil Service Retirement and Disability Fund in amounts*
8 *determined by the Merit Systems Protection Board.*

9 *MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION*
10 *MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND*
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For payment to the Morris K. Udall and Stewart L.*
13 *Udall Trust Fund, pursuant to the Morris K. Udall and*
14 *Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.),*
15 *\$1,800,000, to remain available until expended, of which,*
16 *notwithstanding sections 8 and 9 of such Act, up to*
17 *\$1,000,000 shall be available to carry out the activities au-*
18 *thorized by section 6(7) of Public Law 102–259 and section*
19 *817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): Pro-*
20 *vided, That all current and previous amounts transferred*
21 *to the Office of Inspector General of the Department of the*
22 *Interior will remain available until expended for audits*
23 *and investigations of the Morris K. Udall and Stewart L.*
24 *Udall Foundation, consistent with the Inspector General*
25 *Act of 1978 (5 U.S.C. App.), as amended, and for annual*

1 *independent financial audits of the Morris K. Udall and*
2 *Stewart L. Udall Foundation pursuant to the Account-*
3 *ability of Tax Dollars Act of 2002 (Public Law 107–289):*
4 *Provided further, That previous amounts transferred to the*
5 *Office of Inspector General of the Department of the Interior*
6 *may be transferred to the Morris K. Udall and Stewart L.*
7 *Udall Foundation for annual independent financial audits*
8 *pursuant to the Accountability of Tax Dollars Act of 2002*
9 *(Public Law 107–289).*

10 *ENVIRONMENTAL DISPUTE RESOLUTION FUND*

11 *For payment to the Environmental Dispute Resolution*
12 *Fund to carry out activities authorized in the Environ-*
13 *mental Policy and Conflict Resolution Act of 1998,*
14 *\$3,200,000, to remain available until expended.*

15 *NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*

16 *OPERATING EXPENSES*

17 *For necessary expenses in connection with the admin-*
18 *istration of the National Archives and Records Administra-*
19 *tion and archived Federal records and related activities, as*
20 *provided by law, and for expenses necessary for the review*
21 *and declassification of documents, the activities of the Pub-*
22 *lic Interest Declassification Board, the operations and*
23 *maintenance of the electronic records archives, the hire of*
24 *passenger motor vehicles, and for uniforms or allowances*
25 *therefor, as authorized by law (5 U.S.C. 5901), including*

1 *maintenance, repairs, and cleaning, \$377,000,000, of which*
2 *\$9,230,000 shall remain available until expended for im-*
3 *provements necessary to enhance the Federal Government's*
4 *ability to electronically preserve, manage, and store Govern-*
5 *ment records, and of which up to \$2,000,000 shall remain*
6 *available until expended to implement the Civil Rights Cold*
7 *Case Records Collection Act of 2018 (Public Law 115-426).*

8 *OFFICE OF INSPECTOR GENERAL*

9 *For necessary expenses of the Office of Inspector Gen-*
10 *eral in carrying out the provisions of the Inspector General*
11 *Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-*
12 *16 (2008), and the Inspector General Act of 1978 (5 U.S.C.*
13 *App.), and for the hire of passenger motor vehicles,*
14 *\$4,823,000.*

15 *REPAIRS AND RESTORATION*

16 *For the repair, alteration, and improvement of ar-*
17 *chives facilities, and to provide adequate storage for hold-*
18 *ings, \$9,500,000, to remain available until expended.*

19 *NATIONAL HISTORICAL PUBLICATIONS AND RECORDS*

20 *COMMISSION*

21 *GRANTS PROGRAM*

22 *For necessary expenses for allocations and grants for*
23 *historical publications and records as authorized by 44*
24 *U.S.C. 2504, \$6,500,000, to remain available until ex-*
25 *pended.*

1 *NATIONAL CREDIT UNION ADMINISTRATION*
2 *COMMUNITY DEVELOPMENT REVOLVING LOAN FUND*
3 *For the Community Development Revolving Loan*
4 *Fund program as authorized by 42 U.S.C. 9812, 9822 and*
5 *9910, \$1,500,000 shall be available until September 30,*
6 *2022, for technical assistance to low-income designated*
7 *credit unions.*

8 *OFFICE OF GOVERNMENT ETHICS*
9 *SALARIES AND EXPENSES*
10 *For necessary expenses to carry out functions of the*
11 *Office of Government Ethics pursuant to the Ethics in Gov-*
12 *ernment Act of 1978, the Ethics Reform Act of 1989, and*
13 *the Stop Trading on Congressional Knowledge Act of 2012,*
14 *including services as authorized by 5 U.S.C. 3109, rental*
15 *of conference rooms in the District of Columbia and else-*
16 *where, hire of passenger motor vehicles, and not to exceed*
17 *\$1,500 for official reception and representation expenses,*
18 *\$18,600,000.*

19 *OFFICE OF PERSONNEL MANAGEMENT*
20 *SALARIES AND EXPENSES*
21 *(INCLUDING TRANSFER OF TRUST FUNDS)*
22 *For necessary expenses to carry out functions of the*
23 *Office of Personnel Management (OPM) pursuant to Reor-*
24 *ganization Plan Numbered 2 of 1978 and the Civil Service*
25 *Reform Act of 1978, including services as authorized by 5*

1 *U.S.C. 3109; medical examinations performed for veterans*
2 *by private physicians on a fee basis; rental of conference*
3 *rooms in the District of Columbia and elsewhere; hire of*
4 *passenger motor vehicles; not to exceed \$2,500 for official*
5 *reception and representation expenses; and payment of per*
6 *diem and/or subsistence allowances to employees where Vot-*
7 *ing Rights Act activities require an employee to remain*
8 *overnight at his or her post of duty, \$160,130,000: Provided,*
9 *That of the total amount made available under this head-*
10 *ing, at least \$9,000,000 shall remain available until ex-*
11 *pended, for information technology infrastructure mod-*
12 *ernization and Trust Fund Federal Financial System mi-*
13 *gration or modernization, and shall be in addition to funds*
14 *otherwise made available for such purposes: Provided fur-*
15 *ther, That of the total amount made available under this*
16 *heading, not less than \$350,000 shall be used to hire addi-*
17 *tional congressional liaisons: Provided further, That of the*
18 *total amount made available under this heading,*
19 *\$1,068,000 may be made available for strengthening the ca-*
20 *pacuity and capabilities of the acquisition workforce (as de-*
21 *finied by the Office of Federal Procurement Policy Act, as*
22 *amended (41 U.S.C. 4001 et seq.)), including the recruit-*
23 *ment, hiring, training, and retention of such workforce and*
24 *information technology in support of acquisition workforce*
25 *effectiveness or for management solutions to improve acqui-*

1 *sition management; and in addition \$169,625,000 for ad-*
2 *ministrative expenses, to be transferred from the appro-*
3 *priate trust funds of OPM without regard to other statutes,*
4 *including direct procurement of printed materials, for the*
5 *retirement and insurance programs: Provided further, That*
6 *the provisions of this appropriation shall not affect the au-*
7 *thority to use applicable trust funds as provided by sections*
8 *8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and*
9 *9004(f)(2)(A) of title 5, United States Code: Provided fur-*
10 *ther, That no part of this appropriation shall be available*
11 *for salaries and expenses of the Legal Examining Unit of*
12 *OPM established pursuant to Executive Order No. 9358 of*
13 *July 1, 1943, or any successor unit of like purpose: Pro-*
14 *vided further, That the President's Commission on White*
15 *House Fellows, established by Executive Order No. 11183*
16 *of October 3, 1964, may, during fiscal year 2021, accept*
17 *donations of money, property, and personal services: Pro-*
18 *vided further, That such donations, including those from*
19 *prior years, may be used for the development of publicity*
20 *materials to provide information about the White House*
21 *Fellows, except that no such donations shall be accepted for*
22 *travel or reimbursement of travel expenses, or for the sala-*
23 *ries of employees of such Commission.*

1 *OFFICE OF INSPECTOR GENERAL*
2 *SALARIES AND EXPENSES*
3 *(INCLUDING TRANSFER OF TRUST FUNDS)*

4 *For necessary expenses of the Office of Inspector Gen-*
5 *eral in carrying out the provisions of the Inspector General*
6 *Act of 1978, including services as authorized by 5 U.S.C.*
7 *3109, hire of passenger motor vehicles, \$5,000,000, and in*
8 *addition, not to exceed \$27,265,000 for administrative ex-*
9 *penses to audit, investigate, and provide other oversight of*
10 *the Office of Personnel Management's retirement and insur-*
11 *ance programs, to be transferred from the appropriate trust*
12 *funds of the Office of Personnel Management, as determined*
13 *by the Inspector General: Provided, That the Inspector Gen-*
14 *eral is authorized to rent conference rooms in the District*
15 *of Columbia and elsewhere.*

16 *OFFICE OF SPECIAL COUNSEL*
17 *SALARIES AND EXPENSES*

18 *For necessary expenses to carry out functions of the*
19 *Office of Special Counsel, including services as authorized*
20 *by 5 U.S.C. 3109, payment of fees and expenses for wit-*
21 *nesses, rental of conference rooms in the District of Colum-*
22 *bia and elsewhere, and hire of passenger motor vehicles;*
23 *\$29,500,000.*

1 *POSTAL REGULATORY COMMISSION*2 *SALARIES AND EXPENSES*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses of the Postal Regulatory Com-*
5 *mission in carrying out the provisions of the Postal Ac-*
6 *countability and Enhancement Act (Public Law 109–435),*
7 *\$17,000,000, to be derived by transfer from the Postal Serv-*
8 *ice Fund and expended as authorized by section 603(a) of*
9 *such Act.*

10 *PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD*11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Privacy and Civil Lib-*
13 *erties Oversight Board, as authorized by section 1061 of the*
14 *Intelligence Reform and Terrorism Prevention Act of 2004*
15 *(42 U.S.C. 2000ee), \$8,500,000, to remain available until*
16 *September 30, 2022.*

17 *PUBLIC BUILDINGS REFORM BOARD*18 *SALARIES AND EXPENSES*

19 *For salaries and expenses of the Public Buildings Re-*
20 *form Board in carrying out the Federal Assets Sale and*
21 *Transfer Act of 2016 (Public Law 114–287), \$3,500,000,*
22 *to remain available until expended.*

1 *SECURITIES AND EXCHANGE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Securities and Exchange*
4 *Commission, including services as authorized by 5 U.S.C.*
5 *3109, the rental of space (to include multiple year leases)*
6 *in the District of Columbia and elsewhere, and not to exceed*
7 *\$3,500 for official reception and representation expenses,*
8 *\$1,894,835,000, to remain available until expended; of*
9 *which not less than \$16,313,000 shall be for the Office of*
10 *Inspector General; of which not to exceed \$75,000 shall be*
11 *available for a permanent secretariat for the International*
12 *Organization of Securities Commissions; and of which not*
13 *to exceed \$100,000 shall be available for expenses for con-*
14 *sultations and meetings hosted by the Commission with for-*
15 *eign governmental and other regulatory officials, members*
16 *of their delegations and staffs to exchange views concerning*
17 *securities matters, such expenses to include necessary logis-*
18 *tic and administrative expenses and the expenses of Com-*
19 *mission staff and foreign invitees in attendance including:*
20 *(1) incidental expenses such as meals; (2) travel and trans-*
21 *portation; and (3) related lodging or subsistence.*

22 *In addition to the foregoing appropriation, for move,*
23 *replication, and related costs associated with a replacement*
24 *lease for the Commission's District of Columbia head-*
25 *quarters, not to exceed \$18,650,000, to remain available*

1 *until expended; and for move, replication, and related costs*
2 *associated with a replacement lease for the Commission's*
3 *San Francisco Regional Office facilities, not to exceed*
4 *\$12,677,000, to remain available until expended.*

5 *For purposes of calculating the fee rate under section*
6 *31(j) of the Securities Exchange Act of 1934 (15 U.S.C.*
7 *78ee(j)) for fiscal year 2021, all amounts appropriated*
8 *under this heading shall be deemed to be the regular appro-*
9 *priation to the Commission for fiscal year 2021: Provided,*
10 *That fees and charges authorized by section 31 of the Secu-*
11 *rities Exchange Act of 1934 (15 U.S.C. 78ee) shall be cred-*
12 *ited to this account as offsetting collections: Provided fur-*
13 *ther, That not to exceed \$1,894,835,000 of such offsetting*
14 *collections shall be available until expended for necessary*
15 *expenses of this account; not to exceed \$18,650,000 of such*
16 *offsetting collections shall be available until expended for*
17 *move, replication, and related costs under this heading asso-*
18 *ciated with a replacement lease for the Commission's Dis-*
19 *trict of Columbia headquarters facilities; and not to exceed*
20 *\$12,677,000 of such offsetting collections shall be available*
21 *until expended for move, replication, and related costs*
22 *under this heading associated with a replacement lease for*
23 *the Commission's San Francisco Regional Office facilities:*
24 *Provided further, That the total amount appropriated*
25 *under this heading from the general fund for fiscal year*

1 2021 shall be reduced as such offsetting fees are received
2 so as to result in a final total fiscal year 2021 appropria-
3 tion from the general fund estimated at not more than \$0:
4 Provided further, That if any amount of the appropriation
5 for move, replication, and related costs associated with a
6 replacement lease for the Commission's District of Columbia
7 headquarters office facilities or if any amount of the appro-
8 priation for costs associated with a replacement lease for
9 the Commission's San Francisco Regional Office is subse-
10 quently de-obligated by the Commission, such amount that
11 was derived from the general fund shall be returned to the
12 general fund, and such amounts that were derived from fees
13 or assessments collected for such purpose shall be paid to
14 each national securities exchange and national securities
15 association, respectively, in proportion to any fees or assess-
16 ments paid by such national securities exchange or national
17 securities association under section 31 of the Securities Ex-
18 change Act of 1934 (15 U.S.C. 78ee) in fiscal year 2021.

19 *SELECTIVE SERVICE SYSTEM*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Selective Service System,*
22 *including expenses of attendance at meetings and of train-*
23 *ing for uniformed personnel assigned to the Selective Serv-*
24 *ice System, as authorized by 5 U.S.C. 4101–4118 for civil-*
25 *ian employees; hire of passenger motor vehicles; services as*

1 *authorized by 5 U.S.C. 3109; and not to exceed \$750 for*
2 *official reception and representation expenses; \$26,000,000:*
3 *Provided, That during the current fiscal year, the President*
4 *may exempt this appropriation from the provisions of 31*
5 *U.S.C. 1341, whenever the President deems such action to*
6 *be necessary in the interest of national defense: Provided*
7 *further, That none of the funds appropriated by this Act*
8 *may be expended for or in connection with the induction*
9 *of any person into the Armed Forces of the United States.*

10 *SMALL BUSINESS ADMINISTRATION*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses, not otherwise provided for, of*
13 *the Small Business Administration, including hire of pas-*
14 *senger motor vehicles as authorized by sections 1343 and*
15 *1344 of title 31, United States Code, and not to exceed*
16 *\$3,500 for official reception and representation expenses,*
17 *\$270,157,000, of which not less than \$12,000,000 shall be*
18 *available for examinations, reviews, and other lender over-*
19 *sight activities: Provided, That the Administrator is au-*
20 *thorized to charge fees to cover the cost of publications devel-*
21 *oped by the Small Business Administration, and certain*
22 *loan program activities, including fees authorized by sec-*
23 *tion 5(b) of the Small Business Act: Provided further, That,*
24 *notwithstanding 31 U.S.C. 3302, revenues received from all*
25 *such activities shall be credited to this account, to remain*

1 *available until expended, for carrying out these purposes*
2 *without further appropriations: Provided further, That the*
3 *Small Business Administration may accept gifts in an*
4 *amount not to exceed \$4,000,000 and may co-sponsor ac-*
5 *tivities, each in accordance with section 132(a) of division*
6 *K of Public Law 108–447, during fiscal year 2021: Pro-*
7 *vided further, That \$6,100,000 shall be available for the*
8 *Loan Modernization and Accounting System, to be avail-*
9 *able until September 30, 2022.*

10 *ENTREPRENEURIAL DEVELOPMENT PROGRAMS*

11 *For necessary expenses of programs supporting entre-*
12 *preneurial and small business development, \$272,000,000,*
13 *to remain available until September 30, 2022: Provided,*
14 *That \$136,000,000 shall be available to fund grants for per-*
15 *formance in fiscal year 2021 or fiscal year 2022 as author-*
16 *ized by section 21 of the Small Business Act: Provided fur-*
17 *ther, That \$35,000,000 shall be for marketing, management,*
18 *and technical assistance under section 7(m) of the Small*
19 *Business Act (15 U.S.C. 636(m)(4)) by intermediaries that*
20 *make microloans under the microloan program: Provided*
21 *further, That \$19,500,000 shall be available for grants to*
22 *States to carry out export programs that assist small busi-*
23 *ness concerns authorized under section 22(l) of the Small*
24 *Business Act (15 U.S.C. 649(l)).*

1 *through (35) of section 7(a) of the Small Business Act shall*
2 *not exceed \$30,000,000,000 for a combination of amortizing*
3 *term loans and the aggregated maximum line of credit pro-*
4 *vided by revolving loans: Provided further, That during fis-*
5 *cal year 2021 commitments for loans authorized under sub-*
6 *paragraph (C) of section 502(7) of the Small Business In-*
7 *vestment Act of 1958 (15 U.S.C. 696(7)) shall not exceed*
8 *\$7,500,000,000: Provided further, That during fiscal year*
9 *2021 commitments to guarantee loans for debentures under*
10 *section 303(b) of the Small Business Investment Act of 1958*
11 *shall not exceed \$4,000,000,000: Provided further, That dur-*
12 *ing fiscal year 2021, guarantees of trust certificates author-*
13 *ized by section 5(g) of the Small Business Act shall not ex-*
14 *ceed a principal amount of \$13,000,000,000. In addition,*
15 *for administrative expenses to carry out the direct and*
16 *guaranteed loan programs, \$160,300,000, which may be*
17 *transferred to and merged with the appropriations for Sala-*
18 *ries and Expenses.*

19 *DISASTER LOANS PROGRAM ACCOUNT*

20 *(INCLUDING TRANSFERS OF FUNDS)*

21 *For administrative expenses to carry out the direct*
22 *loan program authorized by section 7(b) of the Small Busi-*
23 *ness Act, \$168,075,000, to be available until expended, of*
24 *which \$1,600,000 is for the Office of Inspector General of*
25 *the Small Business Administration for audits and reviews*

1 *of disaster loans and the disaster loan programs and shall*
2 *be transferred to and merged with the appropriations for*
3 *the Office of Inspector General; of which \$158,075,000 is*
4 *for direct administrative expenses of loan making and serv-*
5 *icing to carry out the direct loan program, which may be*
6 *transferred to and merged with the appropriations for Sala-*
7 *ries and Expenses; and of which \$8,400,000 is for indirect*
8 *administrative expenses for the direct loan program, which*
9 *may be transferred to and merged with the appropriations*
10 *for Salaries and Expenses: Provided, That, of the funds pro-*
11 *vided under this heading, \$142,864,000 shall be for major*
12 *disasters declared pursuant to the Robert T. Stafford Dis-*
13 *aster Relief and Emergency Assistance Act (42 U.S.C.*
14 *5122(2)): Provided further, That the amount for major dis-*
15 *asters under this heading is designated by Congress as being*
16 *for disaster relief pursuant to section 251(b)(2)(D) of the*
17 *Balanced Budget and Emergency Deficit Control Act of*
18 *1985 (Public Law 99-177).*

19 *ADMINISTRATIVE PROVISIONS—SMALL BUSINESS*

20 *ADMINISTRATION*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *SEC. 540. Not to exceed 5 percent of any appropriation*
23 *made available for the current fiscal year for the Small*
24 *Business Administration in this Act may be transferred be-*
25 *tween such appropriations, but no such appropriation shall*

1 *be increased by more than 10 percent by any such transfers:*
2 *Provided, That any transfer pursuant to this paragraph*
3 *shall be treated as a reprogramming of funds under section*
4 *608 of this Act and shall not be available for obligation*
5 *or expenditure except in compliance with the procedures set*
6 *forth in that section.*

7 *SEC. 541. Not to exceed 3 percent of any appropriation*
8 *made available in this Act for the Small Business Adminis-*
9 *tration under the headings “Salaries and Expenses” and*
10 *“Business Loans Program Account” may be transferred to*
11 *the Administration’s information technology system mod-*
12 *ernization and working capital fund (IT WCF), as author-*
13 *ized by section 1077(b)(1) of title X of division A of the*
14 *National Defense Authorization Act for Fiscal Year 2018,*
15 *for the purposes specified in section 1077(b)(3) of such Act,*
16 *upon the advance approval of the Committees on Appro-*
17 *priations of the House of Representatives and the Senate:*
18 *Provided, That amounts transferred to the IT WCF under*
19 *this section shall remain available for obligation through*
20 *September 30, 2024.*

21 *UNITED STATES POSTAL SERVICE*

22 *PAYMENT TO THE POSTAL SERVICE FUND*

23 *For payment to the Postal Service Fund for revenue*
24 *forgone on free and reduced rate mail, pursuant to sub-*
25 *sections (c) and (d) of section 2401 of title 39, United States*

1 Code, \$55,333,000: Provided, That mail for overseas voting
2 and mail for the blind shall continue to be free: Provided
3 further, That 6-day delivery and rural delivery of mail
4 shall continue at not less than the 1983 level: Provided fur-
5 ther, That none of the funds made available to the Postal
6 Service by this Act shall be used to implement any rule,
7 regulation, or policy of charging any officer or employee
8 of any State or local child support enforcement agency, or
9 any individual participating in a State or local program
10 of child support enforcement, a fee for information requested
11 or provided concerning an address of a postal customer:
12 Provided further, That none of the funds provided in this
13 Act shall be used to consolidate or close small rural and
14 other small post offices: Provided further, That the Postal
15 Service may not destroy, and shall continue to offer for sale,
16 any copies of the Multinational Species Conservation Funds
17 Semipostal Stamp, as authorized under the Multinational
18 Species Conservation Funds Semipostal Stamp Act of 2010
19 (Public Law 111–241).

20 OFFICE OF INSPECTOR GENERAL

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Office of Inspector Gen-
24 eral in carrying out the provisions of the Inspector General
25 Act of 1978, \$250,000,000, to be derived by transfer from

1 *the Postal Service Fund and expended as authorized by sec-*
2 *tion 603(b)(3) of the Postal Accountability and Enhance-*
3 *ment Act (Public Law 109–435).*

4 *UNITED STATES TAX COURT*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses, including contract reporting*
7 *and other services as authorized by 5 U.S.C. 3109, and not*
8 *to exceed \$3,000 for official reception and representation*
9 *expenses; \$56,100,000, of which \$1,000,000 shall remain*
10 *available until expended: Provided, That travel expenses of*
11 *the judges shall be paid upon the written certificate of the*
12 *judge.*

13 *TITLE VI*

14 *GENERAL PROVISIONS—THIS ACT*

15 *(INCLUDING RESCISSION OF FUNDS)*

16 *SEC. 601. None of the funds in this Act shall be used*
17 *for the planning or execution of any program to pay the*
18 *expenses of, or otherwise compensate, non-Federal parties*
19 *intervening in regulatory or adjudicatory proceedings fund-*
20 *ed in this Act.*

21 *SEC. 602. None of the funds appropriated in this Act*
22 *shall remain available for obligation beyond the current fis-*
23 *cal year, nor may any be transferred to other appropria-*
24 *tions, unless expressly so provided herein.*

1 *SEC. 603. The expenditure of any appropriation under*
2 *this Act for any consulting service through procurement*
3 *contract pursuant to 5 U.S.C. 3109, shall be limited to those*
4 *contracts where such expenditures are a matter of public*
5 *record and available for public inspection, except where oth-*
6 *erwise provided under existing law, or under existing Exec-*
7 *utive order issued pursuant to existing law.*

8 *SEC. 604. None of the funds made available in this*
9 *Act may be transferred to any department, agency, or in-*
10 *strumentality of the United States Government, except pur-*
11 *suant to a transfer made by, or transfer authority provided*
12 *in, this Act or any other appropriations Act.*

13 *SEC. 605. None of the funds made available by this*
14 *Act shall be available for any activity or for paying the*
15 *salary of any Government employee where funding an ac-*
16 *tivity or paying a salary to a Government employee would*
17 *result in a decision, determination, rule, regulation, or pol-*
18 *icy that would prohibit the enforcement of section 307 of*
19 *the Tariff Act of 1930 (19 U.S.C. 1307).*

20 *SEC. 606. No funds appropriated pursuant to this Act*
21 *may be expended by an entity unless the entity agrees that*
22 *in expending the assistance the entity will comply with*
23 *chapter 83 of title 41, United States Code.*

24 *SEC. 607. No funds appropriated or otherwise made*
25 *available under this Act shall be made available to any per-*

1 *son or entity that has been convicted of violating chapter*
2 *83 of title 41, United States Code.*

3 *SEC. 608. Except as otherwise provided in this Act,*
4 *none of the funds provided in this Act, provided by previous*
5 *appropriations Acts to the agencies or entities funded in*
6 *this Act that remain available for obligation or expenditure*
7 *in fiscal year 2021, or provided from any accounts in the*
8 *Treasury derived by the collection of fees and available to*
9 *the agencies funded by this Act, shall be available for obliga-*
10 *tion or expenditure through a reprogramming of funds that:*
11 *(1) creates a new program; (2) eliminates a program,*
12 *project, or activity; (3) increases funds or personnel for any*
13 *program, project, or activity for which funds have been de-*
14 *nied or restricted by the Congress; (4) proposes to use funds*
15 *directed for a specific activity by the Committee on Appro-*
16 *priations of either the House of Representatives or the Sen-*
17 *ate for a different purpose; (5) augments existing programs,*
18 *projects, or activities in excess of \$5,000,000 or 10 percent,*
19 *whichever is less; (6) reduces existing programs, projects,*
20 *or activities by \$5,000,000 or 10 percent, whichever is less;*
21 *or (7) creates or reorganizes offices, programs, or activities*
22 *unless prior approval is received from the Committees on*
23 *Appropriations of the House of Representatives and the*
24 *Senate: Provided, That prior to any significant reorganiza-*
25 *tion, restructuring, relocation, or closing of offices, pro-*

1 *grams, or activities, each agency or entity funded in this*
2 *Act shall consult with the Committees on Appropriations*
3 *of the House of Representatives and the Senate: Provided*
4 *further, That not later than 60 days after the date of enact-*
5 *ment of this Act, each agency funded by this Act shall sub-*
6 *mit a report to the Committees on Appropriations of the*
7 *House of Representatives and the Senate to establish the*
8 *baseline for application of reprogramming and transfer au-*
9 *thorities for the current fiscal year: Provided further, That*
10 *at a minimum the report shall include: (1) a table for each*
11 *appropriation, detailing both full-time employee equiva-*
12 *lents and budget authority, with separate columns to dis-*
13 *play the prior year enacted level, the President's budget re-*
14 *quest, adjustments made by Congress, adjustments due to*
15 *enacted rescissions, if appropriate, and the fiscal year en-*
16 *acted level; (2) a delineation in the table for each appro-*
17 *priation and its respective prior year enacted level by object*
18 *class and program, project, and activity as detailed in this*
19 *Act, in the accompanying report, or in the budget appendix*
20 *for the respective appropriation, whichever is more detailed,*
21 *and which shall apply to all items for which a dollar*
22 *amount is specified and to all programs for which new*
23 *budget authority is provided, as well as to discretionary*
24 *grants and discretionary grant allocations; and (3) an*
25 *identification of items of special congressional interest: Pro-*

1 *vided further, That the amount appropriated or limited for*
2 *salaries and expenses for an agency shall be reduced by*
3 *\$100,000 per day for each day after the required date that*
4 *the report has not been submitted to the Congress.*

5 *SEC. 609. Except as otherwise specifically provided by*
6 *law, not to exceed 50 percent of unobligated balances re-*
7 *maining available at the end of fiscal year 2021 from ap-*
8 *propriations made available for salaries and expenses for*
9 *fiscal year 2021 in this Act, shall remain available through*
10 *September 30, 2022, for each such account for the purposes*
11 *authorized: Provided, That a request shall be submitted to*
12 *the Committees on Appropriations of the House of Rep-*
13 *resentatives and the Senate for approval prior to the ex-*
14 *penditure of such funds: Provided further, That these re-*
15 *quests shall be made in compliance with reprogramming*
16 *guidelines.*

17 *SEC. 610. (a) None of the funds made available in this*
18 *Act may be used by the Executive Office of the President*
19 *to request—*

20 *(1) any official background investigation report*
21 *on any individual from the Federal Bureau of Inves-*
22 *tigation; or*

23 *(2) a determination with respect to the treatment*
24 *of an organization as described in section 501(c) of*
25 *the Internal Revenue Code of 1986 and exempt from*

1 *taxation under section 501(a) of such Code from the*
2 *Department of the Treasury or the Internal Revenue*
3 *Service.*

4 *(b) Subsection (a) shall not apply—*

5 *(1) in the case of an official background inves-*
6 *tigation report, if such individual has given express*
7 *written consent for such request not more than 6*
8 *months prior to the date of such request and during*
9 *the same presidential administration; or*

10 *(2) if such request is required due to extraor-*
11 *dinary circumstances involving national security.*

12 *SEC. 611. The cost accounting standards promulgated*
13 *under chapter 15 of title 41, United States Code shall not*
14 *apply with respect to a contract under the Federal Employ-*
15 *ees Health Benefits Program established under chapter 89*
16 *of title 5, United States Code.*

17 *SEC. 612. For the purpose of resolving litigation and*
18 *implementing any settlement agreements regarding the non-*
19 *foreign area cost-of-living allowance program, the Office of*
20 *Personnel Management may accept and utilize (without re-*
21 *gard to any restriction on unanticipated travel expenses*
22 *imposed in an Appropriations Act) funds made available*
23 *to the Office of Personnel Management pursuant to court*
24 *approval.*

1 *SEC. 613. No funds appropriated by this Act shall be*
2 *available to pay for an abortion, or the administrative ex-*
3 *penses in connection with any health plan under the Fed-*
4 *eral employees health benefits program which provides any*
5 *benefits or coverage for abortions.*

6 *SEC. 614. The provision of section 613 shall not apply*
7 *where the life of the mother would be endangered if the fetus*
8 *were carried to term, or the pregnancy is the result of an*
9 *act of rape or incest.*

10 *SEC. 615. In order to promote Government access to*
11 *commercial information technology, the restriction on pur-*
12 *chasing nondomestic articles, materials, and supplies set*
13 *forth in chapter 83 of title 41, United States Code (popu-*
14 *larly known as the Buy American Act), shall not apply to*
15 *the acquisition by the Federal Government of information*
16 *technology (as defined in section 11101 of title 40, United*
17 *States Code), that is a commercial item (as defined in sec-*
18 *tion 103 of title 41, United States Code).*

19 *SEC. 616. Notwithstanding section 1353 of title 31,*
20 *United States Code, no officer or employee of any regulatory*
21 *agency or commission funded by this Act may accept on*
22 *behalf of that agency, nor may such agency or commission*
23 *accept, payment or reimbursement from a non-Federal enti-*
24 *ty for travel, subsistence, or related expenses for the purpose*
25 *of enabling an officer or employee to attend and participate*

1 *in any meeting or similar function relating to the official*
2 *duties of the officer or employee when the entity offering*
3 *payment or reimbursement is a person or entity subject to*
4 *regulation by such agency or commission, or represents a*
5 *person or entity subject to regulation by such agency or*
6 *commission, unless the person or entity is an organization*
7 *described in section 501(c)(3) of the Internal Revenue Code*
8 *of 1986 and exempt from tax under section 501(a) of such*
9 *Code.*

10 *SEC. 617. (a)(1) Notwithstanding any other provision*
11 *of law, an Executive agency covered by this Act otherwise*
12 *authorized to enter into contracts for either leases or the*
13 *construction or alteration of real property for office, meet-*
14 *ing, storage, or other space must consult with the General*
15 *Services Administration before issuing a solicitation for of-*
16 *fers of new leases or construction contracts, and in the case*
17 *of succeeding leases, before entering into negotiations with*
18 *the current lessor.*

19 *(2) Any such agency with authority to enter into an*
20 *emergency lease may do so during any period declared by*
21 *the President to require emergency leasing authority with*
22 *respect to such agency.*

23 *(b) For purposes of this section, the term “Executive*
24 *agency covered by this Act” means any Executive agency*
25 *provided funds by this Act, but does not include the General*

1 *Services Administration or the United States Postal Serv-*
2 *ice.*

3 *SEC. 618. (a) There are appropriated for the following*
4 *activities the amounts required under current law:*

5 *(1) Compensation of the President (3 U.S.C.*
6 *102).*

7 *(2) Payments to—*

8 *(A) the Judicial Officers' Retirement Fund*
9 *(28 U.S.C. 377(o));*

10 *(B) the Judicial Survivors' Annuities Fund*
11 *(28 U.S.C. 376(c)); and*

12 *(C) the United States Court of Federal*
13 *Claims Judges' Retirement Fund (28 U.S.C.*
14 *178(l)).*

15 *(3) Payment of Government contributions—*

16 *(A) with respect to the health benefits of re-*
17 *tired employees, as authorized by chapter 89 of*
18 *title 5, United States Code, and the Retired Fed-*
19 *eral Employees Health Benefits Act (74 Stat.*
20 *849); and*

21 *(B) with respect to the life insurance bene-*
22 *fits for employees retiring after December 31,*
23 *1989 (5 U.S.C. ch. 87).*

24 *(4) Payment to finance the unfunded liability of*
25 *new and increased annuity benefits under the Civil*

1 *Service Retirement and Disability Fund (5 U.S.C.*
2 *8348).*

3 *(5) Payment of annuities authorized to be paid*
4 *from the Civil Service Retirement and Disability*
5 *Fund by statutory provisions other than subchapter*
6 *III of chapter 83 or chapter 84 of title 5, United*
7 *States Code.*

8 *(b) Nothing in this section may be construed to exempt*
9 *any amount appropriated by this section from any other-*
10 *wise applicable limitation on the use of funds contained in*
11 *this Act.*

12 *SEC. 619. None of the funds made available in this*
13 *Act may be used by the Federal Trade Commission to com-*
14 *plete the draft report entitled “Interagency Working Group*
15 *on Food Marketed to Children: Preliminary Proposed Nu-*
16 *trition Principles to Guide Industry Self-Regulatory Ef-*
17 *forts” unless the Interagency Working Group on Food Mar-*
18 *keted to Children complies with Executive Order No. 13563.*

19 *SEC. 620. (a) The head of each executive branch agency*
20 *funded by this Act shall ensure that the Chief Information*
21 *Officer of the agency has the authority to participate in*
22 *decisions regarding the budget planning process related to*
23 *information technology.*

24 *(b) Amounts appropriated for any executive branch*
25 *agency funded by this Act that are available for informa-*

1 *tion technology shall be allocated within the agency, con-*
2 *sistent with the provisions of appropriations Acts and budg-*
3 *et guidelines and recommendations from the Director of the*
4 *Office of Management and Budget, in such manner as speci-*
5 *fied by, or approved by, the Chief Information Officer of*
6 *the agency in consultation with the Chief Financial Officer*
7 *of the agency and budget officials.*

8 *SEC. 621. None of the funds made available in this*
9 *Act may be used in contravention of chapter 29, 31, or 33*
10 *of title 44, United States Code.*

11 *SEC. 622. None of the funds made available in this*
12 *Act may be used by a governmental entity to require the*
13 *disclosure by a provider of electronic communication service*
14 *to the public or remote computing service of the contents*
15 *of a wire or electronic communication that is in electronic*
16 *storage with the provider (as such terms are defined in sec-*
17 *tions 2510 and 2711 of title 18, United States Code) in*
18 *a manner that violates the Fourth Amendment to the Con-*
19 *stitution of the United States.*

20 *SEC. 623. None of the funds appropriated by this Act*
21 *may be used by the Federal Communications Commission*
22 *to modify, amend, or change the rules or regulations of the*
23 *Commission for universal service high-cost support for com-*
24 *petitive eligible telecommunications carriers in a way that*
25 *is inconsistent with paragraph (e)(5) or (e)(6) of section*

1 54.307 of title 47, Code of Federal Regulations, as in effect
2 on July 15, 2015: Provided, That this section shall not pro-
3 hibit the Commission from considering, developing, or
4 adopting other support mechanisms as an alternative to
5 Mobility Fund Phase II.

6 SEC. 624. No funds provided in this Act shall be used
7 to deny an Inspector General funded under this Act timely
8 access to any records, documents, or other materials avail-
9 able to the department or agency over which that Inspector
10 General has responsibilities under the Inspector General Act
11 of 1978, or to prevent or impede that Inspector General's
12 access to such records, documents, or other materials, under
13 any provision of law, except a provision of law that ex-
14 pressly refers to the Inspector General and expressly limits
15 the Inspector General's right of access. A department or
16 agency covered by this section shall provide its Inspector
17 General with access to all such records, documents, and
18 other materials in a timely manner. Each Inspector Gen-
19 eral shall ensure compliance with statutory limitations on
20 disclosure relevant to the information provided by the estab-
21 lishment over which that Inspector General has responsibil-
22 ities under the Inspector General Act of 1978. Each Inspec-
23 tor General covered by this section shall report to the Com-
24 mittees on Appropriations of the House of Representatives

1 *and the Senate within 5 calendar days any failures to com-*
2 *ply with this requirement.*

3 *SEC. 625. (a) None of the funds made available in this*
4 *Act may be used to maintain or establish a computer net-*
5 *work unless such network blocks the viewing, downloading,*
6 *and exchanging of pornography.*

7 *(b) Nothing in subsection (a) shall limit the use of*
8 *funds necessary for any Federal, State, tribal, or local law*
9 *enforcement agency or any other entity carrying out crimi-*
10 *nal investigations, prosecution, adjudication activities, or*
11 *other law enforcement- or victim assistance-related activity.*

12 *SEC. 626. None of the funds appropriated or other-wise*
13 *made available by this Act may be used to pay award or*
14 *incentive fees for contractors whose performance has been*
15 *judged to be below satisfactory, behind schedule, over budget,*
16 *or has failed to meet the basic requirements of a contract,*
17 *unless the Agency determines that any such deviations are*
18 *due to unforeseeable events, government-driven scope*
19 *changes, or are not significant within the overall scope of*
20 *the project and/or program and unless such awards or in-*
21 *centive fees are consistent with 16.401(e)(2) of the Federal*
22 *Acquisition Regulation.*

23 *SEC. 627. (a) None of the funds made available under*
24 *this Act may be used to pay for travel and conference activi-*
25 *ties that result in a total cost to an Executive branch de-*

1 *partment, agency, board or commission funded by this Act*
2 *of more than \$500,000 at any single conference unless the*
3 *agency or entity determines that such attendance is in the*
4 *national interest and advance notice is transmitted to the*
5 *Committees on Appropriations of the House of Representa-*
6 *tives and the Senate that includes the basis of that deter-*
7 *mination.*

8 *(b) None of the funds made available under this Act*
9 *may be used to pay for the travel to or attendance of more*
10 *than 50 employees, who are stationed in the United States,*
11 *at any single conference occurring outside the United States*
12 *unless the agency or entity determines that such attendance*
13 *is in the national interest and advance notice is trans-*
14 *mitted to the Committees on Appropriations of the House*
15 *of Representatives and the Senate that includes the basis*
16 *of that determination.*

17 *SEC. 628. None of the funds made available by this*
18 *Act may be used for first-class or business-class travel by*
19 *the employees of executive branch agencies funded by this*
20 *Act in contravention of sections 301–10.122 through 301–*
21 *10.125 of title 41, Code of Federal Regulations.*

22 *SEC. 629. In addition to any amounts appropriated*
23 *or otherwise made available for expenses related to enhance-*
24 *ments to www.oversight.gov, \$850,000, to remain available*
25 *until expended, shall be provided for an additional amount*

1 *for such purpose to the Inspectors General Council Fund*
2 *established pursuant to section 11(c)(3)(B) of the Inspector*
3 *General Act of 1978 (5 U.S.C. App.): Provided, That these*
4 *amounts shall be in addition to any amounts or any au-*
5 *thority available to the Council of the Inspectors General*
6 *on Integrity and Efficiency under section 11 of the Inspec-*
7 *tor General Act of 1978 (5 U.S.C. App.).*

8 *SEC. 630. None of the funds made available by this*
9 *Act may be obligated on contracts in excess of \$5,000 for*
10 *public relations, as that term is defined in Office and Man-*
11 *agement and Budget Circular A-87 (revised May 10, 2004),*
12 *unless advance notice of such an obligation is transmitted*
13 *to the Committees on Appropriations of the House of Rep-*
14 *resentatives and the Senate.*

15 *SEC. 631. None of the funds made available by this*
16 *Act shall be used by the Securities and Exchange Commis-*
17 *sion to finalize, issue, or implement any rule, regulation,*
18 *or order regarding the disclosure of political contributions,*
19 *contributions to tax exempt organizations, or dues paid to*
20 *trade associations.*

21 *SEC. 632. Federal agencies funded under this Act shall*
22 *clearly state within the text, audio, or video used for adver-*
23 *tising or educational purposes, including emails or Internet*
24 *postings, that the communication is printed, published, or*
25 *produced and disseminated at U.S. taxpayer expense. The*

1 *funds used by a Federal agency to carry out this require-*
2 *ment shall be derived from amounts made available to the*
3 *agency for advertising or other communications regarding*
4 *the programs and activities of the agency.*

5 *SEC. 633. When issuing statements, press releases, re-*
6 *quests for proposals, bid solicitations and other documents*
7 *describing projects or programs funded in whole or in part*
8 *with Federal money, all grantees receiving Federal funds*
9 *included in this act, shall clearly state—*

10 *(1) the percentage of the total costs of the pro-*
11 *gram or project which will be financed with Federal*
12 *money;*

13 *(2) the dollar amount of Federal funds for the*
14 *project or program; and*

15 *(3) percentage and dollar amount of the total*
16 *costs of the project or program that will be financed*
17 *by non-governmental sources.*

18 *SEC. 634. Of the unobligated balances available in the*
19 *Department of the Treasury, Treasury Forfeiture Fund, es-*
20 *tablished by section 9703 of title 31, United States Code,*
21 *\$75,000,000 shall be permanently rescinded not later than*
22 *September 30, 2021.*

23 *SEC. 635. Not later than 45 days after the last day*
24 *of each quarter, each agency funded in this Act shall submit*
25 *to the Committees on Appropriations of the Senate and the*

1 *House of Representatives a quarterly budget report that in-*
2 *cludes total obligations of the Agency for that quarter for*
3 *each appropriation, by the source year of the appropriation.*

4 *TITLE VII*

5 *GENERAL PROVISIONS—GOVERNMENT-WIDE*

6 *DEPARTMENTS, AGENCIES, AND CORPORATIONS*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 701. No department, agency, or instrumentality*
9 *of the United States receiving appropriated funds under*
10 *this or any other Act for fiscal year 2021 shall obligate or*
11 *expend any such funds, unless such department, agency, or*
12 *instrumentality has in place, and will continue to admin-*
13 *ister in good faith, a written policy designed to ensure that*
14 *all of its workplaces are free from the illegal use, possession,*
15 *or distribution of controlled substances (as defined in the*
16 *Controlled Substances Act (21 U.S.C. 802)) by the officers*
17 *and employees of such department, agency, or instrumen-*
18 *tality.*

19 *SEC. 702. Unless otherwise specifically provided, the*
20 *maximum amount allowable during the current fiscal year*
21 *in accordance with subsection 1343(c) of title 31, United*
22 *States Code, for the purchase of any passenger motor vehicle*
23 *(exclusive of buses, ambulances, law enforcement vehicles,*
24 *protective vehicles, and undercover surveillance vehicles), is*
25 *hereby fixed at \$19,947 except station wagons for which the*

1 *maximum shall be \$19,997: Provided, That these limits*
2 *may be exceeded by not to exceed \$7,250 for police-type vehi-*
3 *cles: Provided further, That the limits set forth in this sec-*
4 *tion may not be exceeded by more than 5 percent for electric*
5 *or hybrid vehicles purchased for demonstration under the*
6 *provisions of the Electric and Hybrid Vehicle Research, De-*
7 *velopment, and Demonstration Act of 1976: Provided fur-*
8 *ther, That the limits set forth in this section may be exceed-*
9 *ed by the incremental cost of clean alternative fuels vehicles*
10 *acquired pursuant to Public Law 101–549 over the cost of*
11 *comparable conventionally fueled vehicles: Provided further,*
12 *That the limits set forth in this section shall not apply to*
13 *any vehicle that is a commercial item and which operates*
14 *on alternative fuel, including but not limited to electric,*
15 *plug-in hybrid electric, and hydrogen fuel cell vehicles.*

16 *SEC. 703. Appropriations of the executive departments*
17 *and independent establishments for the current fiscal year*
18 *available for expenses of travel, or for the expenses of the*
19 *activity concerned, are hereby made available for quarters*
20 *allowances and cost-of-living allowances, in accordance*
21 *with 5 U.S.C. 5922–5924.*

22 *SEC. 704. Unless otherwise specified in law during the*
23 *current fiscal year, no part of any appropriation contained*
24 *in this or any other Act shall be used to pay the compensa-*
25 *tion of any officer or employee of the Government of the*

1 *United States (including any agency the majority of the*
2 *stock of which is owned by the Government of the United*
3 *States) whose post of duty is in the continental United*
4 *States unless such person: (1) is a citizen of the United*
5 *States; (2) is a person who is lawfully admitted for perma-*
6 *nent residence and is seeking citizenship as outlined in* 8
7 *U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as*
8 *a refugee under 8 U.S.C. 1157 or is granted asylum under*
9 *8 U.S.C. 1158 and has filed a declaration of intention to*
10 *become a lawful permanent resident and then a citizen*
11 *when eligible; or (4) is a person who owes allegiance to the*
12 *United States: Provided, That for purposes of this section,*
13 *affidavits signed by any such person shall be considered*
14 *prima facie evidence that the requirements of this section*
15 *with respect to his or her status are being complied with:*
16 *Provided further, That for purposes of subsections (2) and*
17 *(3) such affidavits shall be submitted prior to employment*
18 *and updated thereafter as necessary: Provided further, That*
19 *any person making a false affidavit shall be guilty of a*
20 *felony, and upon conviction, shall be fined no more than*
21 *\$4,000 or imprisoned for not more than 1 year, or both:*
22 *Provided further, That the above penal clause shall be in*
23 *addition to, and not in substitution for, any other provi-*
24 *sions of existing law: Provided further, That any payment*
25 *made to any officer or employee contrary to the provisions*

1 *of this section shall be recoverable in action by the Federal*
2 *Government: Provided further, That this section shall not*
3 *apply to any person who is an officer or employee of the*
4 *Government of the United States on the date of enactment*
5 *of this Act, or to international broadcasters employed by*
6 *the Broadcasting Board of Governors, or to temporary em-*
7 *ployment of translators, or to temporary employment in the*
8 *field service (not to exceed 60 days) as a result of emer-*
9 *gencies: Provided further, That this section does not apply*
10 *to the employment as Wildland firefighters for not more*
11 *than 120 days of nonresident aliens employed by the De-*
12 *partment of the Interior or the USDA Forest Service pursu-*
13 *ant to an agreement with another country.*

14 *SEC. 705. Appropriations available to any department*
15 *or agency during the current fiscal year for necessary ex-*
16 *penses, including maintenance or operating expenses, shall*
17 *also be available for payment to the General Services Ad-*
18 *ministration for charges for space and services and those*
19 *expenses of renovation and alteration of buildings and fa-*
20 *cilities which constitute public improvements performed in*
21 *accordance with the Public Buildings Act of 1959 (73 Stat.*
22 *479), the Public Buildings Amendments of 1972 (86 Stat.*
23 *216), or other applicable law.*

24 *SEC. 706. In addition to funds provided in this or any*
25 *other Act, all Federal agencies are authorized to receive and*

1 *use funds resulting from the sale of materials, including*
2 *Federal records disposed of pursuant to a records schedule*
3 *recovered through recycling or waste prevention programs.*
4 *Such funds shall be available until expended for the fol-*
5 *lowing purposes:*

6 (1) *Acquisition, waste reduction and prevention,*
7 *and recycling programs as described in Executive*
8 *Order No. 13834 (May 17, 2018), including any such*
9 *programs adopted prior to the effective date of the Ex-*
10 *ecutive order.*

11 (2) *Other Federal agency environmental manage-*
12 *ment programs, including, but not limited to, the de-*
13 *velopment and implementation of hazardous waste*
14 *management and pollution prevention programs.*

15 (3) *Other employee programs as authorized by*
16 *law or as deemed appropriate by the head of the Fed-*
17 *eral agency.*

18 *SEC. 707. Funds made available by this or any other*
19 *Act for administrative expenses in the current fiscal year*
20 *of the corporations and agencies subject to chapter 91 of*
21 *title 31, United States Code, shall be available, in addition*
22 *to objects for which such funds are otherwise available, for*
23 *rent in the District of Columbia; services in accordance*
24 *with 5 U.S.C. 3109; and the objects specified under this*
25 *head, all the provisions of which shall be applicable to the*

1 *expenditure of such funds unless otherwise specified in the*
2 *Act by which they are made available: Provided, That in*
3 *the event any functions budgeted as administrative expenses*
4 *are subsequently transferred to or paid from other funds,*
5 *the limitations on administrative expenses shall be cor-*
6 *respondingly reduced.*

7 *SEC. 708. No part of any appropriation contained in*
8 *this or any other Act shall be available for interagency fi-*
9 *nancing of boards (except Federal Executive Boards), com-*
10 *missions, councils, committees, or similar groups (whether*
11 *or not they are interagency entities) which do not have a*
12 *prior and specific statutory approval to receive financial*
13 *support from more than one agency or instrumentality.*

14 *SEC. 709. None of the funds made available pursuant*
15 *to the provisions of this or any other Act shall be used to*
16 *implement, administer, or enforce any regulation which has*
17 *been disapproved pursuant to a joint resolution duly adopt-*
18 *ed in accordance with the applicable law of the United*
19 *States.*

20 *SEC. 710. During the period in which the head of any*
21 *department or agency, or any other officer or civilian em-*
22 *ployee of the Federal Government appointed by the Presi-*
23 *dent of the United States, holds office, no funds may be obli-*
24 *gated or expended in excess of \$5,000 to furnish or redeco-*
25 *rate the office of such department head, agency head, officer,*

1 *or employee, or to purchase furniture or make improve-*
2 *ments for any such office, unless advance notice of such fur-*
3 *nishing or redecoration is transmitted to the Committees*
4 *on Appropriations of the House of Representatives and the*
5 *Senate. For the purposes of this section, the term “office”*
6 *shall include the entire suite of offices assigned to the indi-*
7 *vidual, as well as any other space used primarily by the*
8 *individual or the use of which is directly controlled by the*
9 *individual.*

10 *SEC. 711. Notwithstanding 31 U.S.C. 1346, or section*
11 *708 of this Act, funds made available for the current fiscal*
12 *year by this or any other Act shall be available for the inter-*
13 *agency funding of national security and emergency pre-*
14 *paredness telecommunications initiatives which benefit*
15 *multiple Federal departments, agencies, or entities, as pro-*
16 *vided by Executive Order No. 13618 (July 6, 2012).*

17 *SEC. 712. (a) None of the funds made available by this*
18 *or any other Act may be obligated or expended by any de-*
19 *partment, agency, or other instrumentality of the Federal*
20 *Government to pay the salaries or expenses of any indi-*
21 *vidual appointed to a position of a confidential or policy-*
22 *determining character that is excepted from the competitive*
23 *service under section 3302 of title 5, United States Code,*
24 *(pursuant to schedule C of subpart C of part 213 of title*
25 *5 of the Code of Federal Regulations) unless the head of*

1 *the applicable department, agency, or other instrumentality*
2 *employing such schedule C individual certifies to the Direc-*
3 *tor of the Office of Personnel Management that the schedule*
4 *C position occupied by the individual was not created solely*
5 *or primarily in order to detail the individual to the White*
6 *House.*

7 *(b) The provisions of this section shall not apply to*
8 *Federal employees or members of the armed forces detailed*
9 *to or from an element of the intelligence community (as*
10 *that term is defined under section 3(4) of the National Secu-*
11 *rity Act of 1947 (50 U.S.C. 3003(4))).*

12 *SEC. 713. No part of any appropriation contained in*
13 *this or any other Act shall be available for the payment*
14 *of the salary of any officer or employee of the Federal Gov-*
15 *ernment, who—*

16 *(1) prohibits or prevents, or attempts or threat-*
17 *ens to prohibit or prevent, any other officer or em-*
18 *ployee of the Federal Government from having any*
19 *direct oral or written communication or contact with*
20 *any Member, committee, or subcommittee of the Con-*
21 *gress in connection with any matter pertaining to the*
22 *employment of such other officer or employee or per-*
23 *taining to the department or agency of such other of-*
24 *ficer or employee in any way, irrespective of whether*
25 *such communication or contact is at the initiative of*

1 *such other officer or employee or in response to the re-*
2 *quest or inquiry of such Member, committee, or sub-*
3 *committee; or*

4 *(2) removes, suspends from duty without pay,*
5 *demotes, reduces in rank, seniority, status, pay, or*
6 *performance or efficiency rating, denies promotion to,*
7 *relocates, reassigns, transfers, disciplines, or discrimi-*
8 *nates in regard to any employment right, entitlement,*
9 *or benefit, or any term or condition of employment of,*
10 *any other officer or employee of the Federal Govern-*
11 *ment, or attempts or threatens to commit any of the*
12 *foregoing actions with respect to such other officer or*
13 *employee, by reason of any communication or contact*
14 *of such other officer or employee with any Member,*
15 *committee, or subcommittee of the Congress as de-*
16 *scribed in paragraph (1).*

17 *SEC. 714. (a) None of the funds made available in this*
18 *or any other Act may be obligated or expended for any em-*
19 *ployee training that—*

20 *(1) does not meet identified needs for knowledge,*
21 *skills, and abilities bearing directly upon the perform-*
22 *ance of official duties;*

23 *(2) contains elements likely to induce high levels*
24 *of emotional response or psychological stress in some*
25 *participants;*

1 (3) does not require prior employee notification
2 of the content and methods to be used in the training
3 and written end of course evaluation;

4 (4) contains any methods or content associated
5 with religious or quasi-religious belief systems or
6 “new age” belief systems as defined in Equal Employ-
7 ment Opportunity Commission Notice N-915.022,
8 dated September 2, 1988; or

9 (5) is offensive to, or designed to change, partici-
10 pants’ personal values or lifestyle outside the work-
11 place.

12 (b) Nothing in this section shall prohibit, restrict, or
13 otherwise preclude an agency from conducting training
14 bearing directly upon the performance of official duties.

15 SEC. 715. No part of any funds appropriated in this
16 or any other Act shall be used by an agency of the executive
17 branch, other than for normal and recognized executive-leg-
18 islative relationships, for publicity or propaganda pur-
19 poses, and for the preparation, distribution or use of any
20 kit, pamphlet, booklet, publication, radio, television, or film
21 presentation designed to support or defeat legislation pend-
22 ing before the Congress, except in presentation to the Con-
23 gress itself.

24 SEC. 716. None of the funds appropriated by this or
25 any other Act may be used by an agency to provide a Fed-

1 eral employee's home address to any labor organization ex-
2 cept when the employee has authorized such disclosure or
3 when such disclosure has been ordered by a court of com-
4 petent jurisdiction.

5 SEC. 717. None of the funds made available in this
6 or any other Act may be used to provide any non-public
7 information such as mailing, telephone, or electronic mail-
8 ing lists to any person or any organization outside of the
9 Federal Government without the approval of the Commit-
10 tees on Appropriations of the House of Representatives and
11 the Senate.

12 SEC. 718. No part of any appropriation contained in
13 this or any other Act shall be used directly or indirectly,
14 including by private contractor, for publicity or propa-
15 ganda purposes within the United States not heretofore au-
16 thorized by Congress.

17 SEC. 719. (a) In this section, the term "agency"—

18 (1) means an Executive agency, as defined under
19 5 U.S.C. 105; and

20 (2) includes a military department, as defined
21 under section 102 of such title, the United States
22 Postal Service, and the Postal Regulatory Commis-
23 sion.

24 (b) Unless authorized in accordance with law or regu-
25 lations to use such time for other purposes, an employee

1 of an agency shall use official time in an honest effort to
2 perform official duties. An employee not under a leave sys-
3 tem, including a Presidential appointee exempted under 5
4 U.S.C. 6301(2), has an obligation to expend an honest effort
5 and a reasonable proportion of such employee's time in the
6 performance of official duties.

7 SEC. 720. Notwithstanding 31 U.S.C. 1346 and section
8 708 of this Act, funds made available for the current fiscal
9 year by this or any other Act to any department or agency,
10 which is a member of the Federal Accounting Standards
11 Advisory Board (FASAB), shall be available to finance an
12 appropriate share of FASAB administrative costs.

13 SEC. 721. Notwithstanding 31 U.S.C. 1346 and section
14 708 of this Act, the head of each Executive department and
15 agency is hereby authorized to transfer to or reimburse
16 "General Services Administration, Government-wide Pol-
17 icy" with the approval of the Director of the Office of Man-
18 agement and Budget, funds made available for the current
19 fiscal year by this or any other Act, including rebates from
20 charge card and other contracts: Provided, That these funds
21 shall be administered by the Administrator of General Serv-
22 ices to support Government-wide and other multi-agency fi-
23 nancial, information technology, procurement, and other
24 management innovations, initiatives, and activities, in-
25 cluding improving coordination and reducing duplication,

1 *as approved by the Director of the Office of Management*
2 *and Budget, in consultation with the appropriate inter-*
3 *agency and multi-agency groups designated by the Director*
4 *(including the President’s Management Council for overall*
5 *management improvement initiatives, the Chief Financial*
6 *Officers Council for financial management initiatives, the*
7 *Chief Information Officers Council for information tech-*
8 *nology initiatives, the Chief Human Capital Officers Coun-*
9 *cil for human capital initiatives, the Chief Acquisition Offi-*
10 *cers Council for procurement initiatives, and the Perform-*
11 *ance Improvement Council for performance improvement*
12 *initiatives): Provided further, That the total funds trans-*
13 *ferred or reimbursed shall not exceed \$15,000,000 to im-*
14 *prove coordination, reduce duplication, and for other ac-*
15 *tivities related to Federal Government Priority Goals estab-*
16 *lished by 31 U.S.C. 1120, and not to exceed \$17,000,000*
17 *for Government-Wide innovations, initiatives, and activi-*
18 *ties: Provided further, That the funds transferred to or for*
19 *reimbursement of “General Services Administration, Gov-*
20 *ernment-wide Policy” during fiscal year 2021 shall remain*
21 *available for obligation through September 30, 2022: Pro-*
22 *vided further, That such transfers or reimbursements may*
23 *only be made after 15 days following notification of the*
24 *Committees on Appropriations of the House of Representa-*

1 *tives and the Senate by the Director of the Office of Manage-*
2 *ment and Budget.*

3 *SEC. 722. Notwithstanding any other provision of law,*
4 *a woman may breastfeed her child at any location in a*
5 *Federal building or on Federal property, if the woman and*
6 *her child are otherwise authorized to be present at the loca-*
7 *tion.*

8 *SEC. 723. Notwithstanding 31 U.S.C. 1346, or section*
9 *708 of this Act, funds made available for the current fiscal*
10 *year by this or any other Act shall be available for the inter-*
11 *agency funding of specific projects, workshops, studies, and*
12 *similar efforts to carry out the purposes of the National*
13 *Science and Technology Council (authorized by Executive*
14 *Order No. 12881), which benefit multiple Federal depart-*
15 *ments, agencies, or entities: Provided, That the Office of*
16 *Management and Budget shall provide a report describing*
17 *the budget of and resources connected with the National*
18 *Science and Technology Council to the Committees on Ap-*
19 *propriations, the House Committee on Science, Space, and*
20 *Technology, and the Senate Committee on Commerce,*
21 *Science, and Transportation 90 days after enactment of this*
22 *Act.*

23 *SEC. 724. Any request for proposals, solicitation, grant*
24 *application, form, notification, press release, or other publi-*
25 *cations involving the distribution of Federal funds shall*

1 *comply with any relevant requirements in part 200 of title*
2 *2, Code of Federal Regulations: Provided, That this section*
3 *shall apply to direct payments, formula funds, and grants*
4 *received by a State receiving Federal funds.*

5 *SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY*
6 *MONITORING OF INDIVIDUALS' INTERNET USE.—None of*
7 *the funds made available in this or any other Act may be*
8 *used by any Federal agency—*

9 *(1) to collect, review, or create any aggregation*
10 *of data, derived from any means, that includes any*
11 *personally identifiable information relating to an in-*
12 *dividual's access to or use of any Federal Government*
13 *Internet site of the agency; or*

14 *(2) to enter into any agreement with a third*
15 *party (including another government agency) to col-*
16 *lect, review, or obtain any aggregation of data, de-*
17 *derived from any means, that includes any personally*
18 *identifiable information relating to an individual's*
19 *access to or use of any nongovernmental Internet site.*

20 *(b) EXCEPTIONS.—The limitations established in sub-*
21 *section (a) shall not apply to—*

22 *(1) any record of aggregate data that does not*
23 *identify particular persons;*

24 *(2) any voluntary submission of personally iden-*
25 *tifiable information;*

1 (3) *any action taken for law enforcement, regu-*
2 *latory, or supervisory purposes, in accordance with*
3 *applicable law; or*

4 (4) *any action described in subsection (a)(1) that*
5 *is a system security action taken by the operator of*
6 *an Internet site and is necessarily incident to pro-*
7 *viding the Internet site services or to protecting the*
8 *rights or property of the provider of the Internet site.*

9 (c) *DEFINITIONS.—For the purposes of this section:*

10 (1) *The term “regulatory” means agency actions*
11 *to implement, interpret or enforce authorities pro-*
12 *vided in law.*

13 (2) *The term “supervisory” means examinations*
14 *of the agency’s supervised institutions, including as-*
15 *sessing safety and soundness, overall financial condi-*
16 *tion, management practices and policies and compli-*
17 *ance with applicable standards as provided in law.*

18 SEC. 726. (a) *None of the funds appropriated by this*
19 *Act may be used to enter into or renew a contract which*
20 *includes a provision providing prescription drug coverage,*
21 *except where the contract also includes a provision for con-*
22 *traceptive coverage.*

23 (b) *Nothing in this section shall apply to a contract*
24 *with—*

25 (1) *any of the following religious plans:*

1 (A) *Personal Care's HMO; and*

2 (B) *OSF HealthPlans, Inc.; and*

3 (2) *any existing or future plan, if the carrier for*
4 *the plan objects to such coverage on the basis of reli-*
5 *gious beliefs.*

6 (c) *In implementing this section, any plan that enters*
7 *into or renews a contract under this section may not subject*
8 *any individual to discrimination on the basis that the indi-*
9 *vidual refuses to prescribe or otherwise provide for contra-*
10 *ceptives because such activities would be contrary to the in-*
11 *dividual's religious beliefs or moral convictions.*

12 (d) *Nothing in this section shall be construed to require*
13 *coverage of abortion or abortion-related services.*

14 SEC. 727. *The United States is committed to ensuring*
15 *the health of its Olympic, Pan American, and Paralympic*
16 *athletes, and supports the strict adherence to anti-doping*
17 *in sport through testing, adjudication, education, and re-*
18 *search as performed by nationally recognized oversight au-*
19 *thorities.*

20 SEC. 728. *Notwithstanding any other provision of law,*
21 *funds appropriated for official travel to Federal depart-*
22 *ments and agencies may be used by such departments and*
23 *agencies, if consistent with Office of Management and*
24 *Budget Circular A-126 regarding official travel for Govern-*

1 *ment personnel, to participate in the fractional aircraft*
2 *ownership pilot program.*

3 *SEC. 729. Notwithstanding any other provision of law,*
4 *none of the funds appropriated or made available under*
5 *this or any other appropriations Act may be used to imple-*
6 *ment or enforce restrictions or limitations on the Coast*
7 *Guard Congressional Fellowship Program, or to implement*
8 *the proposed regulations of the Office of Personnel Manage-*
9 *ment to add sections 300.311 through 300.316 to part 300*
10 *of title 5 of the Code of Federal Regulations, published in*
11 *the Federal Register, volume 68, number 174, on September*
12 *9, 2003 (relating to the detail of executive branch employees*
13 *to the legislative branch).*

14 *SEC. 730. Notwithstanding any other provision of law,*
15 *no executive branch agency shall purchase, construct, or*
16 *lease any additional facilities, except within or contiguous*
17 *to existing locations, to be used for the purpose of con-*
18 *ducting Federal law enforcement training without the ad-*
19 *vance approval of the Committees on Appropriations of the*
20 *House of Representatives and the Senate, except that the*
21 *Federal Law Enforcement Training Center is authorized to*
22 *obtain the temporary use of additional facilities by lease,*
23 *contract, or other agreement for training which cannot be*
24 *accommodated in existing Center facilities.*

1 *SEC. 731. Unless otherwise authorized by existing law,*
2 *none of the funds provided in this or any other Act may*
3 *be used by an executive branch agency to produce any pre-*
4 *packaged news story intended for broadcast or distribution*
5 *in the United States, unless the story includes a clear notifi-*
6 *cation within the text or audio of the prepackaged news*
7 *story that the prepackaged news story was prepared or*
8 *funded by that executive branch agency.*

9 *SEC. 732. None of the funds made available in this*
10 *Act may be used in contravention of section 552a of title*
11 *5, United States Code (popularly known as the Privacy*
12 *Act), and regulations implementing that section.*

13 *SEC. 733. (a) IN GENERAL.—None of the funds appro-*
14 *priated or otherwise made available by this or any other*
15 *Act may be used for any Federal Government contract with*
16 *any foreign incorporated entity which is treated as an in-*
17 *verted domestic corporation under section 835(b) of the*
18 *Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any*
19 *subsidiary of such an entity.*

20 *(b) WAIVERS.—*

21 *(1) IN GENERAL.—Any Secretary shall waive*
22 *subsection (a) with respect to any Federal Govern-*
23 *ment contract under the authority of such Secretary*
24 *if the Secretary determines that the waiver is required*
25 *in the interest of national security.*

1 (2) *REPORT TO CONGRESS.*—Any Secretary
2 issuing a waiver under paragraph (1) shall report
3 such issuance to Congress.

4 (c) *EXCEPTION.*—This section shall not apply to any
5 Federal Government contract entered into before the date
6 of the enactment of this Act, or to any task order issued
7 pursuant to such contract.

8 *SEC. 734. During fiscal year 2021, for each employee*
9 *who—*

10 (1) *retires under section 8336(d)(2) or*
11 *8414(b)(1)(B) of title 5, United States Code; or*

12 (2) *retires under any other provision of sub-*
13 *chapter III of chapter 83 or chapter 84 of such title*
14 *5 and receives a payment as an incentive to separate,*
15 *the separating agency shall remit to the Civil Service*
16 *Retirement and Disability Fund an amount equal to*
17 *the Office of Personnel Management’s average unit*
18 *cost of processing a retirement claim for the preceding*
19 *fiscal year. Such amounts shall be available until ex-*
20 *pended to the Office of Personnel Management and*
21 *shall be deemed to be an administrative expense*
22 *under section 8348(a)(1)(B) of title 5, United States*
23 *Code.*

24 *SEC. 735. (a) None of the funds made available in this*
25 *or any other Act may be used to recommend or require any*

1 *entity submitting an offer for a Federal contract to disclose*
2 *any of the following information as a condition of submit-*
3 *ting the offer:*

4 (1) *Any payment consisting of a contribution,*
5 *expenditure, independent expenditure, or disburse-*
6 *ment for an electioneering communication that is*
7 *made by the entity, its officers or directors, or any of*
8 *its affiliates or subsidiaries to a candidate for election*
9 *for Federal office or to a political committee, or that*
10 *is otherwise made with respect to any election for*
11 *Federal office.*

12 (2) *Any disbursement of funds (other than a*
13 *payment described in paragraph (1)) made by the en-*
14 *tity, its officers or directors, or any of its affiliates or*
15 *subsidiaries to any person with the intent or the rea-*
16 *sonable expectation that the person will use the funds*
17 *to make a payment described in paragraph (1).*

18 (b) *In this section, each of the terms “contribution”,*
19 *“expenditure”, “independent expenditure”, “electioneering*
20 *communication”, “candidate”, “election”, and “Federal of-*
21 *fice” has the meaning given such term in the Federal Elec-*
22 *tion Campaign Act of 1971 (52 U.S.C. 30101 et seq.).*

23 SEC. 736. *None of the funds made available in this*
24 *or any other Act may be used to pay for the painting of*
25 *a portrait of an officer or employee of the Federal Govern-*

1 *ment, including the President, the Vice President, a member*
2 *of Congress (including a Delegate or a Resident Commis-*
3 *sioner to Congress), the head of an executive branch agency*
4 *(as defined in section 133 of title 41, United States Code),*
5 *or the head of an office of the legislative branch.*

6 *SEC. 737. (a)(1) Notwithstanding any other provision*
7 *of law, and except as otherwise provided in this section,*
8 *no part of any of the funds appropriated for fiscal year*
9 *2021, by this or any other Act, may be used to pay any*
10 *prevailing rate employee described in section 5342(a)(2)(A)*
11 *of title 5, United States Code—*

12 *(A) during the period from the date of expiration*
13 *of the limitation imposed by the comparable section*
14 *for the previous fiscal years until the normal effective*
15 *date of the applicable wage survey adjustment that is*
16 *to take effect in fiscal year 2021, in an amount that*
17 *exceeds the rate payable for the applicable grade and*
18 *step of the applicable wage schedule in accordance*
19 *with such section; and*

20 *(B) during the period consisting of the remain-*
21 *der of fiscal year 2021, in an amount that exceeds,*
22 *as a result of a wage survey adjustment, the rate pay-*
23 *able under subparagraph (A) by more than the sum*
24 *of—*

1 (i) the percentage adjustment taking effect
2 in fiscal year 2021 under section 5303 of title 5,
3 United States Code, in the rates of pay under the
4 General Schedule; and

5 (ii) the difference between the overall aver-
6 age percentage of the locality-based com-
7 parability payments taking effect in fiscal year
8 2021 under section 5304 of such title (whether by
9 adjustment or otherwise), and the overall average
10 percentage of such payments which was effective
11 in the previous fiscal year under such section.

12 (2) Notwithstanding any other provision of law, no
13 prevailing rate employee described in subparagraph (B) or
14 (C) of section 5342(a)(2) of title 5, United States Code, and
15 no employee covered by section 5348 of such title, may be
16 paid during the periods for which paragraph (1) is in effect
17 at a rate that exceeds the rates that would be payable under
18 paragraph (1) were paragraph (1) applicable to such em-
19 ployee.

20 (3) For the purposes of this subsection, the rates pay-
21 able to an employee who is covered by this subsection and
22 who is paid from a schedule not in existence on September
23 30, 2020, shall be determined under regulations prescribed
24 by the Office of Personnel Management.

1 (4) *Notwithstanding any other provision of law, rates*
2 *of premium pay for employees subject to this subsection*
3 *may not be changed from the rates in effect on September*
4 *30, 2020, except to the extent determined by the Office of*
5 *Personnel Management to be consistent with the purpose of*
6 *this subsection.*

7 (5) *This subsection shall apply with respect to pay for*
8 *service performed after September 30, 2020.*

9 (6) *For the purpose of administering any provision*
10 *of law (including any rule or regulation that provides pre-*
11 *mium pay, retirement, life insurance, or any other em-*
12 *ployee benefit) that requires any deduction or contribution,*
13 *or that imposes any requirement or limitation on the basis*
14 *of a rate of salary or basic pay, the rate of salary or basic*
15 *pay payable after the application of this subsection shall*
16 *be treated as the rate of salary or basic pay.*

17 (7) *Nothing in this subsection shall be considered to*
18 *permit or require the payment to any employee covered by*
19 *this subsection at a rate in excess of the rate that would*
20 *be payable were this subsection not in effect.*

21 (8) *The Office of Personnel Management may provide*
22 *for exceptions to the limitations imposed by this subsection*
23 *if the Office determines that such exceptions are necessary*
24 *to ensure the recruitment or retention of qualified employ-*
25 *ees.*

1 **(b)** *Notwithstanding subsection (a), the adjustment in*
2 *rates of basic pay for the statutory pay systems that take*
3 *place in fiscal year 2021 under sections 5344 and 5348 of*
4 *title 5, United States Code, shall be—*

5 **(1)** *not less than the percentage received by em-*
6 *ployees in the same location whose rates of basic pay*
7 *are adjusted pursuant to the statutory pay systems*
8 *under sections 5303 and 5304 of title 5, United States*
9 *Code: Provided, That prevailing rate employees at lo-*
10 *cations where there are no employees whose pay is in-*
11 *creased pursuant to sections 5303 and 5304 of title 5,*
12 *United States Code, and prevailing rate employees de-*
13 *scribed in section 5343(a)(5) of title 5, United States*
14 *Code, shall be considered to be located in the pay lo-*
15 *cality designated as “Rest of United States” pursuant*
16 *to section 5304 of title 5, United States Code, for pur-*
17 *poses of this subsection; and*

18 **(2)** *effective as of the first day of the first appli-*
19 *cable pay period beginning after September 30, 2020.*

20 **SEC. 738. (a)** *The head of any Executive branch de-*
21 *partment, agency, board, commission, or office funded by*
22 *this or any other appropriations Act shall submit annual*
23 *reports to the Inspector General or senior ethics official for*
24 *any entity without an Inspector General, regarding the*
25 *costs and contracting procedures related to each conference*

1 *held by any such department, agency, board, commission,*
2 *or office during fiscal year 2021 for which the cost to the*
3 *United States Government was more than \$100,000.*

4 *(b) Each report submitted shall include, for each con-*
5 *ference described in subsection (a) held during the applica-*
6 *ble period—*

7 *(1) a description of its purpose;*

8 *(2) the number of participants attending;*

9 *(3) a detailed statement of the costs to the United*
10 *States Government, including—*

11 *(A) the cost of any food or beverages;*

12 *(B) the cost of any audio-visual services;*

13 *(C) the cost of employee or contractor travel*
14 *to and from the conference; and*

15 *(D) a discussion of the methodology used to*
16 *determine which costs relate to the conference;*
17 *and*

18 *(4) a description of the contracting procedures*
19 *used including—*

20 *(A) whether contracts were awarded on a*
21 *competitive basis; and*

22 *(B) a discussion of any cost comparison*
23 *conducted by the departmental component or of-*
24 *fice in evaluating potential contractors for the*
25 *conference.*

1 (c) *Within 15 days after the end of a quarter, the head*
2 *of any such department, agency, board, commission, or of-*
3 *fice shall notify the Inspector General or senior ethics offi-*
4 *cial for any entity without an Inspector General, of the*
5 *date, location, and number of employees attending a con-*
6 *ference held by any Executive branch department, agency,*
7 *board, commission, or office funded by this or any other*
8 *appropriations Act during fiscal year 2021 for which the*
9 *cost to the United States Government was more than*
10 *\$20,000.*

11 (d) *A grant or contract funded by amounts appro-*
12 *priated by this or any other appropriations Act may not*
13 *be used for the purpose of defraying the costs of a conference*
14 *described in subsection (c) that is not directly and program-*
15 *matically related to the purpose for which the grant or con-*
16 *tract was awarded, such as a conference held in connection*
17 *with planning, training, assessment, review, or other rou-*
18 *tine purposes related to a project funded by the grant or*
19 *contract.*

20 (e) *None of the funds made available in this or any*
21 *other appropriations Act may be used for travel and con-*
22 *ference activities that are not in compliance with Office of*
23 *Management and Budget Memorandum M-12-12 dated*
24 *May 11, 2012 or any subsequent revisions to that memo-*
25 *randum.*

1 *SEC. 739. None of the funds made available in this*
2 *or any other appropriations Act may be used to increase,*
3 *eliminate, or reduce funding for a program, project, or ac-*
4 *tivity as proposed in the President’s budget request for a*
5 *fiscal year until such proposed change is subsequently en-*
6 *acted in an appropriation Act, or unless such change is*
7 *made pursuant to the reprogramming or transfer provisions*
8 *of this or any other appropriations Act.*

9 *SEC. 740. None of the funds made available by this*
10 *or any other Act may be used to implement, administer,*
11 *enforce, or apply the rule entitled “Competitive Area” pub-*
12 *lished by the Office of Personnel Management in the Federal*
13 *Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).*

14 *SEC. 741. None of the funds appropriated or otherwise*
15 *made available by this or any other Act may be used to*
16 *begin or announce a study or public-private competition*
17 *regarding the conversion to contractor performance of any*
18 *function performed by Federal employees pursuant to Office*
19 *of Management and Budget Circular A–76 or any other ad-*
20 *ministrative regulation, directive, or policy.*

21 *SEC. 742. (a) None of the funds appropriated or other-*
22 *wise made available by this or any other Act may be avail-*
23 *able for a contract, grant, or cooperative agreement with*
24 *an entity that requires employees or contractors of such en-*
25 *tity seeking to report fraud, waste, or abuse to sign internal*

1 *confidentiality agreements or statements prohibiting or oth-*
2 *erwise restricting such employees or contractors from law-*
3 *fully reporting such waste, fraud, or abuse to a designated*
4 *investigative or law enforcement representative of a Federal*
5 *department or agency authorized to receive such informa-*
6 *tion.*

7 **(b)** *The limitation in subsection (a) shall not con-*
8 *travene requirements applicable to Standard Form 312,*
9 *Form 4414, or any other form issued by a Federal depart-*
10 *ment or agency governing the nondisclosure of classified in-*
11 *formation.*

12 **SEC. 743.** *(a) No funds appropriated in this or any*
13 *other Act may be used to implement or enforce the agree-*
14 *ments in Standard Forms 312 and 4414 of the Government*
15 *or any other nondisclosure policy, form, or agreement if*
16 *such policy, form, or agreement does not contain the fol-*
17 *lowing provisions: “These provisions are consistent with*
18 *and do not supersede, conflict with, or otherwise alter the*
19 *employee obligations, rights, or liabilities created by exist-*
20 *ing statute or Executive order relating to (1) classified in-*
21 *formation, (2) communications to Congress, (3) the report-*
22 *ing to an Inspector General of a violation of any law, rule,*
23 *or regulation, or mismanagement, a gross waste of funds,*
24 *an abuse of authority, or a substantial and specific danger*
25 *to public health or safety, or (4) any other whistleblower*

1 *protection. The definitions, requirements, obligations,*
2 *rights, sanctions, and liabilities created by controlling Ex-*
3 *ecutive orders and statutory provisions are incorporated*
4 *into this agreement and are controlling.”: Provided, That*
5 *notwithstanding the preceding provision of this section, a*
6 *nondisclosure policy form or agreement that is to be exe-*
7 *cuted by a person connected with the conduct of an intel-*
8 *ligence or intelligence-related activity, other than an em-*
9 *ployee or officer of the United States Government, may con-*
10 *tain provisions appropriate to the particular activity for*
11 *which such document is to be used. Such form or agreement*
12 *shall, at a minimum, require that the person will not dis-*
13 *close any classified information received in the course of*
14 *such activity unless specifically authorized to do so by the*
15 *United States Government. Such nondisclosure forms shall*
16 *also make it clear that they do not bar disclosures to Con-*
17 *gress, or to an authorized official of an executive agency*
18 *or the Department of Justice, that are essential to reporting*
19 *a substantial violation of law.*

20 *(b) A nondisclosure agreement may continue to be im-*
21 *plemented and enforced notwithstanding subsection (a) if*
22 *it complies with the requirements for such agreement that*
23 *were in effect when the agreement was entered into.*

24 *(c) No funds appropriated in this or any other Act*
25 *may be used to implement or enforce any agreement entered*

1 *into during fiscal year 2014 which does not contain sub-*
2 *stantially similar language to that required in subsection*
3 *(a).*

4 *SEC. 744. None of the funds made available by this*
5 *or any other Act may be used to enter into a contract,*
6 *memorandum of understanding, or cooperative agreement*
7 *with, make a grant to, or provide a loan or loan guarantee*
8 *to, any corporation that has any unpaid Federal tax liabil-*
9 *ity that has been assessed, for which all judicial and admin-*
10 *istrative remedies have been exhausted or have lapsed, and*
11 *that is not being paid in a timely manner pursuant to an*
12 *agreement with the authority responsible for collecting the*
13 *tax liability, where the awarding agency is aware of the*
14 *unpaid tax liability, unless a Federal agency has considered*
15 *suspension or debarment of the corporation and has made*
16 *a determination that this further action is not necessary*
17 *to protect the interests of the Government.*

18 *SEC. 745. None of the funds made available by this*
19 *or any other Act may be used to enter into a contract,*
20 *memorandum of understanding, or cooperative agreement*
21 *with, make a grant to, or provide a loan or loan guarantee*
22 *to, any corporation that was convicted of a felony criminal*
23 *violation under any Federal law within the preceding 24*
24 *months, where the awarding agency is aware of the convic-*
25 *tion, unless a Federal agency has considered suspension or*

1 *debarment of the corporation and has made a determina-*
2 *tion that this further action is not necessary to protect the*
3 *interests of the Government.*

4 *SEC. 746. (a) During fiscal year 2021, on the date on*
5 *which a request is made for a transfer of funds in accord-*
6 *ance with section 1017 of Public Law 111–203, the Bureau*
7 *of Consumer Financial Protection shall notify the Commit-*
8 *tees on Appropriations of the House of Representatives and*
9 *the Senate, the Committee on Financial Services of the*
10 *House of Representatives, and the Committee on Banking,*
11 *Housing, and Urban Affairs of the Senate of such request.*

12 *(b) Any notification required by this section shall be*
13 *made available on the Bureau’s public website.*

14 *SEC. 747. If, for fiscal year 2021, new budget authority*
15 *provided in appropriations Acts exceeds the discretionary*
16 *spending limit for any category set forth in section 251(c)*
17 *of the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985 due to estimating differences with the Congressional*
19 *Budget Office, an adjustment to the discretionary spending*
20 *limit in such category for fiscal year 2021 shall be made*
21 *by the Director of the Office of Management and Budget*
22 *in the amount of the excess but the total of all such adjust-*
23 *ments shall not exceed 0.2 percent of the sum of the adjusted*
24 *discretionary spending limits for all categories for that fis-*
25 *cal year.*

1 *SEC. 748. (a) Notwithstanding any official rate ad-*
2 *justed under section 104 of title 3, United States Code, the*
3 *rate payable to the Vice President during calendar year*
4 *2021 shall be the rate payable to the Vice President on De-*
5 *cember 31, 2020, by operation of section 749 of division*
6 *C of Public Law 116–93.*

7 *(b) Notwithstanding any official rate adjusted under*
8 *section 5318 of title 5, United States Code, or any other*
9 *provision of law, the payable rate during calendar year*
10 *2021 for an employee serving in an Executive Schedule po-*
11 *sition, or in a position for which the rate of pay is fixed*
12 *by statute at an Executive Schedule rate, shall be the rate*
13 *payable for the applicable Executive Schedule level on De-*
14 *cember 31, 2020, by operation of section 749 of division*
15 *C of Public Law 116–93. Such an employee may not receive*
16 *a rate increase during calendar year 2021, except as pro-*
17 *vided in subsection (i).*

18 *(c) Notwithstanding section 401 of the Foreign Service*
19 *Act of 1980 (Public Law 96–465) or any other provision*
20 *of law, a chief of mission or ambassador at large is subject*
21 *to subsection (b) in the same manner as other employees*
22 *who are paid at an Executive Schedule rate.*

23 *(d)(1) This subsection applies to—*

24 *(A) a noncareer appointee in the Senior*
25 *Executive Service paid a rate of basic pay at or*

1 *above the official rate for level IV of the Execu-*
2 *tive Schedule; or*

3 *(B) a limited term appointee or limited*
4 *emergency appointee in the Senior Executive*
5 *Service serving under a political appointment*
6 *and paid a rate of basic pay at or above the offi-*
7 *cial rate for level IV of the Executive Schedule.*

8 *(2) Notwithstanding sections 5382 and 5383 of*
9 *title 5, United States Code, an employee described in*
10 *paragraph (1) may not receive a pay rate increase*
11 *during calendar year 2021, except as provided in sub-*
12 *section (i).*

13 *(e) Notwithstanding any other provision of law, any*
14 *employee paid a rate of basic pay (including any locality-*
15 *based payments under section 5304 of title 5, United States*
16 *Code, or similar authority) at or above the official rate for*
17 *level IV of the Executive Schedule who serves under a polit-*
18 *ical appointment may not receive a pay rate increase dur-*
19 *ing calendar year 2021, except as provided in subsection*
20 *(i). This subsection does not apply to employees in the Gen-*
21 *eral Schedule pay system or the Foreign Service pay sys-*
22 *tem, to employees appointed under section 3161 of title 5,*
23 *United States Code, or to employees in another pay system*
24 *whose position would be classified at GS-15 or below if*
25 *chapter 51 of title 5, United States Code, applied to them.*

1 (f) *Nothing in subsections (b) through (e) shall prevent*
2 *employees who do not serve under a political appointment*
3 *from receiving pay increases as otherwise provided under*
4 *applicable law.*

5 (g) *This section does not apply to an individual who*
6 *makes an election to retain Senior Executive Service basic*
7 *pay under section 3392(c) of title 5, United States Code,*
8 *for such time as that election is in effect.*

9 (h) *This section does not apply to an individual who*
10 *makes an election to retain Senior Foreign Service pay en-*
11 *titlements under section 302(b) of the Foreign Service Act*
12 *of 1980 (Public Law 96–465) for such time as that election*
13 *is in effect.*

14 (i) *Notwithstanding subsections (b) through (e), an em-*
15 *ployee in a covered position may receive a pay rate increase*
16 *upon an authorized movement to a different covered posi-*
17 *tion only if that new position has higher-level duties and*
18 *a pre-established level or range of pay higher than the level*
19 *or range for the position held immediately before the move-*
20 *ment. Any such increase must be based on the rates of pay*
21 *and applicable limitations on payable rates of pay in effect*
22 *on December 31, 2020, by operation of section 749 of divi-*
23 *sion C of Public Law 116–93.*

24 (j) *Notwithstanding any other provision of law, for an*
25 *individual who is newly appointed to a covered position*

1 *during the period of time subject to this section, the initial*
2 *pay rate shall be based on the rates of pay and applicable*
3 *limitations on payable rates of pay in effect on December*
4 *31, 2020, by operation of section 749 of division C of Public*
5 *Law 116–93.*

6 *(k) If an employee affected by this section is subject*
7 *to a biweekly pay period that begins in calendar year 2021*
8 *but ends in calendar year 2022, the bar on the employee’s*
9 *receipt of pay rate increases shall apply through the end*
10 *of that pay period.*

11 *(l) For the purpose of this section, the term “covered*
12 *position” means a position occupied by an employee whose*
13 *pay is restricted under this section.*

14 *(m) This section takes effect on the first day of the first*
15 *applicable pay period beginning on or after January 1,*
16 *2021.*

17 *SEC. 749. Except as expressly provided otherwise, any*
18 *reference to “this Act” contained in any title other than*
19 *title IV or VIII shall not apply to such title IV or VIII.*

20 *TITLE VIII*

21 *GENERAL PROVISIONS—DISTRICT OF COLUMBIA*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *SEC. 801. There are appropriated from the applicable*
24 *funds of the District of Columbia such sums as may be nec-*
25 *essary for making refunds and for the payment of legal set-*

1 *tlements or judgments that have been entered against the*
2 *District of Columbia government.*

3 *SEC. 802. None of the Federal funds provided in this*
4 *Act shall be used for publicity or propaganda purposes or*
5 *implementation of any policy including boycott designed to*
6 *support or defeat legislation pending before Congress or any*
7 *State legislature.*

8 *SEC. 803. (a) None of the Federal funds provided*
9 *under this Act to the agencies funded by this Act, both Fed-*
10 *eral and District government agencies, that remain avail-*
11 *able for obligation or expenditure in fiscal year 2021, or*
12 *provided from any accounts in the Treasury of the United*
13 *States derived by the collection of fees available to the agen-*
14 *cies funded by this Act, shall be available for obligation or*
15 *expenditures for an agency through a reprogramming of*
16 *funds which—*

17 *(1) creates new programs;*

18 *(2) eliminates a program, project, or responsi-*
19 *bility center;*

20 *(3) establishes or changes allocations specifically*
21 *denied, limited or increased under this Act;*

22 *(4) increases funds or personnel by any means*
23 *for any program, project, or responsibility center for*
24 *which funds have been denied or restricted;*

1 (5) *re-establishes any program or project pre-*
2 *viously deferred through reprogramming;*

3 (6) *augments any existing program, project, or*
4 *responsibility center through a reprogramming of*
5 *funds in excess of \$3,000,000 or 10 percent, whichever*
6 *is less; or*

7 (7) *increases by 20 percent or more personnel as-*
8 *signed to a specific program, project or responsibility*
9 *center, unless prior approval is received from the*
10 *Committees on Appropriations of the House of Rep-*
11 *resentatives and the Senate.*

12 (b) *The District of Columbia government is authorized*
13 *to approve and execute reprogramming and transfer re-*
14 *quests of local funds under this title through November 7,*
15 *2021.*

16 *SEC. 804. None of the Federal funds provided in this*
17 *Act may be used by the District of Columbia to provide*
18 *for salaries, expenses, or other costs associated with the of-*
19 *fices of United States Senator or United States Representa-*
20 *tive under section 4(d) of the District of Columbia State-*
21 *hood Constitutional Convention Initiatives of 1979 (D.C.*
22 *Law 3-171; D.C. Official Code, sec. 1-123).*

23 *SEC. 805. Except as otherwise provided in this section,*
24 *none of the funds made available by this Act or by any*
25 *other Act may be used to provide any officer or employee*

1 *of the District of Columbia with an official vehicle unless*
2 *the officer or employee uses the vehicle only in the perform-*
3 *ance of the officer's or employee's official duties. For pur-*
4 *poses of this section, the term "official duties" does not in-*
5 *clude travel between the officer's or employee's residence and*
6 *workplace, except in the case of—*

7 (1) *an officer or employee of the Metropolitan*
8 *Police Department who resides in the District of Co-*
9 *lumbia or is otherwise designated by the Chief of the*
10 *Department;*

11 (2) *at the discretion of the Fire Chief, an officer*
12 *or employee of the District of Columbia Fire and*
13 *Emergency Medical Services Department who resides*
14 *in the District of Columbia and is on call 24 hours*
15 *a day;*

16 (3) *at the discretion of the Director of the De-*
17 *partment of Corrections, an officer or employee of the*
18 *District of Columbia Department of Corrections who*
19 *resides in the District of Columbia and is on call 24*
20 *hours a day;*

21 (4) *at the discretion of the Chief Medical Exam-*
22 *iner, an officer or employee of the Office of the Chief*
23 *Medical Examiner who resides in the District of Co-*
24 *lumbia and is on call 24 hours a day;*

1 (5) *at the discretion of the Director of the Home-*
2 *land Security and Emergency Management Agency,*
3 *an officer or employee of the Homeland Security and*
4 *Emergency Management Agency who resides in the*
5 *District of Columbia and is on call 24 hours a day;*

6 (6) *the Mayor of the District of Columbia; and*

7 (7) *the Chairman of the Council of the District*
8 *of Columbia.*

9 SEC. 806. (a) *None of the Federal funds contained in*
10 *this Act may be used by the District of Columbia Attorney*
11 *General or any other officer or entity of the District govern-*
12 *ment to provide assistance for any petition drive or civil*
13 *action which seeks to require Congress to provide for voting*
14 *representation in Congress for the District of Columbia.*

15 (b) *Nothing in this section bars the District of Colum-*
16 *bia Attorney General from reviewing or commenting on*
17 *briefs in private lawsuits, or from consulting with officials*
18 *of the District government regarding such lawsuits.*

19 SEC. 807. *None of the Federal funds contained in this*
20 *Act may be used to distribute any needle or syringe for the*
21 *purpose of preventing the spread of blood borne pathogens*
22 *in any location that has been determined by the local public*
23 *health or local law enforcement authorities to be inappro-*
24 *prate for such distribution.*

1 *SEC. 808. Nothing in this Act may be construed to pre-*
2 *vent the Council or Mayor of the District of Columbia from*
3 *addressing the issue of the provision of contraceptive cov-*
4 *erage by health insurance plans, but it is the intent of Con-*
5 *gress that any legislation enacted on such issue should in-*
6 *clude a “conscience clause” which provides exceptions for*
7 *religious beliefs and moral convictions.*

8 *SEC. 809. (a) None of the Federal funds contained in*
9 *this Act may be used to enact or carry out any law, rule,*
10 *or regulation to legalize or otherwise reduce penalties asso-*
11 *ciated with the possession, use, or distribution of any sched-*
12 *ule I substance under the Controlled Substances Act (21*
13 *U.S.C. 801 et seq.) or any tetrahydrocannabinols deriva-*
14 *tive.*

15 *(b) No funds available for obligation or expenditure*
16 *by the District of Columbia government under any author-*
17 *ity may be used to enact any law, rule, or regulation to*
18 *legalize or otherwise reduce penalties associated with the*
19 *possession, use, or distribution of any schedule I substance*
20 *under the Controlled Substances Act (21 U.S.C. 801 et seq.)*
21 *or any tetrahydrocannabinols derivative for recreational*
22 *purposes.*

23 *SEC. 810. No funds available for obligation or expendi-*
24 *ture by the District of Columbia government under any au-*
25 *thority shall be expended for any abortion except where the*

1 *life of the mother would be endangered if the fetus were car-*
2 *ried to term or where the pregnancy is the result of an act*
3 *of rape or incest.*

4 *SEC. 811. (a) No later than 30 calendar days after*
5 *the date of the enactment of this Act, the Chief Financial*
6 *Officer for the District of Columbia shall submit to the ap-*
7 *propriate committees of Congress, the Mayor, and the Coun-*
8 *cil of the District of Columbia, a revised appropriated funds*
9 *operating budget in the format of the budget that the Dis-*
10 *trict of Columbia government submitted pursuant to section*
11 *442 of the District of Columbia Home Rule Act (D.C. Offi-*
12 *cial Code, sec. 1–204.42), for all agencies of the District of*
13 *Columbia government for fiscal year 2021 that is in the*
14 *total amount of the approved appropriation and that re-*
15 *aligns all budgeted data for personal services and other-*
16 *than-personal services, respectively, with anticipated actual*
17 *expenditures.*

18 *(b) This section shall apply only to an agency for*
19 *which the Chief Financial Officer for the District of Colum-*
20 *bia certifies that a reallocation is required to address unan-*
21 *anticipated changes in program requirements.*

22 *SEC. 812. No later than 30 calendar days after the*
23 *date of the enactment of this Act, the Chief Financial Offi-*
24 *cer for the District of Columbia shall submit to the appro-*
25 *priate committees of Congress, the Mayor, and the Council*

1 *for the District of Columbia, a revised appropriated funds*
2 *operating budget for the District of Columbia Public*
3 *Schools that aligns schools budgets to actual enrollment. The*
4 *revised appropriated funds budget shall be in the format*
5 *of the budget that the District of Columbia government sub-*
6 *mitted pursuant to section 442 of the District of Columbia*
7 *Home Rule Act (D.C. Official Code, sec. 1–204.42).*

8 *SEC. 813. (a) Amounts appropriated in this Act as*
9 *operating funds may be transferred to the District of Co-*
10 *lumbia’s enterprise and capital funds and such amounts,*
11 *once transferred, shall retain appropriation authority con-*
12 *sistent with the provisions of this Act.*

13 *(b) The District of Columbia government is authorized*
14 *to reprogram or transfer for operating expenses any local*
15 *funds transferred or reprogrammed in this or the four prior*
16 *fiscal years from operating funds to capital funds, and such*
17 *amounts, once transferred or reprogrammed, shall retain*
18 *appropriation authority consistent with the provisions of*
19 *this Act.*

20 *(c) The District of Columbia government may not*
21 *transfer or reprogram for operating expenses any funds de-*
22 *rived from bonds, notes, or other obligations issued for cap-*
23 *ital projects.*

24 *SEC. 814. None of the Federal funds appropriated in*
25 *this Act shall remain available for obligation beyond the*

1 *current fiscal year, nor may any be transferred to other*
2 *appropriations, unless expressly so provided herein.*

3 *SEC. 815. Except as otherwise specifically provided by*
4 *law or under this Act, not to exceed 50 percent of unobli-*
5 *gated balances remaining available at the end of fiscal year*
6 *2021 from appropriations of Federal funds made available*
7 *for salaries and expenses for fiscal year 2021 in this Act,*
8 *shall remain available through September 30, 2022, for each*
9 *such account for the purposes authorized: Provided, That*
10 *a request shall be submitted to the Committees on Appro-*
11 *priations of the House of Representatives and the Senate*
12 *for approval prior to the expenditure of such funds: Pro-*
13 *vided further, That these requests shall be made in compli-*
14 *ance with reprogramming guidelines outlined in section*
15 *803 of this Act.*

16 *SEC. 816. (a)(1) During fiscal year 2022, during a*
17 *period in which neither a District of Columbia continuing*
18 *resolution or a regular District of Columbia appropriation*
19 *bill is in effect, local funds are appropriated in the amount*
20 *provided for any project or activity for which local funds*
21 *are provided in the Act referred to in paragraph (2) (subject*
22 *to any modifications enacted by the District of Columbia*
23 *as of the beginning of the period during which this sub-*
24 *section is in effect) at the rate set forth by such Act.*

1 (2) *The Act referred to in this paragraph is the*
2 *Act of the Council of the District of Columbia pursu-*
3 *ant to which a proposed budget is approved for fiscal*
4 *year 2022 which (subject to the requirements of the*
5 *District of Columbia Home Rule Act) will constitute*
6 *the local portion of the annual budget for the District*
7 *of Columbia government for fiscal year 2022 for pur-*
8 *poses of section 446 of the District of Columbia Home*
9 *Rule Act (sec. 1–204.46, D.C. Official Code).*

10 (b) *Appropriations made by subsection (a) shall cease*
11 *to be available—*

12 (1) *during any period in which a District of Co-*
13 *lumbia continuing resolution for fiscal year 2022 is*
14 *in effect; or*

15 (2) *upon the enactment into law of the regular*
16 *District of Columbia appropriation bill for fiscal year*
17 *2022.*

18 (c) *An appropriation made by subsection (a) is pro-*
19 *vided under the authority and conditions as provided under*
20 *this Act and shall be available to the extent and in the man-*
21 *ner that would be provided by this Act.*

22 (d) *An appropriation made by subsection (a) shall*
23 *cover all obligations or expenditures incurred for such*
24 *project or activity during the portion of fiscal year 2022*
25 *for which this section applies to such project or activity.*

1 (e) *This section shall not apply to a project or activity*
2 *during any period of fiscal year 2022 if any other provision*
3 *of law (other than an authorization of appropriations)—*

4 (1) *makes an appropriation, makes funds avail-*
5 *able, or grants authority for such project or activity*
6 *to continue for such period; or*

7 (2) *specifically provides that no appropriation*
8 *shall be made, no funds shall be made available, or*
9 *no authority shall be granted for such project or ac-*
10 *tivity to continue for such period.*

11 (f) *Nothing in this section shall be construed to affect*
12 *obligations of the government of the District of Columbia*
13 *mandated by other law.*

14 SEC. 817. (a) *Section 244 of the Revised Statutes of*
15 *the United States relating to the District of Columbia (sec.*
16 *9–1201.03, D.C. Official Code) does not apply with respect*
17 *to any railroads installed pursuant to the Long Bridge*
18 *Project.*

19 (b) *In this section, the term “Long Bridge Project”*
20 *means the project carried out by the District of Columbia*
21 *and the Commonwealth of Virginia to construct a new Long*
22 *Bridge adjacent to the existing Long Bridge over the Poto-*
23 *mac River, including related infrastructure and other re-*
24 *lated projects, to expand commuter and regional passenger*

1 *Provided, That the amount provided under this section in*
2 *this Act may be used to reimburse the Fund for obligations*
3 *incurred for this purpose prior to the date of the enactment*
4 *of this Act: Provided further, That such amount is provided*
5 *without regard to the limitation in subsection (d) under*
6 *the heading “Records Center Revolving Fund” in Public*
7 *Law 106–58, as amended (44 U.S.C. 2901 note): Provided*
8 *further, That the amount provided under this section in this*
9 *Act may be used to accelerate processing of requests for mili-*
10 *tary service records received during the pandemic: Provided*
11 *further, That such amount is designated by the Congress*
12 *as being for an emergency requirement pursuant to section*
13 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
14 *Deficit Control Act of 1985.*

15 *This division may be cited as the “Financial Services*
16 *and General Government Appropriations Act, 2021”.*

1 ***DIVISION F—DEPARTMENT OF HOMELAND***
2 ***SECURITY APPROPRIATIONS ACT, 2021***

3 *TITLE I*

4 *DEPARTMENTAL MANAGEMENT, OPERATIONS,*
5 *INTELLIGENCE, AND OVERSIGHT*

6 *OFFICE OF THE SECRETARY AND EXECUTIVE*

7 *MANAGEMENT*

8 *OPERATIONS AND SUPPORT*

9 *For necessary expenses of the Office of the Secretary*
10 *and for executive management for operations and support,*
11 *\$180,819,000; of which \$20,000,000 shall be for the Office*
12 *of the Ombudsman for Immigration Detention, of which*
13 *\$5,000,000 shall remain available until September 30,*
14 *2022: Provided, That not to exceed \$30,000 shall be for offi-*
15 *cial reception and representation expenses.*

16 *FEDERAL ASSISTANCE*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For necessary expenses of the Office of the Secretary*
19 *and for executive management for Federal assistance*
20 *through grants, contracts, cooperative agreements, and other*
21 *activities, \$25,000,000, which shall be transferred to the*
22 *Federal Emergency Management Agency, of which*
23 *\$20,000,000 shall be for targeted violence and terrorism pre-*
24 *vention grants and of which \$5,000,000 shall be for an Al-*
25 *ternatives to Detention Case Management pilot program,*

1 *to remain available until September 30, 2022: Provided,*
2 *That the amounts made available for the pilot program*
3 *shall be awarded to nonprofit organizations and local gov-*
4 *ernments and administered by a National Board, which*
5 *shall be chaired by the Officer for Civil Rights and Civil*
6 *Liberties, for the purposes of providing case management*
7 *services, including but not limited to: mental health serv-*
8 *ices; human and sex trafficking screening; legal orientation*
9 *programs; cultural orientation programs; connections to so-*
10 *cial services; and for individuals who will be removed, re-*
11 *integration services: Provided further, That such services*
12 *shall be provided to each individual enrolled into the U.S.*
13 *Immigration and Customs Enforcement Alternatives to De-*
14 *tention program in the geographic areas served by the pilot*
15 *program: Provided further, That any such individual may*
16 *opt out of receiving such services after providing written*
17 *informed consent: Provided further, That not to exceed*
18 *\$350,000 shall be for the administrative costs of the Depart-*
19 *ment of Homeland Security for the pilot program.*

20 *MANAGEMENT DIRECTORATE*

21 *OPERATIONS AND SUPPORT*

22 *For necessary expenses of the Management Directorate*
23 *for operations and support, \$1,398,162,000: Provided, That*
24 *not to exceed \$2,000 shall be for official reception and rep-*
25 *resentation expenses.*

1 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

2 *For necessary expenses of the Management Directorate*
3 *for procurement, construction, and improvements,*
4 *\$214,795,000, of which \$159,611,000 shall remain available*
5 *until September 30, 2023; and of which \$55,184,000 shall*
6 *remain available until September 30, 2025.*

7 *FEDERAL PROTECTIVE SERVICE*

8 *The revenues and collections of security fees credited*
9 *to this account shall be available until expended for nec-*
10 *essary expenses related to the protection of federally owned*
11 *and leased buildings and for the operations of the Federal*
12 *Protective Service.*

13 *INTELLIGENCE, ANALYSIS, AND OPERATIONS*14 *COORDINATION*15 *OPERATIONS AND SUPPORT*

16 *For necessary expenses of the Office of Intelligence and*
17 *Analysis and the Office of Operations Coordination for op-*
18 *erations and support, \$298,500,000, of which \$82,620,000*
19 *shall remain available until September 30, 2022: Provided,*
20 *That not to exceed \$3,825 shall be for official reception and*
21 *representation expenses and not to exceed \$2,000,000 is*
22 *available for facility needs associated with secure space at*
23 *fusion centers, including improvements to buildings.*

1 *OFFICE OF THE INSPECTOR GENERAL*
2 *OPERATIONS AND SUPPORT*

3 *For necessary expenses of the Office of the Inspector*
4 *General for operations and support, \$190,186,000: Pro-*
5 *vided, That not to exceed \$300,000 may be used for certain*
6 *confidential operational expenses, including the payment of*
7 *informants, to be expended at the direction of the Inspector*
8 *General.*

9 *ADMINISTRATIVE PROVISIONS*

10 *SEC. 101. (a) The Secretary of Homeland Security*
11 *shall submit a report not later than October 15, 2021, to*
12 *the Inspector General of the Department of Homeland Secu-*
13 *riety listing all grants and contracts awarded by any means*
14 *other than full and open competition during fiscal years*
15 *2020 or 2021.*

16 *(b) The Inspector General shall review the report re-*
17 *quired by subsection (a) to assess departmental compliance*
18 *with applicable laws and regulations and report the results*
19 *of that review to the Committees on Appropriations of the*
20 *Senate and the House of Representatives not later than Feb-*
21 *ruary 15, 2022.*

22 *SEC. 102. Not later than 30 days after the last day*
23 *of each month, the Chief Financial Officer of the Depart-*
24 *ment of Homeland Security shall submit to the Committees*
25 *on Appropriations of the Senate and the House of Rep-*

1 *representatives a monthly budget and staffing report that in-*
2 *cludes total obligations of the Department for that month*
3 *and for the fiscal year at the appropriation and program,*
4 *project, and activity levels, by the source year of the appro-*
5 *priation.*

6 *SEC. 103. The Secretary of Homeland Security shall*
7 *require that all contracts of the Department of Homeland*
8 *Security that provide award fees link such fees to successful*
9 *acquisition outcomes, which shall be specified in terms of*
10 *cost, schedule, and performance.*

11 *SEC. 104. (a) The Secretary of Homeland Security, in*
12 *consultation with the Secretary of the Treasury, shall notify*
13 *the Committees on Appropriations of the Senate and the*
14 *House of Representatives of any proposed transfers of funds*
15 *available under section 9705(g)(4)(B) of title 31, United*
16 *States Code, from the Department of the Treasury For-*
17 *feiture Fund to any agency within the Department of*
18 *Homeland Security.*

19 *(b) None of the funds identified for such a transfer may*
20 *be obligated until the Committees on Appropriations of the*
21 *Senate and the House of Representatives are notified of the*
22 *proposed transfer.*

23 *SEC. 105. All official costs associated with the use of*
24 *Government aircraft by Department of Homeland Security*
25 *personnel to support official travel of the Secretary and the*

1 nance, or operation of marine vessels, aircraft, and un-
2 manned aerial systems; and contracting with individuals
3 for personal services abroad; \$12,908,923,000; of which
4 \$3,274,000 shall be derived from the Harbor Maintenance
5 Trust Fund for administrative expenses related to the collec-
6 tion of the Harbor Maintenance Fee pursuant to section
7 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.
8 9505(c)(3)) and notwithstanding section 1511(e)(1) of the
9 Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of
10 which \$500,000,000 shall be available until September 30,
11 2022; and of which such sums as become available in the
12 Customs User Fee Account, except sums subject to section
13 13031(f)(3) of the Consolidated Omnibus Budget Reconcili-
14 ation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived
15 from that account: Provided, That not to exceed \$34,425
16 shall be for official reception and representation expenses:
17 Provided further, That not to exceed \$150,000 shall be
18 available for payment for rental space in connection with
19 preclearance operations: Provided further, That not to ex-
20 ceed \$2,000,000 shall be for awards of compensation to in-
21 formants, to be accounted for solely under the certificate of
22 the Secretary of Homeland Security: Provided further, That
23 not to exceed \$5,000,000 may be transferred to the Bureau
24 of Indian Affairs for the maintenance and repair of roads

1 *on Native American reservations used by the U.S. Border*
2 *Patrol.*

3 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

4 *For necessary expenses of U.S. Customs and Border*
5 *Protection for procurement, construction, and improve-*
6 *ments, including procurement of marine vessels, aircraft,*
7 *and unmanned aerial systems, \$1,839,634,000, of which*
8 *\$322,235,000 shall remain available until September 30,*
9 *2023, and of which \$1,517,399,000 shall remain available*
10 *until September 30, 2025.*

11 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

12 *OPERATIONS AND SUPPORT*

13 *For necessary expenses of U.S. Immigration and Cus-*
14 *toms Enforcement for operations and support, including the*
15 *purchase and lease of up to 3,790 (2,350 for replacement*
16 *only) police-type vehicles; overseas vetted units; and mainte-*
17 *nance, minor construction, and minor leasehold improve-*
18 *ments at owned and leased facilities; \$7,875,730,000; of*
19 *which not less than \$6,000,000 shall remain available until*
20 *expended for efforts to enforce laws against forced child*
21 *labor; of which \$46,696,000 shall remain available until*
22 *September 30, 2022; of which not less than \$1,500,000 is*
23 *for paid apprenticeships for participants in the Human*
24 *Exploitation Rescue Operative Child-Rescue Corps; of*
25 *which not less than \$15,000,000 shall be available for inves-*

1 *tigation of intellectual property rights violations, including*
2 *operation of the National Intellectual Property Rights Co-*
3 *ordination Center; and of which not less than*
4 *\$4,118,902,000 shall be for enforcement, detention, and re-*
5 *moval operations, including transportation of unaccom-*
6 *panied minor aliens: Provided, That not to exceed \$11,475*
7 *shall be for official reception and representation expenses:*
8 *Provided further, That not to exceed \$10,000,000 shall be*
9 *available until expended for conducting special operations*
10 *under section 3131 of the Customs Enforcement Act of 1986*
11 *(19 U.S.C. 2081): Provided further, That not to exceed*
12 *\$2,000,000 shall be for awards of compensation to inform-*
13 *ants, to be accounted for solely under the certificate of the*
14 *Secretary of Homeland Security: Provided further, That not*
15 *to exceed \$11,216,000 shall be available to fund or reim-*
16 *burse other Federal agencies for the costs associated with*
17 *the care, maintenance, and repatriation of smuggled aliens*
18 *unlawfully present in the United States.*

19 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

20 *For necessary expenses of U.S. Immigration and Cus-*
21 *toms Enforcement for procurement, construction, and im-*
22 *provements, \$97,799,000, of which \$24,538,000 shall re-*
23 *main available until September 30, 2023, and of which*
24 *\$73,261,000 shall remain available until September 30,*
25 *2025.*

1 *TRANSPORTATION SECURITY ADMINISTRATION*2 *OPERATIONS AND SUPPORT*

3 *For necessary expenses of the Transportation Security*
4 *Administration for operations and support, \$7,793,715,000,*
5 *to remain available until September 30, 2022: Provided,*
6 *That not to exceed \$7,650 shall be for official reception and*
7 *representation expenses: Provided further, That security*
8 *service fees authorized under section 44940 of title 49,*
9 *United States Code, shall be credited to this appropriation*
10 *as offsetting collections and shall be available only for avia-*
11 *tion security: Provided further, That the sum appropriated*
12 *under this heading from the general fund shall be reduced*
13 *on a dollar-for-dollar basis as such offsetting collections are*
14 *received during fiscal year 2021 so as to result in a final*
15 *fiscal year appropriation from the general fund estimated*
16 *at not more than \$4,853,715,000.*

17 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

18 *For necessary expenses of the Transportation Security*
19 *Administration for procurement, construction, and im-*
20 *provements, \$134,492,000, to remain available until Sep-*
21 *tember 30, 2023.*

22 *RESEARCH AND DEVELOPMENT*

23 *For necessary expenses of the Transportation Security*
24 *Administration for research and development, \$29,524,000,*
25 *to remain available until September 30, 2022.*

COAST GUARD

OPERATIONS AND SUPPORT

1
2
3 *For necessary expenses of the Coast Guard for oper-*
4 *ations and support including the Coast Guard Reserve; pur-*
5 *chase or lease of not to exceed 25 passenger motor vehicles,*
6 *which shall be for replacement only; purchase or lease of*
7 *small boats for contingent and emergent requirements (at*
8 *a unit cost of not more than \$700,000) and repairs and*
9 *service-life replacements, not to exceed a total of*
10 *\$31,000,000; purchase, lease, or improvements of boats nec-*
11 *essary for overseas deployments and activities; payments*
12 *pursuant to section 156 of Public Law 97-377 (42 U.S.C.*
13 *402 note; 96 Stat. 1920); and recreation and welfare;*
14 *\$8,485,146,000, of which \$530,000,000 shall be for defense-*
15 *related activities; of which \$24,500,000 shall be derived*
16 *from the Oil Spill Liability Trust Fund to carry out the*
17 *purposes of section 1012(a)(5) of the Oil Pollution Act of*
18 *1990 (33 U.S.C. 2712(a)(5)); of which \$11,000,000 shall re-*
19 *main available until September 30, 2023; of which*
20 *\$21,186,000 shall remain available until September 30,*
21 *2025, for environmental compliance and restoration; and*
22 *of which \$70,000,000 shall remain available until Sep-*
23 *tember 30, 2022, for vessel depot level maintenance: Pro-*
24 *vided, That not to exceed \$23,000 shall be for official recep-*
25 *tion and representation expenses.*

1 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

2 *For necessary expenses of the Coast Guard for procure-*
3 *ment, construction, and improvements, including aids to*
4 *navigation, shore facilities (including facilities at Depart-*
5 *ment of Defense installations used by the Coast Guard), and*
6 *vessels and aircraft, including equipment related thereto,*
7 *\$2,264,041,000, to remain available until September 30,*
8 *2025; of which \$20,000,000 shall be derived from the Oil*
9 *Spill Liability Trust Fund to carry out the purposes of sec-*
10 *tion 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.*
11 *2712(a)(5)).*

12 *RESEARCH AND DEVELOPMENT*

13 *For necessary expenses of the Coast Guard for research*
14 *and development; and for maintenance, rehabilitation,*
15 *lease, and operation of facilities and equipment;*
16 *\$10,276,000, to remain available until September 30, 2023,*
17 *of which \$500,000 shall be derived from the Oil Spill Li-*
18 *ability Trust Fund to carry out the purposes of section*
19 *1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.*
20 *2712(a)(5)): Provided, That there may be credited to and*
21 *used for the purposes of this appropriation funds received*
22 *from State and local governments, other public authorities,*
23 *private sources, and foreign countries for expenses incurred*
24 *for research, development, testing, and evaluation.*

1 accommodations as may be necessary to perform protective
2 functions; and payment, without regard to section 5702 of
3 title 5, United States Code, of subsistence expenses of em-
4 ployees who are on protective missions, whether at or away
5 from their duty stations; \$2,373,109,000; of which
6 \$41,807,000 shall remain available until September 30,
7 2022, and of which \$6,000,000 shall be for a grant for ac-
8 tivities related to investigations of missing and exploited
9 children; and of which up to \$15,000,000 may be for cal-
10 endar year 2020 premium pay in excess of the annual
11 equivalent of the limitation on the rate of pay contained
12 in section 5547(a) of title 5, United States Code, pursuant
13 to section 2 of the Overtime Pay for Protective Services Act
14 of 2016 (5 U.S.C. 5547 note), as amended by Public Law
15 115–383: Provided, That not to exceed \$19,125 shall be for
16 official reception and representation expenses: Provided fur-
17 ther, That not to exceed \$100,000 shall be to provide tech-
18 nical assistance and equipment to foreign law enforcement
19 organizations in criminal investigations within the juris-
20 diction of the United States Secret Service.

21 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

22 *For necessary expenses of the United States Secret*
23 *Service for procurement, construction, and improvements,*
24 *\$52,955,000, to remain available until September 30, 2023.*

1 island pursuant to section 13031(a)(5) of the Consolidated
2 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
3 58c(a)(5)) shall be available until expended.

4 *SEC. 204. For an additional amount for “U.S. Cus-*
5 *toms and Border Protection—Operations and Support”,*
6 *\$31,000,000, to remain available until expended, to be re-*
7 *duced by amounts collected and credited to this appropria-*
8 *tion in fiscal year 2021 from amounts authorized to be col-*
9 *lected by section 286(i) of the Immigration and Nationality*
10 *Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security*
11 *and Rural Investment Act of 2002 (7 U.S.C. 8311), and*
12 *section 817 of the Trade Facilitation and Trade Enforce-*
13 *ment Act of 2015 (Public Law 114–25), or other such au-*
14 *thorizing language: Provided, That to the extent that*
15 *amounts realized from such collections exceed \$31,000,000,*
16 *those amounts in excess of \$31,000,000 shall be credited to*
17 *this appropriation, to remain available until expended.*

18 *SEC. 205. None of the funds made available in this*
19 *Act for U.S. Customs and Border Protection may be used*
20 *to prevent an individual not in the business of importing*
21 *a prescription drug (within the meaning of section 801(g)*
22 *of the Federal Food, Drug, and Cosmetic Act) from import-*
23 *ing a prescription drug from Canada that complies with*
24 *the Federal Food, Drug, and Cosmetic Act: Provided, That*
25 *this section shall apply only to individuals transporting on*

1 *their person a personal-use quantity of the prescription*
2 *drug, not to exceed a 90-day supply: Provided further, That*
3 *the prescription drug may not be—*

4 (1) *a controlled substance, as defined in section*
5 *102 of the Controlled Substances Act (21 U.S.C. 802);*
6 *or*

7 (2) *a biological product, as defined in section*
8 *351 of the Public Health Service Act (42 U.S.C. 262).*

9 *SEC. 206. Notwithstanding any other provision of law,*
10 *none of the funds provided in this or any other Act shall*
11 *be used to approve a waiver of the navigation and vessel-*
12 *inspection laws pursuant to section 501(b) of title 46,*
13 *United States Code, for the transportation of crude oil dis-*
14 *tributed from and to the Strategic Petroleum Reserve until*
15 *the Secretary of Homeland Security, after consultation with*
16 *the Secretaries of the Departments of Energy and Transpor-*
17 *tation and representatives from the United States flag mar-*
18 *itime industry, takes adequate measures to ensure the use*
19 *of United States flag vessels: Provided, That the Secretary*
20 *shall notify the Committees on Appropriations of the Senate*
21 *and the House of Representatives, the Committee on Com-*
22 *merce, Science, and Transportation of the Senate, and the*
23 *Committee on Transportation and Infrastructure of the*
24 *House of Representatives within 2 business days of any re-*
25 *quest for waivers of navigation and vessel-inspection laws*

1 *pursuant to section 501(b) of title 46, United States Code,*
2 *with respect to such transportation, and the disposition of*
3 *such requests.*

4 *SEC. 207. (a) Beginning on the date of enactment of*
5 *this Act, the Secretary of Homeland Security shall not—*

6 *(1) establish, collect, or otherwise impose any*
7 *new border crossing fee on individuals crossing the*
8 *Southern border or the Northern border at a land port*
9 *of entry; or*

10 *(2) conduct any study relating to the imposition*
11 *of a border crossing fee.*

12 *(b) In this section, the term “border crossing fee”*
13 *means a fee that every pedestrian, cyclist, and driver and*
14 *passenger of a private motor vehicle is required to pay for*
15 *the privilege of crossing the Southern border or the Northern*
16 *border at a land port of entry.*

17 *SEC. 208. Not later than 90 days after the date of en-*
18 *actment of this Act, the Secretary of Homeland Security*
19 *shall submit an expenditure plan for any amounts made*
20 *available for “U.S. Customs and Border Protection—Pro-*
21 *curement, Construction, and Improvements” in this Act*
22 *and prior Acts to the Committees on Appropriations of the*
23 *Senate and the House of Representatives: Provided, That*
24 *no such amounts may be obligated prior to the submission*
25 *of such plan.*

1 *SEC. 209. Of the total amount made available under*
2 *“U.S. Customs and Border Protection—Procurement, Con-*
3 *struction, and Improvements”, \$464,634,000 shall be avail-*
4 *able only as follows:*

5 (1) *\$160,530,000 for the acquisition and deploy-*
6 *ment of border security technologies and trade and*
7 *travel assets and infrastructure;*

8 (2) *\$142,399,000 for facility construction and*
9 *improvements;*

10 (3) *\$119,076,000 for integrated operations assets*
11 *and infrastructure; and*

12 (4) *\$42,629,000 for mission support and infra-*
13 *structure.*

14 *SEC. 210. Of the total amount made available under*
15 *“U.S. Customs and Border Protection—Procurement, Con-*
16 *struction, and Improvements”, an amount equal to the*
17 *amount made available in section 209(a)(1) of division D*
18 *of the Consolidated Appropriations Act, 2020 (Public Law*
19 *116–93) shall be made available for the same purposes as*
20 *the amount provided under such section in such Act.*

21 *SEC. 211. Federal funds may not be made available*
22 *for the construction of fencing—*

23 (1) *within the Santa Ana Wildlife Refuge;*

24 (2) *within the Bentsen-Rio Grande Valley State*
25 *Park;*

- 1 (3) *within La Lomita Historical park;*
2 (4) *within the National Butterfly Center;*
3 (5) *within or east of the Vista del Mar Ranch*
4 *tract of the Lower Rio Grande Valley National Wild-*
5 *life Refuge; or*
6 (6) *within historic cemeteries.*

7 *SEC. 212. Funds made available in this Act may be*
8 *used to alter operations within the National Targeting Cen-*
9 *ter of U.S. Customs and Border Protection: Provided, That*
10 *none of the funds provided by this Act, provided by previous*
11 *appropriations Acts that remain available for obligation or*
12 *expenditure in fiscal year 2021, or provided from any ac-*
13 *counts in the Treasury of the United States derived by the*
14 *collection of fees available to the components funded by this*
15 *Act, may be used to reduce anticipated or planned vetting*
16 *operations at existing locations unless specifically author-*
17 *ized by a statute enacted after the date of enactment of this*
18 *Act.*

19 *SEC. 213. Without regard to the limitation as to time*
20 *and condition of section 503(d) of this Act, the Secretary*
21 *may reprogram within and transfer funds to “U.S. Immigra-*
22 *tion and Customs Enforcement—Operations and Sup-*
23 *port” as necessary to ensure the detention of aliens*
24 *prioritized for removal.*

1 *SEC. 214. None of the funds provided under the head-*
2 *ing “U.S. Immigration and Customs Enforcement—Oper-*
3 *ations and Support” may be used to continue a delegation*
4 *of law enforcement authority authorized under section*
5 *287(g) of the Immigration and Nationality Act (8 U.S.C.*
6 *1357(g)) if the Department of Homeland Security Inspector*
7 *General determines that the terms of the agreement gov-*
8 *erning the delegation of authority have been materially vio-*
9 *lated.*

10 *SEC. 215. (a) None of the funds provided under the*
11 *heading “U.S. Immigration and Customs Enforcement—*
12 *Operations and Support” may be used to continue any con-*
13 *tract for the provision of detention services if the two most*
14 *recent overall performance evaluations received by the con-*
15 *tracted facility are less than “adequate” or the equivalent*
16 *median score in any subsequent performance evaluation*
17 *system.*

18 *(b) Beginning not later than January 1, 2021, the per-*
19 *formance evaluations referenced in subsection (a) shall be*
20 *conducted by the U.S. Immigration and Customs Enforce-*
21 *ment Office of Professional Responsibility.*

22 *SEC. 216. The reports required to be submitted under*
23 *section 218 of the Department of Homeland Security Ap-*
24 *propriations Act, 2020 (division D of Public Law 116–93)*
25 *shall continue to be submitted with respect to the period*

1 *beginning 15 days after the date of the enactment of this*
2 *Act and semimonthly thereafter, and each matter required*
3 *to be included in such report by such section 218 shall apply*
4 *in the same manner and to the same extent during the pe-*
5 *riod described in this section, except that for purposes of*
6 *reports submitted with respect to such period described, the*
7 *following additional requirements shall be treated as being*
8 *included as subparagraphs (H) through (J) of paragraph*
9 *(1) of such section 218—*

10 (1) *the average lengths of stay, including average*
11 *post-determination length of stay in the case of de-*
12 *tainees described in subparagraph (F), for individ-*
13 *uals who remain in detention as of the last date of*
14 *each such reporting period;*

15 (2) *the number who have been in detention,*
16 *disaggregated by the number of detainees described in*
17 *subparagraph (F), for each of the following—*

18 (A) *over 2 years;*

19 (B) *from over 1 year to 2 years;*

20 (C) *from over 6 months to 1 year; and*

21 (D) *for less than 6 months; and*

22 (3) *the number of individuals described in sec-*
23 *tion 115.5 of title 28, Code of Federal Regulations, in-*
24 *cluding the use and duration of solitary confinement*
25 *for such person.*

1 *SEC. 217. The terms and conditions of sections 216*
2 *and 217 of the Department of Homeland Security Appro-*
3 *priations Act, 2020 (division D of Public Law 116–93)*
4 *shall apply to this Act.*

5 *SEC. 218. Members of the United States House of Rep-*
6 *resentatives and the United States Senate, including the*
7 *leadership; the heads of Federal agencies and commissions,*
8 *including the Secretary, Deputy Secretary, Under Secre-*
9 *taries, and Assistant Secretaries of the Department of*
10 *Homeland Security; the United States Attorney General,*
11 *Deputy Attorney General, Assistant Attorneys General, and*
12 *the United States Attorneys; and senior members of the Ex-*
13 *ecutive Office of the President, including the Director of the*
14 *Office of Management and Budget, shall not be exempt from*
15 *Federal passenger and baggage screening.*

16 *SEC. 219. Any award by the Transportation Security*
17 *Administration to deploy explosives detection systems shall*
18 *be based on risk, the airport’s current reliance on other*
19 *screening solutions, lobby congestion resulting in increased*
20 *security concerns, high injury rates, airport readiness, and*
21 *increased cost effectiveness.*

22 *SEC. 220. Notwithstanding section 44923 of title 49,*
23 *United States Code, for fiscal year 2021, any funds in the*
24 *Aviation Security Capital Fund established by section*
25 *44923(h) of title 49, United States Code, may be used for*

1 *the procurement and installation of explosives detection sys-*
2 *tems or for the issuance of other transaction agreements for*
3 *the purpose of funding projects described in section*
4 *44923(a) of such title.*

5 *SEC. 221. None of the funds made available by this*
6 *or any other Act may be used by the Administrator of the*
7 *Transportation Security Administration to implement, ad-*
8 *minister, or enforce, in abrogation of the responsibility de-*
9 *scribed in section 44903(n)(1) of title 49, United States*
10 *Code, any requirement that airport operators provide air-*
11 *port-financed staffing to monitor exit points from the sterile*
12 *area of any airport at which the Transportation Security*
13 *Administration provided such monitoring as of December*
14 *1, 2013.*

15 *SEC. 222. Not later than 30 days after the submission*
16 *of the President's budget proposal, the Administrator of the*
17 *Transportation Security Administration shall submit to the*
18 *Committees on Appropriations and Commerce, Science, and*
19 *Transportation of the Senate and the Committees on Appro-*
20 *priations and Homeland Security in the House of Rep-*
21 *resentatives a single report that fulfills the following re-*
22 *quirements:*

23 *(1) a Capital Investment Plan that includes a*
24 *plan for continuous and sustained capital investment*

1 *in new, and the replacement of aged, transportation*
2 *security equipment;*

3 *(2) the 5-year technology investment plan as re-*
4 *quired by section 1611 of title XVI of the Homeland*
5 *Security Act of 2002, as amended by section 3 of the*
6 *Transportation Security Acquisition Reform Act*
7 *(Public Law 113–245); and*

8 *(3) the Advanced Integrated Passenger Screening*
9 *Technologies report as required by the Senate Report*
10 *accompanying the Department of Homeland Security*
11 *Appropriations Act, 2019 (Senate Report 115–283).*

12 *SEC. 223. Section 225 of division A of Public Law*
13 *116–6 (49 U.S.C. 44901 note; relating to a pilot program*
14 *for screening outside of an existing primary passenger ter-*
15 *minal screening area) is amended in subsection (e) by strik-*
16 *ing “2021” and inserting “2023”.*

17 *SEC. 224. None of the funds made available by this*
18 *Act under the heading “Coast Guard—Operations and*
19 *Support” shall be for expenses incurred for recreational ves-*
20 *sels under section 12114 of title 46, United States Code,*
21 *except to the extent fees are collected from owners of yachts*
22 *and credited to the appropriation made available by this*
23 *Act under the heading “Coast Guard—Operations and*
24 *Support”: Provided, That to the extent such fees are insuffi-*
25 *cient to pay expenses of recreational vessel documentation*

1 *under such section 12114, and there is a backlog of rec-*
2 *reational vessel applications, personnel performing non-rec-*
3 *reational vessel documentation functions under subchapter*
4 *II of chapter 121 of title 46, United States Code, may per-*
5 *form documentation under section 12114.*

6 *SEC. 225. Without regard to the limitation as to time*
7 *and condition of section 503(d) of this Act, after June 30,*
8 *up to \$10,000,000 may be reprogrammed to or from the*
9 *Military Pay and Allowances funding category within*
10 *“Coast Guard—Operations and Support” in accordance*
11 *with subsection (a) of section 503 of this Act.*

12 *SEC. 226. Notwithstanding any other provision of law,*
13 *the Commandant of the Coast Guard shall submit to the*
14 *Committees on Appropriations of the Senate and the House*
15 *of Representatives a future-years capital investment plan*
16 *as described in the second proviso under the heading “Coast*
17 *Guard—Acquisition, Construction, and Improvements” in*
18 *the Department of Homeland Security Appropriations Act,*
19 *2015 (Public Law 114–4), which shall be subject to the re-*
20 *quirements in the third and fourth provisos under such*
21 *heading.*

22 *SEC. 227. Of the funds made available for defense-re-*
23 *lated activities under the heading “Coast Guard—Oper-*
24 *ations and Support”, up to \$190,000,000 that are used for*
25 *enduring overseas missions in support of the global fight*

1 *against terror may be reallocated by program, project, and*
2 *activity, notwithstanding section 503 of this Act.*

3 *SEC. 228. None of the funds in this Act shall be used*
4 *to reduce the Coast Guard's Operations Systems Center*
5 *mission or its government-employed or contract staff levels.*

6 *SEC. 229. None of the funds appropriated by this Act*
7 *may be used to conduct, or to implement the results of, a*
8 *competition under Office of Management and Budget Cir-*
9 *cular A-76 for activities performed with respect to the Coast*
10 *Guard National Vessel Documentation Center.*

11 *SEC. 230. Funds made available in this Act may be*
12 *used to alter operations within the Civil Engineering Pro-*
13 *gram of the Coast Guard nationwide, including civil engi-*
14 *neering units, facilities design and construction centers,*
15 *maintenance and logistics commands, and the Coast Guard*
16 *Academy, except that none of the funds provided in this*
17 *Act may be used to reduce operations within any civil engi-*
18 *neering unit unless specifically authorized by a statute en-*
19 *acted after the date of enactment of this Act.*

20 *SEC. 231. Amounts deposited into the Coast Guard*
21 *Housing Fund in fiscal year 2021 shall be available until*
22 *expended to carry out the purposes of section 2946 of title*
23 *14, United States Code, and shall be in addition to funds*
24 *otherwise available for such purposes.*

1 *SEC. 232. The United States Secret Service is author-*
2 *ized to obligate funds in anticipation of reimbursements*
3 *from executive agencies, as defined in section 105 of title*
4 *5, United States Code, for personnel receiving training*
5 *sponsored by the James J. Rowley Training Center, except*
6 *that total obligations at the end of the fiscal year shall not*
7 *exceed total budgetary resources available under the heading*
8 *“United States Secret Service—Operations and Support”*
9 *at the end of the fiscal year.*

10 *SEC. 233. None of the funds made available to the*
11 *United States Secret Service by this Act or by previous ap-*
12 *propriations Acts may be made available for the protection*
13 *of the head of a Federal agency other than the Secretary*
14 *of Homeland Security: Provided, That the Director of the*
15 *United States Secret Service may enter into agreements to*
16 *provide such protection on a fully reimbursable basis.*

17 *SEC. 234. For purposes of section 503(a)(3) of this Act,*
18 *up to \$15,000,000 may be reprogrammed within “United*
19 *States Secret Service—Operations and Support”.*

20 *SEC. 235. Funding made available in this Act for*
21 *“United States Secret Service—Operations and Support”*
22 *is available for travel of United States Secret Service em-*
23 *ployees on protective missions without regard to the limita-*
24 *tions on such expenditures in this or any other Act if the*
25 *Director of the United States Secret Service or a designee*

1 *notifies the Committees on Appropriations of the Senate*
2 *and the House of Representatives 10 or more days in ad-*
3 *vance, or as early as practicable, prior to such expenditures.*

4 *TITLE III*

5 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
6 *RECOVERY*

7 *CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY*
8 *OPERATIONS AND SUPPORT*

9 *For necessary expenses of the Cybersecurity and Infra-*
10 *structure Security Agency for operations and support,*
11 *\$1,662,066,000, of which \$22,793,000, shall remain avail-*
12 *able until September 30, 2022: Provided, That not to exceed*
13 *\$3,825 shall be for official reception and representation ex-*
14 *penses.*

15 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

16 *For necessary expenses of the Cybersecurity and Infra-*
17 *structure Security Agency for procurement, construction,*
18 *and improvements, \$353,479,000, to remain available until*
19 *September 30, 2023.*

20 *RESEARCH AND DEVELOPMENT*

21 *For necessary expenses of the Cybersecurity and Infra-*
22 *structure Security Agency for research and development,*
23 *\$9,431,000, to remain available until September 30, 2022.*

1 *FEDERAL EMERGENCY MANAGEMENT AGENCY*2 *OPERATIONS AND SUPPORT*

3 *For necessary expenses of the Federal Emergency Man-*
4 *agement Agency for operations and support,*
5 *\$1,129,282,000: Provided, That not to exceed \$2,250 shall*
6 *be for official reception and representation expenses.*

7 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

8 *For necessary expenses of the Federal Emergency Man-*
9 *agement Agency for procurement, construction, and im-*
10 *provements, \$105,985,000, of which \$58,387,000 shall re-*
11 *main available until September 30, 2023, and of which*
12 *\$47,598,000 shall remain available until September 30,*
13 *2025.*

14 *FEDERAL ASSISTANCE*

15 *For activities of the Federal Emergency Management*
16 *Agency for Federal assistance through grants, contracts, co-*
17 *operative agreements, and other activities, \$3,294,892,000,*
18 *which shall be allocated as follows:*

19 (1) *\$610,000,000 for the State Homeland Secu-*
20 *riety Grant Program under section 2004 of the Home-*
21 *land Security Act of 2002 (6 U.S.C. 605), of which*
22 *\$90,000,000 shall be for Operation Stonegarden,*
23 *\$15,000,000 shall be for Tribal Homeland Security*
24 *Grants under section 2005 of the Homeland Security*
25 *Act of 2002 (6 U.S.C. 606), and \$90,000,000 shall be*

1 *for organizations (as described under section*
2 *501(c)(3) of the Internal Revenue Code of 1986 and*
3 *exempt from tax under section 501(a) of such code)*
4 *determined by the Secretary of Homeland Security to*
5 *be at high risk of a terrorist attack: Provided, That*
6 *notwithstanding subsection (c)(4) of such section*
7 *2004, for fiscal year 2021, the Commonwealth of*
8 *Puerto Rico shall make available to local and tribal*
9 *governments amounts provided to the Commonwealth*
10 *of Puerto Rico under this paragraph in accordance*
11 *with subsection (c)(1) of such section 2004.*

12 (2) *\$705,000,000 for the Urban Area Security*
13 *Initiative under section 2003 of the Homeland Secu-*
14 *rity Act of 2002 (6 U.S.C. 604), of which \$90,000,000*
15 *shall be for organizations (as described under section*
16 *501(c)(3) of the Internal Revenue Code of 1986 and*
17 *exempt from tax under section 501(a) of such code)*
18 *determined by the Secretary of Homeland Security to*
19 *be at high risk of a terrorist attack.*

20 (3) *\$100,000,000 for Public Transportation Se-*
21 *curity Assistance, Railroad Security Assistance, and*
22 *Over-the-Road Bus Security Assistance under sections*
23 *1406, 1513, and 1532 of the Implementing Rec-*
24 *ommendations of the 9/11 Commission Act of 2007 (6*
25 *U.S.C. 1135, 1163, and 1182), of which \$10,000,000*

1 *shall be for Amtrak security and \$2,000,000 shall be*
2 *for Over-the-Road Bus Security: Provided, That such*
3 *public transportation security assistance shall be pro-*
4 *vided directly to public transportation agencies.*

5 (4) *\$100,000,000 for Port Security Grants in ac-*
6 *cordance with section 70107 of title 46, United States*
7 *Code.*

8 (5) *\$720,000,000, to remain available until Sep-*
9 *tember 30, 2022, of which \$360,000,000 shall be for*
10 *Assistance to Firefighter Grants and \$360,000,000*
11 *shall be for Staffing for Adequate Fire and Emer-*
12 *gency Response Grants under sections 33 and 34 re-*
13 *spectively of the Federal Fire Prevention and Control*
14 *Act of 1974 (15 U.S.C. 2229 and 2229a).*

15 (6) *\$355,000,000 for emergency management*
16 *performance grants under the National Flood Insur-*
17 *ance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
18 *T. Stafford Disaster Relief and Emergency Assistance*
19 *Act (42 U.S.C. 5121), the Earthquake Hazards Re-*
20 *duction Act of 1977 (42 U.S.C. 7701), section 762 of*
21 *title 6, United States Code, and Reorganization Plan*
22 *No. 3 of 1978 (5 U.S.C. App.).*

23 (7) *\$263,000,000 for necessary expenses for Flood*
24 *Hazard Mapping and Risk Analysis, in addition to*
25 *and to supplement any other sums appropriated*

1 *under the National Flood Insurance Fund, and such*
2 *additional sums as may be provided by States or*
3 *other political subdivisions for cost-shared mapping*
4 *activities under section 1360(f)(2) of the National*
5 *Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)),*
6 *to remain available until expended.*

7 (8) *\$12,000,000 for Regional Catastrophic Pre-*
8 *paredness Grants.*

9 (9) *\$12,000,000 for Rehabilitation of High Haz-*
10 *ard Potential Dams under section 8A of the National*
11 *Dam Safety Program Act (33 U.S.C. 467f-2).*

12 (10) *\$130,000,000 for the emergency food and*
13 *shelter program under title III of the McKinney-Vento*
14 *Homeless Assistance Act (42 U.S.C. 11331), to re-*
15 *main available until expended: Provided, That not to*
16 *exceed 3.5 percent shall be for total administrative*
17 *costs.*

18 (11) *\$287,892,000 to sustain current operations*
19 *for training, exercises, technical assistance, and other*
20 *programs.*

21 *DISASTER RELIEF FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary expenses in carrying out the Robert T.*
24 *Stafford Disaster Relief and Emergency Assistance Act (42*
25 *U.S.C. 5121 et seq.), \$17,142,000,000, to remain available*

1 *until expended, shall be for major disasters declared pursu-*
2 *ant to the Robert T. Stafford Disaster Relief and Emer-*
3 *gency Assistance Act (42 U.S.C. 5121 et seq.) and is des-*
4 *ignated by the Congress as being for disaster relief pursuant*
5 *to section 251(b)(2)(D) of the Balanced Budget and Emer-*
6 *gency Deficit Control Act of 1985: Provided, That of the*
7 *amount provided under this heading, up to \$250,000,000*
8 *may be transferred to the Disaster Assistance Direct Loan*
9 *Program Account for the cost of direct loans as authorized*
10 *under section 417 of the Robert T. Stafford Disaster Relief*
11 *and Emergency Assistance Act (42 U.S.C. 5184), including*
12 *loans issued pursuant to section 311 of this Act, of which*
13 *\$3,000,000 is for administrative expenses.*

14 *NATIONAL FLOOD INSURANCE FUND*

15 *For activities under the National Flood Insurance Act*
16 *of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protec-*
17 *tion Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-*
18 *Waters Flood Insurance Reform Act of 2012 (Public Law*
19 *112–141, 126 Stat. 916), and the Homeowner Flood Insur-*
20 *ance Affordability Act of 2014 (Public Law 113–89; 128*
21 *Stat. 1020), \$204,412,000, to remain available until Sep-*
22 *tember 30, 2022, which shall be derived from offsetting*
23 *amounts collected under section 1308(d) of the National*
24 *Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which*
25 *\$13,906,000 shall be available for mission support associ-*

1 *ated with flood management; and of which \$190,506,000*
2 *shall be available for flood plain management and flood*
3 *mapping: Provided, That any additional fees collected pur-*
4 *suant to section 1308(d) of the National Flood Insurance*
5 *Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offset-*
6 *ting collections to this account, to be available for flood*
7 *plain management and flood mapping: Provided further,*
8 *That in fiscal year 2021, no funds shall be available from*
9 *the National Flood Insurance Fund under section 1310 of*
10 *the National Flood Insurance Act of 1968 (42 U.S.C. 4017)*
11 *in excess of—*

12 *(1) \$181,021,000 for operating expenses and sal-*
13 *aries and expenses associated with flood insurance op-*
14 *erations;*

15 *(2) \$1,164,000,000 for commissions and taxes of*
16 *agents;*

17 *(3) such sums as are necessary for interest on*
18 *Treasury borrowings; and*

19 *(4) \$175,000,000, which shall remain available*
20 *until expended, for flood mitigation actions and for*
21 *flood mitigation assistance under section 1366 of the*
22 *National Flood Insurance Act of 1968 (42 U.S.C.*
23 *4104c), notwithstanding sections 1366(e) and*
24 *1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):*

1 *Provided further, That the amounts collected under section*
2 *102 of the Flood Disaster Protection Act of 1973 (42 U.S.C.*
3 *4012a) and section 1366(e) of the National Flood Insurance*
4 *Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the*
5 *National Flood Insurance Fund to supplement other*
6 *amounts specified as available for section 1366 of the Na-*
7 *tional Flood Insurance Act of 1968, notwithstanding section*
8 *102(f)(8), section 1366(e) of the National Flood Insurance*
9 *Act of 1968, and paragraphs (1) through (3) of section*
10 *1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),*
11 *4104d(b)(1)–(3)): Provided further, That total administra-*
12 *tive costs shall not exceed 4 percent of the total appropria-*
13 *tion: Provided further, That up to \$5,000,000 is available*
14 *to carry out section 24 of the Homeowner Flood Insurance*
15 *Affordability Act of 2014 (42 U.S.C. 4033).*

16 *ADMINISTRATIVE PROVISIONS*

17 *SEC. 301. Funds made available under the heading*
18 *“Cybersecurity and Infrastructure Security Agency—Oper-*
19 *ations and Support” may be made available for the nec-*
20 *essary expenses of carrying out the competition specified in*
21 *section 2(e) of Executive Order No. 13870 (May 2, 2019),*
22 *including the provision of monetary and non-monetary*
23 *awards for Federal civilian employees and members of the*
24 *uniformed services, the necessary expenses for the honorary*
25 *recognition of any award recipients, and activities to en-*

1 *courage participation in the competition, including pro-*
2 *motional items: Provided, That any awards made pursuant*
3 *to this section shall be of the same type and amount as*
4 *those authorized under sections 4501 through 4505 of title*
5 *5, United States Code.*

6 *SEC. 302. Notwithstanding section 2008(a)(12) of the*
7 *Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or*
8 *any other provision of law, not more than 5 percent of the*
9 *amount of a grant made available in paragraphs (1)*
10 *through (4) under “Federal Emergency Management Agen-*
11 *cy—Federal Assistance”, may be used by the grantee for*
12 *expenses directly related to administration of the grant.*

13 *SEC. 303. Applications for grants under the heading*
14 *“Federal Emergency Management Agency—Federal Assist-*
15 *ance”, for paragraphs (1) through (4), shall be made avail-*
16 *able to eligible applicants not later than 60 days after the*
17 *date of enactment of this Act, eligible applicants shall sub-*
18 *mit applications not later than 80 days after the grant an-*
19 *nouncement, and the Administrator of the Federal Emer-*
20 *gency Management Agency shall act within 65 days after*
21 *the receipt of an application.*

22 *SEC. 304. Under the heading “Federal Emergency*
23 *Management Agency—Federal Assistance”, for grants*
24 *under paragraphs (1) through (4), (8), and (9), the Admin-*
25 *istrator of the Federal Emergency Management Agency*

1 *shall brief the Committees on Appropriations of the Senate*
2 *and the House of Representatives 5 full business days in*
3 *advance of announcing publicly the intention of making an*
4 *award.*

5 *SEC. 305. Under the heading “Federal Emergency*
6 *Management Agency—Federal Assistance”, for grants*
7 *under paragraphs (1) and (2), the installation of commu-*
8 *nications towers is not considered construction of a building*
9 *or other physical facility.*

10 *SEC. 306. The reporting requirements in paragraphs*
11 *(1) and (2) under the heading “Federal Emergency Man-*
12 *agement Agency—Disaster Relief Fund” in the Department*
13 *of Homeland Security Appropriations Act, 2015 (Public*
14 *Law 114–4) shall be applied in fiscal year 2021 with re-*
15 *spect to budget year 2022 and current fiscal year 2021, re-*
16 *spectively—*

17 *(1) in paragraph (1) by substituting “fiscal year*
18 *2022” for “fiscal year 2016”; and*

19 *(2) in paragraph (2) by inserting “business”*
20 *after “fifth”.*

21 *SEC. 307. In making grants under the heading “Fed-*
22 *eral Emergency Management Agency—Federal Assistance”,*
23 *for Staffing for Adequate Fire and Emergency Response*
24 *grants, the Administrator of the Federal Emergency Man-*
25 *agement Agency may grant waivers from the requirements*

1 *in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2),*
2 *and (c)(4) of section 34 of the Federal Fire Prevention and*
3 *Control Act of 1974 (15 U.S.C. 2229a).*

4 *SEC. 308. The aggregate charges assessed during fiscal*
5 *year 2021, as authorized in title III of the Departments*
6 *of Veterans Affairs and Housing and Urban Development,*
7 *and Independent Agencies Appropriations Act, 1999 (42*
8 *U.S.C. 5196e), shall not be less than 100 percent of the*
9 *amounts anticipated by the Department of Homeland Secu-*
10 *rity to be necessary for its Radiological Emergency Pre-*
11 *paredness Program for the next fiscal year: Provided, That*
12 *the methodology for assessment and collection of fees shall*
13 *be fair and equitable and shall reflect costs of providing*
14 *such services, including administrative costs of collecting*
15 *such fees: Provided further, That such fees shall be deposited*
16 *in a Radiological Emergency Preparedness Program ac-*
17 *count as offsetting collections and will become available for*
18 *authorized purposes on October 1, 2021, and remain avail-*
19 *able until expended.*

20 *SEC. 309. (a) Any balances of funds appropriated in*
21 *any prior Act for activities funded by National Pre-disaster*
22 *Mitigation Fund under section 203 of the Robert T. Staf-*
23 *ford Disaster Relief and Emergency Assistance Act (42*
24 *U.S.C. 5133) (as in effect on the day before the date of en-*
25 *actment of section 1234 of division D of Public Law 115–*

1 254) may be transferred to and merged for all purposes with
2 the funds set aside pursuant to subsection (i)(1) of section
3 203 of the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5133), as in effect on the
5 date of the enactment of this section.

6 (b) The transfer authorized in subsection (a) may not
7 occur until the Administrator of the Federal Emergency
8 Management Agency submits to the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 a plan for the obligation of funds pursuant to such sub-
11 section (i)(1), including the criteria to be used for awarding
12 grants and a process for tracking the obligation of such
13 transferred funds.

14 SEC. 310. In making grants under the heading “Fed-
15 eral Emergency Management Agency—Federal Assistance”,
16 for Assistance to Firefighter Grants, the Administrator of
17 the Federal Emergency Management Agency may waive
18 subsection (k) of section 33 of the Federal Fire Prevention
19 and Control Act of 1974 (15 U.S.C. 2229).

20 SEC. 311. (a) For major disasters declared in 2018
21 pursuant to the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5170), a territory or
23 possession of the United States shall be deemed to be a local
24 government for purposes of section 417 of such Act (42

1 *U.S.C. 5184) and section 206.361(a) of title 44, Code of*
2 *Federal Regulations.*

3 *(b) Notwithstanding section 206.361(a) of title 44,*
4 *Code of Federal Regulations, the President may provide a*
5 *loan until the last day of the fiscal year that is 3 fiscal*
6 *years after the fiscal year in which the natural disaster de-*
7 *scribed in such subsection occurs.*

8 *(c) Notwithstanding section 417(b) of such Act and sec-*
9 *tion 206.361(b) of title 44, Code of Federal Regulations, the*
10 *amount of any loan issued to a territory or possession*
11 *may—*

12 *(1) exceed \$5,000,000; and*

13 *(2) may be based on the projected loss of tax and*
14 *other revenues and on projected cash outlays not pre-*
15 *viously budgeted for a period not to exceed 1 year be-*
16 *ginning on the date that the major disaster occurred.*

17 *TITLE IV*

18 *RESEARCH, DEVELOPMENT, TRAINING, AND*

19 *SERVICES*

20 *U.S. CITIZENSHIP AND IMMIGRATION SERVICES*

21 *OPERATIONS AND SUPPORT*

22 *For necessary expenses of U.S. Citizenship and Immi-*
23 *gration Services for operations and support of the E-Verify*
24 *Program, \$117,790,000.*

1 *FEDERAL ASSISTANCE*

2 *For necessary expenses of U.S. Citizenship and Immi-*
3 *gration Services for Federal assistance for the Citizenship*
4 *and Integration Grant Program, \$10,000,000.*

5 *FEDERAL LAW ENFORCEMENT TRAINING CENTERS*6 *OPERATIONS AND SUPPORT*

7 *For necessary expenses of the Federal Law Enforce-*
8 *ment Training Centers for operations and support, includ-*
9 *ing the purchase of not to exceed 117 vehicles for police-*
10 *type use and hire of passenger motor vehicles, and services*
11 *as authorized by section 3109 of title 5, United States Code,*
12 *\$314,348,000, of which \$61,391,000 shall remain available*
13 *until September 30, 2022: Provided, That not to exceed*
14 *\$7,180 shall be for official reception and representation ex-*
15 *penses.*

16 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

17 *For necessary expenses of the Federal Law Enforce-*
18 *ment Training Centers for procurement, construction, and*
19 *improvements, \$26,000,000, to remain available until Sep-*
20 *tember 30, 2025, for acquisition of necessary additional real*
21 *property and facilities, construction and ongoing mainte-*
22 *nance, facility improvements and related expenses of the*
23 *Federal Law Enforcement Training Centers.*

1 *SCIENCE AND TECHNOLOGY DIRECTORATE*2 *OPERATIONS AND SUPPORT*

3 *For necessary expenses of the Science and Technology*
4 *Directorate for operations and support, including the pur-*
5 *chase or lease of not to exceed 5 vehicles, \$302,703,000, of*
6 *which \$180,112,000 shall remain available until September*
7 *30, 2022: Provided, That not to exceed \$10,000 shall be for*
8 *official reception and representation expenses.*

9 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

10 *For necessary expenses of the Science and Technology*
11 *Directorate for procurement, construction, and improve-*
12 *ments, \$18,927,000, to remain available until September*
13 *30, 2025.*

14 *RESEARCH AND DEVELOPMENT*

15 *For necessary expenses of the Science and Technology*
16 *Directorate for research and development, \$443,928,000, to*
17 *remain available until September 30, 2023.*

18 *COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE*19 *OPERATIONS AND SUPPORT*

20 *For necessary expenses of the Countering Weapons of*
21 *Mass Destruction Office for operations and support,*
22 *\$179,892,000, of which \$20,697,000 shall remain available*
23 *until September 30, 2022: Provided, That not to exceed*
24 *\$2,250 shall be for official reception and representation ex-*
25 *penses.*

1 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

2 *For necessary expenses of the Countering Weapons of*
3 *Mass Destruction Office for procurement, construction, and*
4 *improvements, \$87,413,000, to remain available until Sep-*
5 *tember 30, 2023.*

6 *RESEARCH AND DEVELOPMENT*

7 *For necessary expenses of the Countering Weapons of*
8 *Mass Destruction Office for research and development,*
9 *\$65,309,000, to remain available until September 30, 2023.*

10 *FEDERAL ASSISTANCE*

11 *For necessary expenses of the Countering Weapons of*
12 *Mass Destruction Office for Federal assistance through*
13 *grants, contracts, cooperative agreements, and other activi-*
14 *ties, \$69,663,000, to remain available until September 30,*
15 *2023.*

16 *ADMINISTRATIVE PROVISIONS*

17 *SEC. 401. Notwithstanding any other provision of law,*
18 *funds otherwise made available to U.S. Citizenship and Im-*
19 *migration Services may be used to acquire, operate, equip,*
20 *and dispose of up to 5 vehicles, for replacement only, for*
21 *areas where the Administrator of General Services does not*
22 *provide vehicles for lease: Provided, That the Director of*
23 *U.S. Citizenship and Immigration Services may authorize*
24 *employees who are assigned to those areas to use such vehi-*

1 *cles to travel between the employees' residences and places*
2 *of employment.*

3 *SEC. 402. None of the funds appropriated by this Act*
4 *may be used to process or approve a competition under Of-*
5 *fice of Management and Budget Circular A-76 for services*
6 *provided by employees (including employees serving on a*
7 *temporary or term basis) of U.S. Citizenship and Immigra-*
8 *tion Services of the Department of Homeland Security who*
9 *are known as Immigration Information Officers, Immigra-*
10 *tion Service Analysts, Contact Representatives, Investiga-*
11 *tive Assistants, or Immigration Services Officers.*

12 *SEC. 403. The terms and conditions of section 403 of*
13 *the Department of Homeland Security Appropriations Act,*
14 *2020 (division D of Public Law 116-93) shall apply to this*
15 *Act.*

16 *SEC. 404. The Director of the Federal Law Enforce-*
17 *ment Training Centers is authorized to distribute funds to*
18 *Federal law enforcement agencies for expenses incurred par-*
19 *ticipating in training accreditation.*

20 *SEC. 405. The Federal Law Enforcement Training Ac-*
21 *creditation Board, including representatives from the Fed-*
22 *eral law enforcement community and non-Federal accredi-*
23 *tation experts involved in law enforcement training, shall*
24 *lead the Federal law enforcement training accreditation*
25 *process to continue the implementation of measuring and*

1 *ble established accounts, and thereafter may be accounted*
2 *for as one fund for the same time period as originally en-*
3 *acted.*

4 *SEC. 503. (a) None of the funds provided by this Act,*
5 *provided by previous appropriations Acts to the components*
6 *in or transferred to the Department of Homeland Security*
7 *that remain available for obligation or expenditure in fiscal*
8 *year 2021, or provided from any accounts in the Treasury*
9 *of the United States derived by the collection of fees avail-*
10 *able to the components funded by this Act, shall be available*
11 *for obligation or expenditure through a reprogramming of*
12 *funds that—*

13 *(1) creates or eliminates a program, project, or*
14 *activity, or increases funds for any program, project,*
15 *or activity for which funds have been denied or re-*
16 *stricted by the Congress;*

17 *(2) contracts out any function or activity pres-*
18 *ently performed by Federal employees or any new*
19 *function or activity proposed to be performed by Fed-*
20 *eral employees in the President's budget proposal for*
21 *fiscal year 2021 for the Department of Homeland Se-*
22 *curity;*

23 *(3) augments funding for existing programs,*
24 *projects, or activities in excess of \$5,000,000 or 10*
25 *percent, whichever is less;*

1 (4) *reduces funding for any program, project, or*
2 *activity, or numbers of personnel, by 10 percent or*
3 *more; or*

4 (5) *results from any general savings from a re-*
5 *duction in personnel that would result in a change in*
6 *funding levels for programs, projects, or activities as*
7 *approved by the Congress.*

8 (b) *Subsection (a) shall not apply if the Committees*
9 *on Appropriations of the Senate and the House of Rep-*
10 *resentatives are notified at least 15 days in advance of such*
11 *reprogramming.*

12 (c) *Up to 5 percent of any appropriation made avail-*
13 *able for the current fiscal year for the Department of Home-*
14 *land Security by this Act or provided by previous appro-*
15 *priations Acts may be transferred between such appropria-*
16 *tions if the Committees on Appropriations of the Senate*
17 *and the House of Representatives are notified at least 30*
18 *days in advance of such transfer, but no such appropria-*
19 *tion, except as otherwise specifically provided, shall be in-*
20 *creased by more than 10 percent by such transfer.*

21 (d) *Notwithstanding subsections (a), (b), and (c), no*
22 *funds shall be reprogrammed within or transferred between*
23 *appropriations based upon an initial notification provided*
24 *after June 30, except in extraordinary circumstances that*

1 *imminently threaten the safety of human life or the protec-*
2 *tion of property.*

3 *(e) The notification thresholds and procedures set forth*
4 *in subsections (a), (b), (c), and (d) shall apply to any use*
5 *of deobligated balances of funds provided in previous De-*
6 *partment of Homeland Security Appropriations Acts that*
7 *remain available for obligation in the current year.*

8 *(f) Notwithstanding subsection (c), the Secretary of*
9 *Homeland Security may transfer to the fund established by*
10 *8 U.S.C. 1101 note, up to \$20,000,000 from appropriations*
11 *available to the Department of Homeland Security: Pro-*
12 *vided, That the Secretary shall notify the Committees on*
13 *Appropriations of the Senate and the House of Representa-*
14 *tives at least 5 days in advance of such transfer.*

15 *SEC. 504. Section 504 of the Department of Homeland*
16 *Security Appropriations Act, 2017 (division F of Public*
17 *Law 115–31), related to the operations of a working capital*
18 *fund, shall apply with respect to funds made available in*
19 *this Act in the same manner as such section applied to*
20 *funds made available in that Act: Provided, That funds*
21 *from such working capital fund may be obligated and ex-*
22 *pended in anticipation of reimbursements from components*
23 *of the Department of Homeland Security.*

24 *SEC. 505. Except as otherwise specifically provided by*
25 *law, not to exceed 50 percent of unobligated balances re-*

1 *maintaining available at the end of fiscal year 2021, as re-*
2 *corded in the financial records at the time of a reprogram-*
3 *ming notification, but not later than June 30, 2022, from*
4 *appropriations for “Operations and Support” for fiscal*
5 *year 2021 in this Act shall remain available through Sep-*
6 *tember 30, 2022, in the account and for the purposes for*
7 *which the appropriations were provided: Provided, That*
8 *prior to the obligation of such funds, a notification shall*
9 *be submitted to the Committees on Appropriations of the*
10 *Senate and the House of Representatives in accordance with*
11 *section 503 of this Act.*

12 *SEC. 506. Funds made available by this Act for intel-*
13 *ligence activities are deemed to be specifically authorized*
14 *by the Congress for purposes of section 504 of the National*
15 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
16 *2021 until the enactment of an Act authorizing intelligence*
17 *activities for fiscal year 2021.*

18 *SEC. 507. (a) The Secretary of Homeland Security, or*
19 *the designee of the Secretary, shall notify the Committees*
20 *on Appropriations of the Senate and the House of Rep-*
21 *resentatives at least 3 full business days in advance of—*

22 *(1) making or awarding a grant allocation or*
23 *grant in excess of \$1,000,000;*

24 *(2) making or awarding a contract, other trans-*
25 *action agreement, or task or delivery order on a De-*

1 *partment of Homeland Security multiple award con-*
2 *tract, or to issue a letter of intent totaling in excess*
3 *of \$4,000,000;*

4 *(3) awarding a task or delivery order requiring*
5 *an obligation of funds in an amount greater than*
6 *\$10,000,000 from multi-year Department of Home-*
7 *land Security funds;*

8 *(4) making a sole-source grant award; or*

9 *(5) announcing publicly the intention to make or*
10 *award items under paragraph (1), (2), (3), or (4), in-*
11 *cluding a contract covered by the Federal Acquisition*
12 *Regulation.*

13 *(b) If the Secretary of Homeland Security determines*
14 *that compliance with this section would pose a substantial*
15 *risk to human life, health, or safety, an award may be made*
16 *without notification, and the Secretary shall notify the*
17 *Committees on Appropriations of the Senate and the House*
18 *of Representatives not later than 5 full business days after*
19 *such an award is made or letter issued.*

20 *(c) A notification under this section—*

21 *(1) may not involve funds that are not available*
22 *for obligation; and*

23 *(2) shall include the amount of the award; the*
24 *fiscal year for which the funds for the award were ap-*

1 *propriated; the type of contract; and the account from*
2 *which the funds are being drawn.*

3 *SEC. 508. Notwithstanding any other provision of law,*
4 *no agency shall purchase, construct, or lease any additional*
5 *facilities, except within or contiguous to existing locations,*
6 *to be used for the purpose of conducting Federal law enforce-*
7 *ment training without advance notification to the Commit-*
8 *tees on Appropriations of the Senate and the House of Rep-*
9 *resentatives, except that the Federal Law Enforcement*
10 *Training Centers is authorized to obtain the temporary use*
11 *of additional facilities by lease, contract, or other agreement*
12 *for training that cannot be accommodated in existing Cen-*
13 *ters' facilities.*

14 *SEC. 509. None of the funds appropriated or otherwise*
15 *made available by this Act may be used for expenses for*
16 *any construction, repair, alteration, or acquisition project*
17 *for which a prospectus otherwise required under chapter 33*
18 *of title 40, United States Code, has not been approved, ex-*
19 *cept that necessary funds may be expended for each project*
20 *for required expenses for the development of a proposed pro-*
21 *spectus.*

22 *SEC. 510. Sections 520, 522, and 530 of the Depart-*
23 *ment of Homeland Security Appropriations Act, 2008 (di-*
24 *vision E of Public Law 110–161; 121 Stat. 2073 and 2074)*
25 *shall apply with respect to funds made available in this*

1 *Act in the same manner as such sections applied to funds*
2 *made available in that Act.*

3 *SEC. 511. None of the funds made available in this*
4 *Act may be used in contravention of the applicable provi-*
5 *sions of the Buy American Act: Provided, That for purposes*
6 *of the preceding sentence, the term “Buy American Act”*
7 *means chapter 83 of title 41, United States Code.*

8 *SEC. 512. None of the funds made available in this*
9 *Act may be used to amend the oath of allegiance required*
10 *by section 337 of the Immigration and Nationality Act (8*
11 *U.S.C. 1448).*

12 *SEC. 513. None of the funds provided or otherwise*
13 *made available in this Act shall be available to carry out*
14 *section 872 of the Homeland Security Act of 2002 (6 U.S.C.*
15 *452) unless explicitly authorized by the Congress.*

16 *SEC. 514. None of the funds made available in this*
17 *Act may be used for planning, testing, piloting, or devel-*
18 *oping a national identification card.*

19 *SEC. 515. Any official that is required by this Act to*
20 *report or to certify to the Committees on Appropriations*
21 *of the Senate and the House of Representatives may not*
22 *delegate such authority to perform that act unless specifi-*
23 *cally authorized herein.*

24 *SEC. 516. None of the funds appropriated or otherwise*
25 *made available in this or any other Act may be used to*

1 *transfer, release, or assist in the transfer or release to or*
2 *within the United States, its territories, or possessions*
3 *Khalid Sheikh Mohammed or any other detainee who—*

4 (1) *is not a United States citizen or a member*
5 *of the Armed Forces of the United States; and*

6 (2) *is or was held on or after June 24, 2009, at*
7 *the United States Naval Station, Guantanamo Bay,*
8 *Cuba, by the Department of Defense.*

9 *SEC. 517. None of the funds made available in this*
10 *Act may be used for first-class travel by the employees of*
11 *agencies funded by this Act in contravention of sections*
12 *301–10.122 through 301–10.124 of title 41, Code of Federal*
13 *Regulations.*

14 *SEC. 518. None of the funds made available in this*
15 *Act may be used to employ workers described in section*
16 *274A(h)(3) of the Immigration and Nationality Act (8*
17 *U.S.C. 1324a(h)(3)).*

18 *SEC. 519. Notwithstanding any other provision of this*
19 *Act, none of the funds appropriated or otherwise made*
20 *available by this Act may be used to pay award or incentive*
21 *fees for contractor performance that has been judged to be*
22 *below satisfactory performance or performance that does not*
23 *meet the basic requirements of a contract.*

24 *SEC. 520. None of the funds appropriated or otherwise*
25 *made available by this Act may be used by the Department*

1 *of Homeland Security to enter into any Federal contract*
2 *unless such contract is entered into in accordance with the*
3 *requirements of subtitle I of title 41, United States Code,*
4 *or chapter 137 of title 10, United States Code, and the Fed-*
5 *eral Acquisition Regulation, unless such contract is other-*
6 *wise authorized by statute to be entered into without regard*
7 *to the above referenced statutes.*

8 *SEC. 521. (a) None of the funds made available in this*
9 *Act may be used to maintain or establish a computer net-*
10 *work unless such network blocks the viewing, downloading,*
11 *and exchanging of pornography.*

12 *(b) Nothing in subsection (a) shall limit the use of*
13 *funds necessary for any Federal, State, tribal, or local law*
14 *enforcement agency or any other entity carrying out crimi-*
15 *nal investigations, prosecution, or adjudication activities.*

16 *SEC. 522. None of the funds made available in this*
17 *Act may be used by a Federal law enforcement officer to*
18 *facilitate the transfer of an operable firearm to an indi-*
19 *vidual if the Federal law enforcement officer knows or sus-*
20 *pects that the individual is an agent of a drug cartel unless*
21 *law enforcement personnel of the United States continu-*
22 *ously monitor or control the firearm at all times.*

23 *SEC. 523. None of the funds made available in this*
24 *Act may be used to pay for the travel to or attendance of*
25 *more than 50 employees of a single component of the De-*

1 *partment of Homeland Security, who are stationed in the*
2 *United States, at a single international conference unless*
3 *the Secretary of Homeland Security, or a designee, deter-*
4 *mines that such attendance is in the national interest and*
5 *notifies the Committees on Appropriations of the Senate*
6 *and the House of Representatives within at least 10 days*
7 *of that determination and the basis for that determination:*
8 *Provided, That for purposes of this section the term “inter-*
9 *national conference” shall mean a conference occurring out-*
10 *side of the United States attended by representatives of the*
11 *United States Government and of foreign governments,*
12 *international organizations, or nongovernmental organiza-*
13 *tions: Provided further, That the total cost to the Depart-*
14 *ment of Homeland Security of any such conference shall*
15 *not exceed \$500,000.*

16 *SEC. 524. None of the funds made available in this*
17 *Act may be used to reimburse any Federal department or*
18 *agency for its participation in a National Special Security*
19 *Event.*

20 *SEC. 525. None of the funds made available to the De-*
21 *partment of Homeland Security by this or any other Act*
22 *may be obligated for any structural pay reform that affects*
23 *more than 100 full-time positions or costs more than*
24 *\$5,000,000 in a single year before the end of the 30-day*
25 *period beginning on the date on which the Secretary of*

1 *Homeland Security submits to Congress a notification that*
2 *includes—*

3 (1) *the number of full-time positions affected by*
4 *such change;*

5 (2) *funding required for such change for the cur-*
6 *rent year and through the Future Years Homeland*
7 *Security Program;*

8 (3) *justification for such change; and*

9 (4) *an analysis of compensation alternatives to*
10 *such change that were considered by the Department.*

11 *SEC. 526. (a) Any agency receiving funds made avail-*
12 *able in this Act shall, subject to subsections (b) and (c),*
13 *post on the public website of that agency any report re-*
14 *quired to be submitted by the Committees on Appropria-*
15 *tions of the Senate and the House of Representatives in this*
16 *Act, upon the determination by the head of the agency that*
17 *it shall serve the national interest.*

18 (b) *Subsection (a) shall not apply to a report if—*

19 (1) *the public posting of the report compromises*
20 *homeland or national security; or*

21 (2) *the report contains proprietary information.*

22 (c) *The head of the agency posting such report shall*
23 *do so only after such report has been made available to the*
24 *Committees on Appropriations of the Senate and the House*

1 *of Representatives for not less than 45 days except as other-*
2 *wise specified in law.*

3 *SEC. 527. (a) Funding provided in this Act for “Oper-*
4 *ations and Support” may be used for minor procurement,*
5 *construction, and improvements.*

6 *(b) For purposes of subsection (a), “minor” refers to*
7 *end items with a unit cost of \$250,000 or less for personal*
8 *property, and \$2,000,000 or less for real property.*

9 *SEC. 528. None of the funds made available by this*
10 *Act may be obligated or expended to implement the Arms*
11 *Trade Treaty until the Senate approves a resolution of rati-*
12 *fication for the Treaty.*

13 *SEC. 529. The authority provided by section 532 of*
14 *the Department of Homeland Security Appropriations Act,*
15 *2018 (Public Law 115–141) regarding primary and sec-*
16 *ondary schooling of dependents shall continue in effect dur-*
17 *ing fiscal year 2021.*

18 *SEC. 530. (a) For an additional amount for “Federal*
19 *Emergency Management Agency—Federal Assistance”,*
20 *\$12,700,000, to remain available until September 30, 2022,*
21 *exclusively for providing reimbursement of extraordinary*
22 *law enforcement or other emergency personnel costs for pro-*
23 *tection activities directly and demonstrably associated with*
24 *any residence of the President that is designated or identi-*
25 *fied to be secured by the United States Secret Service.*

1 (b) Subsections (b) through (f) of section 534 of the
2 Department of Homeland Security Appropriations Act,
3 2018 (Public Law 115–141), shall be applied with respect
4 to amounts made available by subsection (a) of this section
5 by substituting “October 1, 2021” for “October 1, 2018”
6 and “October 1, 2020” for “October 1, 2017”.

7 SEC. 531. (a) Section 831 of the Homeland Security
8 Act of 2002 (6 U.S.C. 391) shall be applied—

9 (1) In subsection (a), by substituting “September
10 30, 2021,” for “September 30, 2017,”; and

11 (2) In subsection (c)(1), by substituting “Sep-
12 tember 30, 2021,” for “September 30, 2017”.

13 (b) The Secretary of Homeland Security, under the au-
14 thority of section 831 of the Homeland Security Act of 2002
15 (6 U.S.C. 391(a)), may carry out prototype projects under
16 section 2371b of title 10, United States Code, and the Sec-
17 retary shall perform the functions of the Secretary of De-
18 fense as prescribed.

19 (c) The Secretary of Homeland Security under section
20 831 of the Homeland Security Act of 2002 (6 U.S.C.
21 391(d)) may use the definition of nontraditional govern-
22 ment contractor as defined in section 2371b(e) of title 10,
23 United States Code.

24 SEC. 532. (a) None of the funds appropriated or other-
25 wise made available to the Department of Homeland Secu-

1 *rity by this Act may be used to prevent any of the following*
2 *persons from entering, for the purpose of conducting over-*
3 *sight, any facility operated by or for the Department of*
4 *Homeland Security used to detain or otherwise house*
5 *aliens, or to make any temporary modification at any such*
6 *facility that in any way alters what is observed by a vis-*
7 *iting member of Congress or such designated employee, com-*
8 *pared to what would be observed in the absence of such*
9 *modification:*

10 (1) *A Member of Congress.*

11 (2) *An employee of the United States House of*
12 *Representatives or the United States Senate des-*
13 *ignated by such a Member for the purposes of this sec-*
14 *tion.*

15 (b) *Nothing in this section may be construed to require*
16 *a Member of Congress to provide prior notice of the intent*
17 *to enter a facility described in subsection (a) for the purpose*
18 *of conducting oversight.*

19 (c) *With respect to individuals described in subsection*
20 *(a)(2), the Department of Homeland Security may require*
21 *that a request be made at least 24 hours in advance of an*
22 *intent to enter a facility described in subsection (a).*

23 SEC. 533. (a) *Except as provided in subsection (b),*
24 *none of the funds made available in this Act may be used*
25 *to place restraints on a woman in the custody of the De-*

1 *partment of Homeland Security (including during trans-*
2 *port, in a detention facility, or at an outside medical facil-*
3 *ity) who is pregnant or in post-delivery recuperation.*

4 *(b) Subsection (a) shall not apply with respect to a*
5 *pregnant woman if—*

6 *(1) an appropriate official of the Department of*
7 *Homeland Security makes an individualized deter-*
8 *mination that the woman—*

9 *(A) is a serious flight risk, and such risk*
10 *cannot be prevented by other means; or*

11 *(B) poses an immediate and serious threat*
12 *to harm herself or others that cannot be pre-*
13 *vented by other means; or*

14 *(2) a medical professional responsible for the*
15 *care of the pregnant woman determines that the use*
16 *of therapeutic restraints is appropriate for the med-*
17 *ical safety of the woman.*

18 *(c) If a pregnant woman is restrained pursuant to sub-*
19 *section (b), only the safest and least restrictive restraints,*
20 *as determined by the appropriate medical professional*
21 *treating the woman, may be used. In no case may restraints*
22 *be used on a woman who is in active labor or delivery,*
23 *and in no case may a pregnant woman be restrained in*
24 *a face-down position with four-point restraints, on her*
25 *back, or in a restraint belt that constricts the area of the*

1 *pregnancy. A pregnant woman who is immobilized by re-*
2 *straints shall be positioned, to the maximum extent feasible,*
3 *on her left side.*

4 *SEC. 534. (a) None of the funds made available by this*
5 *Act may be used to destroy any document, recording, or*
6 *other record pertaining to any—*

7 *(1) death of,*

8 *(2) potential sexual assault or abuse perpetrated*
9 *against, or*

10 *(3) allegation of abuse, criminal activity, or dis-*
11 *ruption committed by*

12 *an individual held in the custody of the Department of*
13 *Homeland Security.*

14 *(b) The records referred to in subsection (a) shall be*
15 *made available, in accordance with applicable laws and*
16 *regulations, and Federal rules governing disclosure in liti-*
17 *gation, to an individual who has been charged with a crime,*
18 *been placed into segregation, or otherwise punished as a re-*
19 *sult of an allegation described in paragraph (3), upon the*
20 *request of such individual.*

21 *SEC. 535. Section 519 of division F of Public Law*
22 *114–113, regarding a prohibition on funding for any posi-*
23 *tion designated as a Principal Federal Official, shall apply*
24 *with respect to any Federal funds in the same manner as*
25 *such section applied to funds made available in that Act.*

1 *SEC. 536. Within 60 days of any budget submission*
2 *for the Department of Homeland Security for fiscal year*
3 *2022 that assumes revenues or proposes a reduction from*
4 *the previous year based on user fees proposals that have not*
5 *been enacted into law prior to the submission of the budget,*
6 *the Secretary of Homeland Security shall provide the Com-*
7 *mittees on Appropriations of the Senate and the House of*
8 *Representatives specific reductions in proposed discre-*
9 *tionary budget authority commensurate with the revenues*
10 *assumed in such proposals in the event that they are not*
11 *enacted prior to October 1, 2021.*

12 *SEC. 537. (a) Not later than 10 days after the date*
13 *on which the budget of the President for a fiscal year is*
14 *submitted to Congress pursuant to section 1105(a) of title*
15 *31, United States Code, the Secretary of Homeland Security*
16 *shall submit to the Committees on Appropriations of the*
17 *Senate and the House of Representatives a report on the*
18 *unfunded priorities, for the Department of Homeland Secu-*
19 *rity and separately for each departmental component, for*
20 *which discretionary funding would be classified as budget*
21 *function 050.*

22 *(b) Each report under this section shall specify, for*
23 *each such unfunded priority—*

1 (1) a summary description, including the objec-
2 tives to be achieved if such priority is funded (wheth-
3 er in whole or in part);

4 (2) the description, including the objectives to be
5 achieved if such priority is funded (whether in whole
6 or in part);

7 (3) account information, including the following
8 (as applicable):

9 (A) appropriation account; and

10 (B) program, project, or activity name; and

11 (4) the additional number of full-time or part-
12 time positions to be funded as part of such priority.

13 (c) In this section, the term “unfunded priority”, in
14 the case of a fiscal year, means a requirement that—

15 (1) is not funded in the budget referred to in
16 subsection (a);

17 (2) is necessary to fulfill a requirement associ-
18 ated with an operational or contingency plan for the
19 Department; and

20 (3) would have been recommended for funding
21 through the budget referred to in subsection (a) if—

22 (A) additional resources had been available
23 for the budget to fund the requirement;

24 (B) the requirement has emerged since the
25 budget was formulated; or

1 (C) the requirement is necessary to sustain
2 prior-year investments.

3 (TRANSFER OF FUNDS)

4 SEC. 538. Not later than 30 days after the date of en-
5 actment of this Act, \$20,000,000 in unobligated balances
6 from amounts made available in section 212(b) of division
7 D of the Consolidated Appropriations Act, 2020 (Public
8 Law 116–93) shall be transferred to “Countering Weapons
9 of Mass Destruction Office—Procurement, Construction,
10 and Improvements” for the development of a department-
11 wide electronic health records system, and shall remain
12 available until September 30, 2022, in addition to any
13 amounts otherwise available for such purposes: Provided,
14 That the amounts transferred pursuant to this section that
15 were previously designated by the Congress as an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985
18 are designated by the Congress as an emergency require-
19 ment pursuant to that section of that Act.

20 (RESCISSIONS OF FUNDS)

21 SEC. 539. Of the funds appropriated to the Depart-
22 ment of Homeland Security, the following funds are hereby
23 rescinded from the following accounts and programs in the
24 specified amounts: Provided, That no amounts may be re-
25 scinded from amounts that were designated by the Congress

1 *as an emergency requirement pursuant to a concurrent res-*
2 *olution on the budget or the Balanced Budget and Emer-*
3 *gency Deficit Control Act of 1985 (Public Law 99–177):*

4 (1) \$27,036,000 from Public Law 115–141 under
5 the heading “U.S. Customs and Border Protection—
6 Procurement, Construction, and Improvements”.

7 (2) \$15,000,000 from the unobligated balances
8 available in the “U.S. Customs and Border Protec-
9 tion—Border Security, Fencing, Infrastructure, and
10 Technology” account (70 × 0533).

11 (3) \$6,000,000 from the unobligated balances
12 available in the “U.S. Customs and Border Protec-
13 tion—Construction and Facility Improvements” ac-
14 count (70 × 0532).

15 (4) \$3,098,000 from the unobligated balances
16 available in the “U.S. Immigration and Customs En-
17 forcement—Construction” account (70 × 0545).

18 (5) \$658,000 from the unobligated balances
19 available in the “U.S. Immigration and Customs En-
20 forcement—Automation Modernization” account (70
21 × 0543).

22 (6) \$1,718,108 from the unobligated balances
23 available in the “Coast Guard—Alteration of
24 Bridges” account (070 × 0614).

1 (7) \$8,200,000 from *Public Law 116–6* under the
2 heading “*U.S. Citizenship and Immigration Serv-*
3 *ices—Procurement, Construction, and Improve-*
4 *ments*”.

5 *SEC. 540. The following unobligated balances made*
6 *available to the Department of Homeland Security pursu-*
7 *ant to section 505 of the Department of Homeland Security*
8 *Appropriations Act, 2020 (Public Law 116–93) are re-*
9 *scinded:*

10 (1) \$929,550 from “*Office of the Secretary and*
11 *Executive Management—Operations and Support*”.

12 (2) \$1,426,980 from “*Management Directorate—*
13 *Operations and Support*”.

14 (3) \$298,190 from “*Intelligence, Analysis, and*
15 *Operations Coordination—Operations and Support*”.

16 (4) \$430,910 from “*U.S. Customs and Border*
17 *Protection—Operations and Support*”.

18 (5) \$1,810,393 from “*United States Secret Serv-*
19 *ice—Operations and Support*”.

20 (6) \$1,574,940 from “*Cybersecurity and Infra-*
21 *structure Security Agency—Operations and Sup-*
22 *port*”.

23 (7) \$690,090 from “*Federal Emergency Manage-*
24 *ment Agency—Operations and Support*”.

1 (8) \$8,984,690 from “U.S. Citizenship and Im-
2 migration Services—Operations and Support”.

3 (9) \$242,490 from “Federal Law Enforcement
4 Training Centers—Operations and Support”.

5 (10) \$136,570 from “Science and Technology Di-
6 rectorate—Operations and Support”.

7 (11) \$1,103,590 from “Countering Weapons of
8 Mass Destruction Office—Operations and Support”.

9 SEC. 541. For necessary expenses related to providing
10 customs and immigration inspection and pre-inspection
11 services at, or in support of ports of entry, pursuant to sec-
12 tion 1356 of title 8, United States Code, and section 58c(f)
13 of title 19, United States Code, and in addition to any other
14 funds made available for this purpose, there is appro-
15 priated, out of any money in the Treasury not otherwise
16 appropriated, \$840,000,000, to remain available until Sep-
17 tember 30, 2021, to offset the loss resulting from the
18 coronavirus pandemic of Immigration User Fee receipts
19 collected pursuant to section 286(h) of the Immigration and
20 Nationality Act (8 U.S.C. 1356(h)), and fees for certain cus-
21 toms services collected pursuant to paragraphs 1 through
22 8 and paragraph 10 of subsection (a) of section 13031 of
23 the Consolidated Omnibus Budget Reconciliation Act of
24 1985 (19 U.S.C. 58c(a)(1)–(8) and (a)(10)): Provided, That
25 notwithstanding any other provision of law, funds made

1 *available by this section shall only be used by U.S. Customs*
2 *and Border Protection, Office of Field Operations: Provided*
3 *further, That such amount is designated by the Congress*
4 *as being for an emergency requirement pursuant to section*
5 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985.*

7 *SEC. 542. Not later than 10 days after a determination*
8 *is made by the President to evaluate and initiate protection*
9 *under any authority for a former or retired Government*
10 *official or employee, or for an individual who, during the*
11 *duration of the directed protection, will become a former*
12 *or retired Government official or employee (referred to in*
13 *this section as a “covered individual”), the Secretary of*
14 *Homeland Security shall submit a notification to congress-*
15 *sional leadership and the Committees on Appropriations of*
16 *the Senate and the House of Representatives, the Commit-*
17 *tees on the Judiciary of the Senate and the House of Rep-*
18 *resentatives, the Committee on Homeland Security and*
19 *Governmental Affairs of the Senate, the Committee on*
20 *Homeland Security of the House of Representatives, and*
21 *the Committee on Oversight and Reform of the House of*
22 *Representatives (referred to in this section as the “appro-*
23 *priate congressional committees”): Provided, That the noti-*
24 *fication may be submitted in classified form, if necessary,*
25 *and in consultation with the Director of National Intel-*

1 *ligence or the Director of the Federal Bureau of Investiga-*
2 *tion, as appropriate, and shall include the threat assess-*
3 *ment, scope of the protection, and the anticipated cost and*
4 *duration of such protection: Provided further, That not*
5 *later than 15 days before extending, or 30 days before termi-*
6 *nating, protection for a covered individual, the Secretary*
7 *of Homeland Security shall submit a notification regarding*
8 *the extension or termination and any change to the threat*
9 *assessment to the congressional leadership and the appro-*
10 *priate congressional committees: Provided further, That not*
11 *later than 45 days after the date of enactment of this Act,*
12 *and quarterly thereafter, the Secretary shall submit a report*
13 *to the congressional leadership and the appropriate congres-*
14 *sional committees, which may be submitted in classified*
15 *form, if necessary, detailing each covered individual, and*
16 *the scope and associated cost of protection.*

17 *This division may be cited as the “Department of*
18 *Homeland Security Appropriations Act, 2021”.*

1 ***DIVISION G—DEPARTMENT OF THE INTE-***
2 ***RIOR, ENVIRONMENT, AND RELATED***
3 ***AGENCIES APPROPRIATIONS ACT, 2021***

4 *TITLE I*

5 *DEPARTMENT OF THE INTERIOR*

6 *BUREAU OF LAND MANAGEMENT*

7 *MANAGEMENT OF LANDS AND RESOURCES*

8 *(INCLUDING RESCISSION OF FUNDS)*

9 *For necessary expenses for protection, use, improve-*
10 *ment, development, disposal, cadastral surveying, classifica-*
11 *tion, acquisition of easements and other interests in lands,*
12 *and performance of other functions, including maintenance*
13 *of facilities, as authorized by law, in the management of*
14 *lands and their resources under the jurisdiction of the Bu-*
15 *reau of Land Management, including the general adminis-*
16 *tration of the Bureau, and assessment of mineral potential*
17 *of public lands pursuant to section 1010(a) of Public Law*
18 *96–487 (16 U.S.C. 3150(a)), \$1,220,555,000, to remain*
19 *available until September 30, 2022; of which \$77,669,000*
20 *for annual and deferred maintenance and \$115,745,000 for*
21 *the wild horse and burro program, as authorized by Public*
22 *Law 92–195 (16 U.S.C. 1331 et seq.), shall remain avail-*
23 *able until expended: Provided, That amounts in the fee ac-*
24 *count of the BLM Permit Processing Improvement Fund*
25 *may be used for any bureau-related expenses associated*

1 *with the processing of oil and gas applications for permits*
2 *to drill and related use of authorizations.*

3 *In addition, \$39,696,000 is for Mining Law Adminis-*
4 *tration program operations, including the cost of admin-*
5 *istering the mining claim fee program, to remain available*
6 *until expended, to be reduced by amounts collected by the*
7 *Bureau and credited to this appropriation from mining*
8 *claim maintenance fees and location fees that are hereby*
9 *authorized for fiscal year 2021, so as to result in a final*
10 *appropriation estimated at not more than \$1,220,555,000,*
11 *and \$2,000,000, to remain available until expended, from*
12 *communication site rental fees established by the Bureau*
13 *for the cost of administering communication site activities.*

14 *Of the unobligated balances from amounts made avail-*
15 *able under this heading in fiscal year 2018 or before,*
16 *\$13,000,000 is permanently rescinded: Provided, That no*
17 *amounts may be rescinded from amounts that were des-*
18 *ignated by the Congress as an emergency requirement pur-*
19 *suant to the Concurrent Resolution on the Budget or the*
20 *Balanced Budget and Emergency Deficit Control Act of*
21 *1985.*

22 *LAND ACQUISITION*

23 *(RESCISSION OF FUNDS)*

24 *Of the unobligated balances from amounts made avail-*
25 *able for Land Acquisition and derived from the Land and*

1 *Water Conservation Fund, \$5,400,000 is hereby perma-*
2 *nently rescinded from projects with cost savings or failed*
3 *or partially failed projects: Provided, That no amounts may*
4 *be rescinded from amounts that were designated by the Con-*
5 *gress as an emergency requirement pursuant to the Concur-*
6 *rent Resolution on the Budget or the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985.*

8 *OREGON AND CALIFORNIA GRANT LANDS*

9 *For expenses necessary for management, protection,*
10 *and development of resources and for construction, oper-*
11 *ation, and maintenance of access roads, reforestation, and*
12 *other improvements on the revested Oregon and California*
13 *Railroad grant lands, on other Federal lands in the Oregon*
14 *and California land-grant counties of Oregon, and on adja-*
15 *cent rights-of-way; and acquisition of lands or interests*
16 *therein, including existing connecting roads on or adjacent*
17 *to such grant lands; \$114,783,000, to remain available until*
18 *expended: Provided, That 25 percent of the aggregate of all*
19 *receipts during the current fiscal year from the revested Or-*
20 *egon and California Railroad grant lands is hereby made*
21 *a charge against the Oregon and California land-grant*
22 *fund and shall be transferred to the General Fund in the*
23 *Treasury in accordance with the second paragraph of sub-*
24 *section (b) of title II of the Act of August 28, 1937 (43*
25 *U.S.C. 2605).*

1 185), to remain available until expended: Provided, That
2 notwithstanding any provision to the contrary of section
3 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any
4 moneys that have been or will be received pursuant to that
5 section, whether as a result of forfeiture, compromise, or set-
6 tlement, if not appropriate for refund pursuant to section
7 305(c) of that Act (43 U.S.C. 1735(c)), shall be available
8 and may be expended under the authority of this Act by
9 the Secretary of the Interior to improve, protect, or rehabili-
10 tate any public lands administered through the Bureau of
11 Land Management which have been damaged by the action
12 of a resource developer, purchaser, permittee, or any unau-
13 thorized person, without regard to whether all moneys col-
14 lected from each such action are used on the exact lands
15 damaged which led to the action: Provided further, That
16 any such moneys that are in excess of amounts needed to
17 repair damage to the exact land for which funds were col-
18 lected may be used to repair other damaged public lands.

19 Of the unobligated balances from amounts collected in
20 fiscal year 2015 or any prior fiscal year, \$20,000,000 is
21 permanently rescinded: Provided, That no amounts may be
22 rescinded from amounts that were designated by the Con-
23 gress as an emergency requirement pursuant to the Concur-
24 rent Resolution on the Budget or the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 MISCELLANEOUS TRUST FUNDS

2 *In addition to amounts authorized to be expended*
3 *under existing laws, there is hereby appropriated such*
4 *amounts as may be contributed under section 307 of Public*
5 *Law 94–579 (43 U.S.C. 1737), and such amounts as may*
6 *be advanced for administrative costs, surveys, appraisals,*
7 *and costs of making conveyances of omitted lands under sec-*
8 *tion 211(b) of that Act (43 U.S.C. 1721(b)), to remain*
9 *available until expended.*

10 ADMINISTRATIVE PROVISIONS

11 *The Bureau of Land Management may carry out the*
12 *operations funded under this Act by direct expenditure, con-*
13 *tracts, grants, cooperative agreements, and reimbursable*
14 *agreements with public and private entities, including with*
15 *States. Appropriations for the Bureau shall be available for*
16 *purchase, erection, and dismantlement of temporary struc-*
17 *tures, and alteration and maintenance of necessary build-*
18 *ings and appurtenant facilities to which the United States*
19 *has title; up to \$100,000 for payments, at the discretion*
20 *of the Secretary, for information or evidence concerning vio-*
21 *lations of laws administered by the Bureau; miscellaneous*
22 *and emergency expenses of enforcement activities authorized*
23 *or approved by the Secretary and to be accounted for solely*
24 *on the Secretary's certificate, not to exceed \$10,000: Pro-*
25 *vided, That notwithstanding Public Law 90–620 (44 U.S.C.*

1 501), the Bureau may, under cooperative cost-sharing and
2 partnership arrangements authorized by law, procure
3 printing services from cooperators in connection with joint-
4 ly produced publications for which the cooperators share the
5 cost of printing either in cash or in services, and the Bureau
6 determines the cooperator is capable of meeting accepted
7 quality standards: Provided further, That projects to be
8 funded pursuant to a written commitment by a State gov-
9 ernment to provide an identified amount of money in sup-
10 port of the project may be carried out by the Bureau on
11 a reimbursable basis.

12 *UNITED STATES FISH AND WILDLIFE SERVICE*

13 *RESOURCE MANAGEMENT*

14 *For necessary expenses of the United States Fish and*
15 *Wildlife Service, as authorized by law, and for scientific*
16 *and economic studies, general administration, and for the*
17 *performance of other authorized functions related to such*
18 *resources, \$1,379,828,000, to remain available until Sep-*
19 *tember 30, 2022: Provided, That not to exceed \$20,767,000*
20 *shall be used for implementing subsections (a), (b), (c), and*
21 *(e) of section 4 of the Endangered Species Act of 1973 (16*
22 *U.S.C. 1533) (except for processing petitions, developing*
23 *and issuing proposed and final regulations, and taking any*
24 *other steps to implement actions described in subsection*
25 *(c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)).*

1

CONSTRUCTION

2 *For construction, improvement, acquisition, or re-*
3 *moval of buildings and other facilities required in the con-*
4 *servation, management, investigation, protection, and utili-*
5 *zation of fish and wildlife resources, and the acquisition*
6 *of lands and interests therein; \$18,193,000, to remain avail-*
7 *able until expended.*

8 COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

9

(INCLUDING RESCISSION OF FUNDS)

10 *For expenses necessary to carry out section 6 of the*
11 *Endangered Species Act of 1973 (16 U.S.C. 1535),*
12 *\$43,340,000, to remain available until expended, of which*
13 *\$23,702,000 is to be derived from the Cooperative Endan-*
14 *gered Species Conservation Fund; and of which \$19,638,000*
15 *is to be derived from the Land and Water Conservation*
16 *Fund.*

17 *Of the unobligated balances made available under this*
18 *heading, \$12,500,000 is permanently rescinded from*
19 *projects or from other grant programs with an unobligated*
20 *carry over balance: Provided, That no amounts may be re-*
21 *scinded from amounts that were designated by the Congress*
22 *as an emergency requirement pursuant to the Concurrent*
23 *Resolution on the Budget or the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 *NATIONAL WILDLIFE REFUGE FUND*

2 *For expenses necessary to implement the Act of October*
3 *17, 1978 (16 U.S.C. 715s), \$13,228,000.*

4 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

5 *For expenses necessary to carry out the provisions of*
6 *the North American Wetlands Conservation Act (16 U.S.C.*
7 *4401 et seq.), \$46,500,000, to remain available until ex-*
8 *pended.*

9 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

10 *For expenses necessary to carry out the Neotropical*
11 *Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.),*
12 *\$4,910,000, to remain available until expended.*

13 *MULTINATIONAL SPECIES CONSERVATION FUND*

14 *For expenses necessary to carry out the African Ele-*
15 *phant Conservation Act (16 U.S.C. 4201 et seq.), the Asian*
16 *Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.),*
17 *the Rhinoceros and Tiger Conservation Act of 1994 (16*
18 *U.S.C. 5301 et seq.), the Great Ape Conservation Act of*
19 *2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Con-*
20 *servaion Act of 2004 (16 U.S.C. 6601 et seq.), \$18,000,000,*
21 *to remain available until expended.*

22 *STATE AND TRIBAL WILDLIFE GRANTS*

23 *For wildlife conservation grants to States and to the*
24 *District of Columbia, Puerto Rico, Guam, the United States*
25 *Virgin Islands, the Northern Mariana Islands, American*

1 *Samoa, and Indian tribes under the provisions of the Fish*
2 *and Wildlife Act of 1956 and the Fish and Wildlife Coordi-*
3 *nation Act, for the development and implementation of pro-*
4 *grams for the benefit of wildlife and their habitat, including*
5 *species that are not hunted or fished, \$72,362,000, to re-*
6 *main available until expended: Provided, That of the*
7 *amount provided herein, \$6,000,000 is for a competitive*
8 *grant program for Indian tribes not subject to the remain-*
9 *ing provisions of this appropriation: Provided further, That*
10 *\$7,362,000 is for a competitive grant program to implement*
11 *approved plans for States, territories, and other jurisdic-*
12 *tions and at the discretion of affected States, the regional*
13 *Associations of fish and wildlife agencies, not subject to the*
14 *remaining provisions of this appropriation: Provided fur-*
15 *ther, That the Secretary shall, after deducting \$13,362,000*
16 *and administrative expenses, apportion the amount pro-*
17 *vided herein in the following manner: (1) to the District*
18 *of Columbia and to the Commonwealth of Puerto Rico, each*
19 *a sum equal to not more than one-half of 1 percent thereof;*
20 *and (2) to Guam, American Samoa, the United States Vir-*
21 *gin Islands, and the Commonwealth of the Northern Mar-*
22 *iana Islands, each a sum equal to not more than one-fourth*
23 *of 1 percent thereof: Provided further, That the Secretary*
24 *of the Interior shall apportion the remaining amount in*
25 *the following manner: (1) one-third of which is based on*

1 *the ratio to which the land area of such State bears to the*
2 *total land area of all such States; and (2) two-thirds of*
3 *which is based on the ratio to which the population of such*
4 *State bears to the total population of all such States: Pro-*
5 *vided further, That the amounts apportioned under this*
6 *paragraph shall be adjusted equitably so that no State shall*
7 *be apportioned a sum which is less than 1 percent of the*
8 *amount available for apportionment under this paragraph*
9 *for any fiscal year or more than 5 percent of such amount:*
10 *Provided further, That the Federal share of planning grants*
11 *shall not exceed 75 percent of the total costs of such projects*
12 *and the Federal share of implementation grants shall not*
13 *exceed 65 percent of the total costs of such projects: Provided*
14 *further, That the non-Federal share of such projects may*
15 *not be derived from Federal grant programs: Provided fur-*
16 *ther, That any amount apportioned in 2021 to any State,*
17 *territory, or other jurisdiction that remains unobligated as*
18 *of September 30, 2022, shall be reapportioned, together with*
19 *funds appropriated in 2023, in the manner provided here-*
20 *in.*

21 *ADMINISTRATIVE PROVISIONS*

22 *The United States Fish and Wildlife Service may*
23 *carry out the operations of Service programs by direct ex-*
24 *penditure, contracts, grants, cooperative agreements and re-*
25 *imbursable agreements with public and private entities. Ap-*

1 *propriations and funds available to the United States Fish*
2 *and Wildlife Service shall be available for repair of damage*
3 *to public roads within and adjacent to reservation areas*
4 *caused by operations of the Service; options for the purchase*
5 *of land at not to exceed one dollar for each option; facilities*
6 *incident to such public recreational uses on conservation*
7 *areas as are consistent with their primary purpose; and*
8 *the maintenance and improvement of aquaria, buildings,*
9 *and other facilities under the jurisdiction of the Service and*
10 *to which the United States has title, and which are used*
11 *pursuant to law in connection with management, and in-*
12 *vestigation of fish and wildlife resources: Provided, That*
13 *notwithstanding 44 U.S.C. 501, the Service may, under co-*
14 *operative cost sharing and partnership arrangements au-*
15 *thorized by law, procure printing services from cooperators*
16 *in connection with jointly produced publications for which*
17 *the cooperators share at least one-half the cost of printing*
18 *either in cash or services and the Service determines the*
19 *cooperator is capable of meeting accepted quality standards:*
20 *Provided further, That the Service may accept donated air-*
21 *craft as replacements for existing aircraft: Provided further,*
22 *That notwithstanding 31 U.S.C. 3302, all fees collected for*
23 *non-toxic shot review and approval shall be deposited under*
24 *the heading "United States Fish and Wildlife Service—Re-*
25 *source Management"* and shall be available to the Sec-

1 *retary, without further appropriation, to be used for ex-*
2 *penses of processing of such non-toxic shot type or coating*
3 *applications and revising regulations as necessary, and*
4 *shall remain available until expended: Provided further,*
5 *That obligated balances of funding originally made avail-*
6 *able under section 7060(c)(2)(B) of division K of the Con-*
7 *solidated Appropriations Act, 2018 (Public Law 115–141)*
8 *and transferred to the Fish and Wildlife Service to combat*
9 *the transnational threat of wildlife poaching and traf-*
10 *ficking in the Central Africa Regional Program for the En-*
11 *vironment shall be distributed to recipients that were*
12 *awarded grants not later than 60 days after the date of*
13 *enactment of this Act.*

14 *NATIONAL PARK SERVICE*

15 *OPERATION OF THE NATIONAL PARK SYSTEM*

16 *For expenses necessary for the management, operation,*
17 *and maintenance of areas and facilities administered by*
18 *the National Park Service and for the general administra-*
19 *tion of the National Park Service, \$2,688,287,000, of which*
20 *\$10,282,000 for planning and interagency coordination in*
21 *support of Everglades restoration and \$135,980,000 for*
22 *maintenance, repair, or rehabilitation projects for con-*
23 *structed assets and \$188,184,000 for cyclic maintenance*
24 *projects for constructed assets and cultural resources and*
25 *\$5,000,000 for uses authorized by section 101122 of title*

1 54, United States Code shall remain available until Sep-
2 tember 30, 2022: Provided, That funds appropriated under
3 this heading in this Act are available for the purposes of
4 section 5 of Public Law 95–348: Provided further, That not-
5 withstanding section 9(a) of the United States
6 Semiquincentennial Commission Act of 2016 (Public Law
7 114–196; 130 Stat. 691), \$8,000,000 of the funds made
8 available under this heading shall be provided to the United
9 States Semiquincentennial Commission for the purposes
10 specified by that Act: Provided further, That notwith-
11 standing section 9 of the 400 Years of African-American
12 History Commission Act (36 U.S.C. note prec. 101; Public
13 Law 115–102), \$3,300,000 of the funds provided under this
14 heading shall be made available for the purposes specified
15 by that Act: Provided further, That sections (7)(b) and (8)
16 of that Act shall be amended by striking “July 1, 2021”
17 and inserting “July 1, 2022”.

18 In addition, for purposes described in section 2404 of
19 Public Law 116–9, an amount equal to the amount depos-
20 ited in this fiscal year into the National Park Medical Serv-
21 ices Fund established pursuant to such section of such Act,
22 to remain available until expended, shall be derived from
23 such Fund.

1 *NATIONAL RECREATION AND PRESERVATION*

2 *For expenses necessary to carry out recreation pro-*
3 *grams, natural programs, cultural programs, heritage part-*
4 *nership programs, environmental compliance and review,*
5 *international park affairs, and grant administration, not*
6 *otherwise provided for, \$74,157,000, to remain available*
7 *until September 30, 2022.*

8 *HISTORIC PRESERVATION FUND*

9 *For expenses necessary in carrying out the National*
10 *Historic Preservation Act (division A of subtitle III of title*
11 *54, United States Code), \$144,300,000, to be derived from*
12 *the Historic Preservation Fund and to remain available*
13 *until September 30, 2022, of which \$25,000,000 shall be for*
14 *Save America's Treasures grants for preservation of nation-*
15 *ally significant sites, structures and artifacts as authorized*
16 *by section 7303 of the Omnibus Public Land Management*
17 *Act of 2009 (54 U.S.C. 3089): Provided, That an individual*
18 *Save America's Treasures grant shall be matched by non-*
19 *Federal funds: Provided further, That individual projects*
20 *shall only be eligible for one grant: Provided further, That*
21 *all projects to be funded shall be approved by the Secretary*
22 *of the Interior in consultation with the House and Senate*
23 *Committees on Appropriations: Provided further, That of*
24 *the funds provided for the Historic Preservation Fund,*
25 *\$1,000,000 is for competitive grants for the survey and*

1 *nomination of properties to the National Register of His-*
2 *toric Places and as National Historic Landmarks associ-*
3 *ated with communities currently under-represented, as de-*
4 *termined by the Secretary, \$21,125,000 is for competitive*
5 *grants to preserve the sites and stories of the Civil Rights*
6 *movement; \$10,000,000 is for grants to Historically Black*
7 *Colleges and Universities; \$7,500,000 is for competitive*
8 *grants for the restoration of historic properties of national,*
9 *State, and local significance listed on or eligible for inclu-*
10 *sion on the National Register of Historic Places, to be made*
11 *without imposing the usage or direct grant restrictions of*
12 *section 101(e)(3) (54 U.S.C. 302904) of the National His-*
13 *torical Preservation Act; and \$10,000,000 is for a competi-*
14 *tive grant program to honor the semiquincentennial anni-*
15 *versary of the United States by restoring and preserving*
16 *state-owned sites and structures listed on the National Reg-*
17 *ister of Historic Places that commemorate the founding of*
18 *the nation: Provided further, That such competitive grants*
19 *shall be made without imposing the matching requirements*
20 *in section 302902(b)(3) of title 54, United States Code to*
21 *States and Indian tribes as defined in chapter 3003 of such*
22 *title, Native Hawaiian organizations, local governments,*
23 *including Certified Local Governments, and non-profit or-*
24 *ganizations.*

CONSTRUCTION

1
2 *For construction, improvements, repair, or replace-*
3 *ment of physical facilities, and compliance and planning*
4 *for programs and areas administered by the National Park*
5 *Service, \$223,907,000, to remain available until expended:*
6 *Provided, That notwithstanding any other provision of law,*
7 *for any project initially funded in fiscal year 2021 with*
8 *a future phase indicated in the National Park Service 5-*
9 *Year Line Item Construction Plan, a single procurement*
10 *may be issued which includes the full scope of the project:*
11 *Provided further, That the solicitation and contract shall*
12 *contain the clause availability of funds found at 48 CFR*
13 *52.232–18: Provided further, That National Park Service*
14 *Donations, Park Concessions Franchise Fees, and Recre-*
15 *ation Fees may be made available for the cost of adjust-*
16 *ments and changes within the original scope of effort for*
17 *projects funded by the National Park Service Construction*
18 *appropriation: Provided further, That the Secretary of the*
19 *Interior shall consult with the Committees on Appropria-*
20 *tions, in accordance with current reprogramming thresh-*
21 *olds, prior to making any charges authorized by this sec-*
22 *tion.*

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

1
2
3 *In addition to other uses set forth in section*
4 *101917(c)(2) of title 54, United States Code, franchise fees*
5 *credited to a sub-account shall be available for expenditure*
6 *by the Secretary, without further appropriation, for use at*
7 *any unit within the National Park System to extinguish*
8 *or reduce liability for Possessory Interest or leasehold sur-*
9 *render interest. Such funds may only be used for this pur-*
10 *pose to the extent that the benefitting unit anticipated fran-*
11 *chise fee receipts over the term of the contract at that unit*
12 *exceed the amount of funds used to extinguish or reduce li-*
13 *ability. Franchise fees at the benefitting unit shall be cred-*
14 *ited to the sub-account of the originating unit over a period*
15 *not to exceed the term of a single contract at the benefitting*
16 *unit, in the amount of funds so expended to extinguish or*
17 *reduce liability.*

18 *For the costs of administration of the Land and Water*
19 *Conservation Fund grants authorized by section*
20 *105(a)(2)(B) of the Gulf of Mexico Energy Security Act of*
21 *2006 (Public Law 109-432), the National Park Service*
22 *may retain up to 3 percent of the amounts which are au-*
23 *thorized to be disbursed under such section, such retained*
24 *amounts to remain available until expended.*

1 *National Park Service funds may be transferred to the*
2 *Federal Highway Administration (FHWA), Department of*
3 *Transportation, for purposes authorized under 23 U.S.C.*
4 *203. Transfers may include a reasonable amount for*
5 *FHWA administrative support costs.*

6 *UNITED STATES GEOLOGICAL SURVEY*
7 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

8 *For expenses necessary for the United States Geological*
9 *Survey to perform surveys, investigations, and research cov-*
10 *ering topography, geology, hydrology, biology, and the min-*
11 *eral and water resources of the United States, its territories*
12 *and possessions, and other areas as authorized by 43 U.S.C.*
13 *31, 1332, and 1340; classify lands as to their mineral and*
14 *water resources; give engineering supervision to power per-*
15 *mittees and Federal Energy Regulatory Commission licens-*
16 *ees; administer the minerals exploration program (30*
17 *U.S.C. 641); conduct inquiries into the economic conditions*
18 *affecting mining and materials processing industries (30*
19 *U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(a)(1)) and related*
20 *purposes as authorized by law; and to publish and dissemi-*
21 *nate data relative to the foregoing activities;*
22 *\$1,315,527,000, to remain available until September 30,*
23 *2022; of which \$84,337,000 shall remain available until ex-*
24 *pended for satellite operations; and of which \$74,664,000*
25 *shall be available until expended for deferred maintenance*

1 *and capital improvement projects that exceed \$100,000 in*
2 *cost: Provided, That none of the funds provided for the eco-*
3 *system research activity shall be used to conduct new sur-*
4 *veys on private property, unless specifically authorized in*
5 *writing by the property owner: Provided further, That no*
6 *part of this appropriation shall be used to pay more than*
7 *one-half the cost of topographic mapping or water resources*
8 *data collection and investigations carried on in cooperation*
9 *with States and municipalities.*

10 *ADMINISTRATIVE PROVISIONS*

11 *From within the amount appropriated for activities*
12 *of the United States Geological Survey such sums as are*
13 *necessary shall be available for contracting for the fur-*
14 *nishing of topographic maps and for the making of geo-*
15 *physical or other specialized surveys when it is administra-*
16 *tively determined that such procedures are in the public in-*
17 *terest; construction and maintenance of necessary buildings*
18 *and appurtenant facilities; acquisition of lands for gauging*
19 *stations, observation wells, and seismic equipment; expenses*
20 *of the United States National Committee for Geological*
21 *Sciences; and payment of compensation and expenses of*
22 *persons employed by the Survey duly appointed to represent*
23 *the United States in the negotiation and administration*
24 *of interstate compacts: Provided, That activities funded by*
25 *appropriations herein made may be accomplished through*

1 *the use of contracts, grants, or cooperative agreements as*
2 *defined in section 6302 of title 31, United States Code: Pro-*
3 *vided further, That the United States Geological Survey*
4 *may enter into contracts or cooperative agreements directly*
5 *with individuals or indirectly with institutions or non-*
6 *profit organizations, without regard to 41 U.S.C. 6101, for*
7 *the temporary or intermittent services of students or recent*
8 *graduates, who shall be considered employees for the pur-*
9 *pose of chapters 57 and 81 of title 5, United States Code,*
10 *relating to compensation for travel and work injuries, and*
11 *chapter 171 of title 28, United States Code, relating to tort*
12 *claims, but shall not be considered to be Federal employees*
13 *for any other purposes.*

14 *BUREAU OF OCEAN ENERGY MANAGEMENT*

15 *OCEAN ENERGY MANAGEMENT*

16 *(INCLUDING RESCISSION OF FUNDS)*

17 *For expenses necessary for granting and administering*
18 *leases, easements, rights-of-way, and agreements for use for*
19 *oil and gas, other minerals, energy, and marine-related*
20 *purposes on the Outer Continental Shelf and approving op-*
21 *erations related thereto, as authorized by law; for environ-*
22 *mental studies, as authorized by law; for implementing*
23 *other laws and to the extent provided by Presidential or*
24 *Secretarial delegation; and for matching grants or coopera-*
25 *tive agreements, \$192,815,000, of which \$129,760,000 is to*

1 *remain available until September 30, 2022, and of which*
2 *\$63,055,000 is to remain available until expended: Pro-*
3 *vided, That this total appropriation shall be reduced by*
4 *amounts collected by the Secretary of the Interior and cred-*
5 *ited to this appropriation from additions to receipts result-*
6 *ing from increases to lease rental rates in effect on August*
7 *5, 1993, and from cost recovery fees from activities con-*
8 *ducted by the Bureau of Ocean Energy Management pursu-*
9 *ant to the Outer Continental Shelf Lands Act, including*
10 *studies, assessments, analysis, and miscellaneous adminis-*
11 *trative activities: Provided further, That the sum herein ap-*
12 *propriated shall be reduced as such collections are received*
13 *during the fiscal year, so as to result in a final fiscal year*
14 *2021 appropriation estimated at not more than*
15 *\$129,760,000: Provided further, That not to exceed \$3,000*
16 *shall be available for reasonable expenses related to pro-*
17 *moting volunteer beach and marine cleanup activities: Pro-*
18 *vided further, That of the unobligated balances from*
19 *amounts made available under this heading, \$2,000,000 is*
20 *permanently rescinded: Provided further, That no amounts*
21 *may be rescinded from amounts that were designated by*
22 *the Congress as an emergency requirement pursuant to the*
23 *Concurrent Resolution on the Budget or the Balanced Budg-*
24 *et and Emergency Deficit Control Act of 1985.*

1 *BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT*
2 *OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT*
3 *(INCLUDING RESCISSION OF FUNDS)*

4 *For expenses necessary for the regulation of operations*
5 *related to leases, easements, rights-of-way, and agreements*
6 *for use for oil and gas, other minerals, energy, and marine-*
7 *related purposes on the Outer Continental Shelf, as author-*
8 *ized by law; for enforcing and implementing laws and regu-*
9 *lations as authorized by law and to the extent provided by*
10 *Presidential or Secretarial delegation; and for matching*
11 *grants or cooperative agreements, \$150,812,000, of which*
12 *\$120,165,000 is to remain available until September 30,*
13 *2022, and of which \$30,647,000 is to remain available until*
14 *expended: Provided, That this total appropriation shall be*
15 *reduced by amounts collected by the Secretary of the Inte-*
16 *rior and credited to this appropriation from additions to*
17 *receipts resulting from increases to lease rental rates in ef-*
18 *fect on August 5, 1993, and from cost recovery fees from*
19 *activities conducted by the Bureau of Safety and Environ-*
20 *mental Enforcement pursuant to the Outer Continental*
21 *Shelf Lands Act, including studies, assessments, analysis,*
22 *and miscellaneous administrative activities: Provided fur-*
23 *ther, That the sum herein appropriated shall be reduced as*
24 *such collections are received during the fiscal year, so as*
25 *to result in a final fiscal year 2021 appropriation estimated*

1 *at not more than \$120,165,000: Provided further, That of*
2 *the unobligated balances from amounts made available*
3 *under this heading, \$10,000,000 is permanently rescinded:*
4 *Provided further, That no amounts may be rescinded from*
5 *amounts that were designated by the Congress as an emer-*
6 *gency requirement pursuant to the Concurrent Resolution*
7 *on the Budget or the Balanced Budget and Emergency Def-*
8 *icit Control Act of 1985.*

9 *For an additional amount, \$43,000,000, to remain*
10 *available until expended, to be reduced by amounts collected*
11 *by the Secretary and credited to this appropriation, which*
12 *shall be derived from non-refundable inspection fees col-*
13 *lected in fiscal year 2021, as provided in this Act: Provided,*
14 *That to the extent that amounts realized from such inspec-*
15 *tion fees exceed \$43,000,000, the amounts realized in excess*
16 *of \$43,000,000 shall be credited to this appropriation and*
17 *remain available until expended: Provided further, That for*
18 *fiscal year 2021, not less than 50 percent of the inspection*
19 *fees expended by the Bureau of Safety and Environmental*
20 *Enforcement will be used to fund personnel and mission-*
21 *related costs to expand capacity and expedite the orderly*
22 *development, subject to environmental safeguards, of the*
23 *Outer Continental Shelf pursuant to the Outer Continental*
24 *Shelf Lands Act (43 U.S.C. 1331 et seq.), including the re-*
25 *view of applications for permits to drill.*

OIL SPILL RESEARCH

1
2 *For necessary expenses to carry out title I, section*
3 *1016; title IV, sections 4202 and 4303; title VII; and title*
4 *VIII, section 8201 of the Oil Pollution Act of 1990,*
5 *\$14,899,000, which shall be derived from the Oil Spill Li-*
6 *ability Trust Fund, to remain available until expended.*

*OFFICE OF SURFACE MINING RECLAMATION AND**ENFORCEMENT**REGULATION AND TECHNOLOGY**(INCLUDING RESCISSION OF FUNDS)*

7
8
9
10
11 *For necessary expenses to carry out the provisions of*
12 *the Surface Mining Control and Reclamation Act of 1977,*
13 *Public Law 95–87, \$117,768,000, to remain available until*
14 *September 30, 2022, of which \$68,590,000 shall be available*
15 *for state and tribal regulatory grants: Provided, That ap-*
16 *propriations for the Office of Surface Mining Reclamation*
17 *and Enforcement may provide for the travel and per diem*
18 *expenses of State and tribal personnel attending Office of*
19 *Surface Mining Reclamation and Enforcement sponsored*
20 *training: Provided further, That of the unobligated balances*
21 *from amounts made available under this heading,*
22 *\$25,000,000 is permanently rescinded: Provided further,*
23 *That no amounts may be rescinded from amounts that were*
24 *designated by the Congress as an emergency requirement*
25 *pursuant to the Concurrent Resolution on the Budget or*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *In addition, for costs to review, administer, and en-*
4 *force permits issued by the Office pursuant to section 507*
5 *of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to remain*
6 *available until expended: Provided, That fees assessed and*
7 *collected by the Office pursuant to such section 507 shall*
8 *be credited to this account as discretionary offsetting collec-*
9 *tions, to remain available until expended: Provided further,*
10 *That the sum herein appropriated from the general fund*
11 *shall be reduced as collections are received during the fiscal*
12 *year, so as to result in a fiscal year 2021 appropriation*
13 *estimated at not more than \$117,768,000.*

14 *ABANDONED MINE RECLAMATION FUND*
15 *(INCLUDING RESCISSION OF FUNDS)*

16 *For necessary expenses to carry out title IV of the Sur-*
17 *face Mining Control and Reclamation Act of 1977, Public*
18 *Law 95–87, \$24,831,000, to be derived from receipts of the*
19 *Abandoned Mine Reclamation Fund and to remain avail-*
20 *able until expended: Provided, That pursuant to Public*
21 *Law 97–365, the Department of the Interior is authorized*
22 *to use up to 20 percent from the recovery of the delinquent*
23 *debt owed to the United States Government to pay for con-*
24 *tracts to collect these debts: Provided further, That funds*
25 *made available under title IV of Public Law 95–87 may*

1 *be used for any required non-Federal share of the cost of*
2 *projects funded by the Federal Government for the purpose*
3 *of environmental restoration related to treatment or abate-*
4 *ment of acid mine drainage from abandoned mines: Pro-*
5 *vided further, That such projects must be consistent with*
6 *the purposes and priorities of the Surface Mining Control*
7 *and Reclamation Act: Provided further, That amounts pro-*
8 *vided under this heading may be used for the travel and*
9 *per diem expenses of State and tribal personnel attending*
10 *Office of Surface Mining Reclamation and Enforcement*
11 *sponsored training.*

12 *In addition, \$115,000,000, to remain available until*
13 *expended, for grants to States and federally recognized In-*
14 *dian Tribes for reclamation of abandoned mine lands and*
15 *other related activities in accordance with the terms and*
16 *conditions described in the explanatory statement described*
17 *in section 4 (in the matter preceding division A of this con-*
18 *solidated Act): Provided, That such additional amount shall*
19 *be used for economic and community development in con-*
20 *junction with the priorities in section 403(a) of the Surface*
21 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
22 *1233(a)): Provided further, That of such additional*
23 *amount, \$75,000,000 shall be distributed in equal amounts*
24 *to the three Appalachian States with the greatest amount*
25 *of unfunded needs to meet the priorities described in para-*

1 *graphs (1) and (2) of such section, \$30,000,000 shall be dis-*
2 *tributed in equal amounts to the three Appalachian States*
3 *with the subsequent greatest amount of unfunded needs to*
4 *meet such priorities, and \$10,000,000 shall be for grants*
5 *to federally recognized Indian Tribes without regard to*
6 *their status as certified or uncertified under the Surface*
7 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
8 *1233(a)), for reclamation of abandoned mine lands and*
9 *other related activities in accordance with the terms and*
10 *conditions described in the explanatory statement described*
11 *in section 4 (in the matter preceding division A of this con-*
12 *solidated Act) and shall be used for economic and commu-*
13 *nity development in conjunction with the priorities in sec-*
14 *tion 403(a) of the Surface Mining Control and Reclamation*
15 *Act of 1977: Provided further, That such additional amount*
16 *shall be allocated to States and Indian Tribes within 60*
17 *days after the date of enactment of this Act.*

18 *Of the unobligated balances from amounts made avail-*
19 *able under this heading in fiscal year 2016 or before,*
20 *\$10,000,000 is permanently rescinded: Provided, That no*
21 *amounts may be rescinded from amounts that were des-*
22 *ignated by the Congress as an emergency requirement pur-*
23 *suant to the Concurrent Resolution on the Budget or the*
24 *Balanced Budget and Emergency Deficit Control Act of*
25 *1985.*

1 *INDIAN AFFAIRS*
2 *BUREAU OF INDIAN AFFAIRS*
3 *OPERATION OF INDIAN PROGRAMS*
4 *(INCLUDING TRANSFERS OF FUNDS)*
5 *For expenses necessary for the operation of Indian pro-*
6 *grams, as authorized by law, including the Snyder Act of*
7 *November 2, 1921 (25 U.S.C. 13) and the Indian Self-De-*
8 *termination and Education Assistance Act of 1975 (25*
9 *U.S.C. 5301 et seq.), \$1,616,532,000, to remain available*
10 *until September 30, 2022, except as otherwise provided*
11 *herein; of which not to exceed \$8,500 may be for official*
12 *reception and representation expenses; of which not to ex-*
13 *ceed \$78,000,000 shall be for welfare assistance payments:*
14 *Provided, That in cases of designated Federal disasters, the*
15 *Secretary of the Interior may exceed such cap for welfare*
16 *payments from the amounts provided herein, to provide for*
17 *disaster relief to Indian communities affected by the dis-*
18 *aster: Provided further, That federally recognized Indian*
19 *tribes and tribal organizations of federally recognized In-*
20 *dian tribes may use their tribal priority allocations for*
21 *unmet welfare assistance costs: Provided further, That not*
22 *to exceed \$58,492,000 shall remain available until expended*
23 *for housing improvement, road maintenance, attorney fees,*
24 *litigation support, land records improvement, and the Nav-*
25 *ajo-Hopi Settlement Program: Provided further, That any*

1 *forestry funds allocated to a federally recognized tribe which*
2 *remain unobligated as of September 30, 2022, may be*
3 *transferred during fiscal year 2023 to an Indian forest land*
4 *assistance account established for the benefit of the holder*
5 *of the funds within the holder's trust fund account: Provided*
6 *further, That any such unobligated balances not so trans-*
7 *ferred shall expire on September 30, 2023: Provided further,*
8 *That in order to enhance the safety of Bureau field employ-*
9 *ees, the Bureau may use funds to purchase uniforms or*
10 *other identifying articles of clothing for personnel: Provided*
11 *further, That the Bureau of Indian Affairs may accept*
12 *transfers of funds from United States Customs and Border*
13 *Protection to supplement any other funding available for*
14 *reconstruction or repair of roads owned by the Bureau of*
15 *Indian Affairs as identified on the National Tribal Trans-*
16 *portation Facility Inventory, 23 U.S.C. 202(b)(1): Provided*
17 *further, That \$1,000,000 made available for Assistant Sec-*
18 *retary Support shall not be available for obligation until*
19 *the Assistant Secretary-Indian Affairs provides the reports*
20 *requested by the Committees on Appropriations of the*
21 *House of Representatives and the Senate related to the*
22 *Tiwahe Initiative.*

23 *CONTRACT SUPPORT COSTS*

24 *For payments to tribes and tribal organizations for*
25 *contract support costs associated with Indian Self-Deter-*

1 *mination and Education Assistance Act agreements with*
2 *the Bureau of Indian Affairs and the Bureau of Indian*
3 *Education for fiscal year 2021, such sums as may be nec-*
4 *essary, which shall be available for obligation through Sep-*
5 *tember 30, 2022: Provided, That notwithstanding any other*
6 *provision of law, no amounts made available under this*
7 *heading shall be available for transfer to another budget ac-*
8 *count.*

9 *PAYMENTS FOR TRIBAL LEASES*

10 *For payments to tribes and tribal organizations for*
11 *leases pursuant to section 105(l) of the Indian Self-Deter-*
12 *mination and Education Assistance Act (25 U.S.C. 5324(l))*
13 *for fiscal year 2021, such sums as may be necessary, which*
14 *shall be available for obligation through September 30,*
15 *2022: Provided, That notwithstanding any other provision*
16 *of law, no amounts made available under this heading shall*
17 *be available for transfer to another budget account.*

18 *CONSTRUCTION*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For construction, repair, improvement, and mainte-*
21 *nance of irrigation and power systems, buildings, utilities,*
22 *and other facilities, including architectural and engineering*
23 *services by contract; acquisition of lands, and interests in*
24 *lands; and preparation of lands for farming, and for con-*
25 *struction of the Navajo Indian Irrigation Project pursuant*

1 to Public Law 87-483; \$128,818,000, to remain available
2 until expended: Provided, That such amounts as may be
3 available for the construction of the Navajo Indian Irriga-
4 tion Project may be transferred to the Bureau of Reclama-
5 tion: Provided further, That any funds provided for the
6 Safety of Dams program pursuant to the Act of November
7 2, 1921 (25 U.S.C. 13), shall be made available on a nonre-
8 imburseable basis: Provided further, That this appropriation
9 may be reimbursed from the Office of the Special Trustee
10 for American Indians appropriation for the appropriate
11 share of construction costs for space expansion needed in
12 agency offices to meet trust reform implementation: Pro-
13 vided further, That of the funds made available under this
14 heading, \$10,000,000 shall be derived from the Indian Irrig-
15 ation Fund established by section 3211 of the WIIN Act
16 (Public Law 114-322; 130 Stat. 1749).

17 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND

18 MISCELLANEOUS PAYMENTS TO INDIANS

19 For payments and necessary administrative expenses
20 for implementation of Indian land and water claim settle-
21 ments pursuant to Public Laws 99-264 and 114-322, and
22 for implementation of other land and water rights settle-
23 ments, \$45,644,000, to remain available until expended.

1 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

2 *For the cost of guaranteed loans and insured loans,*
3 *\$11,797,000, of which \$1,593,000 is for administrative ex-*
4 *penses, as authorized by the Indian Financing Act of 1974:*
5 *Provided, That such costs, including the cost of modifying*
6 *such loans, shall be as defined in section 502 of the Congres-*
7 *sional Budget Act of 1974: Provided further, That these*
8 *funds are available to subsidize total loan principal, any*
9 *part of which is to be guaranteed or insured, not to exceed*
10 *\$82,886,197.*

11 *BUREAU OF INDIAN EDUCATION*12 *OPERATION OF INDIAN EDUCATION PROGRAMS*

13 *For expenses necessary for the operation of Indian edu-*
14 *cation programs, as authorized by law, including the Sny-*
15 *der Act of November 2, 1921 (25 U.S.C. 13), the Indian*
16 *Self-Determination and Education Assistance Act of 1975*
17 *(25 U.S.C. 5301 et seq.), the Education Amendments of*
18 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
19 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$973,092,000,*
20 *to remain available until September 30, 2022, except as oth-*
21 *erwise provided herein: Provided, That federally recognized*
22 *Indian tribes and tribal organizations of federally recog-*
23 *nized Indian tribes may use their tribal priority allocations*
24 *for unmet welfare assistance costs: Provided further, That*
25 *not to exceed \$728,820,000 for school operations costs of Bu-*

1 *reau-funded schools and other education programs shall be-*
2 *come available on July 1, 2021, and shall remain available*
3 *until September 30, 2022: Provided further, That notwith-*
4 *standing any other provision of law, including but not lim-*
5 *ited to the Indian Self-Determination Act of 1975 (25*
6 *U.S.C. 5301 et seq.) and section 1128 of the Education*
7 *Amendments of 1978 (25 U.S.C. 2008), not to exceed*
8 *\$86,884,000 within and only from such amounts made*
9 *available for school operations shall be available for admin-*
10 *istrative cost grants associated with grants approved prior*
11 *to July 1, 2021: Provided further, That in order to enhance*
12 *the safety of Bureau field employees, the Bureau may use*
13 *funds to purchase uniforms or other identifying articles of*
14 *clothing for personnel.*

15 *EDUCATION CONSTRUCTION*

16 *For construction, repair, improvement, and mainte-*
17 *nance of buildings, utilities, and other facilities necessary*
18 *for the operation of Indian education programs, including*
19 *architectural and engineering services by contract; acquisi-*
20 *tion of lands, and interests in lands; \$264,277,000 to re-*
21 *main available until expended: Provided, That in order to*
22 *ensure timely completion of construction projects, the Sec-*
23 *retary of the Interior may assume control of a project and*
24 *all funds related to the project, if, not later than 18 months*
25 *after the date of the enactment of this Act, any Public Law*

1 100–297 (25 U.S.C. 2501, *et seq.*) grantee receiving funds
2 appropriated in this Act or in any prior Act, has not com-
3 pleted the planning and design phase of the project and
4 commenced construction.

5 ADMINISTRATIVE PROVISIONS

6 The Bureau of Indian Affairs and the Bureau of In-
7 dian Education may carry out the operation of Indian pro-
8 grams by direct expenditure, contracts, cooperative agree-
9 ments, compacts, and grants, either directly or in coopera-
10 tion with States and other organizations.

11 Notwithstanding Public Law 87–279 (25 U.S.C. 15),
12 the Bureau of Indian Affairs may contract for services in
13 support of the management, operation, and maintenance of
14 the Power Division of the San Carlos Irrigation Project.

15 Notwithstanding any other provision of law, no funds
16 available to the Bureau of Indian Affairs or the Bureau
17 of Indian Education for central office oversight and Execu-
18 tive Direction and Administrative Services (except Execu-
19 tive Direction and Administrative Services funding for
20 Tribal Priority Allocations, regional offices, and facilities
21 operations and maintenance) shall be available for con-
22 tracts, grants, compacts, or cooperative agreements with the
23 Bureau of Indian Affairs or the Bureau of Indian Edu-
24 cation under the provisions of the Indian Self-Determina-

1 *tion Act or the Tribal Self-Governance Act of 1994 (Public*
2 *Law 103–413).*

3 *In the event any tribe returns appropriations made*
4 *available by this Act to the Bureau of Indian Affairs or*
5 *the Bureau of Indian Education, this action shall not di-*
6 *minish the Federal Government’s trust responsibility to*
7 *that tribe, or the government-to-government relationship be-*
8 *tween the United States and that tribe, or that tribe’s abil-*
9 *ity to access future appropriations.*

10 *Notwithstanding any other provision of law, no funds*
11 *available to the Bureau of Indian Education, other than*
12 *the amounts provided herein for assistance to public schools*
13 *under 25 U.S.C. 452 et seq., shall be available to support*
14 *the operation of any elementary or secondary school in the*
15 *State of Alaska.*

16 *No funds available to the Bureau of Indian Education*
17 *shall be used to support expanded grades for any school or*
18 *dormitory beyond the grade structure in place or approved*
19 *by the Secretary of the Interior at each school in the Bureau*
20 *of Indian Education school system as of October 1, 1995,*
21 *except that the Secretary of the Interior may waive this*
22 *prohibition to support expansion of up to one additional*
23 *grade when the Secretary determines such waiver is needed*
24 *to support accomplishment of the mission of the Bureau of*
25 *Indian Education, or more than one grade to expand the*

1 elementary grade structure for Bureau-funded schools with
2 a K–2 grade structure on October 1, 1996. Appropriations
3 made available in this or any prior Act for schools funded
4 by the Bureau shall be available, in accordance with the
5 Bureau’s funding formula, only to the schools in the Bureau
6 school system as of September 1, 1996, and to any school
7 or school program that was reinstated in fiscal year 2012.
8 Funds made available under this Act may not be used to
9 establish a charter school at a Bureau-funded school (as that
10 term is defined in section 1141 of the Education Amend-
11 ments of 1978 (25 U.S.C. 2021)), except that a charter
12 school that is in existence on the date of the enactment of
13 this Act and that has operated at a Bureau-funded school
14 before September 1, 1999, may continue to operate during
15 that period, but only if the charter school pays to the Bu-
16 reau a pro rata share of funds to reimburse the Bureau
17 for the use of the real and personal property (including
18 buses and vans), the funds of the charter school are kept
19 separate and apart from Bureau funds, and the Bureau
20 does not assume any obligation for charter school programs
21 of the State in which the school is located if the charter
22 school loses such funding. Employees of Bureau-funded
23 schools sharing a campus with a charter school and per-
24 forming functions related to the charter school’s operation
25 and employees of a charter school shall not be treated as

1 *Federal employees for purposes of chapter 171 of title 28,*
2 *United States Code.*

3 *Notwithstanding any other provision of law, including*
4 *section 113 of title I of appendix C of Public Law 106–*
5 *113, if in fiscal year 2003 or 2004 a grantee received indi-*
6 *rect and administrative costs pursuant to a distribution*
7 *formula based on section 5(f) of Public Law 101–301, the*
8 *Secretary shall continue to distribute indirect and adminis-*
9 *trative cost funds to such grantee using the section 5(f) dis-*
10 *tribution formula.*

11 *Funds available under this Act may not be used to*
12 *establish satellite locations of schools in the Bureau school*
13 *system as of September 1, 1996, except that the Secretary*
14 *may waive this prohibition in order for an Indian tribe*
15 *to provide language and cultural immersion educational*
16 *programs for non-public schools located within the jurisdic-*
17 *tional area of the tribal government which exclusively serve*
18 *tribal members, do not include grades beyond those cur-*
19 *rently served at the existing Bureau-funded school, provide*
20 *an educational environment with educator presence and*
21 *academic facilities comparable to the Bureau-funded school,*
22 *comply with all applicable Tribal, Federal, or State health*
23 *and safety standards, and the Americans with Disabilities*
24 *Act, and demonstrate the benefits of establishing operations*
25 *at a satellite location in lieu of incurring extraordinary*

1 *costs, such as for transportation or other impacts to stu-*
2 *dents such as those caused by busing students extended dis-*
3 *tances: Provided, That no funds available under this Act*
4 *may be used to fund operations, maintenance, rehabilita-*
5 *tion, construction, or other facilities-related costs for such*
6 *assets that are not owned by the Bureau: Provided further,*
7 *That the term “satellite school” means a school location*
8 *physically separated from the existing Bureau school by*
9 *more than 50 miles but that forms part of the existing*
10 *school in all other respects.*

11 *Funds made available for Tribal Priority Allocations*
12 *within Operation of Indian Programs and Operation of In-*
13 *dian Education Programs may be used to execute requested*
14 *adjustments in tribal priority allocations initiated by an*
15 *Indian Tribe.*

16 *OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN*
17 *INDIANS*
18 *FEDERAL TRUST PROGRAMS*
19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the operation of trust programs for Indians by di-*
21 *rect expenditure, contracts, cooperative agreements, com-*
22 *pacts, and grants, \$108,399,000, to remain available until*
23 *expended, of which not to exceed \$17,911,000 from this or*
24 *any other Act, may be available for historical accounting:*
25 *Provided, That funds for trust management improvements*

1 *and litigation support may, as needed, be transferred to or*
2 *merged with the Bureau of Indian Affairs, “Operation of*
3 *Indian Programs” and Bureau of Indian Education, “Op-*
4 *eration of Indian Education Programs” accounts; the Office*
5 *of the Solicitor, “Salaries and Expenses” account; and the*
6 *Office of the Secretary, “Departmental Operations” ac-*
7 *count: Provided further, That funds made available through*
8 *contracts or grants obligated during fiscal year 2021, as*
9 *authorized by the Indian Self-Determination Act of 1975*
10 *(25 U.S.C. 5301 et seq.), shall remain available until ex-*
11 *pended by the contractor or grantee: Provided further, That*
12 *notwithstanding any other provision of law, the Secretary*
13 *shall not be required to provide a quarterly statement of*
14 *performance for any Indian trust account that has not had*
15 *activity for at least 15 months and has a balance of \$15*
16 *or less: Provided further, That the Secretary shall issue an*
17 *annual account statement and maintain a record of any*
18 *such accounts and shall permit the balance in each such*
19 *account to be withdrawn upon the express written request*
20 *of the account holder: Provided further, That not to exceed*
21 *\$50,000 is available for the Secretary to make payments*
22 *to correct administrative errors of either disbursements*
23 *from or deposits to Individual Indian Money or Tribal ac-*
24 *counts after September 30, 2002: Provided further, That er-*
25 *roneous payments that are recovered shall be credited to and*

1 *remain available in this account for this purpose: Provided*
2 *further, That the Secretary shall not be required to reconcile*
3 *Special Deposit Accounts with a balance of less than \$500*
4 *unless the Office of the Special Trustee receives proof of*
5 *ownership from a Special Deposit Accounts claimant: Pro-*
6 *vided further, That notwithstanding section 102 of the*
7 *American Indian Trust Fund Management Reform Act of*
8 *1994 (Public Law 103–412) or any other provision of law,*
9 *the Secretary may aggregate the trust accounts of individ-*
10 *uals whose whereabouts are unknown for a continuous pe-*
11 *riod of at least 5 years and shall not be required to generate*
12 *periodic statements of performance for the individual ac-*
13 *counts: Provided further, That with respect to the eighth*
14 *proviso, the Secretary shall continue to maintain sufficient*
15 *records to determine the balance of the individual accounts,*
16 *including any accrued interest and income, and such funds*
17 *shall remain available to the individual account holders.*

18 *DEPARTMENTAL OFFICES*

19 *OFFICE OF THE SECRETARY*

20 *DEPARTMENTAL OPERATIONS*

21 *(INCLUDING TRANSFER AND RESCISSION OF FUNDS)*

22 *For necessary expenses for management of the Depart-*
23 *ment of the Interior and for grants and cooperative agree-*
24 *ments, as authorized by law, \$120,608,000, to remain avail-*
25 *able until September 30, 2022; of which no less than*

1 \$1,860,000 shall be to assist the Department with its com-
2 pliance responsibilities under 5 U.S.C. 552; of which not
3 to exceed \$15,000 may be for official reception and represen-
4 tation expenses; of which up to \$1,000,000 shall be available
5 for workers compensation payments and unemployment
6 compensation payments associated with the orderly closure
7 of the United States Bureau of Mines; and of which
8 \$11,204,000 for Indian land, mineral, and resource valu-
9 ation activities shall remain available until expended: Pro-
10 vided, That funds for Indian land, mineral, and resource
11 valuation activities may, as needed, be transferred to and
12 merged with the Bureau of Indian Affairs “Operation of
13 Indian Programs” and Bureau of Indian Education “Oper-
14 ation of Indian Education Programs” accounts and the Of-
15 fice of the Special Trustee “Federal Trust Programs” ac-
16 count: Provided further, That funds made available through
17 contracts or grants obligated during fiscal year 2021, as
18 authorized by the Indian Self-Determination Act of 1975
19 (25 U.S.C. 5301 et seq.), shall remain available until ex-
20 pended by the contractor or grantee.

21 Of the unobligated balances from amounts made avail-
22 able under this heading in fiscal year 2016 or before,
23 \$17,398,000 is permanently rescinded: Provided, That no
24 amounts may be rescinded from amounts that were des-
25 ignated by the Congress as an emergency requirement pur-

1 *suant to the Concurrent Resolution on the Budget or the*
2 *Balanced Budget and Emergency Deficit Control Act of*
3 *1985.*

4 *ADMINISTRATIVE PROVISIONS*

5 *For fiscal year 2021, up to \$400,000 of the payments*
6 *authorized by chapter 69 of title 31, United States Code,*
7 *may be retained for administrative expenses of the Pay-*
8 *ments in Lieu of Taxes Program: Provided, That the*
9 *amounts provided under this Act specifically for the Pay-*
10 *ments in Lieu of Taxes program are the only amounts*
11 *available for payments authorized under chapter 69 of title*
12 *31, United States Code: Provided further, That in the event*
13 *the sums appropriated for any fiscal year for payments*
14 *pursuant to this chapter are insufficient to make the full*
15 *payments authorized by that chapter to all units of local*
16 *government, then the payment to each local government*
17 *shall be made proportionally: Provided further, That the*
18 *Secretary may make adjustments to payment to individual*
19 *units of local government to correct for prior overpayments*
20 *or underpayments: Provided further, That no payment shall*
21 *be made pursuant to that chapter to otherwise eligible units*
22 *of local government if the computed amount of the payment*
23 *is less than \$100.*

1 *ernment Accountability Office, at its discretion, in accord-*
2 *ance with chapter 35 of title 31, United States Code: Pro-*
3 *vided further, That Northern Mariana Islands Covenant*
4 *grant funding shall be provided according to those terms*
5 *of the Agreement of the Special Representatives on Future*
6 *United States Financial Assistance for the Northern Mar-*
7 *iana Islands approved by Public Law 104–134: Provided*
8 *further, That the funds for the program of operations and*
9 *maintenance improvement are appropriated to institu-*
10 *tionalize routine operations and maintenance improvement*
11 *of capital infrastructure with territorial participation and*
12 *cost sharing to be determined by the Secretary based on the*
13 *grantee’s commitment to timely maintenance of its capital*
14 *assets: Provided further, That any appropriation for dis-*
15 *aster assistance under this heading in this Act or previous*
16 *appropriations Acts may be used as non–Federal matching*
17 *funds for the purpose of hazard mitigation grants provided*
18 *pursuant to section 404 of the Robert T. Stafford Disaster*
19 *Relief and Emergency Assistance Act (42 U.S.C. 5170c).*

20

COMPACT OF FREE ASSOCIATION

21 *For grants and necessary expenses, \$8,463,000, to re-*
22 *main available until expended, as provided for in sections*
23 *221(a)(2) and 233 of the Compact of Free Association for*
24 *the Republic of Palau; and section 221(a)(2) of the Com-*
25 *pacts of Free Association for the Government of the Repub-*

1 *lic of the Marshall Islands and the Federated States of Mi-*
2 *cronesia, as authorized by Public Law 99–658 and Public*
3 *Law 108–188: Provided, That of the funds appropriated*
4 *under this heading, \$5,000,000 is for deposit into the Com-*
5 *pact Trust Fund of the Republic of the Marshall Islands*
6 *as compensation authorized by Public Law 108–188 for ad-*
7 *verse financial and economic impacts.*

8 *ADMINISTRATIVE PROVISIONS*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *At the request of the Governor of Guam, the Secretary*
11 *may transfer discretionary funds or mandatory funds pro-*
12 *vided under section 104(e) of Public Law 108–188 and Pub-*
13 *lic Law 104–134, that are allocated for Guam, to the Sec-*
14 *retary of Agriculture for the subsidy cost of direct or guar-*
15 *anteed loans, plus not to exceed three percent of the amount*
16 *of the subsidy transferred for the cost of loan administra-*
17 *tion, for the purposes authorized by the Rural Electrifica-*
18 *tion Act of 1936 and section 306(a)(1) of the Consolidated*
19 *Farm and Rural Development Act for construction and re-*
20 *pair projects in Guam, and such funds shall remain avail-*
21 *able until expended: Provided, That such costs, including*
22 *the cost of modifying such loans, shall be as defined in sec-*
23 *tion 502 of the Congressional Budget Act of 1974: Provided*
24 *further, That such loans or loan guarantees may be made*
25 *without regard to the population of the area, credit else-*

1 *where requirements, and restrictions on the types of eligible*
2 *entities under the Rural Electrification Act of 1936 and*
3 *section 306(a)(1) of the Consolidated Farm and Rural De-*
4 *velopment Act: Provided further, That any funds trans-*
5 *ferred to the Secretary of Agriculture shall be in addition*
6 *to funds otherwise made available to make or guarantee*
7 *loans under such authorities.*

8 *OFFICE OF THE SOLICITOR*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Office of the Solicitor,*
11 *\$86,813,000.*

12 *OFFICE OF INSPECTOR GENERAL*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses of the Office of Inspector Gen-*
15 *eral, \$58,552,000, to remain available until September 30,*
16 *2022.*

17 *DEPARTMENT-WIDE PROGRAMS*

18 *WILDLAND FIRE MANAGEMENT*

19 *(INCLUDING TRANSFERS OF FUNDS)*

20 *For necessary expenses for fire preparedness, fire sup-*
21 *pression operations, fire science and research, emergency re-*
22 *habilitation, fuels management activities, and rural fire as-*
23 *sistance by the Department of the Interior, \$992,623,000,*
24 *to remain available until expended, of which not to exceed*
25 *\$18,427,000 shall be for the renovation or construction of*

1 *fire facilities: Provided, That such funds are also available*
2 *for repayment of advances to other appropriation accounts*
3 *from which funds were previously transferred for such pur-*
4 *poses: Provided further, That of the funds provided*
5 *\$219,964,000 is for fuels management activities: Provided*
6 *further, That of the funds provided \$20,470,000 is for*
7 *burned area rehabilitation: Provided further, That persons*
8 *hired pursuant to 43 U.S.C. 1469 may be furnished subsist-*
9 *ence and lodging without cost from funds available from*
10 *this appropriation: Provided further, That notwithstanding*
11 *42 U.S.C. 1856d, sums received by a bureau or office of*
12 *the Department of the Interior for fire protection rendered*
13 *pursuant to 42 U.S.C. 1856 et seq., protection of United*
14 *States property, may be credited to the appropriation from*
15 *which funds were expended to provide that protection, and*
16 *are available without fiscal year limitation: Provided fur-*
17 *ther, That using the amounts designated under this title*
18 *of this Act, the Secretary of the Interior may enter into*
19 *procurement contracts, grants, or cooperative agreements,*
20 *for fuels management activities, and for training and moni-*
21 *toring associated with such fuels management activities on*
22 *Federal land, or on adjacent non-Federal land for activities*
23 *that benefit resources on Federal land: Provided further,*
24 *That the costs of implementing any cooperative agreement*
25 *between the Federal Government and any non-Federal enti-*

1 *ty may be shared, as mutually agreed on by the affected*
2 *parties: Provided further, That notwithstanding require-*
3 *ments of the Competition in Contracting Act, the Secretary,*
4 *for purposes of fuels management activities, may obtain*
5 *maximum practicable competition among: (1) local private,*
6 *nonprofit, or cooperative entities; (2) Youth Conservation*
7 *Corps crews, Public Lands Corps (Public Law 109–154),*
8 *or related partnerships with State, local, or nonprofit youth*
9 *groups; (3) small or micro-businesses; or (4) other entities*
10 *that will hire or train locally a significant percentage, de-*
11 *finied as 50 percent or more, of the project workforce to com-*
12 *plete such contracts: Provided further, That in imple-*
13 *menting this section, the Secretary shall develop written*
14 *guidance to field units to ensure accountability and con-*
15 *sistent application of the authorities provided herein: Pro-*
16 *vided further, That funds appropriated under this heading*
17 *may be used to reimburse the United States Fish and Wild-*
18 *life Service and the National Marine Fisheries Service for*
19 *the costs of carrying out their responsibilities under the En-*
20 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to*
21 *consult and conference, as required by section 7 of such Act,*
22 *in connection with wildland fire management activities:*
23 *Provided further, That the Secretary of the Interior may*
24 *use wildland fire appropriations to enter into leases of real*
25 *property with local governments, at or below fair market*

1 *value, to construct capitalized improvements for fire facili-*
2 *ties on such leased properties, including but not limited to*
3 *fire guard stations, retardant stations, and other initial at-*
4 *tack and fire support facilities, and to make advance pay-*
5 *ments for any such lease or for construction activity associ-*
6 *ated with the lease: Provided further, That the Secretary*
7 *of the Interior and the Secretary of Agriculture may author-*
8 *ize the transfer of funds appropriated for wildland fire*
9 *management, in an aggregate amount not to exceed*
10 *\$50,000,000 between the Departments when such transfers*
11 *would facilitate and expedite wildland fire management*
12 *programs and projects: Provided further, That funds pro-*
13 *vided for wildfire suppression shall be available for support*
14 *of Federal emergency response actions: Provided further,*
15 *That funds appropriated under this heading shall be avail-*
16 *able for assistance to or through the Department of State*
17 *in connection with forest and rangeland research, technical*
18 *information, and assistance in foreign countries, and, with*
19 *the concurrence of the Secretary of State, shall be available*
20 *to support forestry, wildland fire management, and related*
21 *natural resource activities outside the United States and*
22 *its territories and possessions, including technical assist-*
23 *ance, education and training, and cooperation with United*
24 *States and international organizations: Provided further,*
25 *That of the funds provided under this heading \$383,657,000*

1 *is provided to meet the terms of section 251(b)(2)(F)(ii)(I)*
2 *of the Balanced Budget and Emergency Deficit Control Act*
3 *of 1985, as amended.*

4 *WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND*
5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *In addition to the amounts provided under the heading*
7 *“Department of the Interior—Department-Wide Pro-*
8 *grams—Wildland Fire Management” for wildfire suppres-*
9 *sion operations, \$310,000,000, to remain available until*
10 *transferred, is additional new budget authority as specified*
11 *for purposes of section 251(b)(2)(F) of the Balanced Budget*
12 *and Emergency Deficit Control Act of 1985: Provided, That*
13 *such amounts may be transferred to and merged with*
14 *amounts made available under the headings “Department*
15 *of Agriculture—Forest Service—Wildland Fire Manage-*
16 *ment” and “Department of the Interior—Department-Wide*
17 *Programs—Wildland Fire Management” for wildfire sup-*
18 *pression operations in the fiscal year in which such*
19 *amounts are transferred: Provided further, That amounts*
20 *may be transferred to the “Wildland Fire Management” ac-*
21 *counts in the Department of Agriculture or the Department*
22 *of the Interior only upon the notification of the House and*
23 *Senate Committees on Appropriations that all wildfire sup-*
24 *pression operations funds appropriated under that heading*
25 *in this and prior appropriations Acts to the agency to*

1 *which the funds will be transferred will be obligated within*
2 *30 days: Provided further, That the transfer authority pro-*
3 *vided under this heading is in addition to any other trans-*
4 *fer authority provided by law: Provided further, That, in*
5 *determining whether all wildfire suppression operations*
6 *funds appropriated under the heading “Wildland Fire*
7 *Management” in this and prior appropriations Acts to ei-*
8 *ther the Department of Agriculture or the Department of*
9 *the Interior will be obligated within 30 days pursuant to*
10 *the previous proviso, any funds transferred or permitted to*
11 *be transferred pursuant to any other transfer authority pro-*
12 *vided by law shall be excluded.*

13 *CENTRAL HAZARDOUS MATERIALS FUND*

14 *For necessary expenses of the Department of the Inte-*
15 *rior and any of its component offices and bureaus for the*
16 *response action, including associated activities, performed*
17 *pursuant to the Comprehensive Environmental Response,*
18 *Compensation, and Liability Act (42 U.S.C. 9601 et seq.),*
19 *\$10,010,000, to remain available until expended.*

20 *NATURAL RESOURCE DAMAGE ASSESSMENT AND*
21 *RESTORATION*

22 *NATURAL RESOURCE DAMAGE ASSESSMENT FUND*

23 *To conduct natural resource damage assessment, res-*
24 *toration activities, and onshore oil spill preparedness by the*
25 *Department of the Interior necessary to carry out the provi-*

1 *sions of the Comprehensive Environmental Response, Com-*
2 *ensation, and Liability Act (42 U.S.C. 9601 et seq.), the*
3 *Federal Water Pollution Control Act (33 U.S.C. 1251 et*
4 *seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.),*
5 *and 54 U.S.C. 100721 et seq., \$7,767,000, to remain avail-*
6 *able until expended.*

7
8 *WORKING CAPITAL FUND*

9 *For the operation and maintenance of a departmental*
10 *financial and business management system, information*
11 *technology improvements of general benefit to the Depart-*
12 *ment, cybersecurity, and the consolidation of facilities and*
13 *operations throughout the Department, \$60,735,000, to re-*
14 *main available until expended: Provided, That none of the*
15 *funds appropriated in this Act or any other Act may be*
16 *used to establish reserves in the Working Capital Fund ac-*
17 *count other than for accrued annual leave and depreciation*
18 *of equipment without prior approval of the Committees on*
19 *Appropriations of the House of Representatives and the*
20 *Senate: Provided further, That the Secretary of the Interior*
21 *may assess reasonable charges to State, local, and tribal*
22 *government employees for training services provided by the*
23 *National Indian Program Training Center, other than*
24 *training related to Public Law 93–638: Provided further,*
25 *That the Secretary may lease or otherwise provide space*
and related facilities, equipment, or professional services of

1 *the National Indian Program Training Center to State,*
2 *local and tribal government employees or persons or organi-*
3 *zations engaged in cultural, educational, or recreational ac-*
4 *tivities (as defined in section 3306(a) of title 40, United*
5 *States Code) at the prevailing rate for similar space, facili-*
6 *ties, equipment, or services in the vicinity of the National*
7 *Indian Program Training Center: Provided further, That*
8 *all funds received pursuant to the two preceding provisos*
9 *shall be credited to this account, shall be available until*
10 *expended, and shall be used by the Secretary for necessary*
11 *expenses of the National Indian Program Training Center:*
12 *Provided further, That the Secretary may enter into grants*
13 *and cooperative agreements to support the Office of Natural*
14 *Resource Revenue's collection and disbursement of royalties,*
15 *fees, and other mineral revenue proceeds, as authorized by*
16 *law.*

17 *ADMINISTRATIVE PROVISION*

18 *There is hereby authorized for acquisition from avail-*
19 *able resources within the Working Capital Fund, aircraft*
20 *which may be obtained by donation, purchase, or through*
21 *available excess surplus property: Provided, That existing*
22 *aircraft being replaced may be sold, with proceeds derived*
23 *or trade-in value used to offset the purchase price for the*
24 *replacement aircraft.*

1 *OFFICE OF NATURAL RESOURCES REVENUE*

2 *For necessary expenses for management of the collec-*
3 *tion and disbursement of royalties, fees, and other mineral*
4 *revenue proceeds, and for grants and cooperative agree-*
5 *ments, as authorized by law, \$148,474,000, to remain avail-*
6 *able until September 30, 2022; of which \$50,651,000 shall*
7 *remain available until expended for the purpose of mineral*
8 *revenue management activities: Provided, That notwith-*
9 *standing any other provision of law, \$15,000 shall be avail-*
10 *able for refunds of overpayments in connection with certain*
11 *Indian leases in which the Secretary of the Interior con-*
12 *curred with the claimed refund due, to pay amounts owed*
13 *to Indian allottees or tribes, or to correct prior unrecover-*
14 *able erroneous payments.*

15 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*16 *(INCLUDING TRANSFERS OF FUNDS)*17 *EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU*

18 *SEC. 101. Appropriations made in this title shall be*
19 *available for expenditure or transfer (within each bureau*
20 *or office), with the approval of the Secretary of the Interior,*
21 *for the emergency reconstruction, replacement, or repair of*
22 *aircraft, buildings, utilities, or other facilities or equipment*
23 *damaged or destroyed by fire, flood, storm, or other un-*
24 *avoidable causes: Provided, That no funds shall be made*
25 *available under this authority until funds specifically made*

1 *available to the Department of the Interior for emergencies*
2 *shall have been exhausted: Provided further, That all funds*
3 *used pursuant to this section must be replenished by a sup-*
4 *plemental appropriation, which must be requested as*
5 *promptly as possible.*

6 *EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE*

7 *SEC. 102. The Secretary of the Interior may authorize*
8 *the expenditure or transfer of any no year appropriation*
9 *in this title, in addition to the amounts included in the*
10 *budget programs of the several agencies, for the suppression*
11 *or emergency prevention of wildland fires on or threatening*
12 *lands under the jurisdiction of the Department of the Inte-*
13 *rior; for the emergency rehabilitation of burned-over lands*
14 *under its jurisdiction; for emergency actions related to po-*
15 *tential or actual earthquakes, floods, volcanoes, storms, or*
16 *other unavoidable causes; for contingency planning subse-*
17 *quent to actual oil spills; for response and natural resource*
18 *damage assessment activities related to actual oil spills or*
19 *releases of hazardous substances into the environment; for*
20 *the prevention, suppression, and control of actual or poten-*
21 *tial grasshopper and Mormon cricket outbreaks on lands*
22 *under the jurisdiction of the Secretary, pursuant to the au-*
23 *thority in section 417(b) of Public Law 106–224 (7 U.S.C.*
24 *7717(b)); for emergency reclamation projects under section*
25 *410 of Public Law 95–87; and shall transfer, from any no*

1 *year funds available to the Office of Surface Mining Rec-*
2 *lamation and Enforcement, such funds as may be necessary*
3 *to permit assumption of regulatory authority in the event*
4 *a primacy State is not carrying out the regulatory provi-*
5 *sions of the Surface Mining Act: Provided, That appropria-*
6 *tions made in this title for wildland fire operations shall*
7 *be available for the payment of obligations incurred during*
8 *the preceding fiscal year, and for reimbursement to other*
9 *Federal agencies for destruction of vehicles, aircraft, or*
10 *other equipment in connection with their use for wildland*
11 *fire operations, with such reimbursement to be credited to*
12 *appropriations currently available at the time of receipt*
13 *thereof: Provided further, That for wildland fire operations,*
14 *no funds shall be made available under this authority until*
15 *the Secretary determines that funds appropriated for*
16 *“wildland fire suppression” shall be exhausted within 30*
17 *days: Provided further, That all funds used pursuant to this*
18 *section must be replenished by a supplemental appropria-*
19 *tion, which must be requested as promptly as possible: Pro-*
20 *vided further, That such replenishment funds shall be used*
21 *to reimburse, on a pro rata basis, accounts from which*
22 *emergency funds were transferred.*

23 *AUTHORIZED USE OF FUNDS*

24 *SEC. 103. Appropriations made to the Department of*
25 *the Interior in this title shall be available for services as*

1 *authorized by section 3109 of title 5, United States Code,*
2 *when authorized by the Secretary of the Interior, in total*
3 *amount not to exceed \$500,000; purchase and replacement*
4 *of motor vehicles, including specially equipped law enforce-*
5 *ment vehicles; hire, maintenance, and operation of aircraft;*
6 *hire of passenger motor vehicles; purchase of reprints; pay-*
7 *ment for telephone service in private residences in the field,*
8 *when authorized under regulations approved by the Sec-*
9 *retary; and the payment of dues, when authorized by the*
10 *Secretary, for library membership in societies or associa-*
11 *tions which issue publications to members only or at a price*
12 *to members lower than to subscribers who are not members.*

13 *AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT*

14 *SEC. 104. Appropriations made in this Act under the*
15 *headings Bureau of Indian Affairs and Bureau of Indian*
16 *Education, and Office of the Special Trustee for American*
17 *Indians and any unobligated balances from prior appro-*
18 *priations Acts made under the same headings shall be avail-*
19 *able for expenditure or transfer for Indian trust manage-*
20 *ment and reform activities. Total funding for historical ac-*
21 *counting activities shall not exceed amounts specifically*
22 *designated in this Act for such purpose. The Secretary shall*
23 *notify the House and Senate Committees on Appropriations*
24 *within 60 days of the expenditure or transfer of any funds*

1 *under this section, including the amount expended or trans-*
2 *ferred and how the funds will be used.*

3 *REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS*

4 *SEC. 105. Notwithstanding any other provision of law,*
5 *the Secretary of the Interior is authorized to redistribute*
6 *any Tribal Priority Allocation funds, including tribal base*
7 *funds, to alleviate tribal funding inequities by transferring*
8 *funds to address identified, unmet needs, dual enrollment,*
9 *overlapping service areas or inaccurate distribution meth-*
10 *odologies. No tribe shall receive a reduction in Tribal Pri-*
11 *ority Allocation funds of more than 10 percent in fiscal*
12 *year 2021. Under circumstances of dual enrollment, over-*
13 *lapping service areas or inaccurate distribution methodolo-*
14 *gies, the 10 percent limitation does not apply.*

15 *ELLIS, GOVERNORS, AND LIBERTY ISLANDS*

16 *SEC. 106. Notwithstanding any other provision of law,*
17 *the Secretary of the Interior is authorized to acquire lands,*
18 *waters, or interests therein, including the use of all or part*
19 *of any pier, dock, or landing within the State of New York*
20 *and the State of New Jersey, for the purpose of operating*
21 *and maintaining facilities in the support of transportation*
22 *and accommodation of visitors to Ellis, Governors, and Lib-*
23 *erty Islands, and of other program and administrative ac-*
24 *tivities, by donation or with appropriated funds, including*
25 *franchise fees (and other monetary consideration), or by ex-*

1 *change; and the Secretary is authorized to negotiate and*
2 *enter into leases, subleases, concession contracts, or other*
3 *agreements for the use of such facilities on such terms and*
4 *conditions as the Secretary may determine reasonable.*

5 *OUTER CONTINENTAL SHELF INSPECTION FEES*

6 *SEC. 107. (a) In fiscal year 2021, the Secretary of the*
7 *Interior shall collect a nonrefundable inspection fee, which*
8 *shall be deposited in the “Offshore Safety and Environ-*
9 *mental Enforcement” account, from the designated operator*
10 *for facilities subject to inspection under 43 U.S.C. 1348(c).*

11 *(b) Annual fees shall be collected for facilities that are*
12 *above the waterline, excluding drilling rigs, and are in*
13 *place at the start of the fiscal year. Fees for fiscal year 2021*
14 *shall be—*

15 *(1) \$10,500 for facilities with no wells, but with*
16 *processing equipment or gathering lines;*

17 *(2) \$17,000 for facilities with 1 to 10 wells, with*
18 *any combination of active or inactive wells; and*

19 *(3) \$31,500 for facilities with more than 10*
20 *wells, with any combination of active or inactive*
21 *wells.*

22 *(c) Fees for drilling rigs shall be assessed for all inspec-*
23 *tions completed in fiscal year 2021. Fees for fiscal year*
24 *2021 shall be—*

1 (1) \$30,500 per inspection for rigs operating in
2 water depths of 500 feet or more; and

3 (2) \$16,700 per inspection for rigs operating in
4 water depths of less than 500 feet.

5 (d) Fees for inspection of well operations conducted via
6 non-rig units as outlined in title 30 CFR 250 subparts D,
7 E, F, and Q shall be assessed for all inspections completed
8 in fiscal year 2021. Fees for fiscal year 2021 shall be—

9 (1) \$13,260 per inspection for non-rig units op-
10 erating in water depths of 2,500 feet or more;

11 (2) \$11,530 per inspection for non-rig units op-
12 erating in water depths between 500 and 2,499 feet;
13 and

14 (3) \$4,470 per inspection for non-rig units oper-
15 ating in water depths of less than 500 feet.

16 (e) The Secretary shall bill designated operators under
17 subsection (b) quarterly, with payment required within 30
18 days of billing. The Secretary shall bill designated operators
19 under subsection (c) within 30 days of the end of the month
20 in which the inspection occurred, with payment required
21 within 30 days of billing. The Secretary shall bill des-
22 ignated operators under subsection (d) with payment re-
23 quired by the end of the following quarter.

1 *displacement through reduction of non-overtime*
2 *hours, wages, or employment benefits;*

3 *(2) result in the use of an individual under the*
4 *Department of the Interior Experienced Services Pro-*
5 *gram for a job or function in a case in which a Fed-*
6 *eral employee is in a layoff status from the same or*
7 *substantially equivalent job within the Department;*
8 *or*

9 *(3) affect existing contracts for services.*

10 *OBLIGATION OF FUNDS*

11 *SEC. 112. Amounts appropriated by this Act to the De-*
12 *partment of the Interior shall be available for obligation*
13 *and expenditure not later than 60 days after the date of*
14 *enactment of this Act.*

15 *EXTENSION OF AUTHORITIES*

16 *SEC. 113. (a) Section 708(a) of division II of Public*
17 *Law 104-333, as amended by Public Law 110-229 section*
18 *461, is further amended by striking “ \$15,000,000” and in-*
19 *serting “ \$17,000,000”.*

20 *(b) Section 109(a) of title I of Public Law 106-278*
21 *is amended by striking “ \$10,000,000” and inserting “*
22 *\$12,000,000”.*

23 *SEPARATION OF ACCOUNTS*

24 *SEC. 114. The Secretary of the Interior, in order to*
25 *implement an orderly transition to separate accounts of the*

1 *Bureau of Indian Affairs and the Bureau of Indian Edu-*
2 *cation, may transfer funds among and between the successor*
3 *offices and bureaus affected by the reorganization only in*
4 *conformance with the reprogramming guidelines described*
5 *in this Act.*

6 *PAYMENTS IN LIEU OF TAXES (PILT)*

7 *SEC. 115. Section 6906 of title 31, United States Code,*
8 *shall be applied by substituting “fiscal year 2021” for “fis-*
9 *cal year 2019”.*

10 *SAGE-GROUSE*

11 *SEC. 116. None of the funds made available by this*
12 *or any other Act may be used by the Secretary of the Inte-*
13 *rior to write or issue pursuant to section 4 of the Endan-*
14 *gered Species Act of 1973 (16 U.S.C. 1533)—*

15 *(1) a proposed rule for greater sage-grouse*
16 *(Centrocercus urophasianus);*

17 *(2) a proposed rule for the Columbia basin dis-*
18 *tinct population segment of greater sage-grouse.*

19 *DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE*

20 *APPROVAL*

21 *SEC. 117. (a) Subject to subsection (b), beginning no*
22 *later than 180 days after the enactment of this Act, in any*
23 *case in which the Bureau of Safety and Environmental En-*
24 *forcement or the Bureau of Ocean Energy Management pre-*
25 *scribes or approves any departure or use of alternate proce-*

1 *dure or equipment, in regards to a plan or permit, under*
2 *30 CFR 585.103, 30 CFR 550.141; 30 CFR 550.142; 30*
3 *CFR 250.141, or 30 CFR 250.142, the head of such bureau*
4 *shall post a description of such departure or alternate pro-*
5 *cedure or equipment use approval on such bureau's publicly*
6 *available website not more than 15 business days after such*
7 *issuance.*

8 *(b) The head of each bureau may exclude confidential*
9 *business information.*

10 *MEDICAL SERVICES FUND*

11 *SEC. 118. Beginning in fiscal year 2022 and for each*
12 *fiscal year thereafter, fees collected pursuant to section 2404*
13 *of Public Law 116-9 shall be deposited into the National*
14 *Park Medical Services Fund established pursuant to such*
15 *section of such Act as discretionary offsetting receipts.*

16 *INTERAGENCY MOTOR POOL*

17 *SEC. 119. Notwithstanding any other provision of law*
18 *or Federal regulation, federally recognized Indian tribes or*
19 *authorized tribal organizations that receive Tribally-Con-*
20 *trolled School Grants pursuant to Public Law 100-297 may*
21 *obtain interagency motor vehicles and related services for*
22 *performance of any activities carried out under such grants*
23 *to the same extent as if they were contracting under the*
24 *Indian Self-Determination and Education Assistance Act.*

LONG BRIDGE PROJECT

1
2 *SEC. 120. (a) AUTHORIZATION OF CONVEYANCE.—On*
3 *request by the State of Virginia or the District of Columbia*
4 *for the purpose of the construction of rail and other infra-*
5 *structure relating to the Long Bridge Project, the Secretary*
6 *of the Interior may convey to the State or the District of*
7 *Columbia, as applicable, all right, title, and interest of the*
8 *United States in and to any portion of the approximately*
9 *4.4 acres of National Park Service land depicted as “Per-*
10 *manent Impact to NPS Land” on the Map dated May 15,*
11 *2020, that is identified by the State or the District of Co-*
12 *lumbia.*

13 *(b) TERMS AND CONDITIONS.—Such conveyance of the*
14 *National Park Service land under subsection (a) shall be*
15 *subject to any terms and conditions that the Secretary may*
16 *require. If such conveyed land is no longer being used for*
17 *the purposes specified in this section, the lands or interests*
18 *therein shall revert to the National Park Service after they*
19 *have been restored or remediated to the satisfaction of the*
20 *Secretary.*

21 *(c) CORRECTIONS.—The Secretary and the State or the*
22 *District of Columbia, as applicable, by mutual agreement,*
23 *may—*

1 *expenses; procurement of laboratory equipment and sup-*
2 *plies; hire, maintenance, and operation of aircraft; and*
3 *other operating expenses in support of research and develop-*
4 *ment, \$729,329,000, to remain available until September*
5 *30, 2022: Provided, That of the funds included under this*
6 *heading, \$7,500,000 shall be for Research: National Prior-*
7 *ities as specified in the explanatory statement described in*
8 *section 4 (in the matter preceding division A of this consoli-*
9 *dated Act).*

10 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

11 *For environmental programs and management, in-*
12 *cluding necessary expenses not otherwise provided for, for*
13 *personnel and related costs and travel expenses; hire of pas-*
14 *senger motor vehicles; hire, maintenance, and operation of*
15 *aircraft; purchase of reprints; library memberships in soci-*
16 *eties or associations which issue publications to members*
17 *only or at a price to members lower than to subscribers*
18 *who are not members; administrative costs of the*
19 *brownfields program under the Small Business Liability*
20 *Relief and Brownfields Revitalization Act of 2002; imple-*
21 *mentation of a coal combustion residual permit program*
22 *under section 2301 of the Water and Waste Act of 2016;*
23 *and not to exceed \$19,000 for official reception and rep-*
24 *resentation expenses, \$2,761,550,000, to remain available*
25 *until September 30, 2022: Provided, That of the funds in-*

1 *cluded under this heading, \$21,700,000 shall be for Envi-*
2 *ronmental Protection: National Priorities as specified in*
3 *the explanatory statement described in section 4 (in the*
4 *matter preceding division A of this consolidated Act): Pro-*
5 *vided further, That of the funds included under this head-*
6 *ing, \$541,972,000 shall be for Geographic Programs speci-*
7 *fied in the explanatory statement described in section 4 (in*
8 *the matter preceding division A of this consolidated Act).*

9 *In addition, \$5,000,000 to remain available until ex-*
10 *pended, for necessary expenses of activities described in sec-*
11 *tion 26(b)(1) of the Toxic Substances Control Act (15*
12 *U.S.C. 2625(b)(1)): Provided, That fees collected pursuant*
13 *to that section of that Act and deposited in the “TSCA Serv-*
14 *ice Fee Fund” as discretionary offsetting receipts in fiscal*
15 *year 2021 shall be retained and used for necessary salaries*
16 *and expenses in this appropriation and shall remain avail-*
17 *able until expended: Provided further, That the sum herein*
18 *appropriated in this paragraph from the general fund for*
19 *fiscal year 2021 shall be reduced by the amount of discre-*
20 *tionary offsetting receipts received during fiscal year 2021,*
21 *so as to result in a final fiscal year 2021 appropriation*
22 *from the general fund estimated at not more than \$0: Pro-*
23 *vided further, That to the extent that amounts realized from*
24 *such receipts exceed \$5,000,000, those amount in excess of*
25 *\$5,000,000 shall be deposited in the “TSCA Service Fee*

1 *Fund*” as discretionary offsetting receipts in fiscal year
2 2021, shall be retained and used for necessary salaries and
3 expenses in this account, and shall remain available until
4 expended: Provided further, That of the funds included in
5 the first paragraph under this heading, the Chemical Risk
6 Review and Reduction program project shall be allocated
7 for this fiscal year, excluding the amount of any fees appro-
8 priated, not less than the amount of appropriations for that
9 program project for fiscal year 2014.

10 *HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM*

11 *FUND*

12 *For necessary expenses to carry out section 3024 of the*
13 *Solid Waste Disposal Act (42 U.S.C. 6939g), including the*
14 *development, operation, maintenance, and upgrading of the*
15 *hazardous waste electronic manifest system established by*
16 *such section, \$8,000,000, to remain available until ex-*
17 *pended: Provided, That the sum herein appropriated from*
18 *the general fund shall be reduced as offsetting collections*
19 *under such section 3024 are received during fiscal year*
20 *2021, which shall remain available until expended and be*
21 *used for necessary expenses in this appropriation, so as to*
22 *result in a final fiscal year 2021 appropriation from the*
23 *general fund estimated at not more than \$0: Provided fur-*
24 *ther, That to the extent such offsetting collections received*
25 *in fiscal year 2021 exceed \$8,000,000, those excess amounts*

1 *shall remain available until expended and be used for nec-*
2 *essary expenses in this appropriation.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For necessary expenses of the Office of Inspector Gen-*
5 *eral in carrying out the provisions of the Inspector General*
6 *Act of 1978, \$43,500,000, to remain available until Sep-*
7 *tember 30, 2022.*

8 *BUILDINGS AND FACILITIES*

9 *For construction, repair, improvement, extension, al-*
10 *teration, and purchase of fixed equipment or facilities of,*
11 *or for use by, the Environmental Protection Agency,*
12 *\$33,752,000, to remain available until expended.*

13 *HAZARDOUS SUBSTANCE SUPERFUND*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For necessary expenses to carry out the Comprehensive*
16 *Environmental Response, Compensation, and Liability Act*
17 *of 1980 (CERCLA), including sections 111(c)(3), (c)(5),*
18 *(c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance,*
19 *and operation of aircraft, \$1,205,811,000, to remain avail-*
20 *able until expended, consisting of such sums as are available*
21 *in the Trust Fund on September 30, 2020, as authorized*
22 *by section 517(a) of the Superfund Amendments and Reau-*
23 *thorization Act of 1986 (SARA) and up to \$1,205,811,000*
24 *as a payment from general revenues to the Hazardous Sub-*
25 *stance Superfund for purposes as authorized by section*

1 *517(b) of SARA: Provided, That funds appropriated under*
2 *this heading may be allocated to other Federal agencies in*
3 *accordance with section 111(a) of CERCLA: Provided fur-*
4 *ther, That of the funds appropriated under this heading,*
5 *\$11,586,000 shall be paid to the “Office of Inspector Gen-*
6 *eral” appropriation to remain available until September*
7 *30, 2022, and \$30,755,000 shall be paid to the “Science*
8 *and Technology” appropriation to remain available until*
9 *September 30, 2022.*

10 *LEAKING UNDERGROUND STORAGE TANK TRUST FUND*

11 *PROGRAM*

12 *For necessary expenses to carry out leaking under-*
13 *ground storage tank cleanup activities authorized by sub-*
14 *title I of the Solid Waste Disposal Act, \$92,203,000, to re-*
15 *main available until expended, of which \$66,834,000 shall*
16 *be for carrying out leaking underground storage tank clean-*
17 *up activities authorized by section 9003(h) of the Solid*
18 *Waste Disposal Act; \$25,369,000 shall be for carrying out*
19 *the other provisions of the Solid Waste Disposal Act speci-*
20 *fied in section 9508(c) of the Internal Revenue Code: Pro-*
21 *vided, That the Administrator is authorized to use appro-*
22 *priations made available under this heading to implement*
23 *section 9013 of the Solid Waste Disposal Act to provide fi-*
24 *nancial assistance to federally recognized Indian tribes for*

1 *the development and implementation of programs to man-*
2 *age underground storage tanks.*

3 *INLAND OIL SPILL PROGRAMS*

4 *For expenses necessary to carry out the Environmental*
5 *Protection Agency's responsibilities under the Oil Pollution*
6 *Act of 1990, including hire, maintenance, and operation*
7 *of aircraft, \$20,098,000, to be derived from the Oil Spill*
8 *Liability trust fund, to remain available until expended.*

9 *STATE AND TRIBAL ASSISTANCE GRANTS*

10 *For environmental programs and infrastructure as-*
11 *sistance, including capitalization grants for State revolving*
12 *funds and performance partnership grants, \$4,313,901,000,*
13 *to remain available until expended, of which—*

14 *(1) \$1,638,826,000 shall be for making capital-*
15 *ization grants for the Clean Water State Revolving*
16 *Funds under title VI of the Federal Water Pollution*
17 *Control Act; and of which \$1,126,088,000 shall be for*
18 *making capitalization grants for the Drinking Water*
19 *State Revolving Funds under section 1452 of the Safe*
20 *Drinking Water Act: Provided, That for fiscal year*
21 *2021, to the extent there are sufficient eligible project*
22 *applications and projects are consistent with State*
23 *Intended Use Plans, not less than 10 percent of the*
24 *funds made available under this title to each State for*
25 *Clean Water State Revolving Fund capitalization*

1 *grants shall be used by the State for projects to ad-*
2 *dress green infrastructure, water or energy efficiency*
3 *improvements, or other environmentally innovative*
4 *activities: Provided further, That for fiscal year 2021,*
5 *funds made available under this title to each State for*
6 *Drinking Water State Revolving Fund capitalization*
7 *grants may, at the discretion of each State, be used*
8 *for projects to address green infrastructure, water or*
9 *energy efficiency improvements, or other environ-*
10 *mentally innovative activities: Provided further, That*
11 *notwithstanding section 603(d)(7) of the Federal*
12 *Water Pollution Control Act, the limitation on the*
13 *amounts in a State water pollution control revolving*
14 *fund that may be used by a State to administer the*
15 *fund shall not apply to amounts included as prin-*
16 *cipal in loans made by such fund in fiscal year 2021*
17 *and prior years where such amounts represent costs*
18 *of administering the fund to the extent that such*
19 *amounts are or were deemed reasonable by the Ad-*
20 *ministrator, accounted for separately from other as-*
21 *sets in the fund, and used for eligible purposes of the*
22 *fund, including administration: Provided further,*
23 *That for fiscal year 2021, notwithstanding the provi-*
24 *sions of subsections (g)(1), (h), and (l) of section 201*
25 *of the Federal Water Pollution Control Act, grants*

1 *made under title II of such Act for American Samoa,*
2 *Guam, the Commonwealth of the Northern Marianas,*
3 *the United States Virgin Islands, and the District of*
4 *Columbia may also be made for the purpose of pro-*
5 *viding assistance: (1) solely for facility plans, design*
6 *activities, or plans, specifications, and estimates for*
7 *any proposed project for the construction of treatment*
8 *works; and (2) for the construction, repair, or replace-*
9 *ment of privately owned treatment works serving one*
10 *or more principal residences or small commercial es-*
11 *tablishments: Provided further, That for fiscal year*
12 *2021, notwithstanding the provisions of such sub-*
13 *sections (g)(1), (h), and (l) of section 201 and section*
14 *518(c) of the Federal Water Pollution Control Act,*
15 *funds reserved by the Administrator for grants under*
16 *section 518(c) of the Federal Water Pollution Control*
17 *Act may also be used to provide assistance: (1) solely*
18 *for facility plans, design activities, or plans, speci-*
19 *fications, and estimates for any proposed project for*
20 *the construction of treatment works; and (2) for the*
21 *construction, repair, or replacement of privately*
22 *owned treatment works serving one or more principal*
23 *residences or small commercial establishments: Pro-*
24 *vided further, That for fiscal year 2021, notwith-*
25 *standing any provision of the Federal Water Pollu-*

1 *tion Control Act and regulations issued pursuant*
2 *thereof, up to a total of \$2,000,000 of the funds re-*
3 *reserved by the Administrator for grants under section*
4 *518(c) of such Act may also be used for grants for*
5 *training, technical assistance, and educational pro-*
6 *grams relating to the operation and management of*
7 *the treatment works specified in section 518(c) of such*
8 *Act: Provided further, That for fiscal year 2021, funds*
9 *reserved under section 518(c) of such Act shall be*
10 *available for grants only to Indian tribes, as defined*
11 *in section 518(h) of such Act and former Indian res-*
12 *ervations in Oklahoma (as determined by the Sec-*
13 *retary of the Interior) and Native Villages as defined*
14 *in Public Law 92–203: Provided further, That for fis-*
15 *cal year 2021, notwithstanding the limitation on*
16 *amounts in section 518(c) of the Federal Water Pollu-*
17 *tion Control Act, up to a total of 2 percent of the*
18 *funds appropriated, or \$30,000,000, whichever is*
19 *greater, and notwithstanding the limitation on*
20 *amounts in section 1452(i) of the Safe Drinking*
21 *Water Act, up to a total of 2 percent of the funds ap-*
22 *propriated, or \$20,000,000, whichever is greater, for*
23 *State Revolving Funds under such Acts may be re-*
24 *served by the Administrator for grants under section*
25 *518(c) and section 1452(i) of such Acts: Provided fur-*

1 *ther, That for fiscal year 2021, notwithstanding the*
2 *amounts specified in section 205(c) of the Federal*
3 *Water Pollution Control Act, up to 1.5 percent of the*
4 *aggregate funds appropriated for the Clean Water*
5 *State Revolving Fund program under the Act less any*
6 *sums reserved under section 518(c) of the Act, may be*
7 *reserved by the Administrator for grants made under*
8 *title II of the Federal Water Pollution Control Act for*
9 *American Samoa, Guam, the Commonwealth of the*
10 *Northern Marianas, and United States Virgin Is-*
11 *lands: Provided further, That for fiscal year 2021,*
12 *notwithstanding the limitations on amounts specified*
13 *in section 1452(j) of the Safe Drinking Water Act, up*
14 *to 1.5 percent of the funds appropriated for the*
15 *Drinking Water State Revolving Fund programs*
16 *under the Safe Drinking Water Act may be reserved*
17 *by the Administrator for grants made under section*
18 *1452(j) of the Safe Drinking Water Act: Provided fur-*
19 *ther, That 10 percent of the funds made available*
20 *under this title to each State for Clean Water State*
21 *Revolving Fund capitalization grants and 14 percent*
22 *of the funds made available under this title to each*
23 *State for Drinking Water State Revolving Fund cap-*
24 *italization grants shall be used by the State to pro-*
25 *vide additional subsidy to eligible recipients in the*

1 *form of forgiveness of principal, negative interest*
2 *loans, or grants (or any combination of these), and*
3 *shall be so used by the State only where such funds*
4 *are provided as initial financing for an eligible re-*
5 *recipient or to buy, refinance, or restructure the debt*
6 *obligations of eligible recipients only where such debt*
7 *was incurred on or after the date of enactment of this*
8 *Act, or where such debt was incurred prior to the date*
9 *of enactment of this Act if the State, with concurrence*
10 *from the Administrator, determines that such funds*
11 *could be used to help address a threat to public health*
12 *from heightened exposure to lead in drinking water or*
13 *if a Federal or State emergency declaration has been*
14 *issued due to a threat to public health from height-*
15 *ened exposure to lead in a municipal drinking water*
16 *supply before the date of enactment of this Act: Pro-*
17 *vided further, That in a State in which such an emer-*
18 *gency declaration has been issued, the State may use*
19 *more than 14 percent of the funds made available*
20 *under this title to the State for Drinking Water State*
21 *Revolving Fund capitalization grants to provide ad-*
22 *ditional subsidy to eligible recipients;*

23 *(2) \$30,000,000 shall be for architectural, engi-*
24 *neering, planning, design, construction and related*
25 *activities in connection with the construction of high*

1 *priority water and wastewater facilities in the area*
2 *of the United States-Mexico Border, after consultation*
3 *with the appropriate border commission: Provided,*
4 *That no funds provided by this appropriations Act to*
5 *address the water, wastewater and other critical in-*
6 *frastructure needs of the colonias in the United States*
7 *along the United States-Mexico border shall be made*
8 *available to a county or municipal government unless*
9 *that government has established an enforceable local*
10 *ordinance, or other zoning rule, which prevents in*
11 *that jurisdiction the development or construction of*
12 *any additional colonia areas, or the development*
13 *within an existing colonia the construction of any*
14 *new home, business, or other structure which lacks*
15 *water, wastewater, or other necessary infrastructure;*

16 *(3) \$36,186,000 shall be for grants to the State*
17 *of Alaska to address drinking water and wastewater*
18 *infrastructure needs of rural and Alaska Native Vil-*
19 *lages: Provided, That of these funds: (A) the State of*
20 *Alaska shall provide a match of 25 percent; (B) no*
21 *more than 5 percent of the funds may be used for ad-*
22 *ministrative and overhead expenses; and (C) the State*
23 *of Alaska shall make awards consistent with the*
24 *Statewide priority list established in conjunction with*
25 *the Agency and the U.S. Department of Agriculture*

1 *for all water, sewer, waste disposal, and similar*
2 *projects carried out by the State of Alaska that are*
3 *funded under section 221 of the Federal Water Pollu-*
4 *tion Control Act (33 U.S.C. 1301) or the Consolidated*
5 *Farm and Rural Development Act (7 U.S.C. 1921 et*
6 *seq.) which shall allocate not less than 25 percent of*
7 *the funds provided for projects in regional hub com-*
8 *munities;*

9 *(4) \$90,982,000 shall be to carry out section*
10 *104(k) of the Comprehensive Environmental Re-*
11 *sponse, Compensation, and Liability Act of 1980*
12 *(CERCLA), including grants, interagency agree-*
13 *ments, and associated program support costs: Pro-*
14 *vided, That at least 10 percent shall be allocated for*
15 *assistance in persistent poverty counties: Provided*
16 *further, That for purposes of this section, the term*
17 *“persistent poverty counties” means any county that*
18 *has had 20 percent or more of its population living*
19 *in poverty over the past 30 years, as measured by the*
20 *1990 and 2000 decennial censuses and the most recent*
21 *Small Area Income and Poverty Estimates, or any*
22 *territory or possession of the United States;*

23 *(5) \$90,000,000 shall be for grants under title*
24 *VII, subtitle G of the Energy Policy Act of 2005;*

1 (6) \$59,000,000 shall be for targeted airshed
2 grants in accordance with the terms and conditions
3 in the explanatory statement described in section 4
4 (in the matter preceding division A of this consoli-
5 dated Act);

6 (7) \$4,000,000 shall be to carry out the water
7 quality program authorized in section 5004(d) of the
8 Water Infrastructure Improvements for the Nation
9 Act (Public Law 114–322);

10 (8) \$26,408,000 shall be for grants under sub-
11 sections (a) through (j) of section 1459A of the Safe
12 Drinking Water Act (42 U.S.C. 300j–19a);

13 (9) \$26,500,000 shall be for grants under section
14 1464(d) of the Safe Drinking Water Act (42 U.S.C.
15 300j–24(d));

16 (10) \$21,511,000 shall be for grants under sec-
17 tion 1459B of the Safe Drinking Water Act (42
18 U.S.C. 300j–19b);

19 (11) \$4,000,000 shall be for grants under section
20 1459A(l) of the Safe Drinking Water Act (42 U.S.C.
21 300j–19a(l));

22 (12) \$18,000,000 shall be for grants under sec-
23 tion 104(b)(8) of the Federal Water Pollution Control
24 Act (33 U.S.C. 1254(b)(8));

1 (13) \$40,000,000 shall be for grants under sec-
2 tion 221 of the Federal Water Pollution Control Act
3 (33 U.S.C. 1301);

4 (14) \$3,000,000 shall be for grants under section
5 4304(b) of the America's Water Infrastructure Act of
6 2018 (Public Law 115–270); and

7 (15) \$1,099,400,000 shall be for grants, includ-
8 ing associated program support costs, to States, feder-
9 ally recognized tribes, interstate agencies, tribal con-
10 sortia, and air pollution control agencies for multi-
11 media or single media pollution prevention, control
12 and abatement, and related activities, including ac-
13 tivities pursuant to the provisions set forth under this
14 heading in Public Law 104–134, and for making
15 grants under section 103 of the Clean Air Act for par-
16 ticulate matter monitoring and data collection activi-
17 ties subject to terms and conditions specified by the
18 Administrator, and under section 2301 of the Water
19 and Waste Act of 2016 to assist States in developing
20 and implementing programs for control of coal com-
21 bustion residuals, of which: \$46,195,000 shall be for
22 carrying out section 128 of CERCLA; \$9,336,000
23 shall be for Environmental Information Exchange
24 Network grants, including associated program sup-
25 port costs; \$1,475,000 shall be for grants to States

1 *under section 2007(f)(2) of the Solid Waste Disposal*
2 *Act, which shall be in addition to funds appropriated*
3 *under the heading “Leaking Underground Storage*
4 *Tank Trust Fund Program” to carry out the provi-*
5 *sions of the Solid Waste Disposal Act specified in sec-*
6 *tion 9508(c) of the Internal Revenue Code other than*
7 *section 9003(h) of the Solid Waste Disposal Act;*
8 *\$17,924,000 of the funds available for grants under*
9 *section 106 of the Federal Water Pollution Control*
10 *Act shall be for State participation in national- and*
11 *State-level statistical surveys of water resources and*
12 *enhancements to State monitoring programs;*
13 *\$10,000,000 shall be for multipurpose grants, includ-*
14 *ing interagency agreements, in accordance with the*
15 *terms and conditions described in the explanatory*
16 *statement described in section 4 (in the matter pre-*
17 *ceding division A of this consolidated Act).*

18 *WATER INFRASTRUCTURE FINANCE AND INNOVATION*

19 *PROGRAM ACCOUNT*

20 *For the cost of direct loans and for the cost of guaran-*
21 *teed loans, as authorized by the Water Infrastructure Fi-*
22 *nance and Innovation Act of 2014, \$59,500,000, to remain*
23 *available until expended: Provided, That such costs, includ-*
24 *ing the cost of modifying such loans, shall be as defined*
25 *in section 502 of the Congressional Budget Act of 1974: Pro-*

1 *vided further, That these funds are available to subsidize*
2 *gross obligations for the principal amount of direct loans,*
3 *including capitalized interest, and total loan principal, in-*
4 *cluding capitalized interest, any part of which is to be*
5 *guaranteed, not to exceed \$12,500,000,000: Provided fur-*
6 *ther, That of the funds made available under this heading,*
7 *\$5,000,000 shall be used solely for the cost of direct loans*
8 *and for the cost of guaranteed loans for projects described*
9 *in section 5026(9) of the Water Infrastructure Finance and*
10 *Innovation Act of 2014 to State infrastructure financing*
11 *authorities, as authorized by section 5033(e) of such Act:*
12 *Provided further, That the use of direct loans or loan guar-*
13 *antee authority under this heading for direct loans or com-*
14 *mitments to guarantee loans for any project shall be in ac-*
15 *cordance with the criteria published in the Federal Register*
16 *on June 30, 2020 (85 FR 39189) pursuant to the fourth*
17 *proviso under the heading “Water Infrastructure Finance*
18 *and Innovation Program Account” in division D of the*
19 *Further Consolidated Appropriations Act, 2020 (Public*
20 *Law 116–94): Provided further, That none of the direct*
21 *loans or loan guarantee authority made available under*
22 *this heading shall be available for any project unless the*
23 *Administrator and the Director of the Office of Management*
24 *and Budget have certified in advance in writing that the*
25 *direct loan or loan guarantee, as applicable, and the project*

1 *comply with the criteria referenced in the previous proviso:*
2 *Provided further, That, for the purposes of carrying out the*
3 *Congressional Budget Act of 1974, the Director of the Con-*
4 *gressional Budget Office may request, and the Adminis-*
5 *trator shall promptly provide, documentation and informa-*
6 *tion relating to a project identified in a Letter of Interest*
7 *submitted to the Administrator pursuant to a Notice of*
8 *Funding Availability for applications for credit assistance*
9 *under the Water Infrastructure Finance and Innovation*
10 *Act Program, including with respect to a project that was*
11 *initiated or completed before the date of enactment of this*
12 *Act.*

13 *In addition, fees authorized to be collected pursuant*
14 *to sections 5029 and 5030 of the Water Infrastructure Fi-*
15 *nance and Innovation Act of 2014 shall be deposited in this*
16 *account, to remain available until expended.*

17 *In addition, for administrative expenses to carry out*
18 *the direct and guaranteed loan programs, notwithstanding*
19 *section 5033 of the Water Infrastructure Finance and Inno-*
20 *vation Act of 2014, \$5,500,000, to remain available until*
21 *September 30, 2022.*

1 *Protection Agency may assess fees under section 33 of*
2 *FIFRA (7 U.S.C. 136w–8) for fiscal year 2021.*

3 *The Administrator is authorized to transfer up to*
4 *\$330,000,000 of the funds appropriated for the Great Lakes*
5 *Restoration Initiative under the heading “Environmental*
6 *Programs and Management” to the head of any Federal de-*
7 *partment or agency, with the concurrence of such head, to*
8 *carry out activities that would support the Great Lakes*
9 *Restoration Initiative and Great Lakes Water Quality*
10 *Agreement programs, projects, or activities; to enter into*
11 *an interagency agreement with the head of such Federal de-*
12 *partment or agency to carry out these activities; and to*
13 *make grants to governmental entities, nonprofit organiza-*
14 *tions, institutions, and individuals for planning, research,*
15 *monitoring, outreach, and implementation in furtherance*
16 *of the Great Lakes Restoration Initiative and the Great*
17 *Lakes Water Quality Agreement.*

18 *The Science and Technology, Environmental Programs*
19 *and Management, Office of Inspector General, Hazardous*
20 *Substance Superfund, and Leaking Underground Storage*
21 *Tank Trust Fund Program Accounts, are available for the*
22 *construction, alteration, repair, rehabilitation, and renova-*
23 *tion of facilities, provided that the cost does not exceed*
24 *\$150,000 per project.*

1 *For fiscal year 2021, and notwithstanding section*
2 *518(f) of the Federal Water Pollution Control Act (33*
3 *U.S.C. 1377(f)), the Administrator is authorized to use the*
4 *amounts appropriated for any fiscal year under section 319*
5 *of the Act to make grants to Indian tribes pursuant to sec-*
6 *tions 319(h) and 518(e) of that Act.*

7 *The Administrator is authorized to use the amounts*
8 *appropriated under the heading “Environmental Programs*
9 *and Management” for fiscal year 2021 to provide grants*
10 *to implement the Southeastern New England Watershed*
11 *Restoration Program.*

12 *Notwithstanding the limitations on amounts in section*
13 *320(i)(2)(B) of the Federal Water Pollution Control Act,*
14 *not less than \$1,500,000 of the funds made available under*
15 *this title for the National Estuary Program shall be for*
16 *making competitive awards described in section 320(g)(4).*

17 *For fiscal year 2021, the Office of Chemical Safety and*
18 *Pollution Prevention and the Office of Water may, using*
19 *funds appropriated under the headings “Environmental*
20 *Programs and Management” and “Science and Tech-*
21 *nology”, contract directly with individuals or indirectly*
22 *with institutions or nonprofit organizations, without re-*
23 *gard to 41 U.S.C. 5, for the temporary or intermittent per-*
24 *sonal services of students or recent graduates, who shall be*
25 *considered employees for the purposes of chapters 57 and*

1 *81 of title 5, United States Code, relating to compensation*
2 *for travel and work injuries, and chapter 171 of title 28,*
3 *United States Code, relating to tort claims, but shall not*
4 *be considered to be Federal employees for any other purpose:*
5 *Provided, That amounts used for this purpose by the Office*
6 *of Chemical Safety and Pollution Prevention and the Office*
7 *of Water collectively may not exceed \$2,000,000.*

8 *Of the unobligated balances available for the “State*
9 *and Tribal Assistance Grants” account, \$27,991,000 are*
10 *hereby permanently rescinded: Provided, That no amounts*
11 *may be rescinded from amounts that were designated by*
12 *the Congress as an emergency requirement pursuant to the*
13 *Concurrent Resolution on the Budget or the Balanced Budg-*
14 *et and Emergency Deficit Control Act of 1985.*

15 *TITLE III*

16 *RELATED AGENCIES*

17 *DEPARTMENT OF AGRICULTURE*

18 *OFFICE OF THE UNDER SECRETARY FOR NATURAL*

19 *RESOURCES AND ENVIRONMENT*

20 *For necessary expenses of the Office of the Under Sec-*
21 *retary for Natural Resources and Environment, \$875,000:*
22 *Provided, That funds made available by this Act to any*
23 *agency in the Natural Resources and Environment mission*
24 *area for salaries and expenses are available to fund up to*
25 *one administrative support staff for the office.*

*FOREST SERVICE**FOREST SERVICE OPERATIONS**(INCLUDING TRANSFERS OF FUNDS)*

1 *For necessary expenses of the Forest Service, not other-*
2 *wise provided for, \$1,026,163,000, to remain available*
3 *through September 30, 2024: Provided, That a portion of*
4 *the funds made available under this heading shall be for*
5 *the base salary and expenses of employees in the Chief's Of-*
6 *fice, the Work Environment and Performance Office, the*
7 *Business Operations Deputy Area, and the Chief Financial*
8 *Officer's Office to carry out administrative and general*
9 *management support functions: Provided further, That*
10 *funds provided under this heading shall be available for the*
11 *costs of facility maintenance, repairs, and leases for build-*
12 *ings and sites where these support functions take place; the*
13 *costs of all utility and telecommunication expenses of the*
14 *Forest Service, as well as business services; and, for infor-*
15 *mation technology, including cyber security requirements:*
16 *Provided further, That funds provided under this heading*
17 *may be used for necessary administrative support function*
18 *expenses of the Forest Service not otherwise provided for*
19 *and necessary for its operation.*

FOREST AND RANGELAND RESEARCH

20 *For necessary expenses of forest and rangeland re-*
21 *search as authorized by law, \$258,760,000, to remain avail-*
22 *able.*

1 *able through September 30, 2024: Provided, That of the*
2 *funds provided, \$17,621,000 is for the forest inventory and*
3 *analysis program: Provided further, That all authorities for*
4 *the use of funds, including the use of contracts, grants, and*
5 *cooperative agreements, available to execute the Forest and*
6 *Rangeland Research appropriation, are also available in*
7 *the utilization of these funds for Fire Science Research.*

8 *STATE AND PRIVATE FORESTRY*
9 *(INCLUDING RESCISSION OF FUNDS)*

10 *For necessary expenses of cooperating with and pro-*
11 *viding technical and financial assistance to States, terri-*
12 *ories, possessions, and others, and for forest health manage-*
13 *ment, and conducting an international program and trade*
14 *compliance activities as authorized, \$267,180,000, to re-*
15 *main available through September 30, 2024, as authorized*
16 *by law.*

17 *Of the unobligated balances from amounts made avail-*
18 *able for the Forest Legacy Program and derived from the*
19 *Land and Water Conservation Fund, \$5,809,000 is hereby*
20 *permanently rescinded from projects with cost savings or*
21 *failed or partially failed projects: Provided, That no*
22 *amounts may be rescinded from amounts that were des-*
23 *ignated by the Congress as an emergency requirement pur-*
24 *suant to the Concurrent Resolution on the Budget or the*

1 *Balanced Budget and Emergency Deficit Control Act of*
2 *1985.*

3 *NATIONAL FOREST SYSTEM*

4 *For necessary expenses of the Forest Service, not other-*
5 *wise provided for, for management, protection, improve-*
6 *ment, and utilization of the National Forest System, and*
7 *for hazardous fuels management on or adjacent to such*
8 *lands, \$1,786,870,000, to remain available through Sep-*
9 *tember 30, 2024: Provided, That of the funds provided,*
10 *\$13,787,000 shall be deposited in the Collaborative Forest*
11 *Landscape Restoration Fund for ecological restoration*
12 *treatments as authorized by 16 U.S.C. 7303(f): Provided*
13 *further, That of the funds provided, \$37,017,000 shall be*
14 *for forest products: Provided further, That of the funds pro-*
15 *vided, \$180,388,000 shall be for hazardous fuels manage-*
16 *ment activities, of which not to exceed \$12,454,000 may be*
17 *used to make grants, using any authorities available to the*
18 *Forest Service under the “State and Private Forestry” ap-*
19 *propriation, for the purpose of creating incentives for in-*
20 *creased use of biomass from National Forest System lands:*
21 *Provided further, That \$20,000,000 may be used by the Sec-*
22 *retary of Agriculture to enter into procurement contracts*
23 *or cooperative agreements or to issue grants for hazardous*
24 *fuels management activities, and for training or moni-*
25 *toring associated with such hazardous fuels management*

1 *activities on Federal land, or on non-Federal land if the*
2 *Secretary determines such activities benefit resources on*
3 *Federal land: Provided further, That funds made available*
4 *to implement the Community Forestry Restoration Act,*
5 *Public Law 106–393, title VI, shall be available for use on*
6 *non-Federal lands in accordance with authorities made*
7 *available to the Forest Service under the “State and Private*
8 *Forestry” appropriations: Provided further, That notwith-*
9 *standing section 33 of the Bankhead Jones Farm Tenant*
10 *Act (7 U.S.C. 1012), the Secretary of Agriculture, in calcu-*
11 *lating a fee for grazing on a National Grassland, may pro-*
12 *vide a credit of up to 50 percent of the calculated fee to*
13 *a Grazing Association or direct permittee for a conservation*
14 *practice approved by the Secretary in advance of the fiscal*
15 *year in which the cost of the conservation practice is in-*
16 *curred, and that the amount credited shall remain available*
17 *to the Grazing Association or the direct permittee, as appro-*
18 *priate, in the fiscal year in which the credit is made and*
19 *each fiscal year thereafter for use on the project for con-*
20 *servation practices approved by the Secretary: Provided*
21 *further, That funds appropriated to this account shall be*
22 *available for the base salary and expenses of employees that*
23 *carry out the functions funded by the “Capital Improve-*
24 *ment and Maintenance” account, the “Range Betterment*

1 *Fund” account, and the “Management of National Forests*
2 *for Subsistence Uses” account.*

3 *CAPITAL IMPROVEMENT AND MAINTENANCE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses of the Forest Service, not other-*
6 *wise provided for, \$140,371,000, to remain available*
7 *through September 30, 2024, for construction, capital im-*
8 *provement, maintenance, and acquisition of buildings and*
9 *other facilities and infrastructure; and for construction, re-*
10 *construction, decommissioning of roads that are no longer*
11 *needed, including unauthorized roads that are not part of*
12 *the transportation system, and maintenance of forest roads*
13 *and trails by the Forest Service as authorized by 16 U.S.C.*
14 *532–538 and 23 U.S.C. 101 and 205: Provided, That funds*
15 *becoming available in fiscal year 2021 under the Act of*
16 *March 4, 1913 (16 U.S.C. 501) shall be transferred to the*
17 *General Fund of the Treasury and shall not be available*
18 *for transfer or obligation for any other purpose unless the*
19 *funds are appropriated.*

20 *LAND ACQUISITION*

21 *(RESCISSION OF FUNDS)*

22 *Of the unobligated balances from amounts made avail-*
23 *able for Land Acquisition and derived from the Land and*
24 *Water Conservation Fund, \$5,619,000 is hereby perma-*
25 *nently rescinded from projects with cost savings or failed*

1 *or partially failed projects: Provided, That no amounts may*
2 *be rescinded from amounts that were designated by the Con-*
3 *gress as an emergency requirement pursuant to the Concur-*
4 *rent Resolution on the Budget or the Balanced Budget and*
5 *Emergency Deficit Control Act of 1985.*

6 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*
7 *ACTS*

8 *For acquisition of lands within the exterior boundaries*
9 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
10 *the Toiyabe National Forest, Nevada; and the Angeles, San*
11 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
12 *ornia; and the Ozark-St. Francis and Ouachita National*
13 *Forests, Arkansas; as authorized by law, \$664,000, to be*
14 *derived from forest receipts.*

15 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

16 *For acquisition of lands, such sums, to be derived from*
17 *funds deposited by State, county, or municipal govern-*
18 *ments, public school districts, or other public school authori-*
19 *ties, and for authorized expenditures from funds deposited*
20 *by non-Federal parties pursuant to Land Sale and Ex-*
21 *change Acts, pursuant to the Act of December 4, 1967 (16*
22 *U.S.C. 484a), to remain available through September 30,*
23 *2024, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Pub-*
24 *lic Law 76–589, 76–591; and Public Law 78–310).*

1 *WILDLAND FIRE MANAGEMENT*
2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *For necessary expenses for forest fire presuppression*
4 *activities on National Forest System lands, for emergency*
5 *wildland fire suppression on or adjacent to such lands or*
6 *other lands under fire protection agreement, and for emer-*
7 *gency rehabilitation of burned-over National Forest System*
8 *lands and water, \$1,927,241,000, to remain available until*
9 *expended: Provided, That such funds including unobligated*
10 *balances under this heading, are available for repayment*
11 *of advances from other appropriations accounts previously*
12 *transferred for such purposes: Provided further, That any*
13 *unobligated funds appropriated in a previous fiscal year*
14 *for hazardous fuels management may be transferred to the*
15 *“National Forest System” account: Provided further, That*
16 *such funds shall be available to reimburse State and other*
17 *cooperating entities for services provided in response to*
18 *wildfire and other emergencies or disasters to the extent*
19 *such reimbursements by the Forest Service for non-fire*
20 *emergencies are fully repaid by the responsible emergency*
21 *management agency: Provided further, That funds provided*
22 *shall be available for support to Federal emergency re-*
23 *sponse: Provided further, That the costs of implementing*
24 *any cooperative agreement between the Federal Government*
25 *and any non-Federal entity may be shared, as mutually*

1 *agreed on by the affected parties: Provided further, That*
2 *of the funds provided under this heading, \$1,011,000,000*
3 *shall be available for wildfire suppression operations, and*
4 *is provided to the meet the terms of section*
5 *251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985, as amended.*

7 *WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND*
8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *In addition to the amounts provided under the heading*
10 *“Department of Agriculture—Forest Service—Wildland*
11 *Fire Management” for wildfire suppression operations,*
12 *\$2,040,000,000, to remain available until transferred, is ad-*
13 *ditional new budget authority as specified for purposes of*
14 *section 251(b)(2)(F) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985: Provided, That such*
16 *amounts may be transferred to and merged with amounts*
17 *made available under the headings “Department of the Inte-*
18 *rior—Department-Wide Programs—Wildland Fire Man-*
19 *agement” and “Department of Agriculture—Forest Serv-*
20 *ice—Wildland Fire Management” for wildfire suppression*
21 *operations in the fiscal year in which such amounts are*
22 *transferred: Provided further, That amounts may be trans-*
23 *ferred to the “Wildland Fire Management” accounts in the*
24 *Department of the Interior or the Department of Agri-*
25 *culture only upon the notification of the House and Senate*

1 *Committees on Appropriations that all wildfire suppression*
2 *operations funds appropriated under that heading in this*
3 *and prior appropriations Acts to the agency to which the*
4 *funds will be transferred will be obligated within 30 days:*
5 *Provided further, That the transfer authority provided*
6 *under this heading is in addition to any other transfer au-*
7 *thority provided by law: Provided further, That, in deter-*
8 *mining whether all wildfire suppression operations funds*
9 *appropriated under the heading “Wildland Fire Manage-*
10 *ment” in this and prior appropriations Acts to either the*
11 *Department of Agriculture or the Department of the Inte-*
12 *rior will be obligated within 30 days pursuant to the pre-*
13 *vious proviso, any funds transferred or permitted to be*
14 *transferred pursuant to any other transfer authority pro-*
15 *vided by law shall be excluded.*

16 *COMMUNICATIONS SITE ADMINISTRATION*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *Amounts collected in this fiscal year pursuant to sec-*
19 *tion 8705(f)(2) of the Agriculture Improvement Act of 2018*
20 *(Public Law 115–334), shall be deposited in the special ac-*
21 *count established by section 8705(f)(1) of such Act, shall be*
22 *available to cover the costs described in subsection (c)(3)*
23 *of such section of such Act, and shall remain available until*
24 *expended: Provided, That such amounts shall be transferred*
25 *to the “National Forest System” account.*

1 *ADMINISTRATIVE PROVISIONS—FOREST SERVICE*2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *Appropriations to the Forest Service for the current*
4 *fiscal year shall be available for: (1) purchase of passenger*
5 *motor vehicles; acquisition of passenger motor vehicles from*
6 *excess sources, and hire of such vehicles; purchase, lease, op-*
7 *eration, maintenance, and acquisition of aircraft to main-*
8 *tain the operable fleet for use in Forest Service wildland*
9 *fire programs and other Forest Service programs; notwith-*
10 *standing other provisions of law, existing aircraft being re-*
11 *placed may be sold, with proceeds derived or trade-in value*
12 *used to offset the purchase price for the replacement air-*
13 *craft; (2) services pursuant to 7 U.S.C. 2225, and not to*
14 *exceed \$100,000 for employment under 5 U.S.C. 3109; (3)*
15 *purchase, erection, and alteration of buildings and other*
16 *public improvements (7 U.S.C. 2250); (4) acquisition of*
17 *land, waters, and interests therein pursuant to 7 U.S.C.*
18 *428a; (5) for expenses pursuant to the Volunteers in the Na-*
19 *tional Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a*
20 *note); (6) the cost of uniforms as authorized by 5 U.S.C.*
21 *5901–5902; and (7) for debt collection contracts in accord-*
22 *ance with 31 U.S.C. 3718(c).*

23 *Funds made available to the Forest Service in this Act*
24 *may be transferred between accounts affected by the Forest*
25 *Service budget restructure outlined in section 435 of divi-*

1 *sion D of the Further Consolidated Appropriations Act,*
2 *2020 (Public Law 116–94): Provided, That any transfer of*
3 *funds pursuant to this paragraph shall not increase or de-*
4 *crease the funds appropriated to any account in this fiscal*
5 *year by more than ten percent: Provided further, That such*
6 *transfer authority is in addition to any other transfer au-*
7 *thority provided by law.*

8 *Any appropriations or funds available to the Forest*
9 *Service may be transferred to the Wildland Fire Manage-*
10 *ment appropriation for forest firefighting, emergency reha-*
11 *bilitation of burned-over or damaged lands or waters under*
12 *its jurisdiction, and fire preparedness due to severe burning*
13 *conditions upon the Secretary of Agriculture’s notification*
14 *of the House and Senate Committees on Appropriations*
15 *that all fire suppression funds appropriated under the head-*
16 *ing “Wildland Fire Management” will be obligated within*
17 *30 days: Provided, That all funds used pursuant to this*
18 *paragraph must be replenished by a supplemental appro-*
19 *priation which must be requested as promptly as possible.*

20 *Not more than \$50,000,000 of funds appropriated to*
21 *the Forest Service shall be available for expenditure or*
22 *transfer to the Department of the Interior for wildland fire*
23 *management, hazardous fuels management, and State fire*
24 *assistance when such transfers would facilitate and expedite*
25 *wildland fire management programs and projects.*

1 *Notwithstanding any other provision of this Act, the*
2 *Forest Service may transfer unobligated balances of discre-*
3 *tionary funds appropriated to the Forest Service by this*
4 *Act to or within the National Forest System Account, or*
5 *reprogram funds to be used for the purposes of hazardous*
6 *fuels management and urgent rehabilitation of burned-over*
7 *National Forest System lands and water, such transferred*
8 *funds shall remain available through September 30, 2024:*
9 *Provided, That none of the funds transferred pursuant to*
10 *this section shall be available for obligation without written*
11 *notification to and the prior approval of the Committees*
12 *on Appropriations of both Houses of Congress.*

13 *Funds appropriated to the Forest Service shall be*
14 *available for assistance to or through the Agency for Inter-*
15 *national Development in connection with forest and range-*
16 *land research, technical information, and assistance in for-*
17 *foreign countries, and shall be available to support forestry*
18 *and related natural resource activities outside the United*
19 *States and its territories and possessions, including tech-*
20 *nical assistance, education and training, and cooperation*
21 *with U.S., private, and international organizations. The*
22 *Forest Service, acting for the International Program, may*
23 *sign direct funding agreements with foreign governments*
24 *and institutions as well as other domestic agencies (includ-*
25 *ing the U.S. Agency for International Development, the De-*

1 *partment of State, and the Millennium Challenge Corpora-*
2 *tion), U.S. private sector firms, institutions and organiza-*
3 *tions to provide technical assistance and training programs*
4 *overseas on forestry and rangeland management.*

5 *Funds appropriated to the Forest Service shall be*
6 *available for expenditure or transfer to the Department of*
7 *the Interior, Bureau of Land Management, for removal,*
8 *preparation, and adoption of excess wild horses and burros*
9 *from National Forest System lands, and for the perform-*
10 *ance of cadastral surveys to designate the boundaries of such*
11 *lands.*

12 *None of the funds made available to the Forest Service*
13 *in this Act or any other Act with respect to any fiscal year*
14 *shall be subject to transfer under the provisions of section*
15 *702(b) of the Department of Agriculture Organic Act of*
16 *1944 (7 U.S.C. 2257), section 442 of Public Law 106–224*
17 *(7 U.S.C. 7772), or section 10417(b) of Public Law 107–*
18 *171 (7 U.S.C. 8316(b)).*

19 *Not more than \$82,000,000 of funds available to the*
20 *Forest Service shall be transferred to the Working Capital*
21 *Fund of the Department of Agriculture and not more than*
22 *\$14,500,000 of funds available to the Forest Service shall*
23 *be transferred to the Department of Agriculture for Depart-*
24 *ment Reimbursable Programs, commonly referred to as*
25 *Greenbook charges. Nothing in this paragraph shall pro-*

1 *hibit or limit the use of reimbursable agreements requested*
2 *by the Forest Service in order to obtain information tech-*
3 *nology services, including telecommunications and system*
4 *modifications or enhancements, from the Working Capital*
5 *Fund of the Department of Agriculture.*

6 *Of the funds available to the Forest Service, up to*
7 *\$5,000,000 shall be available for priority projects within*
8 *the scope of the approved budget, which shall be carried out*
9 *by the Youth Conservation Corps and shall be carried out*
10 *under the authority of the Public Lands Corps Act of 1993*
11 *(16 U.S.C. 1721 et seq.).*

12 *Of the funds available to the Forest Service, \$4,000 is*
13 *available to the Chief of the Forest Service for official recep-*
14 *tion and representation expenses.*

15 *Pursuant to sections 405(b) and 410(b) of Public Law*
16 *101–593, of the funds available to the Forest Service, up*
17 *to \$3,000,000 may be advanced in a lump sum to the Na-*
18 *tional Forest Foundation to aid conservation partnership*
19 *projects in support of the Forest Service mission, without*
20 *regard to when the Foundation incurs expenses, for projects*
21 *on or benefitting National Forest System lands or related*
22 *to Forest Service programs: Provided, That of the Federal*
23 *funds made available to the Foundation, no more than*
24 *\$300,000 shall be available for administrative expenses:*
25 *Provided further, That the Foundation shall obtain, by the*

1 *end of the period of Federal financial assistance, private*
2 *contributions to match funds made available by the Forest*
3 *Service on at least a one-for-one basis: Provided further,*
4 *That the Foundation may transfer Federal funds to a Fed-*
5 *eral or a non-Federal recipient for a project at the same*
6 *rate that the recipient has obtained the non-Federal match-*
7 *ing funds.*

8 *Pursuant to section 2(b)(2) of Public Law 98-244, up*
9 *to \$3,000,000 of the funds available to the Forest Service*
10 *may be advanced to the National Fish and Wildlife Foun-*
11 *dation in a lump sum to aid cost-share conservation*
12 *projects, without regard to when expenses are incurred, on*
13 *or benefitting National Forest System lands or related to*
14 *Forest Service programs: Provided, That such funds shall*
15 *be matched on at least a one-for-one basis by the Founda-*
16 *tion or its sub-recipients: Provided further, That the Foun-*
17 *dation may transfer Federal funds to a Federal or non-*
18 *Federal recipient for a project at the same rate that the*
19 *recipient has obtained the non-Federal matching funds.*

20 *Funds appropriated to the Forest Service shall be*
21 *available for interactions with and providing technical as-*
22 *sistance to rural communities and natural resource-based*
23 *businesses for sustainable rural development purposes.*

24 *Funds appropriated to the Forest Service shall be*
25 *available for payments to counties within the Columbia*

1 *River Gorge National Scenic Area, pursuant to section*
2 *14(c)(1) and (2), and section 16(a)(2) of Public Law 99–*
3 *663.*

4 *Any funds appropriated to the Forest Service may be*
5 *used to meet the non-Federal share requirement in section*
6 *502(c) of the Older Americans Act of 1965 (42 U.S.C.*
7 *3056(c)(2)).*

8 *The Forest Service shall not assess funds for the pur-*
9 *pose of performing fire, administrative, and other facilities*
10 *maintenance and decommissioning.*

11 *Notwithstanding any other provision of law, of any*
12 *appropriations or funds available to the Forest Service, not*
13 *to exceed \$500,000 may be used to reimburse the Office of*
14 *the General Counsel (OGC), Department of Agriculture, for*
15 *travel and related expenses incurred as a result of OGC as-*
16 *sistance or participation requested by the Forest Service at*
17 *meetings, training sessions, management reviews, land pur-*
18 *chase negotiations, and similar matters unrelated to civil*
19 *litigation. Future budget justifications for both the Forest*
20 *Service and the Department of Agriculture should clearly*
21 *display the sums previously transferred and the sums re-*
22 *quested for transfer.*

23 *An eligible individual who is employed in any project*
24 *funded under title V of the Older Americans Act of 1965*
25 *(42 U.S.C. 3056 et seq.) and administered by the Forest*

1 *Service shall be considered to be a Federal employee for pur-*
2 *poses of chapter 171 of title 28, United States Code.*

3 *DEPARTMENT OF HEALTH AND HUMAN*
4 *SERVICES*

5 *INDIAN HEALTH SERVICE*

6 *INDIAN HEALTH SERVICES*

7 *For expenses necessary to carry out the Act of August*
8 *5, 1954 (68 Stat. 674), the Indian Self-Determination and*
9 *Education Assistance Act, the Indian Health Care Improve-*
10 *ment Act, and titles II and III of the Public Health Service*
11 *Act with respect to the Indian Health Service,*
12 *\$4,301,391,000 to remain available until September 30,*
13 *2022, except as otherwise provided herein, together with*
14 *payments received during the fiscal year pursuant to sec-*
15 *tions 231(b) and 233 of the Public Health Service Act (42*
16 *U.S.C. 238(b) and 238b), for services furnished by the In-*
17 *dian Health Service: Provided, That funds made available*
18 *to tribes and tribal organizations through contracts, grant*
19 *agreements, or any other agreements or compacts authorized*
20 *by the Indian Self-Determination and Education Assist-*
21 *ance Act of 1975 (25 U.S.C. 450), shall be deemed to be*
22 *obligated at the time of the grant or contract award and*
23 *thereafter shall remain available to the tribe or tribal orga-*
24 *nization without fiscal year limitation: Provided further,*
25 *That \$2,500,000 shall be available for grants or contracts*

1 *with public or private institutions to provide alcohol or*
2 *drug treatment services to Indians, including alcohol de-*
3 *toxification services: Provided further, That \$975,856,000*
4 *for Purchased/Referred Care, including \$53,000,000 for the*
5 *Indian Catastrophic Health Emergency Fund, shall remain*
6 *available until expended: Provided further, That of the*
7 *funds provided, up to \$41,000,000 shall remain available*
8 *until expended for implementation of the loan repayment*
9 *program under section 108 of the Indian Health Care Im-*
10 *provement Act: Provided further, That of the funds pro-*
11 *vided, \$58,000,000 shall be for costs related to or resulting*
12 *from accreditation emergencies, including supplementing*
13 *activities funded under the heading “Indian Health Facili-*
14 *ties,” of which up to \$4,000,000 may be used to supplement*
15 *amounts otherwise available for Purchased/Referred Care:*
16 *Provided further, That the amounts collected by the Federal*
17 *Government as authorized by sections 104 and 108 of the*
18 *Indian Health Care Improvement Act (25 U.S.C. 1613a*
19 *and 1616a) during the preceding fiscal year for breach of*
20 *contracts shall be deposited in the Fund authorized by sec-*
21 *tion 108A of that Act (25 U.S.C. 1616a–1) and shall re-*
22 *main available until expended and, notwithstanding section*
23 *108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be*
24 *available to make new awards under the loan repayment*
25 *and scholarship programs under sections 104 and 108 of*

1 *that Act (25 U.S.C. 1613a and 1616a): Provided further,*
2 *That the amounts made available within this account for*
3 *the Substance Abuse and Suicide Prevention Program, for*
4 *Opioid Prevention, Treatment and Recovery Services, for*
5 *the Domestic Violence Prevention Program, for the Zero*
6 *Suicide Initiative, for the housing subsidy authority for ci-*
7 *vilian employees, for Aftercare Pilot Programs at Youth Re-*
8 *gional Treatment Centers, for transformation and mod-*
9 *ernization costs of the Indian Health Service Electronic*
10 *Health Record system, for national quality and oversight*
11 *activities, to improve collections from public and private*
12 *insurance at Indian Health Service and tribally operated*
13 *facilities, for an initiative to treat or reduce the trans-*
14 *mission of HIV and HCV, for a maternal health initiative,*
15 *for the Telebehaviorial Health Center of Excellence, for Alz-*
16 *heimer's grants, for Village Built Clinics and for accredita-*
17 *tion emergencies shall be allocated at the discretion of the*
18 *Director of the Indian Health Service and shall remain*
19 *available until expended: Provided further, That funds pro-*
20 *vided in this Act may be used for annual contracts and*
21 *grants that fall within 2 fiscal years, provided the total ob-*
22 *ligation is recorded in the year the funds are appropriated:*
23 *Provided further, That the amounts collected by the Sec-*
24 *retary of Health and Human Services under the authority*
25 *of title IV of the Indian Health Care Improvement Act (25*

1 *U.S.C. 1613) shall remain available until expended for the*
2 *purpose of achieving compliance with the applicable condi-*
3 *tions and requirements of titles XVIII and XIX of the So-*
4 *cial Security Act, except for those related to the planning,*
5 *design, or construction of new facilities: Provided further,*
6 *That funding contained herein for scholarship programs*
7 *under the Indian Health Care Improvement Act (25 U.S.C.*
8 *1613) shall remain available until expended: Provided fur-*
9 *ther, That amounts received by tribes and tribal organiza-*
10 *tions under title IV of the Indian Health Care Improvement*
11 *Act shall be reported and accounted for and available to*
12 *the receiving tribes and tribal organizations until expended:*
13 *Provided further, That the Bureau of Indian Affairs may*
14 *collect from the Indian Health Service, and from tribes and*
15 *tribal organizations operating health facilities pursuant to*
16 *Public Law 93-638, such individually identifiable health*
17 *information relating to disabled children as may be nec-*
18 *essary for the purpose of carrying out its functions under*
19 *the Individuals with Disabilities Education Act (20 U.S.C.*
20 *1400 et seq.): Provided further, That of the funds provided,*
21 *\$72,280,000 is for the Indian Health Care Improvement*
22 *Fund and may be used, as needed, to carry out activities*
23 *typically funded under the Indian Health Facilities ac-*
24 *count: Provided further, That none of the funds appro-*
25 *priated by this Act, or any other Act, to the Indian Health*

1 *Service for the Electronic Health Record system shall be*
2 *available for obligation or expenditure for the selection or*
3 *implementation of a new Information Technology infra-*
4 *structure system, unless the Committees on Appropriations*
5 *of the House of Representatives and the Senate are con-*
6 *sulted 90 days in advance of such obligation: Provided fur-*
7 *ther, That none of the amounts made available under this*
8 *heading to the Indian Health Service for the Electronic*
9 *Health Record system shall be available for obligation or*
10 *expenditure for the selection or implementation of a new*
11 *Information Technology Infrastructure system until the re-*
12 *port and directive is received by the Committees on Appro-*
13 *priations of the House of Representatives and the Senate*
14 *in accordance with the explanatory statement described in*
15 *section 4 (in the matter preceding division A of this consoli-*
16 *dated Act).*

17 *CONTRACT SUPPORT COSTS*

18 *For payments to tribes and tribal organizations for*
19 *contract support costs associated with Indian Self-Deter-*
20 *mination and Education Assistance Act agreements with*
21 *the Indian Health Service for fiscal year 2021, such sums*
22 *as may be necessary: Provided, That notwithstanding any*
23 *other provision of law, no amounts made available under*
24 *this heading shall be available for transfer to another budget*
25 *account: Provided further, That amounts obligated but not*

1 *expended by a tribe or tribal organization for contract sup-*
2 *port costs for such agreements for the current fiscal year*
3 *shall be applied to contract support costs due for such agree-*
4 *ments for subsequent fiscal years.*

5 *PAYMENTS FOR TRIBAL LEASES*

6 *For payments to tribes and tribal organizations for*
7 *leases pursuant to section 105(l) of the Indian Self-Deter-*
8 *mination and Education Assistance Act (25 U.S.C. 5324(l))*
9 *for fiscal year 2021, such sums as may be necessary, which*
10 *shall be available for obligation through September 30,*
11 *2022: Provided, That notwithstanding any other provision*
12 *of law, no amounts made available under this heading shall*
13 *be available for transfer to another budget account.*

14 *INDIAN HEALTH FACILITIES*

15 *For construction, repair, maintenance, demolition, im-*
16 *provement, and equipment of health and related auxiliary*
17 *facilities, including quarters for personnel; preparation of*
18 *plans, specifications, and drawings; acquisition of sites,*
19 *purchase and erection of modular buildings, and purchases*
20 *of trailers; and for provision of domestic and community*
21 *sanitation facilities for Indians, as authorized by section*
22 *7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the In-*
23 *dian Self-Determination Act, and the Indian Health Care*
24 *Improvement Act, and for expenses necessary to carry out*
25 *such Acts and titles II and III of the Public Health Service*

1 *Act with respect to environmental health and facilities sup-*
2 *port activities of the Indian Health Service, \$917,888,000*
3 *to remain available until expended: Provided, That not-*
4 *withstanding any other provision of law, funds appro-*
5 *priated for the planning, design, construction, renovation,*
6 *or expansion of health facilities for the benefit of an Indian*
7 *tribe or tribes may be used to purchase land on which such*
8 *facilities will be located: Provided further, That not to ex-*
9 *ceed \$500,000 may be used by the Indian Health Service*
10 *to purchase TRANSAM equipment from the Department of*
11 *Defense for distribution to the Indian Health Service and*
12 *tribal facilities: Provided further, That none of the funds*
13 *appropriated to the Indian Health Service may be used for*
14 *sanitation facilities construction for new homes funded with*
15 *grants by the housing programs of the United States De-*
16 *partment of Housing and Urban Development.*

17 *ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE*

18 *Appropriations provided in this Act to the Indian*
19 *Health Service shall be available for services as authorized*
20 *by 5 U.S.C. 3109 at rates not to exceed the per diem rate*
21 *equivalent to the maximum rate payable for senior-level po-*
22 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
23 *cles and aircraft; purchase of medical equipment; purchase*
24 *of reprints; purchase, renovation, and erection of modular*
25 *buildings and renovation of existing facilities; payments for*

1 *telephone service in private residences in the field, when au-*
2 *thorized under regulations approved by the Secretary of*
3 *Health and Human Services; uniforms, or allowances there-*
4 *for as authorized by 5 U.S.C. 5901–5902; and for expenses*
5 *of attendance at meetings that relate to the functions or ac-*
6 *tivities of the Indian Health Service: Provided, That in ac-*
7 *cordance with the provisions of the Indian Health Care Im-*
8 *provement Act, non-Indian patients may be extended health*
9 *care at all tribally administered or Indian Health Service*
10 *facilities, subject to charges, and the proceeds along with*
11 *funds recovered under the Federal Medical Care Recovery*
12 *Act (42 U.S.C. 2651–2653) shall be credited to the account*
13 *of the facility providing the service and shall be available*
14 *without fiscal year limitation: Provided further, That not-*
15 *withstanding any other law or regulation, funds transferred*
16 *from the Department of Housing and Urban Development*
17 *to the Indian Health Service shall be administered under*
18 *Public Law 86–121, the Indian Sanitation Facilities Act*
19 *and Public Law 93–638: Provided further, That funds ap-*
20 *propriated to the Indian Health Service in this Act, except*
21 *those used for administrative and program direction pur-*
22 *poses, shall not be subject to limitations directed at cur-*
23 *tailing Federal travel and transportation: Provided further,*
24 *That none of the funds made available to the Indian Health*
25 *Service in this Act shall be used for any assessments or*

1 *charges by the Department of Health and Human Services*
2 *unless identified in the budget justification and provided*
3 *in this Act, or approved by the House and Senate Commit-*
4 *tees on Appropriations through the reprogramming process:*
5 *Provided further, That notwithstanding any other provision*
6 *of law, funds previously or herein made available to a tribe*
7 *or tribal organization through a contract, grant, or agree-*
8 *ment authorized by title I or title V of the Indian Self-*
9 *Determination and Education Assistance Act of 1975 (25*
10 *U.S.C. 450 et seq.), may be deobligated and reobligated to*
11 *a self-determination contract under title I, or a self-govern-*
12 *ance agreement under title V of such Act and thereafter*
13 *shall remain available to the tribe or tribal organization*
14 *without fiscal year limitation: Provided further, That none*
15 *of the funds made available to the Indian Health Service*
16 *in this Act shall be used to implement the final rule pub-*
17 *lished in the Federal Register on September 16, 1987, by*
18 *the Department of Health and Human Services, relating*
19 *to the eligibility for the health care services of the Indian*
20 *Health Service until the Indian Health Service has sub-*
21 *mitted a budget request reflecting the increased costs associ-*
22 *ated with the proposed final rule, and such request has been*
23 *included in an appropriations Act and enacted into law:*
24 *Provided further, That with respect to functions transferred*
25 *by the Indian Health Service to tribes or tribal organiza-*

1 tions, the Indian Health Service is authorized to provide
2 goods and services to those entities on a reimbursable basis,
3 including payments in advance with subsequent adjust-
4 ment, and the reimbursements received therefrom, along
5 with the funds received from those entities pursuant to the
6 Indian Self-Determination Act, may be credited to the same
7 or subsequent appropriation account from which the funds
8 were originally derived, with such amounts to remain
9 available until expended: Provided further, That reimburse-
10 ments for training, technical assistance, or services pro-
11 vided by the Indian Health Service will contain total costs,
12 including direct, administrative, and overhead costs associ-
13 ated with the provision of goods, services, or technical as-
14 sistance: Provided further, That the Indian Health Service
15 may provide to civilian medical personnel serving in hos-
16 pitals operated by the Indian Health Service housing allow-
17 ances equivalent to those that would be provided to members
18 of the Commissioned Corps of the United States Public
19 Health Service serving in similar positions at such hos-
20 pitals: Provided further, That the appropriation structure
21 for the Indian Health Service may not be altered without
22 advance notification to the House and Senate Committees
23 on Appropriations.

1 *NATIONAL INSTITUTES OF HEALTH*
2 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*
3 *SCIENCES*

4 *For necessary expenses for the National Institute of*
5 *Environmental Health Sciences in carrying out activities*
6 *set forth in section 311(a) of the Comprehensive Environ-*
7 *mental Response, Compensation, and Liability Act of 1980*
8 *(42 U.S.C. 9660(a)) and section 126(g) of the Superfund*
9 *Amendments and Reauthorization Act of 1986,*
10 *\$81,500,000.*

11 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*
12 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

13 *For necessary expenses for the Agency for Toxic Sub-*
14 *stances and Disease Registry (ATSDR) in carrying out ac-*
15 *tivities set forth in sections 104(i) and 111(c)(4) of the*
16 *Comprehensive Environmental Response, Compensation,*
17 *and Liability Act of 1980 (CERCLA) and section 3019 of*
18 *the Solid Waste Disposal Act, \$78,000,000: Provided, That*
19 *notwithstanding any other provision of law, in lieu of per-*
20 *forming a health assessment under section 104(i)(6) of*
21 *CERCLA, the Administrator of ATSDR may conduct other*
22 *appropriate health studies, evaluations, or activities, in-*
23 *cluding, without limitation, biomedical testing, clinical*
24 *evaluations, medical monitoring, and referral to accredited*
25 *healthcare providers: Provided further, That in performing*

1 *any such health assessment or health study, evaluation, or*
2 *activity, the Administrator of ATSDR shall not be bound*
3 *by the deadlines in section 104(i)(6)(A) of CERCLA: Pro-*
4 *vided further, That none of the funds appropriated under*
5 *this heading shall be available for ATSDR to issue in excess*
6 *of 40 toxicological profiles pursuant to section 104(i) of*
7 *CERCLA during fiscal year 2021, and existing profiles*
8 *may be updated as necessary.*

9 **OTHER RELATED AGENCIES**

10 **EXECUTIVE OFFICE OF THE PRESIDENT**

11 **COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF**

12 **ENVIRONMENTAL QUALITY**

13 *For necessary expenses to continue functions assigned*
14 *to the Council on Environmental Quality and Office of En-*
15 *vironmental Quality pursuant to the National Environ-*
16 *mental Policy Act of 1969, the Environmental Quality Im-*
17 *provement Act of 1970, and Reorganization Plan No. 1 of*
18 *1977, and not to exceed \$750 for official reception and rep-*
19 *resentation expenses, \$3,500,000: Provided, That notwith-*
20 *standing section 202 of the National Environmental Policy*
21 *Act of 1970, the Council shall consist of one member, ap-*
22 *pointed by the President, by and with the advice and con-*
23 *sent of the Senate, serving as chairman and exercising all*
24 *powers, functions, and duties of the Council.*

1 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*
2 *SALARIES AND EXPENSES*

3 *For necessary expenses in carrying out activities pur-*
4 *suant to section 112(r)(6) of the Clean Air Act, including*
5 *hire of passenger vehicles, uniforms or allowances therefor,*
6 *as authorized by 5 U.S.C. 5901–5902, and for services au-*
7 *thorized by 5 U.S.C. 3109 but at rates for individuals not*
8 *to exceed the per diem equivalent to the maximum rate pay-*
9 *able for senior level positions under 5 U.S.C. 5376,*
10 *\$12,000,000: Provided, That the Chemical Safety and Haz-*
11 *ard Investigation Board (Board) shall have not more than*
12 *three career Senior Executive Service positions: Provided*
13 *further, That notwithstanding any other provision of law,*
14 *the individual appointed to the position of Inspector Gen-*
15 *eral of the Environmental Protection Agency (EPA) shall,*
16 *by virtue of such appointment, also hold the position of In-*
17 *spector General of the Board: Provided further, That not-*
18 *withstanding any other provision of law, the Inspector Gen-*
19 *eral of the Board shall utilize personnel of the Office of In-*
20 *spector General of EPA in performing the duties of the In-*
21 *spector General of the Board, and shall not appoint any*
22 *individuals to positions within the Board.*

1 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*
2 *CULTURE AND ARTS DEVELOPMENT*
3 *PAYMENT TO THE INSTITUTE*

4 *For payment to the Institute of American Indian and*
5 *Alaska Native Culture and Arts Development, as authorized*
6 *by part A of title XV of Public Law 99–498 (20 U.S.C.*
7 *4411 et seq.), \$10,772,000, which shall become available on*
8 *July 1, 2021, and shall remain available until September*
9 *30, 2022.*

10 *SMITHSONIAN INSTITUTION*
11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Smithsonian Institution,*
13 *as authorized by law, including research in the fields of art,*
14 *science, and history; development, preservation, and docu-*
15 *mentation of the National Collections; presentation of pub-*
16 *lic exhibits and performances; collection, preparation, dis-*
17 *semination, and exchange of information and publications;*
18 *conduct of education, training, and museum assistance pro-*
19 *grams; maintenance, alteration, operation, lease agreements*
20 *of no more than 30 years, and protection of buildings, fa-*
21 *cilities, and approaches; not to exceed \$100,000 for services*
22 *as authorized by 5 U.S.C. 3109; and purchase, rental, re-*
23 *pair, and cleaning of uniforms for employees, \$818,192,000,*
24 *to remain available until September 30, 2022, except as oth-*
25 *erwise provided herein; of which not to exceed \$6,957,000*

1 *for the instrumentation program, collections acquisition,*
2 *exhibition reinstallation, and the repatriation of skeletal re-*
3 *mains program shall remain available until expended; and*
4 *including such funds as may be necessary to support Amer-*
5 *ican overseas research centers: Provided, That funds appro-*
6 *priated herein are available for advance payments to inde-*
7 *pendent contractors performing research services or partici-*
8 *pating in official Smithsonian presentations: Provided fur-*
9 *ther, That the Smithsonian Institution may expend Federal*
10 *appropriations designated in this Act for lease or rent pay-*
11 *ments, as rent payable to the Smithsonian Institution, and*
12 *such rent payments may be deposited into the general trust*
13 *funds of the Institution to be available as trust funds for*
14 *expenses associated with the purchase of a portion of the*
15 *building at 600 Maryland Avenue, SW, Washington, DC,*
16 *to the extent that federally supported activities will be*
17 *housed there: Provided further, That the use of such*
18 *amounts in the general trust funds of the Institution for*
19 *such purpose shall not be construed as Federal debt service*
20 *for, a Federal guarantee of, a transfer of risk to, or an obli-*
21 *gation of the Federal Government: Provided further, That*
22 *no appropriated funds may be used directly to service debt*
23 *which is incurred to finance the costs of acquiring a portion*
24 *of the building at 600 Maryland Avenue, SW, Washington,*
25 *DC, or of planning, designing, and constructing improve-*

1 *ments to such building: Provided further, That any agree-*
2 *ment entered into by the Smithsonian Institution for the*
3 *sale of its ownership interest, or any portion thereof, in such*
4 *building so acquired may not take effect until the expiration*
5 *of a 30 day period which begins on the date on which the*
6 *Secretary of the Smithsonian submits to the Committees on*
7 *Appropriations of the House of Representatives and Senate,*
8 *the Committees on House Administration and Transpor-*
9 *tation and Infrastructure of the House of Representatives,*
10 *and the Committee on Rules and Administration of the*
11 *Senate a report, as outlined in the explanatory statement*
12 *described in section 4 of the Further Consolidated Appro-*
13 *priations Act, 2020 (Public Law 116–94; 133 Stat. 2536)*
14 *on the intended sale.*

15 *FACILITIES CAPITAL*

16 *For necessary expenses of repair, revitalization, and*
17 *alteration of facilities owned or occupied by the Smithso-*
18 *nian Institution, by contract or otherwise, as authorized by*
19 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
20 *for construction, including necessary personnel,*
21 *\$214,530,000, to remain available until expended, of which*
22 *not to exceed \$10,000 shall be for services as authorized by*
23 *5 U.S.C. 3109.*

1 *NATIONAL GALLERY OF ART*2 *SALARIES AND EXPENSES*

3 *For the upkeep and operations of the National Gallery*
4 *of Art, the protection and care of the works of art therein,*
5 *and administrative expenses incident thereto, as authorized*
6 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
7 *by the public resolution of April 13, 1939 (Public Resolu-*
8 *tion 9, 76th Congress), including services as authorized by*
9 *5 U.S.C. 3109; payment in advance when authorized by*
10 *the treasurer of the Gallery for membership in library, mu-*
11 *seum, and art associations or societies whose publications*
12 *or services are available to members only, or to members*
13 *at a price lower than to the general public; purchase, re-*
14 *pair, and cleaning of uniforms for guards, and uniforms,*
15 *or allowances therefor, for other employees as authorized by*
16 *law (5 U.S.C. 5901–5902); purchase or rental of devices and*
17 *services for protecting buildings and contents thereof, and*
18 *maintenance, alteration, improvement, and repair of build-*
19 *ings, approaches, and grounds; and purchase of services for*
20 *restoration and repair of works of art for the National Gal-*
21 *lery of Art by contracts made, without advertising, with*
22 *individuals, firms, or organizations at such rates or prices*
23 *and under such terms and conditions as the Gallery may*
24 *deem proper, \$153,242,000, to remain available until Sep-*
25 *tember 30, 2022, of which not to exceed \$3,700,000 for the*

1 *special exhibition program shall remain available until ex-*
2 *pended.*

3 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

4 *For necessary expenses of repair, restoration, and ren-*
5 *ovation of buildings, grounds and facilities owned or occu-*
6 *pied by the National Gallery of Art, by contract or other-*
7 *wise, for operating lease agreements of no more than 10*
8 *years, with no extensions or renewals beyond the 10 years,*
9 *that address space needs created by the ongoing renovations*
10 *in the Master Facilities Plan, as authorized, \$23,203,000,*
11 *to remain available until expended: Provided, That of this*
12 *amount, \$1,510,000 shall be available for design of an off-*
13 *site art storage facility in partnership with the Smithso-*
14 *nian Institution: Provided further, That contracts awarded*
15 *for environmental systems, protection systems, and exterior*
16 *repair or renovation of buildings of the National Gallery*
17 *of Art may be negotiated with selected contractors and*
18 *awarded on the basis of contractor qualifications as well*
19 *as price.*

20 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*

21 *OPERATIONS AND MAINTENANCE*

22 *For necessary expenses for the operation, maintenance,*
23 *and security of the John F. Kennedy Center for the Per-*
24 *forming Arts, \$26,400,000, to remain available until Sep-*
25 *tember, 30, 2022.*

1 *CAPITAL REPAIR AND RESTORATION*

2 *For necessary expenses for capital repair and restora-*
3 *tion of the existing features of the building and site of the*
4 *John F. Kennedy Center for the Performing Arts,*
5 *\$14,000,000, to remain available until expended.*

6 *WOODROW WILSON INTERNATIONAL CENTER FOR*
7 *SCHOLARS*

8 *SALARIES AND EXPENSES*

9 *For expenses necessary in carrying out the provisions*
10 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*
11 *1356) including hire of passenger vehicles and services as*
12 *authorized by 5 U.S.C. 3109, \$14,000,000, to remain avail-*
13 *able until September 30, 2022.*

14 *NATIONAL FOUNDATION ON THE ARTS AND THE*
15 *HUMANITIES*

16 *NATIONAL ENDOWMENT FOR THE ARTS*
17 *GRANTS AND ADMINISTRATION*

18 *For necessary expenses to carry out the National Foun-*
19 *ation on the Arts and the Humanities Act of 1965,*
20 *\$167,500,000 shall be available to the National Endowment*
21 *for the Arts for the support of projects and productions in*
22 *the arts, including arts education and public outreach ac-*
23 *tivities, through assistance to organizations and individuals*
24 *pursuant to section 5 of the Act, for program support, and*

1 *for administering the functions of the Act, to remain avail-*
2 *able until expended.*

3 *NATIONAL ENDOWMENT FOR THE HUMANITIES*

4 *GRANTS AND ADMINISTRATION*

5 *For necessary expenses to carry out the National Foun-*
6 *ation on the Arts and the Humanities Act of 1965,*
7 *\$167,500,000 to remain available until expended, of which*
8 *\$152,500,000 shall be available for support of activities in*
9 *the humanities, pursuant to section 7(c) of the Act and for*
10 *administering the functions of the Act; and \$15,000,000*
11 *shall be available to carry out the matching grants program*
12 *pursuant to section 10(a)(2) of the Act, including*
13 *\$13,000,000 for the purposes of section 7(h): Provided, That*
14 *appropriations for carrying out section 10(a)(2) shall be*
15 *available for obligation only in such amounts as may be*
16 *equal to the total amounts of gifts, bequests, devises of*
17 *money, and other property accepted by the chairman or by*
18 *grantees of the National Endowment for the Humanities*
19 *under the provisions of sections 11(a)(2)(B) and*
20 *11(a)(3)(B) during the current and preceding fiscal years*
21 *for which equal amounts have not previously been appro-*
22 *priated.*

23 *ADMINISTRATIVE PROVISIONS*

24 *None of the funds appropriated to the National Foun-*
25 *ation on the Arts and the Humanities may be used to*

1 *process any grant or contract documents which do not in-*
2 *clude the text of 18 U.S.C. 1913: Provided, That none of*
3 *the funds appropriated to the National Foundation on the*
4 *Arts and the Humanities may be used for official reception*
5 *and representation expenses: Provided further, That funds*
6 *from nonappropriated sources may be used as necessary for*
7 *official reception and representation expenses: Provided fur-*
8 *ther, That the Chairperson of the National Endowment for*
9 *the Arts may approve grants of up to \$10,000, if in the*
10 *aggregate the amount of such grants does not exceed 5 per-*
11 *cent of the sums appropriated for grantmaking purposes per*
12 *year: Provided further, That such small grant actions are*
13 *taken pursuant to the terms of an expressed and direct dele-*
14 *gation of authority from the National Council on the Arts*
15 *to the Chairperson.*

16 *COMMISSION OF FINE ARTS*

17 *SALARIES AND EXPENSES*

18 *For expenses of the Commission of Fine Arts under*
19 *chapter 91 of title 40, United States Code, \$3,240,000: Pro-*
20 *vided, That the Commission is authorized to charge fees to*
21 *cover the full costs of its publications, and such fees shall*
22 *be credited to this account as an offsetting collection, to re-*
23 *main available until expended without further appropria-*
24 *tion: Provided further, That the Commission is authorized*
25 *to accept gifts, including objects, papers, artwork, drawings*

1 *and artifacts, that pertain to the history and design of the*
2 *Nation's Capital or the history and activities of the Com-*
3 *mission of Fine Arts, for the purpose of artistic display,*
4 *study, or education: Provided further, That one-tenth of one*
5 *percent of the funds provided under this heading may be*
6 *used for official reception and representation expenses.*

7 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

8 *For necessary expenses as authorized by Public Law*
9 *99–190 (20 U.S.C. 956a), \$5,000,000.*

10 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Advisory Council on His-*
13 *toric Preservation (Public Law 89–665), \$7,400,000.*

14 *NATIONAL CAPITAL PLANNING COMMISSION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the National Capital Plan-*
17 *ning Commission under chapter 87 of title 40, United*
18 *States Code, including services as authorized by 5 U.S.C.*
19 *3109, \$8,124,000: Provided, That one-quarter of 1 percent*
20 *of the funds provided under this heading may be used for*
21 *official reception and representational expenses associated*
22 *with hosting international visitors engaged in the planning*
23 *and physical development of world capitals.*

1 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*2 *HOLOCAUST MEMORIAL MUSEUM*

3 *For expenses of the Holocaust Memorial Museum, as*
4 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
5 *\$61,388,000, of which \$715,000 shall remain available until*
6 *September 30, 2023, for the Museum’s equipment replace-*
7 *ment program; and of which \$3,000,000 for the Museum’s*
8 *repair and rehabilitation program and \$1,264,000 for the*
9 *Museum’s outreach initiatives program shall remain avail-*
10 *able until expended.*

11 *PRESIDIO TRUST*

12 *The Presidio Trust is authorized to issue obligations*
13 *to the Secretary of the Treasury pursuant to section*
14 *104(d)(3) of the Omnibus Parks and Public Lands Manage-*
15 *ment Act of 1996 (Public Law 104–333), in an amount*
16 *not to exceed \$20,000,000.*

17 *DWIGHT D. EISENHOWER MEMORIAL COMMISSION*18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Dwight D. Eisenhower*
20 *Memorial Commission, \$1,000,000, to remain available*
21 *until expended.*

22 *WORLD WAR I CENTENNIAL COMMISSION*23 *SALARIES AND EXPENSES*

24 *Notwithstanding section 9 of the World War I Centen-*
25 *nial Commission Act, as authorized by the World War I*

1 *Centennial Commission Act (Public Law 112–272) and the*
2 *Carl Levin and Howard P. “Buck” McKeon National De-*
3 *fense Authorization Act for Fiscal Year 2015 (Public Law*
4 *113–291), for necessary expenses of the World War I Cen-*
5 *tennial Commission, \$7,000,000, to remain available until*
6 *September 30, 2022: Provided, That in addition to the au-*
7 *thority provided by section 6(g) of such Act, the World War*
8 *I Commission may accept money, in-kind personnel serv-*
9 *ices, contractual support, or any appropriate support from*
10 *any executive branch agency for activities of the Commis-*
11 *sion.*

12 *ALYCE SPOTTED BEAR AND WALTER SOBOLEFF*

13 *COMMISSION ON NATIVE CHILDREN*

14 *For necessary expenses of the Alyce Spotted Bear and*
15 *Walter Soboleff Commission on Native Children (referred*
16 *to in this paragraph as the “Commission”), \$500,000, to*
17 *remain available until September 30, 2022: Provided, That*
18 *in addition to the authority provided by section 3(g)(5) and*
19 *3(h) of Public Law 114–244, the Commission may hereafter*
20 *accept in-kind personnel services, contractual support, or*
21 *any appropriate support from any executive branch agency*
22 *for activities of the Commission.*

1 *TITLE IV*2 *GENERAL PROVISIONS*3 *(INCLUDING TRANSFERS OF FUNDS)*4 *RESTRICTION ON USE OF FUNDS*

5 *SEC. 401. No part of any appropriation contained in*
6 *this Act shall be available for any activity or the publica-*
7 *tion or distribution of literature that in any way tends to*
8 *promote public support or opposition to any legislative pro-*
9 *posal on which Congressional action is not complete other*
10 *than to communicate to Members of Congress as described*
11 *in 18 U.S.C. 1913.*

12 *OBLIGATION OF APPROPRIATIONS*

13 *SEC. 402. No part of any appropriation contained in*
14 *this Act shall remain available for obligation beyond the*
15 *current fiscal year unless expressly so provided herein.*

16 *DISCLOSURE OF ADMINISTRATIVE EXPENSES*

17 *SEC. 403. The amount and basis of estimated overhead*
18 *charges, deductions, reserves, or holdbacks, including work-*
19 *ing capital fund and cost pool charges, from programs,*
20 *projects, activities and subactivities to support government-*
21 *wide, departmental, agency, or bureau administrative func-*
22 *tions or headquarters, regional, or central operations shall*
23 *be presented in annual budget justifications and subject to*
24 *approval by the Committees on Appropriations of the House*
25 *of Representatives and the Senate. Changes to such esti-*

1 *mates shall be presented to the Committees on Appropria-*
2 *tions for approval.*

3 *MINING APPLICATIONS*

4 *SEC. 404. (a) LIMITATION OF FUNDS.—None of the*
5 *funds appropriated or otherwise made available pursuant*
6 *to this Act shall be obligated or expended to accept or proc-*
7 *ess applications for a patent for any mining or mill site*
8 *claim located under the general mining laws.*

9 *(b) EXCEPTIONS.—Subsection (a) shall not apply if*
10 *the Secretary of the Interior determines that, for the claim*
11 *concerned: (1) a patent application was filed with the Sec-*
12 *retary on or before September 30, 1994; and (2) all require-*
13 *ments established under sections 2325 and 2326 of the Re-*
14 *vised Statutes (30 U.S.C. 29 and 30) for vein or lode*
15 *claims, sections 2329, 2330, 2331, and 2333 of the Revised*
16 *Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and*
17 *section 2337 of the Revised Statutes (30 U.S.C. 42) for mill*
18 *site claims, as the case may be, were fully complied with*
19 *by the applicant by that date.*

20 *(c) REPORT.—On September 30, 2022, the Secretary*
21 *of the Interior shall file with the House and Senate Com-*
22 *mittees on Appropriations and the Committee on Natural*
23 *Resources of the House and the Committee on Energy and*
24 *Natural Resources of the Senate a report on actions taken*
25 *by the Department under the plan submitted pursuant to*

1 *section 314(c) of the Department of the Interior and Related*
2 *Agencies Appropriations Act, 1997 (Public Law 104–208).*

3 *(d) MINERAL EXAMINATIONS.—In order to process*
4 *patent applications in a timely and responsible manner,*
5 *upon the request of a patent applicant, the Secretary of the*
6 *Interior shall allow the applicant to fund a qualified third-*
7 *party contractor to be selected by the Director of the Bureau*
8 *of Land Management to conduct a mineral examination of*
9 *the mining claims or mill sites contained in a patent appli-*
10 *cation as set forth in subsection (b). The Bureau of Land*
11 *Management shall have the sole responsibility to choose and*
12 *pay the third-party contractor in accordance with the*
13 *standard procedures employed by the Bureau of Land Man-*
14 *agement in the retention of third-party contractors.*

15 *CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION*

16 *SEC. 405. Sections 405 and 406 of division F of the*
17 *Consolidated and Further Continuing Appropriations Act,*
18 *2015 (Public Law 113–235) shall continue in effect in fiscal*
19 *year 2021.*

20 *CONTRACT SUPPORT COSTS, FISCAL YEAR 2021 LIMITATION*

21 *SEC. 406. Amounts provided by this Act for fiscal year*
22 *2021 under the headings “Department of Health and*
23 *Human Services, Indian Health Service, Contract Support*
24 *Costs” and “Department of the Interior, Bureau of Indian*
25 *Affairs and Bureau of Indian Education, Contract Support*

1 *Costs” are the only amounts available for contract support*
2 *costs arising out of self-determination or self-governance*
3 *contracts, grants, compacts, or annual funding agreements*
4 *for fiscal year 2021 with the Bureau of Indian Affairs, Bu-*
5 *reau of Indian Education, and the Indian Health Service:*
6 *Provided, That such amounts provided by this Act are not*
7 *available for payment of claims for contract support costs*
8 *for prior years, or for repayments of payments for settle-*
9 *ments or judgments awarding contract support costs for*
10 *prior years.*

11 *FOREST MANAGEMENT PLANS*

12 *SEC. 407. The Secretary of Agriculture shall not be*
13 *considered to be in violation of subparagraph 6(f)(5)(A) of*
14 *the Forest and Rangeland Renewable Resources Planning*
15 *Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more*
16 *than 15 years have passed without revision of the plan for*
17 *a unit of the National Forest System. Nothing in this sec-*
18 *tion exempts the Secretary from any other requirement of*
19 *the Forest and Rangeland Renewable Resources Planning*
20 *Act (16 U.S.C. 1600 et seq.) or any other law: Provided,*
21 *That if the Secretary is not acting expeditiously and in*
22 *good faith, within the funding available, to revise a plan*
23 *for a unit of the National Forest System, this section shall*
24 *be void with respect to such plan and a court of proper*

1 *jurisdiction may order completion of the plan on an acceler-*
2 *ated basis.*

3 *PROHIBITION WITHIN NATIONAL MONUMENTS*

4 *SEC. 408. No funds provided in this Act may be ex-*
5 *pended to conduct preleasing, leasing and related activities*
6 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
7 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
8 *et seq.) within the boundaries of a National Monument es-*
9 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
10 *431 et seq.) as such boundary existed on January 20, 2001,*
11 *except where such activities are allowed under the Presi-*
12 *dential proclamation establishing such monument.*

13 *LIMITATION ON TAKINGS*

14 *SEC. 409. Unless otherwise provided herein, no funds*
15 *appropriated in this Act for the acquisition of lands or in-*
16 *terests in lands may be expended for the filing of declara-*
17 *tions of taking or complaints in condemnation without the*
18 *approval of the House and Senate Committees on Appro-*
19 *priations: Provided, That this provision shall not apply to*
20 *funds appropriated to implement the Everglades National*
21 *Park Protection and Expansion Act of 1989, or to funds*
22 *appropriated for Federal assistance to the State of Florida*
23 *to acquire lands for Everglades restoration purposes.*

1 *Act, upon the determination by the head of the agency that*
2 *it shall serve the national interest.*

3 *(b) Subsection (a) shall not apply to a report if—*

4 *(1) the public posting of the report compromises*
5 *national security; or*

6 *(2) the report contains proprietary information.*

7 *(c) The head of the agency posting such report shall*
8 *do so only after such report has been made available to the*
9 *requesting Committee or Committees of Congress for no less*
10 *than 45 days.*

11 *NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES*

12 *SEC. 412. Of the funds provided to the National En-*
13 *dowment for the Arts—*

14 *(1) The Chairperson shall only award a grant to*
15 *an individual if such grant is awarded to such indi-*
16 *vidual for a literature fellowship, National Heritage*
17 *Fellowship, or American Jazz Masters Fellowship.*

18 *(2) The Chairperson shall establish procedures to*
19 *ensure that no funding provided through a grant, ex-*
20 *cept a grant made to a State or local arts agency, or*
21 *regional group, may be used to make a grant to any*
22 *other organization or individual to conduct activity*
23 *independent of the direct grant recipient. Nothing in*
24 *this subsection shall prohibit payments made in ex-*
25 *change for goods and services.*

1 *Act (42 U.S.C. 9902(2))) applicable to a family of the*
2 *size involved.*

3 *(c) In providing services and awarding financial as-*
4 *sistance under the National Foundation on the Arts and*
5 *Humanities Act of 1965 with funds appropriated by this*
6 *Act, the Chairperson of the National Endowment for the*
7 *Arts shall ensure that priority is given to providing services*
8 *or awarding financial assistance for projects, productions,*
9 *workshops, or programs that will encourage public knowl-*
10 *edge, education, understanding, and appreciation of the*
11 *arts.*

12 *(d) With funds appropriated by this Act to carry out*
13 *section 5 of the National Foundation on the Arts and Hu-*
14 *manities Act of 1965—*

15 *(1) the Chairperson shall establish a grant cat-*
16 *egory for projects, productions, workshops, or pro-*
17 *grams that are of national impact or availability or*
18 *are able to tour several States;*

19 *(2) the Chairperson shall not make grants ex-*
20 *ceeding 15 percent, in the aggregate, of such funds to*
21 *any single State, excluding grants made under the*
22 *authority of paragraph (1);*

23 *(3) the Chairperson shall report to the Congress*
24 *annually and by State, on grants awarded by the*

1 *Chairperson in each grant category under section 5 of*
2 *such Act; and*

3 *(4) the Chairperson shall encourage the use of*
4 *grants to improve and support community-based*
5 *music performance and education.*

6 *NATIONAL ENDOWMENT FOR THE ARTS WAIVERS*

7 *SEC. 414. Notwithstanding any other provision of law,*
8 *funds made available under the heading “National Founda-*
9 *tion on the Arts and the Humanities—National Endow-*
10 *ment for the Arts—Grants and Administration” of this Act*
11 *and under such heading for fiscal years 2019 and 2020 for*
12 *grants for the purposes described in section 5(c) of the Na-*
13 *tional Foundation on the Arts and Humanities Act of 1965*
14 *(20 U.S.C. 954(c)) may also be used by the recipients of*
15 *such grants for purposes of the general operations of such*
16 *recipients.*

17 *NATIONAL ENDOWMENT FOR THE HUMANITIES WAIVERS*

18 *SEC. 415. Notwithstanding any other provision of law,*
19 *funds made available under the heading “National Founda-*
20 *tion on the Arts and the Humanities—National Endow-*
21 *ment for the Humanities—Grants and Administration” of*
22 *this Act and under such heading for fiscal years 2019 and*
23 *2020 for grants for the purposes described in section 7(c)*
24 *and 7(h)(1) of the National Foundation on the Arts and*
25 *Humanities Act of 1965 may also be used by the recipients*

1 *of such grants for purposes of the general operations of such*
2 *recipients.*

3 *STATUS OF BALANCES OF APPROPRIATIONS*

4 *SEC. 416. The Department of the Interior, the Envi-*
5 *ronmental Protection Agency, the Forest Service, and the*
6 *Indian Health Service shall provide the Committees on Ap-*
7 *propriations of the House of Representatives and Senate*
8 *quarterly reports on the status of balances of appropriations*
9 *including all uncommitted, committed, and unobligated*
10 *funds in each program and activity within 60 days of en-*
11 *actment of this Act.*

12 *EXTENSION OF GRAZING PERMITS*

13 *SEC. 417. The terms and conditions of section 325 of*
14 *Public Law 108–108 (117 Stat. 1307), regarding grazing*
15 *permits issued by the Forest Service on any lands not sub-*
16 *ject to administration under section 402 of the Federal*
17 *Lands Policy and Management Act (43 U.S.C. 1752), shall*
18 *remain in effect for fiscal year 2021.*

19 *FUNDING PROHIBITION*

20 *SEC. 418. (a) None of the funds made available in this*
21 *Act may be used to maintain or establish a computer net-*
22 *work unless such network is designed to block access to por-*
23 *nography websites.*

24 *(b) Nothing in subsection (a) shall limit the use of*
25 *funds necessary for any Federal, State, tribal, or local law*

1 *enforcement agency or any other entity carrying out crimi-*
2 *nal investigations, prosecution, or adjudication activities.*

3 *HUMANE TRANSFER AND TREATMENT OF ANIMALS*

4 *SEC. 419. (a) Notwithstanding any other provision of*
5 *law, the Secretary of the Interior, with respect to land ad-*
6 *ministered by the Bureau of Land Management, or the Sec-*
7 *retary of Agriculture, with respect to land administered by*
8 *the Forest Service (referred to in this section as the “Sec-*
9 *retary concerned”), may transfer excess wild horses and*
10 *burros that have been removed from land administered by*
11 *the Secretary concerned to other Federal, State, and local*
12 *government agencies for use as work animals.*

13 *(b) The Secretary concerned may make a transfer*
14 *under subsection (a) immediately on the request of a Fed-*
15 *eral, State, or local government agency.*

16 *(c) An excess wild horse or burro transferred under*
17 *subsection (a) shall lose status as a wild free-roaming horse*
18 *or burro (as defined in section 2 of Public Law 92–195*
19 *(commonly known as the “Wild Free-Roaming Horses and*
20 *Burros Act”)) (16 U.S.C. 1332)).*

21 *(d) A Federal, State, or local government agency re-*
22 *ceiving an excess wild horse or burro pursuant to subsection*
23 *(a) shall not—*

1 (1) *destroy the horse or burro in a manner that*
2 *results in the destruction of the horse or burro into a*
3 *commercial product;*

4 (2) *sell or otherwise transfer the horse or burro*
5 *in a manner that results in the destruction of the*
6 *horse or burro for processing into a commercial prod-*
7 *uct; or*

8 (3) *euthanize the horse or burro, except on the*
9 *recommendation of a licensed veterinarian in a case*
10 *of severe injury, illness, or advanced age.*

11 (e) *Amounts appropriated by this Act shall not be*
12 *available for—*

13 (1) *the destruction of any healthy, unadopted,*
14 *and wild horse or burro under the jurisdiction of the*
15 *Secretary concerned (including a contractor); or*

16 (2) *the sale of a wild horse or burro that results*
17 *in the destruction of the wild horse or burro for proc-*
18 *essing into a commercial product.*

19 *FOREST SERVICE FACILITY REALIGNMENT AND*
20 *ENHANCEMENT AUTHORIZATION EXTENSION*

21 *SEC. 420. Section 503(f) of Public Law 109–54 (16*
22 *U.S.C. 580d note) shall be applied by substituting “Sep-*
23 *tember 30, 2021” for “September 30, 2019”.*

1 *USE OF AMERICAN IRON AND STEEL*

2 *SEC. 421. (a)(1) None of the funds made available by*
3 *a State water pollution control revolving fund as authorized*
4 *by section 1452 of the Safe Drinking Water Act (42 U.S.C.*
5 *300j-12) shall be used for a project for the construction,*
6 *alteration, maintenance, or repair of a public water system*
7 *or treatment works unless all of the iron and steel products*
8 *used in the project are produced in the United States.*

9 *(2) In this section, the term “iron and steel” products*
10 *means the following products made primarily of iron or*
11 *steel: lined or unlined pipes and fittings, manhole covers*
12 *and other municipal castings, hydrants, tanks, flanges, pipe*
13 *clamps and restraints, valves, structural steel, reinforced*
14 *precast concrete, and construction materials.*

15 *(b) Subsection (a) shall not apply in any case or cat-*
16 *egory of cases in which the Administrator of the Environ-*
17 *mental Protection Agency (in this section referred to as the*
18 *“Administrator”) finds that—*

19 *(1) applying subsection (a) would be inconsistent*
20 *with the public interest;*

21 *(2) iron and steel products are not produced in*
22 *the United States in sufficient and reasonably avail-*
23 *able quantities and of a satisfactory quality; or*

1 (3) *inclusion of iron and steel products produced*
2 *in the United States will increase the cost of the over-*
3 *all project by more than 25 percent.*

4 (c) *If the Administrator receives a request for a waiver*
5 *under this section, the Administrator shall make available*
6 *to the public on an informal basis a copy of the request*
7 *and information available to the Administrator concerning*
8 *the request, and shall allow for informal public input on*
9 *the request for at least 15 days prior to making a finding*
10 *based on the request. The Administrator shall make the re-*
11 *quest and accompanying information available by elec-*
12 *tronic means, including on the official public Internet Web*
13 *site of the Environmental Protection Agency.*

14 (d) *This section shall be applied in a manner con-*
15 *sistent with United States obligations under international*
16 *agreements.*

17 (e) *The Administrator may retain up to 0.25 percent*
18 *of the funds appropriated in this Act for the Clean and*
19 *Drinking Water State Revolving Funds for carrying out the*
20 *provisions described in subsection (a)(1) for management*
21 *and oversight of the requirements of this section.*

1 *LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANS-*
2 *FERS OF EXCESS EQUIPMENT AND SUPPLIES FOR*
3 *WILDFIRES*

4 *SEC. 422. The Secretary of the Interior is authorized*
5 *to enter into grants and cooperative agreements with volun-*
6 *teer fire departments, rural fire departments, rangeland fire*
7 *protection associations, and similar organizations to pro-*
8 *vide for wildland fire training and equipment, including*
9 *supplies and communication devices. Notwithstanding sec-*
10 *tion 121(c) of title 40, United States Code, or section 521*
11 *of title 40, United States Code, the Secretary is further au-*
12 *thorized to transfer title to excess Department of the Interior*
13 *firefighting equipment no longer needed to carry out the*
14 *functions of the Department's wildland fire management*
15 *program to such organizations.*

16 *RECREATION FEES*

17 *SEC. 423. Section 810 of the Federal Lands Recreation*
18 *Enhancement Act (16 U.S.C. 6809) shall be applied by sub-*
19 *stituting "October 1, 2022" for "September 30, 2019".*

20 *REPROGRAMMING GUIDELINES*

21 *SEC. 424. None of the funds made available in this*
22 *Act, in this and prior fiscal years, may be reprogrammed*
23 *without the advance approval of the House and Senate*
24 *Committees on Appropriations in accordance with the re-*
25 *programming procedures contained in the explanatory*

1 *statement described in section 4 of the Further Consolidated*
2 *Appropriations Act, 2020 (Public Law 116–94; 133 Stat.*
3 *2536).*

4 *LOCAL CONTRACTORS*

5 *SEC. 425. Section 412 of division E of Public Law*
6 *112–74 shall be applied by substituting “fiscal year 2021”*
7 *for “fiscal year 2019”.*

8 *SHASTA-TRINITY MARINA FEE AUTHORITY AUTHORIZATION*

9 *EXTENSION*

10 *SEC. 426. Section 422 of division F of Public Law*
11 *110–161 (121 Stat 1844), as amended, shall be applied by*
12 *substituting “fiscal year 2021” for “fiscal year 2019”.*

13 *INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION*

14 *SEC. 427. Section 426 of division G of Public Law*
15 *113–76 (16 U.S.C. 565a–1 note) shall be applied by sub-*
16 *stituting “September 30, 2021” for “September 30, 2019”.*

17 *PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION*

18 *SEC. 428. The authority provided by the 19th unnum-*
19 *bered paragraph under heading “Administrative Provi-*
20 *sions, Forest Service” in title III of Public Law 109–54,*
21 *as amended, shall be applied by substituting “fiscal year*
22 *2021” for “fiscal year 2019”.*

1 *FOREST BOTANICAL PRODUCTS FEE COLLECTION*2 *AUTHORIZATION EXTENSION*

3 *SEC. 429. Section 339 of the Department of the Inte-*
4 *rior and Related Agencies Appropriations Act, 2000 (as en-*
5 *acted into law by Public Law 106–113; 16 U.S.C. 528*
6 *note), as amended by section 335(6) of Public Law 108–*
7 *108 and section 432 of Public Law 113–76, shall be applied*
8 *by substituting “fiscal year 2021” for “fiscal year 2019”.*

9 *CHACO CANYON*

10 *SEC. 430. None of the funds made available by this*
11 *Act may be used to accept a nomination for oil and gas*
12 *leasing under 43 CFR 3120.3 et seq, or to offer for oil and*
13 *gas leasing, any Federal lands within the withdrawal area*
14 *identified on the map of the Chaco Culture National Histor-*
15 *ical Park prepared by the Bureau of Land Management*
16 *and dated April 2, 2019, prior to the completion of the cul-*
17 *tural resources investigation identified in the explanatory*
18 *statement described in section 4 (in the matter preceding*
19 *division A of this consolidated Act).*

20 *TRIBAL LEASES*

21 *SEC. 431. (a) Notwithstanding any other provision of*
22 *law, in the case of any lease under section 105(l) of the*
23 *Indian Self-Determination and Education Assistance Act*
24 *(25 U.S.C. 5324(l)), the initial lease term shall commence*
25 *no earlier than the date of receipt of the lease proposal.*

1 **(b) The Secretaries of the Interior and Health and**
2 *Human Services shall, jointly or separately, during fiscal*
3 *year 2021 consult with tribes and tribal organizations*
4 *through public solicitation and other means regarding the*
5 *requirements for leases under section 105(l) of the Indian*
6 *Self-Determination and Education Assistance Act (25*
7 *U.S.C. 5324(l)) on how to implement a consistent and*
8 *transparent process for the payment of such leases.*

9 **RESOURCE STUDY OF SPRINGFIELD RACE RIOT**

10 **SEC. 432. (a) DEFINITIONS.—***In this section:*

11 **(1) SECRETARY.—***The term “Secretary” means*
12 *the Secretary of the Interior.*

13 **(2) STUDY AREA.—***The term “Study Area”*
14 *means the archeological site near Madison Street and*
15 *the 10th Street Rail Corridor, and other sites in*
16 *Springfield, Illinois associated with the 1908 Spring-*
17 *field Race Riot.*

18 **(b) SPECIAL RESOURCE STUDY.—**

19 **(1) STUDY.—***The Secretary shall conduct a spe-*
20 *cial resource study of the study area.*

21 **(2) CONTENTS.—***In conducting the study under*
22 *paragraph (1), the Secretary shall—*

23 **(A) evaluate the national significance of the**
24 *study area;*

1 (B) *determine the suitability and feasibility*
2 *of designating the study area as a unit of the*
3 *National Park System;*

4 (C) *consider other alternatives for preserva-*
5 *tion, protection, and interpretation of the study*
6 *area by the Federal Government, State or local*
7 *government entities, or private and non-profit*
8 *organizations;*

9 (D) *consult with interested Federal agen-*
10 *cies, State or local governmental entities, private*
11 *and nonprofit organizations, or any other inter-*
12 *ested individuals; and*

13 (E) *identify cost estimates for any Federal*
14 *acquisition, development, interpretation, oper-*
15 *ation, and maintenance associated with the al-*
16 *ternatives.*

17 (3) *APPLICABLE LAW.—The study required*
18 *under paragraph (1) shall be conducted in accordance*
19 *with section 100507 of title 54, United States Code.*

20 (4) *REPORT.—Not later than 3 years after the*
21 *date on which funds are first made available for the*
22 *study under paragraph (1), the Secretary shall sub-*
23 *mit to the Committee on Natural Resources of the*
24 *House of Representatives and the Committee on En-*

1 *ergy and Natural Resources of the Senate a report*
2 *that describes—*

3 *(A) the results of the study; and*

4 *(B) any conclusions and recommendations*
5 *of the Secretary.*

6 *FOREST ECOSYSTEM RECOVERY AND HEALTH FUND*

7 *SEC. 433. The authority provided under the heading*
8 *“Forest Ecosystem Health and Recovery Fund” in title I*
9 *of Public Law 111–88, as amended by section 117 of divi-*
10 *sion F of Public Law 113–235, shall be applied by sub-*
11 *stituting “fiscal year 2021” for “fiscal year 2020” each*
12 *place it appears.*

13 *ALLOCATION OF PROJECTS*

14 *SEC. 434. (a)(1) Within 45 days of enactment of this*
15 *Act, the Secretary of the Interior shall allocate amounts*
16 *available from the National Parks and Public Land Legacy*
17 *Restoration Fund for fiscal year 2021 pursuant to sub-*
18 *section (c) of section 200402 of title 54, United States Code,*
19 *and as provided in subsection (e) of such section of such*
20 *title, to the agencies of the Department of the Interior and*
21 *the Department of Agriculture specified, in the amounts*
22 *specified, and for the projects and activities specified in the*
23 *table titled “Allocation of Funds from the National Parks*
24 *and Public Land Legacy Restoration Fund—Fiscal Year*
25 *2021” in the explanatory statement described in section 4*

1 *(in the matter preceding division A of this consolidated*
2 *Act).*

3 (2) *Within 30 days of enactment of this Act, the Sec-*
4 *retary of the Interior shall submit to the Committees on*
5 *Appropriations of the House of Representatives and the*
6 *Senate project data sheets in the same format and con-*
7 *taining the same level of detailed information that is found*
8 *on such sheets in the Budget Justifications annually sub-*
9 *mitted by the Department of the Interior with the Presi-*
10 *dent's Budget for the Department of the Interior projects*
11 *specified pursuant to the allocation in subsection (a)(1)*
12 *and, only 45 days after submission of such sheets, shall the*
13 *Secretary of the Interior be permitted to obligate amounts*
14 *that are allocated pursuant to subsection (a)(1).*

15 (3) *Within 30 days of enactment of this Act, the Sec-*
16 *retary of Agriculture shall submit to the Committees on Ap-*
17 *propriations of the House of Representatives and the Senate*
18 *full detailed project lists that must include a project de-*
19 *scription, as well as information on region, forest or grass-*
20 *land name, project name, State, Congressional district, fis-*
21 *cal year 2021 non-transportation needed funds, fiscal year*
22 *2021 transportation needed funds, and asset type for the*
23 *Department of Agriculture projects specified pursuant to*
24 *the allocation in subsection (a)(1) and, only 45 days after*
25 *submission of such lists, shall the Secretary of Agriculture*

1 *be permitted to obligate amounts that are allocated pursu-*
2 *ant to subsection (a)(1).*

3 **(b)(1)** *Within 45 days of enactment of this Act, the*
4 *Secretary of the Interior and the Secretary of Agriculture,*
5 *as appropriate, shall allocate amounts made available for*
6 *expenditure from the Land and Water Conservation Fund*
7 *for fiscal year 2021 pursuant to subsection (a) of section*
8 *200303 of title 54, United States Code, to the agencies and*
9 *accounts specified, in the amounts specified, and for the*
10 *projects and activities specified in the table titled “Alloca-*
11 *tion of Funds from the Land and Water Conservation*
12 *Fund—Fiscal Year 2021” in the explanatory statement de-*
13 *scribed in section 4 (in the matter preceding division A of*
14 *this consolidated Act).*

15 **(2)** *Within 30 days of enactment of this Act, the Sec-*
16 *retary of the Interior and the Secretary of Agriculture shall*
17 *each submit to the Committees on Appropriations of the*
18 *House of Representatives and the Senate project data sheets*
19 *in the same format and containing the same level of detailed*
20 *information that is found on such sheets as submitted to*
21 *the Committees pursuant to section 427 of division D of*
22 *the Further Consolidated Appropriations Act, 2020 (Public*
23 *Law 116-94) for the projects specified pursuant to the allo-*
24 *cation in subsection (b)(1) and, only 45 days after submis-*
25 *sion of such sheets, shall the Secretary of the Interior and*

1 *the Secretary of Agriculture, as appropriate, be permitted*
2 *to obligate amounts that are allocated pursuant to sub-*
3 *section (b)(1).*

4 *(c)(1) Neither the President nor his designee may allo-*
5 *cate any amounts that are made available for any fiscal*
6 *year under subsection (c) of section 200402 of title 54,*
7 *United States Code, or subsection (a) of section 200303 of*
8 *title 54, United States Code, other than amounts that are*
9 *allocated by subsections (a) and (b) of this section of this*
10 *Act.*

11 *(2) If any funds made available by section 200402(c)*
12 *or section 200303(a) of title 54, United States Code, were*
13 *allocated or obligated in advance of the enactment of a fiscal*
14 *year 2021 Act making full-year appropriations for the De-*
15 *partment of the Interior, Environment, and Related Agen-*
16 *cies, then within 30 days of enactment of this Act, the Office*
17 *of Management and Budget, in consultation with the De-*
18 *partment of the Interior and the Department of Agriculture,*
19 *shall submit to the Committees on Appropriations of the*
20 *House of Representatives and the Senate a report from the*
21 *General Counsel analyzing how the authority in section*
22 *200402 and in section 200303 of title 54, United States*
23 *Code, permitted the Administration to allocate funding for*
24 *projects for a fiscal year pursuant those sections, particu-*
25 *larly the language in sections 200402(i) and 200303(c)(2),*

1 *in advance of the date of enactment of such fiscal year 2021*
2 *Act.*

3 *(d)(1) Concurrent with the annual budget submission*
4 *of the President for fiscal year 2022, the Secretary of the*
5 *Interior and the Secretary of Agriculture shall each submit*
6 *to the Committees on Appropriations of the House of Rep-*
7 *resentatives and the Senate a list of supplementary alloca-*
8 *tions for Federal land acquisition and Forest Legacy*
9 *projects at the National Park Service, the U.S. Fish and*
10 *Wildlife Service, the Bureau of Land Management, and the*
11 *U.S. Forest Service that are in addition to the “Submission*
12 *of Cost Estimates” required by section 200303(c)(1) of title*
13 *54, United States Code, that are prioritized and detailed*
14 *by account, program, and project, and that total no less*
15 *than half the full amount allocated to each account for that*
16 *land management Agency under the allocations submitted*
17 *under section 200303(c)(1) of title 54, United States Code.*

18 *(2) The Federal land acquisition and Forest Legacy*
19 *projects in the “Submission of Cost Estimates” required by*
20 *section 200303(c)(1) of title 54, United States Code, and*
21 *on the list of supplementary allocations required by para-*
22 *graph (1) shall be comprised only of projects for which a*
23 *willing seller has been identified and for which an ap-*
24 *praisal or market research has been initiated.*

1 (3) *Concurrent with the annual budget submission of*
2 *the President for fiscal year 2022, the Secretary of the Inte-*
3 *rior and the Secretary of Agriculture shall each submit to*
4 *the Committees on Appropriations of the House of Rep-*
5 *resentatives and the Senate project data sheets in the same*
6 *format and containing the same level of detailed informa-*
7 *tion that is found on such sheets in the Budget Justifica-*
8 *tions annually submitted by the Department of the Interior*
9 *with the President’s Budget for the projects in the “Submis-*
10 *sion of Cost Estimates” required by section 200303(c)(1)*
11 *of title 54, United States Code, and in the same format and*
12 *containing the same level of detailed information that is*
13 *found on such sheets submitted to the Committees pursuant*
14 *to section 427 of division D of the Further Consolidated*
15 *Appropriations Act, 2020 (Public Law 116-94) for the list*
16 *of supplementary allocations required by paragraph (1),*
17 *and for the projects in the “Submission of Annual List of*
18 *Projects to Congress” required by section 200402(h) of title*
19 *54, United States Code.*

20 (e) *The Department of the Interior and the Depart-*
21 *ment of Agriculture shall provide the Committees on Appro-*
22 *priations of the House of Representatives and Senate quar-*
23 *terly reports on the status of balances for amounts allocated*
24 *pursuant to subsections (a)(1) and (b)(1) of this section,*

1 *including all uncommitted, committed, and unobligated*
2 *funds.*

3 *(f) Expenditures made or obligations incurred under*
4 *the heading “United States Fish and Wildlife Service—*
5 *Land Acquisition” and for the Appraisal and Valuation*
6 *Services Office under the heading “Departmental Offices—*
7 *Office of the Secretary—Departmental Operations” pursu-*
8 *ant to the Continuing Appropriations Act, 2021 (Public*
9 *Law 116–159) shall be charged to the applicable appropria-*
10 *tion, account allocation, fund, or authorization pursuant*
11 *to section 200303 of title 54, United States Code.*

12 *TIMBER SALE REQUIREMENTS*

13 *SEC. 435. No timber sale in Alaska’s Region 10 shall*
14 *be advertised if the indicated rate is deficit (defined as the*
15 *value of the timber is not sufficient to cover all logging and*
16 *stumpage costs and provide a normal profit and risk allow-*
17 *ance under the Forest Service’s appraisal process) when ap-*
18 *praised using a residual value appraisal. The western red*
19 *cedar timber from those sales which is surplus to the needs*
20 *of the domestic processors in Alaska, shall be made available*
21 *to domestic processors in the contiguous 48 United States*
22 *at prevailing domestic prices. All additional western red*
23 *cedar volume not sold to Alaska or contiguous 48 United*
24 *States domestic processors may be exported to foreign mar-*
25 *kets at the election of the timber sale holder. All Alaska yel-*

1 *low cedar may be sold at prevailing export prices at the*
2 *election of the timber sale holder.*

3 *PROHIBITION ON USE OF FUNDS*

4 *SEC. 436. Notwithstanding any other provision of law,*
5 *none of the funds made available in this Act or any other*
6 *Act may be used to promulgate or implement any regula-*
7 *tion requiring the issuance of permits under title V of the*
8 *Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide,*
9 *nitrous oxide, water vapor, or methane emissions resulting*
10 *from biological processes associated with livestock produc-*
11 *tion.*

12 *GREENHOUSE GAS REPORTING RESTRICTIONS*

13 *SEC. 437. Notwithstanding any other provision of law,*
14 *none of the funds made available in this or any other Act*
15 *may be used to implement any provision in a rule, if that*
16 *provision requires mandatory reporting of greenhouse gas*
17 *emissions from manure management systems.*

18 *FUNDING PROHIBITION*

19 *SEC. 438. None of the funds made available by this*
20 *or any other Act may be used to regulate the lead content*
21 *of ammunition, ammunition components, or fishing tackle*
22 *under the Toxic Substances Control Act (15 U.S.C. 2601*
23 *et seq.) or any other law.*

1 *POLICIES RELATING TO BIOMASS ENERGY*

2 *SEC. 439. To support the key role that forests in the*
3 *United States can play in addressing the energy needs of*
4 *the United States, the Secretary of Energy, the Secretary*
5 *of Agriculture, and the Administrator of the Environmental*
6 *Protection Agency shall, consistent with their missions,*
7 *jointly—*

8 *(1) ensure that Federal policy relating to forest*
9 *bioenergy—*

10 *(A) is consistent across all Federal depart-*
11 *ments and agencies; and*

12 *(B) recognizes the full benefits of the use of*
13 *forest biomass for energy, conservation, and re-*
14 *sponsible forest management; and*

15 *(2) establish clear and simple policies for the use*
16 *of forest biomass as an energy solution, including*
17 *policies that—*

18 *(A) reflect the carbon-neutrality of forest*
19 *bioenergy and recognize biomass as a renewable*
20 *energy source, provided the use of forest biomass*
21 *for energy production does not cause conversion*
22 *of forests to non-forest use;*

23 *(B) encourage private investment through-*
24 *out the forest biomass supply chain, including*
25 *in—*

- 1 (i) *working forests;*
2 (ii) *harvesting operations;*
3 (iii) *forest improvement operations;*
4 (iv) *forest bioenergy production;*
5 (v) *wood products manufacturing; or*
6 (vi) *paper manufacturing;*
7 (C) *encourage forest management to im-*
8 *prove forest health; and*
9 (D) *recognize State initiatives to produce*
10 *and use forest biomass.*

11 SMALL REMOTE INCINERATORS

12 SEC. 440. *None of the funds made available in this*
13 *Act may be used to implement or enforce the regulation*
14 *issued on March 21, 2011 at 40 CFR part 60 subparts*
15 *CCCC and DDDD with respect to units in the State of Alas-*
16 *ka that are defined as “small, remote incinerator” units*
17 *in those regulations and, until a subsequent regulation is*
18 *issued, the Administrator shall implement the law and reg-*
19 *ulations in effect prior to such date.*

20 *This division may be cited as the “Department of the*
21 *Interior, Environment, and Related Agencies Appropria-*
22 *tions Act, 2021”.*

1 ***DIVISION H—DEPARTMENTS OF LABOR,***
2 ***HEALTH AND HUMAN SERVICES, AND***
3 ***EDUCATION, AND RELATED AGENCIES***
4 ***APPROPRIATIONS ACT, 2021***

5 ***TITLE I***

6 ***DEPARTMENT OF LABOR***

7 ***EMPLOYMENT AND TRAINING ADMINISTRATION***

8 ***TRAINING AND EMPLOYMENT SERVICES***

9 *For necessary expenses of the Workforce Innovation*
10 *and Opportunity Act (referred to in this Act as “WIOA”)*
11 *and the National Apprenticeship Act, \$3,663,200,000, plus*
12 *reimbursements, shall be available. Of the amounts pro-*
13 *vided:*

14 *(1) for grants to States for adult employment*
15 *and training activities, youth activities, and dis-*
16 *located worker employment and training activities,*
17 *\$2,845,332,000 as follows:*

18 *(A) \$862,649,000 for adult employment and*
19 *training activities, of which \$150,649,000 shall*
20 *be available for the period July 1, 2021 through*
21 *June 30, 2022, and of which \$712,000,000 shall*
22 *be available for the period October 1, 2021*
23 *through June 30, 2022;*

1 (B) \$921,130,000 for youth activities, which
2 shall be available for the period April 1, 2021
3 through June 30, 2022; and

4 (C) \$1,061,553,000 for dislocated worker
5 employment and training activities, of which
6 \$201,553,000 shall be available for the period
7 July 1, 2021 through June 30, 2022, and of
8 which \$860,000,000 shall be available for the pe-
9 riod October 1, 2021 through June 30, 2022:

10 *Provided, That the funds available for allotment to*
11 *outlying areas to carry out subtitle B of title I of the*
12 *WIOA shall not be subject to the requirements of sec-*
13 *tion 127(b)(1)(B)(ii) of such Act; and*

14 (2) for national programs, \$817,868,000 as fol-
15 lows:

16 (A) \$280,859,000 for the dislocated workers
17 assistance national reserve, of which \$80,859,000
18 shall be available for the period July 1, 2021
19 through September 30, 2022, and of which
20 \$200,000,000 shall be available for the period
21 October 1, 2021 through September 30, 2022:

22 *Provided, That funds provided to carry out sec-*
23 *tion 132(a)(2)(A) of the WIOA may be used to*
24 *provide assistance to a State for statewide or*
25 *local use in order to address cases where there*

1 *have been worker dislocations across multiple*
2 *sectors or across multiple local areas and such*
3 *workers remain dislocated; coordinate the State*
4 *workforce development plan with emerging eco-*
5 *nomie development needs; and train such eligible*
6 *dislocated workers: Provided further, That funds*
7 *provided to carry out sections 168(b) and 169(c)*
8 *of the WIOA may be used for technical assistance*
9 *and demonstration projects, respectively, that*
10 *provide assistance to new entrants in the work-*
11 *force and incumbent workers: Provided further,*
12 *That notwithstanding section 168(b) of the*
13 *WIOA, of the funds provided under this subpara-*
14 *graph, the Secretary of Labor (referred to in this*
15 *title as “Secretary”) may reserve not more than*
16 *10 percent of such funds to provide technical as-*
17 *sistance and carry out additional activities re-*
18 *lated to the transition to the WIOA: Provided*
19 *further, That of the funds provided under this*
20 *subparagraph, \$80,000,000 shall be for training*
21 *and employment assistance under sections*
22 *168(b), 169(c) (notwithstanding the 10 percent*
23 *limitation in such section) and 170 of the WIOA*
24 *as follows:*

1 (i) \$35,000,000 shall be for workers in
2 the Appalachian region, as defined by 40
3 U.S.C. 14102(a)(1) and workers in the
4 Lower Mississippi, as defined in section
5 4(2) of the Delta Development Act (Public
6 Law 100–460, 102 Stat. 2246; 7 U.S.C.
7 2009aa(2));

8 (ii) \$45,000,000 shall be for the pur-
9 pose of developing, offering, or improving
10 educational or career training programs at
11 community colleges, defined as public insti-
12 tutions of higher education, as described in
13 section 101(a) of the Higher Education Act
14 of 1965 and at which the associate’s degree
15 is primarily the highest degree awarded,
16 with other eligible institutions of higher
17 education, as defined in section 101(a) of
18 the Higher Education Act of 1965, eligible
19 to participate through consortia, with com-
20 munity colleges as the lead grantee: Pro-
21 vided, That the Secretary shall follow the
22 requirements for the program in House Re-
23 port 116–62 and in the explanatory state-
24 ment accompanying this Act: Provided fur-
25 ther, That any grant funds used for appren-

1 *ticeships shall be used to support only ap-*
2 *prenticeship programs registered under the*
3 *National Apprenticeship Act and as referred*
4 *to in section 3(7)(B) of the WIOA;*

5 *(B) \$55,500,000 for Native American pro-*
6 *grams under section 166 of the WIOA, which*
7 *shall be available for the period July 1, 2021*
8 *through June 30, 2022;*

9 *(C) \$93,896,000 for migrant and seasonal*
10 *farmworker programs under section 167 of the*
11 *WIOA, including \$87,083,000 for formula grants*
12 *(of which not less than 70 percent shall be for*
13 *employment and training services), \$6,256,000*
14 *for migrant and seasonal housing (of which not*
15 *less than 70 percent shall be for permanent hous-*
16 *ing), and \$557,000 for other discretionary pur-*
17 *poses, which shall be available for the period*
18 *April 1, 2021 through June 30, 2022: Provided,*
19 *That notwithstanding any other provision of law*
20 *or related regulation, the Department of Labor*
21 *shall take no action limiting the number or pro-*
22 *portion of eligible participants receiving related*
23 *assistance services or discouraging grantees from*
24 *providing such services: Provided further, That*
25 *notwithstanding the definition of “eligible sea-*

1 sonal farmworker” in section 167(i)(3)(A) of the
2 WIOA relating to an individual being “low-in-
3 come”, an individual is eligible for migrant and
4 seasonal farmworker programs under section 167
5 of the WIOA under that definition if, in addi-
6 tion to meeting the requirements of clauses (i)
7 and (ii) of section 167(i)(3)(A), such individual
8 is a member of a family with a total family in-
9 come equal to or less than 150 percent of the pov-
10 erty line;

11 (D) \$96,534,000 for YouthBuild activities
12 as described in section 171 of the WIOA, which
13 shall be available for the period April 1, 2021
14 through June 30, 2022;

15 (E) \$100,079,000 for ex-offender activities,
16 under the authority of section 169 of the WIOA,
17 which shall be available for the period April 1,
18 2021 through June 30, 2022: Provided, That of
19 this amount, \$25,000,000 shall be for competitive
20 grants to national and regional intermediaries
21 for activities that prepare for employment young
22 adults with criminal records, young adults who
23 have been justice system-involved, or young
24 adults who have dropped out of school or other

1 (1) \$1,603,325,000 for Job Corps Operations,
2 which shall be available for the period July 1, 2021
3 through June 30, 2022;

4 (2) \$113,000,000 for construction, rehabilitation
5 and acquisition of Job Corps Centers, which shall be
6 available for the period July 1, 2021 through June
7 30, 2024, and which may include the acquisition,
8 maintenance, and repair of major items of equip-
9 ment: Provided, That the Secretary may transfer up
10 to 15 percent of such funds to meet the operational
11 needs of such centers or to achieve administrative effi-
12 ciencies: Provided further, That any funds transferred
13 pursuant to the preceding provision shall not be
14 available for obligation after June 30, 2022: Provided
15 further, That the Committees on Appropriations of
16 the House of Representatives and the Senate are noti-
17 fied at least 15 days in advance of any transfer; and

18 (3) \$32,330,000 for necessary expenses of Job
19 Corps, which shall be available for obligation for the
20 period October 1, 2020 through September 30, 2021:
21 Provided, That no funds from any other appropriation
22 shall be used to provide meal services at or for Job Corps
23 centers.

1 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

2 *To carry out title V of the Older Americans Act of 1965*
3 *(referred to in this Act as “OAA”), \$405,000,000, which*
4 *shall be available for the period April 1, 2021 through June*
5 *30, 2022, and may be recaptured and reobligated in accord-*
6 *ance with section 517(c) of the OAA.*

7 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

8 *For payments during fiscal year 2021 of trade adjust-*
9 *ment benefit payments and allowances under part I of sub-*
10 *chapter B of chapter 2 of title II of the Trade Act of 1974,*
11 *and section 246 of that Act; and for training, employment*
12 *and case management services, allowances for job search*
13 *and relocation, and related State administrative expenses*
14 *under part II of subchapter B of chapter 2 of title II of*
15 *the Trade Act of 1974, and including benefit payments, al-*
16 *lowances, training, employment and case management serv-*
17 *ices, and related State administration provided pursuant*
18 *to section 231(a) of the Trade Adjustment Assistance Exten-*
19 *sion Act of 2011 and section 405(a) of the Trade Preferences*
20 *Extension Act of 2015, \$633,600,000 together with such*
21 *amounts as may be necessary to be charged to the subse-*
22 *quent appropriation for payments for any period subse-*
23 *quent to September 15, 2021: Provided, That notwith-*
24 *standing section 502 of this Act, any part of the appropria-*
25 *tion provided under this heading may remain available for*

1 *obligation beyond the current fiscal year pursuant to the*
2 *authorities of section 245(c) of the Trade Act of 1974 (19*
3 *U.S.C. 2317(c)).*

4 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*
5 *SERVICE OPERATIONS*

6 *For authorized administrative expenses, \$84,066,000,*
7 *together with not to exceed \$3,332,583,000 which may be*
8 *expended from the Employment Security Administration*
9 *Account in the Unemployment Trust Fund (“the Trust*
10 *Fund”), of which—*

11 *(1) \$2,565,816,000 from the Trust Fund is for*
12 *grants to States for the administration of State un-*
13 *employment insurance laws as authorized under title*
14 *III of the Social Security Act (including not less than*
15 *\$200,000,000 to carry out reemployment services and*
16 *eligibility assessments under section 306 of such Act,*
17 *any claimants of regular compensation, as defined in*
18 *such section, including those who are profiled as most*
19 *likely to exhaust their benefits, may be eligible for*
20 *such services and assessments: Provided, That of such*
21 *amount, \$117,000,000 is specified for grants under*
22 *section 306 of the Social Security Act and is provided*
23 *to meet the terms of section 251(b)(2)(E)(ii) of the*
24 *Balanced Budget and Emergency Deficit Control Act*
25 *of 1985, as amended, and \$83,000,000 is additional*

1 *new budget authority specified for purposes of section*
2 *251(b)(2)(E)(i)(II) of such Act; and \$9,000,000 for*
3 *continued support of the Unemployment Insurance*
4 *Integrity Center of Excellence), the administration of*
5 *unemployment insurance for Federal employees and*
6 *for ex-service members as authorized under 5 U.S.C.*
7 *8501–8523, and the administration of trade readjust-*
8 *ment allowances, reemployment trade adjustment as-*
9 *sistance, and alternative trade adjustment assistance*
10 *under the Trade Act of 1974 and under section 231(a)*
11 *of the Trade Adjustment Assistance Extension Act of*
12 *2011 and section 405(a) of the Trade Preferences Ex-*
13 *ension Act of 2015, and shall be available for obliga-*
14 *tion by the States through December 31, 2021, except*
15 *that funds used for automation shall be available for*
16 *Federal obligation through December 31, 2021, and*
17 *for State obligation through September 30, 2023, or,*
18 *if the automation is being carried out through con-*
19 *sortia of States, for State obligation through Sep-*
20 *tember 30, 2027, and for expenditure through Sep-*
21 *tember 30, 2028, and funds for competitive grants*
22 *awarded to States for improved operations and to*
23 *conduct in-person reemployment and eligibility as-*
24 *sessments and unemployment insurance improper*
25 *payment reviews and provide reemployment services*

1 *and referrals to training, as appropriate, shall be*
2 *available for Federal obligation through December 31,*
3 *2021, and for obligation by the States through Sep-*
4 *tember 30, 2023, and funds for the Unemployment In-*
5 *surance Integrity Center of Excellence shall be avail-*
6 *able for obligation by the State through September 30,*
7 *2022, and funds used for unemployment insurance*
8 *workloads experienced through September 30, 2021*
9 *shall be available for Federal obligation through De-*
10 *cember 31, 2021;*

11 (2) *\$18,000,000 from the Trust Fund is for na-*
12 *tional activities necessary to support the administra-*
13 *tion of the Federal-State unemployment insurance*
14 *system;*

15 (3) *\$648,639,000 from the Trust Fund, together*
16 *with \$21,413,000 from the General Fund of the Treas-*
17 *ury, is for grants to States in accordance with section*
18 *6 of the Wagner-Peyser Act, and shall be available for*
19 *Federal obligation for the period July 1, 2021 through*
20 *June 30, 2022;*

21 (4) *\$22,318,000 from the Trust Fund is for na-*
22 *tional activities of the Employment Service, including*
23 *administration of the work opportunity tax credit*
24 *under section 51 of the Internal Revenue Code of 1986*
25 *(including assisting States in adopting or modern-*

1 *izing information technology for use in the processing*
2 *of certification requests), and the provision of tech-*
3 *nical assistance and staff training under the Wagner-*
4 *Peyser Act;*

5 *(5) \$77,810,000 from the Trust Fund is for the*
6 *administration of foreign labor certifications and re-*
7 *lated activities under the Immigration and Nation-*
8 *ality Act and related laws, of which \$57,528,000 shall*
9 *be available for the Federal administration of such*
10 *activities, and \$20,282,000 shall be available for*
11 *grants to States for the administration of such activi-*
12 *ties; and*

13 *(6) \$62,653,000 from the General Fund is to*
14 *provide workforce information, national electronic*
15 *tools, and one-stop system building under the Wagner-*
16 *Peyser Act and shall be available for Federal obliga-*
17 *tion for the period July 1, 2021 through June 30,*
18 *2022:*

19 *Provided, That to the extent that the Average Weekly In-*
20 *jured Unemployment (“AWIU”) for fiscal year 2021 is pro-*
21 *jected by the Department of Labor to exceed 1,728,000, an*
22 *additional \$28,600,000 from the Trust Fund shall be avail-*
23 *able for obligation for every 100,000 increase in the AWIU*
24 *level (including a pro rata amount for any increment less*
25 *than 100,000) to carry out title III of the Social Security*

1 *Act: Provided further, That funds appropriated in this Act*
2 *that are allotted to a State to carry out activities under*
3 *title III of the Social Security Act may be used by such*
4 *State to assist other States in carrying out activities under*
5 *such title III if the other States include areas that have*
6 *suffered a major disaster declared by the President under*
7 *the Robert T. Stafford Disaster Relief and Emergency As-*
8 *sistance Act: Provided further, That the Secretary may use*
9 *funds appropriated for grants to States under title III of*
10 *the Social Security Act to make payments on behalf of*
11 *States for the use of the National Directory of New Hires*
12 *under section 453(j)(8) of such Act: Provided further, That*
13 *the Secretary may use funds appropriated for grants to*
14 *States under title III of the Social Security Act to make*
15 *payments on behalf of States to the entity operating the*
16 *State Information Data Exchange System: Provided fur-*
17 *ther, That funds appropriated in this Act which are used*
18 *to establish a national one-stop career center system, or*
19 *which are used to support the national activities of the Fed-*
20 *eral-State unemployment insurance, employment service, or*
21 *immigration programs, may be obligated in contracts,*
22 *grants, or agreements with States and non-State entities:*
23 *Provided further, That States awarded competitive grants*
24 *for improved operations under title III of the Social Secu-*
25 *rity Act, or awarded grants to support the national activi-*

1 *ties of the Federal-State unemployment insurance system,*
2 *may award subgrants to other States and non-State entities*
3 *under such grants, subject to the conditions applicable to*
4 *the grants: Provided further, That funds appropriated*
5 *under this Act for activities authorized under title III of*
6 *the Social Security Act and the Wagner-Peyser Act may*
7 *be used by States to fund integrated Unemployment Insur-*
8 *ance and Employment Service automation efforts, notwith-*
9 *standing cost allocation principles prescribed under the*
10 *final rule entitled “Uniform Administrative Requirements,*
11 *Cost Principles, and Audit Requirements for Federal*
12 *Awards” at part 200 of title 2, Code of Federal Regulations:*
13 *Provided further, That the Secretary, at the request of a*
14 *State participating in a consortium with other States, may*
15 *reallot funds allotted to such State under title III of the*
16 *Social Security Act to other States participating in the con-*
17 *sortium or to the entity operating the Unemployment In-*
18 *surance Information Technology Support Center in order*
19 *to carry out activities that benefit the administration of*
20 *the unemployment compensation law of the State making*
21 *the request: Provided further, That the Secretary may col-*
22 *lect fees for the costs associated with additional data collec-*
23 *tion, analyses, and reporting services relating to the Na-*
24 *tional Agricultural Workers Survey requested by State and*
25 *local governments, public and private institutions of higher*

1 *Security Administration Account in the Unemployment*
2 *Trust Fund.*

3 *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Employee Benefits Secu-*
6 *rity Administration, \$181,000,000, of which up to*
7 *\$3,000,000 shall be made available through September 30,*
8 *2022, for the procurement of expert witnesses for enforce-*
9 *ment litigation.*

10 *PENSION BENEFIT GUARANTY CORPORATION*

11 *PENSION BENEFIT GUARANTY CORPORATION FUND*

12 *The Pension Benefit Guaranty Corporation (“Cor-*
13 *poration”) is authorized to make such expenditures, includ-*
14 *ing financial assistance authorized by subtitle E of title IV*
15 *of the Employee Retirement Income Security Act of 1974,*
16 *within limits of funds and borrowing authority available*
17 *to the Corporation, and in accord with law, and to make*
18 *such contracts and commitments without regard to fiscal*
19 *year limitations, as provided by 31 U.S.C. 9104, as may*
20 *be necessary in carrying out the program, including associ-*
21 *ated administrative expenses, through September 30, 2021,*
22 *for the Corporation: Provided, That none of the funds avail-*
23 *able to the Corporation for fiscal year 2021 shall be avail-*
24 *able for obligations for administrative expenses in excess of*
25 *\$465,289,000: Provided further, That to the extent that the*

1 *number of new plan participants in plans terminated by*
2 *the Corporation exceeds 100,000 in fiscal year 2021, an*
3 *amount not to exceed an additional \$9,200,000 shall be*
4 *available through September 30, 2025, for obligations for*
5 *administrative expenses for every 20,000 additional termi-*
6 *nated participants: Provided further, That obligations in*
7 *excess of the amounts provided for administrative expenses*
8 *in this paragraph may be incurred and shall be available*
9 *through September 30, 2025 for obligation for unforeseen*
10 *and extraordinary pre-termination or termination expenses*
11 *or extraordinary multiemployer program related expenses*
12 *after approval by the Office of Management and Budget and*
13 *notification of the Committees on Appropriations of the*
14 *House of Representatives and the Senate: Provided further,*
15 *That an additional amount shall be available for obligation*
16 *through September 30, 2025 to the extent the Corporation's*
17 *costs exceed \$250,000 for the provision of credit or identity*
18 *monitoring to affected individuals upon suffering a security*
19 *incident or privacy breach, not to exceed an additional*
20 *\$100 per affected individual.*

21 *WAGE AND HOUR DIVISION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses for the Wage and Hour Divi-*
24 *sion, including reimbursement to State, Federal, and local*

1 *agencies and their employees for inspection services ren-*
2 *dered, \$246,000,000.*

3 *OFFICE OF LABOR-MANAGEMENT STANDARDS*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Office of Labor-Manage-*
6 *ment Standards, \$44,437,000.*

7 *OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses for the Office of Federal Con-*
10 *tract Compliance Programs, \$105,976,000.*

11 *OFFICE OF WORKERS' COMPENSATION PROGRAMS*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses for the Office of Workers' Com-*
14 *ensation Programs, \$115,424,000, together with*
15 *\$2,177,000 which may be expended from the Special Fund*
16 *in accordance with sections 39(c), 44(d), and 44(j) of the*
17 *Longshore and Harbor Workers' Compensation Act.*

18 *SPECIAL BENEFITS*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the payment of compensation, benefits, and ex-*
21 *penses (except administrative expenses) accruing during the*
22 *current or any prior fiscal year authorized by 5 U.S.C. 81;*
23 *continuation of benefits as provided for under the heading*
24 *"Civilian War Benefits" in the Federal Security Agency*
25 *Appropriation Act, 1947; the Employees' Compensation*

1 *Commission Appropriation Act, 1944; section 5(f) of the*
2 *War Claims Act (50 U.S.C. App. 2012); obligations in-*
3 *curred under the War Hazards Compensation Act (42*
4 *U.S.C. 1701 et seq.); and 50 percent of the additional com-*
5 *ensation and benefits required by section 10(h) of the*
6 *Longshore and Harbor Workers' Compensation Act,*
7 *\$239,000,000, together with such amounts as may be nec-*
8 *essary to be charged to the subsequent year appropriation*
9 *for the payment of compensation and other benefits for any*
10 *period subsequent to August 15 of the current year, for de-*
11 *posit into and to assume the attributes of the Employees'*
12 *Compensation Fund established under 5 U.S.C. 8147(a):*
13 *Provided, That amounts appropriated may be used under*
14 *5 U.S.C. 8104 by the Secretary to reimburse an employer,*
15 *who is not the employer at the time of injury, for portions*
16 *of the salary of a re-employed, disabled beneficiary: Pro-*
17 *vided further, That balances of reimbursements unobligated*
18 *on September 30, 2020, shall remain available until ex-*
19 *pended for the payment of compensation, benefits, and ex-*
20 *penses: Provided further, That in addition there shall be*
21 *transferred to this appropriation from the Postal Service*
22 *and from any other corporation or instrumentality required*
23 *under 5 U.S.C. 8147(c) to pay an amount for its fair share*
24 *of the cost of administration, such sums as the Secretary*
25 *determines to be the cost of administration for employees*

1 *of such fair share entities through September 30, 2021: Pro-*
2 *vided further, That of those funds transferred to this ac-*
3 *count from the fair share entities to pay the cost of adminis-*
4 *tration of the Federal Employees' Compensation Act,*
5 *\$80,257,000 shall be made available to the Secretary as fol-*
6 *lows:*

7 (1) *For enhancement and maintenance of auto-*
8 *mated data processing systems operations and tele-*
9 *communications systems, \$27,220,000;*

10 (2) *For automated workload processing oper-*
11 *ations, including document imaging, centralized mail*
12 *intake, and medical bill processing, \$25,647,000;*

13 (3) *For periodic roll disability management and*
14 *medical review, \$25,648,000;*

15 (4) *For program integrity, \$1,742,000; and*

16 (5) *The remaining funds shall be paid into the*
17 *Treasury as miscellaneous receipts:*

18 *Provided further, That the Secretary may require that any*
19 *person filing a notice of injury or a claim for benefits under*
20 *5 U.S.C. 81, or the Longshore and Harbor Workers' Com-*
21 *pensation Act, provide as part of such notice and claim,*
22 *such identifying information (including Social Security ac-*
23 *count number) as such regulations may prescribe.*

1 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

2 *For carrying out title IV of the Federal Mine Safety*
3 *and Health Act of 1977, as amended by Public Law 107–*
4 *275, \$40,970,000, to remain available until expended.*

5 *For making after July 31 of the current fiscal year,*
6 *benefit payments to individuals under title IV of such Act,*
7 *for costs incurred in the current fiscal year, such amounts*
8 *as may be necessary.*

9 *For making benefit payments under title IV for the*
10 *first quarter of fiscal year 2022, \$14,000,000, to remain*
11 *available until expended.*

12 *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES*

13 *OCCUPATIONAL ILLNESS COMPENSATION FUND*

14 *For necessary expenses to administer the Energy Em-*
15 *ployees Occupational Illness Compensation Program Act,*
16 *\$62,507,000, to remain available until expended: Provided,*
17 *That the Secretary may require that any person filing a*
18 *claim for benefits under the Act provide as part of such*
19 *claim such identifying information (including Social Secu-*
20 *rity account number) as may be prescribed.*

21 *BLACK LUNG DISABILITY TRUST FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *Such sums as may be necessary from the Black Lung*
24 *Disability Trust Fund (the “Fund”), to remain available*
25 *until expended, for payment of all benefits authorized by*

1 *section 9501(d)(1), (2), (6), and (7) of the Internal Revenue*
2 *Code of 1986; and repayment of, and payment of interest*
3 *on advances, as authorized by section 9501(d)(4) of that*
4 *Act. In addition, the following amounts may be expended*
5 *from the Fund for fiscal year 2021 for expenses of operation*
6 *and administration of the Black Lung Benefits program,*
7 *as authorized by section 9501(d)(5): not to exceed*
8 *\$40,643,000 for transfer to the Office of Workers' Compensa-*
9 *tion Programs, "Salaries and Expenses"; not to exceed*
10 *\$33,033,000 for transfer to Departmental Management,*
11 *"Salaries and Expenses"; not to exceed \$333,000 for trans-*
12 *fer to Departmental Management, "Office of Inspector Gen-*
13 *eral"; and not to exceed \$356,000 for payments into mis-*
14 *cellaneous receipts for the expenses of the Department of the*
15 *Treasury.*

16 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for the Occupational Safety*
19 *and Health Administration, \$591,787,000, including not to*
20 *exceed \$110,075,000 which shall be the maximum amount*
21 *available for grants to States under section 23(g) of the Oc-*
22 *cupational Safety and Health Act (the "Act"), which grants*
23 *shall be no less than 50 percent of the costs of State occupa-*
24 *tional safety and health programs required to be incurred*
25 *under plans approved by the Secretary under section 18*

1 *of the Act; and, in addition, notwithstanding 31 U.S.C.*
2 *3302, the Occupational Safety and Health Administration*
3 *may retain up to \$499,000 per fiscal year of training insti-*
4 *tute course tuition and fees, otherwise authorized by law*
5 *to be collected, and may utilize such sums for occupational*
6 *safety and health training and education: Provided, That*
7 *notwithstanding 31 U.S.C. 3302, the Secretary is author-*
8 *ized, during the fiscal year ending September 30, 2021, to*
9 *collect and retain fees for services provided to Nationally*
10 *Recognized Testing Laboratories, and may utilize such*
11 *sums, in accordance with the provisions of 29 U.S.C. 9a,*
12 *to administer national and international laboratory rec-*
13 *ognition programs that ensure the safety of equipment and*
14 *products used by workers in the workplace: Provided fur-*
15 *ther, That none of the funds appropriated under this para-*
16 *graph shall be obligated or expended to prescribe, issue, ad-*
17 *minister, or enforce any standard, rule, regulation, or order*
18 *under the Act which is applicable to any person who is en-*
19 *gaged in a farming operation which does not maintain a*
20 *temporary labor camp and employs 10 or fewer employees:*
21 *Provided further, That no funds appropriated under this*
22 *paragraph shall be obligated or expended to administer or*
23 *enforce any standard, rule, regulation, or order under the*
24 *Act with respect to any employer of 10 or fewer employees*
25 *who is included within a category having a Days Away,*

1 *Restricted, or Transferred (“DART”) occupational injury*
2 *and illness rate, at the most precise industrial classification*
3 *code for which such data are published, less than the na-*
4 *tional average rate as such rates are most recently published*
5 *by the Secretary, acting through the Bureau of Labor Sta-*
6 *tistics, in accordance with section 24 of the Act, except—*

7 (1) *to provide, as authorized by the Act, con-*
8 *sultation, technical assistance, educational and train-*
9 *ing services, and to conduct surveys and studies;*

10 (2) *to conduct an inspection or investigation in*
11 *response to an employee complaint, to issue a citation*
12 *for violations found during such inspection, and to*
13 *assess a penalty for violations which are not corrected*
14 *within a reasonable abatement period and for any*
15 *willful violations found;*

16 (3) *to take any action authorized by the Act with*
17 *respect to imminent dangers;*

18 (4) *to take any action authorized by the Act with*
19 *respect to health hazards;*

20 (5) *to take any action authorized by the Act with*
21 *respect to a report of an employment accident which*
22 *is fatal to one or more employees or which results in*
23 *hospitalization of two or more employees, and to take*
24 *any action pursuant to such investigation authorized*
25 *by the Act; and*

1 (6) to take any action authorized by the Act with
2 respect to complaints of discrimination against em-
3 ployees for exercising rights under the Act:

4 *Provided further, That the foregoing proviso shall not apply*
5 *to any person who is engaged in a farming operation which*
6 *does not maintain a temporary labor camp and employs*
7 *10 or fewer employees: Provided further, That \$11,787,000*
8 *shall be available for Susan Harwood training grants, of*
9 *which not less than \$4,500,000 is for Susan Harwood*
10 *Training Capacity Building Developmental grants, as de-*
11 *scribed in Funding Opportunity Number SHTG–FY–16–*
12 *02 (referenced in the notice of availability of funds pub-*
13 *lished in the Federal Register on May 3, 2016 (81 Fed. Reg.*
14 *30568)) for program activities starting not later than Sep-*
15 *tember 30, 2021 and lasting for a period of 12 months: Pro-*
16 *vided further, That not less than \$3,500,000 shall be for*
17 *Voluntary Protection Programs.*

18 MINE SAFETY AND HEALTH ADMINISTRATION

19 SALARIES AND EXPENSES

20 *For necessary expenses for the Mine Safety and Health*
21 *Administration, \$379,816,000, including purchase and be-*
22 *stowal of certificates and trophies in connection with mine*
23 *rescue and first-aid work, and the hire of passenger motor*
24 *vehicles, including up to \$2,000,000 for mine rescue and*
25 *recovery activities and not less than \$10,537,000 for State*

1 *assistance grants: Provided, That notwithstanding 31*
2 *U.S.C. 3302, not to exceed \$750,000 may be collected by*
3 *the National Mine Health and Safety Academy for room,*
4 *board, tuition, and the sale of training materials, otherwise*
5 *authorized by law to be collected, to be available for mine*
6 *safety and health education and training activities: Pro-*
7 *vided further, That notwithstanding 31 U.S.C. 3302, the*
8 *Mine Safety and Health Administration is authorized to*
9 *collect and retain up to \$2,499,000 from fees collected for*
10 *the approval and certification of equipment, materials, and*
11 *explosives for use in mines, and may utilize such sums for*
12 *such activities: Provided further, That the Secretary is au-*
13 *thorized to accept lands, buildings, equipment, and other*
14 *contributions from public and private sources and to pros-*
15 *ecute projects in cooperation with other agencies, Federal,*
16 *State, or private: Provided further, That the Mine Safety*
17 *and Health Administration is authorized to promote health*
18 *and safety education and training in the mining commu-*
19 *nity through cooperative programs with States, industry,*
20 *and safety associations: Provided further, That the Sec-*
21 *retary is authorized to recognize the Joseph A. Holmes Safe-*
22 *ty Association as a principal safety association and, not-*
23 *withstanding any other provision of law, may provide*
24 *funds and, with or without reimbursement, personnel, in-*
25 *cluding service of Mine Safety and Health Administration*

1 *officials as officers in local chapters or in the national orga-*
2 *nization: Provided further, That any funds available to the*
3 *Department of Labor may be used, with the approval of*
4 *the Secretary, to provide for the costs of mine rescue and*
5 *survival operations in the event of a major disaster.*

6 *BUREAU OF LABOR STATISTICS*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses for the Bureau of Labor Statis-*
9 *tics, including advances or reimbursements to State, Fed-*
10 *eral, and local agencies and their employees for services ren-*
11 *dered, \$587,000,000, together with not to exceed \$68,000,000*
12 *which may be expended from the Employment Security Ad-*
13 *ministration account in the Unemployment Trust Fund.*

14 *Within this amount, \$13,000,000 to remain available*
15 *until September 30, 2024, for costs associated with the phys-*
16 *ical move of the Bureau of Labor Statistics' headquarters,*
17 *including replication of space, furniture, fixtures, equip-*
18 *ment, and related costs, as well as relocation of the data*
19 *center to a shared facility.*

20 *OFFICE OF DISABILITY EMPLOYMENT POLICY*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses for the Office of Disability Em-*
23 *ployment Policy to provide leadership, develop policy and*
24 *initiatives, and award grants furthering the objective of*

1 *eliminating barriers to the training and employment of*
2 *people with disabilities, \$38,500,000.*

3 *DEPARTMENTAL MANAGEMENT*

4 *SALARIES AND EXPENSES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses for Departmental Management,*
7 *including the hire of three passenger motor vehicles,*
8 *\$349,056,000, together with not to exceed \$308,000, which*
9 *may be expended from the Employment Security Adminis-*
10 *tration account in the Unemployment Trust Fund: Pro-*
11 *vided, That \$67,325,000 for the Bureau of International*
12 *Labor Affairs shall be available for obligation through De-*
13 *cember 31, 2021: Provided further, That funds available to*
14 *the Bureau of International Labor Affairs may be used to*
15 *administer or operate international labor activities, bilat-*
16 *eral and multilateral technical assistance, and micro-*
17 *finance programs, by or through contracts, grants, sub-*
18 *grants and other arrangements: Provided further, That not*
19 *more than \$53,825,000 shall be for programs to combat ex-*
20 *ploitative child labor internationally and not less than*
21 *\$13,500,000 shall be used to implement model programs*
22 *that address worker rights issues through technical assist-*
23 *ance in countries with which the United States has free*
24 *trade agreements or trade preference programs: Provided*
25 *further, That \$8,040,000 shall be used for program evalua-*

1 *tion and shall be available for obligation through September*
2 *30, 2022: Provided further, That funds available for pro-*
3 *gram evaluation may be used to administer grants for the*
4 *purpose of evaluation: Provided further, That grants made*
5 *for the purpose of evaluation shall be awarded through fair*
6 *and open competition: Provided further, That funds avail-*
7 *able for program evaluation may be transferred to any*
8 *other appropriate account in the Department for such pur-*
9 *pose: Provided further, That the Committees on Appropria-*
10 *tions of the House of Representatives and the Senate are*
11 *notified at least 15 days in advance of any transfer: Pro-*
12 *vided further, That the funds available to the Women's Bu-*
13 *reau may be used for grants to serve and promote the inter-*
14 *ests of women in the workforce: Provided further, That of*
15 *the amounts made available to the Women's Bureau, not*
16 *less than \$1,794,000 shall be used for grants authorized by*
17 *the Women in Apprenticeship and Nontraditional Occupa-*
18 *tions Act.*

19 *VETERANS' EMPLOYMENT AND TRAINING*

20 *Not to exceed \$258,841,000 may be derived from the*
21 *Employment Security Administration account in the Un-*
22 *employment Trust Fund to carry out the provisions of*
23 *chapters 41, 42, and 43 of title 38, United States Code, of*
24 *which—*

1 (1) \$180,000,000 is for Jobs for Veterans State
2 grants under 38 U.S.C. 4102A(b)(5) to support dis-
3 abled veterans' outreach program specialists under
4 section 4103A of such title and local veterans' employ-
5 ment representatives under section 4104(b) of such
6 title, and for the expenses described in section
7 4102A(b)(5)(C), which shall be available for expendi-
8 ture by the States through September 30, 2023, and
9 not to exceed 3 percent for the necessary Federal ex-
10 penditures for data systems and contract support to
11 allow for the tracking of participant and performance
12 information: Provided, That, in addition, such funds
13 may be used to support such specialists and rep-
14 resentatives in the provision of services to
15 transitioning members of the Armed Forces who have
16 participated in the Transition Assistance Program
17 and have been identified as in need of intensive serv-
18 ices, to members of the Armed Forces who are wound-
19 ed, ill, or injured and receiving treatment in military
20 treatment facilities or warrior transition units, and
21 to the spouses or other family caregivers of such
22 wounded, ill, or injured members;

23 (2) \$31,379,000 is for carrying out the Transi-
24 tion Assistance Program under 38 U.S.C. 4113 and
25 10 U.S.C. 1144;

1 (3) \$44,048,000 is for Federal administration of
2 chapters 41, 42, and 43 of title 38, and sections 2021,
3 2021A and 2023 of title 38, United States Code: Pro-
4 vided, That, up to \$500,000 may be used to carry out
5 the Hire VETS Act (division O of Public Law 115–
6 31); and

7 (4) \$3,414,000 is for the National Veterans' Em-
8 ployment and Training Services Institute under 38
9 U.S.C. 4109:

10 *Provided, That the Secretary may reallocate among the ap-*
11 *propriations provided under paragraphs (1) through (4)*
12 *above an amount not to exceed 3 percent of the appropria-*
13 *tion from which such reallocation is made.*

14 *In addition, from the General Fund of the Treasury,*
15 *\$57,500,000 is for carrying out programs to assist homeless*
16 *veterans and veterans at risk of homelessness who are*
17 *transitioning from certain institutions under sections 2021,*
18 *2021A, and 2023 of title 38, United States Code: Provided,*
19 *That notwithstanding subsections (c)(3) and (d) of section*
20 *2023, the Secretary may award grants through September*
21 *30, 2021, to provide services under such section: Provided*
22 *further, That services provided under sections 2021 or*
23 *under 2021A may include, in addition to services to home-*
24 *less veterans described in section 2002(a)(1), services to vet-*
25 *erans who were homeless at some point within the 60 days*

1 *prior to program entry or veterans who are at risk of home-*
2 *lessness within the next 60 days, and that services provided*
3 *under section 2023 may include, in addition to services to*
4 *the individuals described in subsection (e) of such section,*
5 *services to veterans recently released from incarceration who*
6 *are at risk of homelessness: Provided further, That notwith-*
7 *standing paragraph (3) under this heading, funds appro-*
8 *priated in this paragraph may be used for data systems*
9 *and contract support to allow for the tracking of partici-*
10 *pant and performance information: Provided further, That*
11 *notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title*
12 *38, United States Code, such funds shall be available for*
13 *expenditure pursuant to 31 U.S.C. 1553.*

14 *In addition, fees may be assessed and deposited in the*
15 *HIRE Vets Medallion Award Fund pursuant to section 5(b)*
16 *of the HIRE Vets Act, and such amounts shall be available*
17 *to the Secretary to carry out the HIRE Vets Medallion*
18 *Award Program, as authorized by such Act, and shall re-*
19 *main available until expended: Provided, That such sums*
20 *shall be in addition to any other funds available for such*
21 *purposes, including funds available under paragraph (3)*
22 *of this heading: Provided further, That section 2(d) of divi-*
23 *sion O of the Consolidated Appropriations Act, 2017 (Pub-*
24 *lic Law 115–31; 38 U.S.C. 4100 note) shall not apply.*

1 *IT MODERNIZATION*

2 *For necessary expenses for Department of Labor cen-*
3 *tralized infrastructure technology investment activities re-*
4 *lated to support systems and modernization, \$27,269,000,*
5 *which shall be available through September 30, 2022.*

6 *OFFICE OF INSPECTOR GENERAL*

7 *For salaries and expenses of the Office of Inspector*
8 *General in carrying out the provisions of the Inspector Gen-*
9 *eral Act of 1978, \$85,187,000, together with not to exceed*
10 *\$5,660,000 which may be expended from the Employment*
11 *Security Administration account in the Unemployment*
12 *Trust Fund.*

13 *GENERAL PROVISIONS*

14 *SEC. 101. None of the funds appropriated by this Act*
15 *for the Job Corps shall be used to pay the salary and bo-*
16 *nuses of an individual, either as direct costs or any prora-*
17 *tion as an indirect cost, at a rate in excess of Executive*
18 *Level II.*

19 *(TRANSFER OF FUNDS)*

20 *SEC. 102. Not to exceed 1 percent of any discretionary*
21 *funds (pursuant to the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985) which are appropriated for the*
23 *current fiscal year for the Department of Labor in this Act*
24 *may be transferred between a program, project, or activity,*
25 *but no such program, project, or activity shall be increased*

1 *by more than 3 percent by any such transfer: Provided,*
2 *That the transfer authority granted by this section shall not*
3 *be used to create any new program or to fund any project*
4 *or activity for which no funds are provided in this Act:*
5 *Provided further, That the Committees on Appropriations*
6 *of the House of Representatives and the Senate are notified*
7 *at least 15 days in advance of any transfer.*

8 *SEC. 103. In accordance with Executive Order 13126,*
9 *none of the funds appropriated or otherwise made available*
10 *pursuant to this Act shall be obligated or expended for the*
11 *procurement of goods mined, produced, manufactured, or*
12 *harvested or services rendered, in whole or in part, by forced*
13 *or indentured child labor in industries and host countries*
14 *already identified by the United States Department of*
15 *Labor prior to enactment of this Act.*

16 *SEC. 104. Except as otherwise provided in this section,*
17 *none of the funds made available to the Department of*
18 *Labor for grants under section 414(c) of the American Com-*
19 *petitiveness and Workforce Improvement Act of 1998 (29*
20 *U.S.C. 2916a) may be used for any purpose other than com-*
21 *petitive grants for training individuals who are older than*
22 *16 years of age and are not currently enrolled in school*
23 *within a local educational agency in the occupations and*
24 *industries for which employers are using H-1B visas to*

1 *formed by Federal employees: Provided, That this section*
2 *shall not apply to section 171 of the WIOA.*

3 *(b) Notwithstanding section 102, the Secretary may*
4 *transfer not more than 0.5 percent of each discretionary ap-*
5 *propriation made available to the Employment and Train-*
6 *ing Administration by this Act to “Program Administra-*
7 *tion” in order to carry out program integrity activities re-*
8 *lating to any of the programs or activities that are funded*
9 *under any such discretionary appropriations: Provided,*
10 *That notwithstanding section 102 and the preceding pro-*
11 *viso, the Secretary may transfer not more than 0.5 percent*
12 *of funds made available in paragraphs (1) and (2) of the*
13 *“Office of Job Corps” account to paragraph (3) of such ac-*
14 *count to carry out program integrity activities related to*
15 *the Job Corps program: Provided further, That funds trans-*
16 *ferred under the authority provided by this subsection shall*
17 *be available for obligation through September 30, 2022.*

18 *(TRANSFER OF FUNDS)*

19 *SEC. 107. (a) The Secretary may reserve not more*
20 *than 0.75 percent from each appropriation made available*
21 *in this Act identified in subsection (b) in order to carry*
22 *out evaluations of any of the programs or activities that*
23 *are funded under such accounts. Any funds reserved under*
24 *this section shall be transferred to “Departmental Manage-*
25 *ment” for use by the Office of the Chief Evaluation Officer*

1 *within the Department of Labor, and shall be available for*
2 *obligation through September 30, 2022: Provided, That such*
3 *funds shall only be available if the Chief Evaluation Officer*
4 *of the Department of Labor submits a plan to the Commit-*
5 *tees on Appropriations of the House of Representatives and*
6 *the Senate describing the evaluations to be carried out 15*
7 *days in advance of any transfer.*

8 *(b) The accounts referred to in subsection (a) are:*
9 *“Training and Employment Services”, “Job Corps”, “Com-*
10 *munity Service Employment for Older Americans”, “State*
11 *Unemployment Insurance and Employment Service Oper-*
12 *ations”, “Employee Benefits Security Administration”,*
13 *“Office of Workers’ Compensation Programs”, “Wage and*
14 *Hour Division”, “Office of Federal Contract Compliance*
15 *Programs”, “Office of Labor Management Standards”, “Oc-*
16 *cupational Safety and Health Administration”, “Mine*
17 *Safety and Health Administration”, “Office of Disability*
18 *Employment Policy”, funding made available to the “Bu-*
19 *reau of International Labor Affairs” and “Women’s Bu-*
20 *reau” within the “Departmental Management, Salaries and*
21 *Expenses” account, and “Veterans’ Employment and*
22 *Training”.*

23 *SEC. 108. (a) Section 7 of the Fair Labor Standards*
24 *Act of 1938 (29 U.S.C. 207) shall be applied as if the fol-*
25 *lowing text is part of such section:*

1 “(s)(1) *The provisions of this section shall not apply*
2 *for a period of 2 years after the occurrence of a major dis-*
3 *aster to any employee—*

4 “(A) *employed to adjust or evaluate claims*
5 *resulting from or relating to such major disaster,*
6 *by an employer not engaged, directly or through*
7 *an affiliate, in underwriting, selling, or mar-*
8 *keting property, casualty, or liability insurance*
9 *policies or contracts;*

10 “(B) *who receives from such employer on*
11 *average weekly compensation of not less than*
12 *\$591.00 per week or any minimum weekly*
13 *amount established by the Secretary, whichever*
14 *is greater, for the number of weeks such employee*
15 *is engaged in any of the activities described in*
16 *subparagraph (C); and*

17 “(C) *whose duties include any of the fol-*
18 *lowing:*

19 “(i) *interviewing insured individuals,*
20 *individuals who suffered injuries or other*
21 *damages or losses arising from or relating*
22 *to a disaster, witnesses, or physicians;*

23 “(ii) *inspecting property damage or re-*
24 *viewing factual information to prepare*
25 *damage estimates;*

1 “(iii) evaluating and making rec-
2 ommendations regarding coverage or com-
3 pensability of claims or determining liabil-
4 ity or value aspects of claims;

5 “(iv) negotiating settlements; or

6 “(v) making recommendations regard-
7 ing litigation.

8 “(2) The exemption in this subsection shall not
9 affect the exemption provided by section 13(a)(1).

10 “(3) For purposes of this subsection—

11 “(A) the term ‘major disaster’ means any
12 disaster or catastrophe declared or designated by
13 any State or Federal agency or department;

14 “(B) the term ‘employee employed to adjust
15 or evaluate claims resulting from or relating to
16 such major disaster’ means an individual who
17 timely secured or secures a license required by
18 applicable law to engage in and perform the ac-
19 tivities described in clauses (i) through (v) of
20 paragraph (1)(C) relating to a major disaster,
21 and is employed by an employer that maintains
22 worker compensation insurance coverage or pro-
23 tection for its employees, if required by applica-
24 ble law, and withholds applicable Federal, State,
25 and local income and payroll taxes from the

1 wages, salaries and any benefits of such employ-
2 ees; and

3 “(C) the term ‘affiliate’ means a company
4 that, by reason of ownership or control of 25 per-
5 cent or more of the outstanding shares of any
6 class of voting securities of one or more compa-
7 nies, directly or indirectly, controls, is controlled
8 by, or is under common control with, another
9 company.”.

10 (b) This section shall be effective on the date of enact-
11 ment of this Act.

12 SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE
13 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
14 SEAFOOD INDUSTRY.—

15 (1) IN GENERAL.—Subject to paragraph (2), if a
16 petition for H-2B nonimmigrants filed by an em-
17 ployer in the seafood industry is granted, the em-
18 ployer may bring the nonimmigrants described in the
19 petition into the United States at any time during
20 the 120-day period beginning on the start date for
21 which the employer is seeking the services of the non-
22 immigrants without filing another petition.

23 (2) REQUIREMENTS FOR CROSSINGS AFTER 90TH
24 DAY.—An employer in the seafood industry may not
25 bring H-2B nonimmigrants into the United States

1 *after the date that is 90 days after the start date for*
2 *which the employer is seeking the services of the non-*
3 *immigrants unless the employer—*

4 *(A) completes a new assessment of the local*
5 *labor market by—*

6 *(i) listing job orders in local news-*
7 *papers on 2 separate Sundays; and*

8 *(ii) posting the job opportunity on the*
9 *appropriate Department of Labor Elec-*
10 *tronic Job Registry and at the employer's*
11 *place of employment; and*

12 *(B) offers the job to an equally or better*
13 *qualified United States worker who—*

14 *(i) applies for the job; and*

15 *(ii) will be available at the time and*
16 *place of need.*

17 *(3) EXEMPTION FROM RULES WITH RESPECT TO*
18 *STAGGERING.—The Secretary of Labor shall not con-*
19 *sider an employer in the seafood industry who brings*
20 *H-2B nonimmigrants into the United States during*
21 *the 120-day period specified in paragraph (1) to be*
22 *staggering the date of need in violation of section*
23 *655.20(d) of title 20, Code of Federal Regulations, or*
24 *any other applicable provision of law.*

1 **(b) H-2B NONIMMIGRANTS DEFINED.**—*In this section,*
2 *the term “H-2B nonimmigrants” means aliens admitted*
3 *to the United States pursuant to section*
4 *101(a)(15)(H)(ii)(B) of the Immigration and Nationality*
5 *Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).*

6 **SEC. 110.** *The determination of prevailing wage for*
7 *the purposes of the H-2B program shall be the greater of—*
8 *(1) the actual wage level paid by the employer to other em-*
9 *ployees with similar experience and qualifications for such*
10 *position in the same location; or (2) the prevailing wage*
11 *level for the occupational classification of the position in*
12 *the geographic area in which the H-2B nonimmigrant will*
13 *be employed, based on the best information available at the*
14 *time of filing the petition. In the determination of pre-*
15 *vailing wage for the purposes of the H-2B program, the*
16 *Secretary shall accept private wage surveys even in in-*
17 *stances where Occupational Employment Statistics survey*
18 *data are available unless the Secretary determines that the*
19 *methodology and data in the provided survey are not statis-*
20 *tically supported.*

21 **SEC. 111.** *None of the funds in this Act shall be used*
22 *to enforce the definition of corresponding employment found*
23 *in 20 CFR 655.5 or the three-fourths guarantee rule defini-*
24 *tion found in 20 CFR 655.20, or any references thereto.*
25 *Further, for the purpose of regulating admission of tem-*

1 *porary workers under the H-2B program, the definition of*
2 *temporary need shall be that provided in 8 CFR*
3 *214.2(h)(6)(ii)(B).*

4 *SEC. 112. Notwithstanding any other provision of law,*
5 *the Secretary may furnish through grants, cooperative*
6 *agreements, contracts, and other arrangements, up to*
7 *\$2,000,000 of excess personal property, at a value deter-*
8 *mined by the Secretary, to apprenticeship programs for the*
9 *purpose of training apprentices in those programs.*

10 *SEC. 113. (a) The Act entitled “An Act to create a*
11 *Department of Labor”, approved March 4, 1913 (37 Stat.*
12 *736, chapter 141) shall be applied as if the following text*
13 *is part of such Act:*

14 **“SEC. 12. SECURITY DETAIL.**

15 *“(a) IN GENERAL.—The Secretary of Labor is author-*
16 *ized to employ law enforcement officers or special agents*
17 *to—*

18 *“(1) provide protection for the Secretary of*
19 *Labor during the workday of the Secretary and dur-*
20 *ing any activity that is preliminary or postliminary*
21 *to the performance of official duties by the Secretary;*

22 *“(2) provide protection, incidental to the protec-*
23 *tion provided to the Secretary, to a member of the im-*
24 *mediate family of the Secretary who is participating*

1 *in an activity or event relating to the official duties*
2 *of the Secretary;*

3 *“(3) provide continuous protection to the Sec-*
4 *retary (including during periods not described in*
5 *paragraph (1)) and to the members of the immediate*
6 *family of the Secretary if there is a unique and*
7 *articulable threat of physical harm, in accordance*
8 *with guidelines established by the Secretary; and*

9 *“(4) provide protection to the Deputy Secretary*
10 *of Labor or another senior officer representing the*
11 *Secretary of Labor at a public event if there is a*
12 *unique and articulable threat of physical harm, in*
13 *accordance with guidelines established by the Sec-*
14 *retary.*

15 *“(b) AUTHORITIES.—The Secretary of Labor may au-*
16 *thorize a law enforcement officer or special agent employed*
17 *under subsection (a), for the purpose of performing the du-*
18 *ties authorized under subsection (a), to—*

19 *“(1) carry firearms;*

20 *“(2) make arrests without a warrant for any of-*
21 *fense against the United States committed in the*
22 *presence of such officer or special agent;*

23 *“(3) perform protective intelligence work, includ-*
24 *ing identifying and mitigating potential threats and*

1 *conducting advance work to review security matters*
2 *relating to sites and events;*

3 “(4) *coordinate with local law enforcement agen-*
4 *cies; and*

5 “(5) *initiate criminal and other investigations*
6 *into potential threats to the security of the Secretary,*
7 *in coordination with the Inspector General of the De-*
8 *partment of Labor.*

9 “(c) *COMPLIANCE WITH GUIDELINES.—A law enforce-*
10 *ment officer or special agent employed under subsection (a)*
11 *shall exercise any authority provided under this section in*
12 *accordance with any—*

13 “(1) *guidelines issued by the Attorney General;*
14 *and*

15 “(2) *guidelines prescribed by the Secretary of*
16 *Labor.”.*

17 “(b) *This section shall be effective on the date of enact-*
18 *ment of this Act.*

19 *SEC. 114. The Secretary is authorized to dispose of or*
20 *divest, by any means the Secretary determines appropriate,*
21 *including an agreement or partnership to construct a new*
22 *Job Corps center, all or a portion of the real property on*
23 *which the Treasure Island Job Corps Center is situated.*
24 *Any sale or other disposition will not be subject to any re-*
25 *quirement of any Federal law or regulation relating to the*

1 *disposition of Federal real property, including but not lim-*
2 *ited to subchapter III of chapter 5 of title 40 of the United*
3 *States Code and subchapter V of chapter 119 of title 42*
4 *of the United States Code. The net proceeds of such a sale*
5 *shall be transferred to the Secretary, which shall be avail-*
6 *able until expended to carry out the Job Corps Program*
7 *on Treasure Island.*

8 (RESCISSION)

9 SEC. 115. (a) *Of the unobligated funds available under*
10 *section 286(s) of the Immigration and Nationality Act (8*
11 *U.S.C. 1356(s)) in an amount that is equal to the amount*
12 *that became available on October 1, 2020, pursuant to the*
13 *temporary rescission in section 115 of division A of the*
14 *Further Consolidated Appropriations Act, 2020 (Public*
15 *Law 116–94), \$150,000,000 are hereby permanently re-*
16 *scinded, as follows: \$75,000,000 from the unobligated funds*
17 *available under section 286(s)(2) of such Act; \$45,000,000*
18 *from the unobligated funds available under section*
19 *286(s)(3) of such Act; \$15,000,000 from the unobligated*
20 *funds available under section 286(s)(4) of such Act;*
21 *\$7,500,000 from the unobligated funds available under sec-*
22 *tion 286(s)(5) of such Act; and \$7,500,000 from the unobli-*
23 *gated funds available under section 286(s)(6) of such Act.*
24 (b) *Of the unobligated funds available under section*
25 *286(s)(2) of the Immigration and Nationality Act (8 U.S.C.*

1 1356(s)(2)), and in addition to the amounts rescinded in
2 subsection (a), \$285,000,000 are hereby permanently re-
3 scinded not later than September 30, 2021.

4 *SEC. 116. None of the funds made available by this*
5 *Act may be used to—*

6 *(1) alter or terminate the Interagency Agreement*
7 *between the United States Department of Labor and*
8 *the United States Department of Agriculture; or*

9 *(2) close any of the Civilian Conservation Cen-*
10 *ters, except if such closure is necessary to prevent the*
11 *endangerment of the health and safety of the students,*
12 *the capacity of the program is retained, and the re-*
13 *quirements of section 159(j) of the WIOA are met.*

14 *SEC. 117. Paragraph (1) under the heading “Depart-*
15 *ment of Labor—Veterans Employment and Training” of*
16 *title I of division A of Public Law 116–94 is amended by*
17 *striking “obligation by the States through December 31,*
18 *2020” and inserting “expenditure by the States through*
19 *September 30, 2022”.*

20 *SEC. 118. The amounts provided by the first proviso*
21 *following paragraph (6) under the heading “Department of*
22 *Labor—Employment and Training Administration—State*
23 *Unemployment Insurance and Employment Service Oper-*
24 *ations” in title I of this Act are designated by the Congress*
25 *as being for an emergency requirement pursuant to section*

1 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985.*

3 *This title may be cited as the “Department of Labor*
4 *Appropriations Act, 2021”.*

5 *TITLE II*

6 *DEPARTMENT OF HEALTH AND HUMAN*

7 *SERVICES*

8 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

9 *PRIMARY HEALTH CARE*

10 *For carrying out titles II and III of the Public Health*
11 *Service Act (referred to in this Act as the “PHS Act”) with*
12 *respect to primary health care and the Native Hawaiian*
13 *Health Care Act of 1988, \$1,683,772,000: Provided, That*
14 *no more than \$1,000,000 shall be available until expended*
15 *for carrying out the provisions of section 224(o) of the PHS*
16 *Act: Provided further, That no more than \$120,000,000*
17 *shall be available until expended for carrying out sub-*
18 *sections (g) through (n) and (q) of section 224 of the PHS*
19 *Act, and for expenses incurred by the Department of Health*
20 *and Human Services (referred to in this Act as “HHS”)*
21 *pertaining to administrative claims made under such law.*

22 *HEALTH WORKFORCE*

23 *For carrying out titles III, VII, and VIII of the PHS*
24 *Act with respect to the health workforce, sections 1128E and*
25 *1921 of the Social Security Act, and the Health Care Qual-*

1 *ity Improvement Act of 1986, \$1,224,006,000: Provided,*
2 *That sections 751(j)(2) and 762(k) of the PHS Act and the*
3 *proportional funding amounts in paragraphs (1) through*
4 *(4) of section 756(f) of the PHS Act shall not apply to funds*
5 *made available under this heading: Provided further, That*
6 *for any program operating under section 751 of the PHS*
7 *Act on or before January 1, 2009, the Secretary of Health*
8 *and Human Services (referred to in this title as the “Sec-*
9 *retary”) may hereafter waive any of the requirements con-*
10 *tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such*
11 *Act for the full project period of a grant under such section:*
12 *Provided further, That no funds shall be available for sec-*
13 *tion 340G–1 of the PHS Act: Provided further, That fees*
14 *collected for the disclosure of information under section*
15 *427(b) of the Health Care Quality Improvement Act of 1986*
16 *and sections 1128E(d)(2) and 1921 of the Social Security*
17 *Act shall be sufficient to recover the full costs of operating*
18 *the programs authorized by such sections and shall remain*
19 *available until expended for the National Practitioner Data*
20 *Bank: Provided further, That funds transferred to this ac-*
21 *count to carry out section 846 and subpart 3 of part D*
22 *of title III of the PHS Act may be used to make prior year*
23 *adjustments to awards made under such section and sub-*
24 *part: Provided further, That \$120,000,000 shall remain*
25 *available until expended for the purposes of providing pri-*

1 *mary health services, assigning National Health Service*
2 *Corps (“NHSC”) members to expand the delivery of sub-*
3 *stance use disorder treatment services, notwithstanding the*
4 *assignment priorities and limitations under sections*
5 *333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS*
6 *Act, and making payments under the NHSC Loan Repay-*
7 *ment Program under section 338B of such Act: Provided*
8 *further, That, within the amount made available in the pre-*
9 *vious proviso, \$15,000,000 shall remain available until ex-*
10 *pended for the purposes of making payments under the*
11 *NHSC Loan Repayment Program under section 338B of*
12 *the PHS Act to individuals participating in such program*
13 *who provide primary health services in Indian Health*
14 *Service facilities, Tribally-Operated 638 Health Programs,*
15 *and Urban Indian Health Programs (as those terms are*
16 *defined by the Secretary), notwithstanding the assignment*
17 *priorities and limitations under section 333(b) of such Act:*
18 *Provided further, That for purposes of the previous two pro-*
19 *visos, section 331(a)(3)(D) of the PHS Act shall be applied*
20 *as if the term “primary health services” includes clinical*
21 *substance use disorder treatment services, including those*
22 *provided by masters level, licensed substance use disorder*
23 *treatment counselors: Provided further, That of the funds*
24 *made available under this heading, \$5,000,000 shall be*
25 *available to make grants to establish or expand optional*

1 *community-based nurse practitioner fellowship programs*
2 *that are accredited or in the accreditation process, with a*
3 *preference for those in Federally Qualified Health Centers,*
4 *for practicing postgraduate nurse practitioners in primary*
5 *care or behavioral health.*

6 *Of the funds made available under this heading,*
7 *\$50,000,000 shall remain available until expended for*
8 *grants to public institutions of higher education to expand*
9 *or support graduate education for physicians provided by*
10 *such institutions: Provided, That, in awarding such grants,*
11 *the Secretary shall give priority to public institutions of*
12 *higher education located in States with a projected primary*
13 *care provider shortage in 2025, as determined by the Sec-*
14 *retary: Provided further, That grants so awarded are lim-*
15 *ited to such public institutions of higher education in States*
16 *in the top quintile of States with a projected primary care*
17 *provider shortage in 2025, as determined by the Secretary:*
18 *Provided further, That the minimum amount of a grant*
19 *so awarded to such an institution shall be not less than*
20 *\$1,000,000 per year: Provided further, That such a grant*
21 *may be awarded for a period not to exceed 5 years: Provided*
22 *further, That amounts made available in this paragraph*
23 *shall be awarded as supplemental grants to recipients of*
24 *grants awarded for this purpose in fiscal years 2019 and*
25 *2020, pursuant to the terms and conditions of each institu-*

1 *tion's initial grant agreement, in an amount for each insti-*
2 *tution that will result in every institution being awarded*
3 *the same total grant amount over fiscal years 2019 through*
4 *2021, provided the institution can justify the expenditure*
5 *of such funds: Provided further, That such a grant awarded*
6 *with respect to a year to such an institution shall be subject*
7 *to a matching requirement of non-Federal funds in an*
8 *amount that is not less than 10 percent of the total amount*
9 *of Federal funds provided in the grant to such institution*
10 *with respect to such year.*

11 *MATERNAL AND CHILD HEALTH*

12 *For carrying out titles III, XI, XII, and XIX of the*
13 *PHS Act with respect to maternal and child health and*
14 *title V of the Social Security Act, \$975,284,000: Provided,*
15 *That notwithstanding sections 502(a)(1) and 502(b)(1) of*
16 *the Social Security Act, not more than \$139,116,000 shall*
17 *be available for carrying out special projects of regional and*
18 *national significance pursuant to section 501(a)(2) of such*
19 *Act and \$10,276,000 shall be available for projects described*
20 *in subparagraphs (A) through (F) of section 501(a)(3) of*
21 *such Act.*

22 *RYAN WHITE HIV/AIDS PROGRAM*

23 *For carrying out title XXVI of the PHS Act with re-*
24 *spect to the Ryan White HIV/AIDS program,*
25 *\$2,423,781,000, of which \$1,970,881,000 shall remain*

1 *available to the Secretary through September 30, 2023, for*
2 *parts A and B of title XXVI of the PHS Act, and of which*
3 *not less than \$900,313,000 shall be for State AIDS Drug*
4 *Assistance Programs under the authority of section 2616*
5 *or 311(c) of such Act; and of which \$105,000,000, to remain*
6 *available until expended, shall be available to the Secretary*
7 *for carrying out a program of grants and contracts under*
8 *title XXVI or section 311(c) of such Act focused on ending*
9 *the nationwide HIV/AIDS epidemic, with any grants*
10 *issued under such section 311(c) administered in conjunc-*
11 *tion with title XXVI of the PHS Act, including the limita-*
12 *tion on administrative expenses.*

13 *HEALTH CARE SYSTEMS*

14 *For carrying out titles III and XII of the PHS Act*
15 *with respect to health care systems, and the Stem Cell*
16 *Therapeutic and Research Act of 2005, \$129,093,000, of*
17 *which \$122,000 shall be available until expended for facili-*
18 *ties renovations at the Gillis W. Long Hansen's Disease*
19 *Center.*

20 *RURAL HEALTH*

21 *For carrying out titles III and IV of the PHS Act with*
22 *respect to rural health, section 427(a) of the Federal Coal*
23 *Mine Health and Safety Act of 1969, and sections 711 and*
24 *1820 of the Social Security Act, \$329,519,000, of which*
25 *\$55,609,000 from general revenues, notwithstanding section*

1 1820(j) of the Social Security Act, shall be available for
2 carrying out the Medicare rural hospital flexibility grants
3 program: Provided, That of the funds made available under
4 this heading for Medicare rural hospital flexibility grants,
5 \$20,942,000 shall be available for the Small Rural Hospital
6 Improvement Grant Program for quality improvement and
7 adoption of health information technology and up to
8 \$1,000,000 shall be to carry out section 1820(g)(6) of the
9 Social Security Act, with funds provided for grants under
10 section 1820(g)(6) available for the purchase and imple-
11 mentation of telehealth services, including pilots and dem-
12 onstrations on the use of electronic health records to coordi-
13 nate rural veterans care between rural providers and the
14 Department of Veterans Affairs electronic health record sys-
15 tem: Provided further, That notwithstanding section
16 338J(k) of the PHS Act, \$12,500,000 shall be available for
17 State Offices of Rural Health: Provided further, That
18 \$10,500,000 shall remain available through September 30,
19 2023, to support the Rural Residency Development Pro-
20 gram: Provided further, That \$110,000,000 shall be for the
21 Rural Communities Opioids Response Program.

22 *FAMILY PLANNING*

23 *For carrying out the program under title X of the PHS*
24 *Act to provide for voluntary family planning projects,*
25 *\$286,479,000: Provided, That amounts provided to said*

1 *projects under such title shall not be expended for abortions,*
2 *that all pregnancy counseling shall be nondirective, and*
3 *that such amounts shall not be expended for any activity*
4 *(including the publication or distribution of literature) that*
5 *in any way tends to promote public support or opposition*
6 *to any legislative proposal or candidate for public office.*

7 *PROGRAM MANAGEMENT*

8 *For program support in the Health Resources and*
9 *Services Administration, \$155,300,000: Provided, That*
10 *funds made available under this heading may be used to*
11 *supplement program support funding provided under the*
12 *headings “Primary Health Care”, “Health Workforce”,*
13 *“Maternal and Child Health”, “Ryan White HIV/AIDS*
14 *Program”, “Health Care Systems”, and “Rural Health”.*

15 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

16 *For payments from the Vaccine Injury Compensation*
17 *Program Trust Fund (the “Trust Fund”), such sums as*
18 *may be necessary for claims associated with vaccine-related*
19 *injury or death with respect to vaccines administered after*
20 *September 30, 1988, pursuant to subtitle 2 of title XXI of*
21 *the PHS Act, to remain available until expended: Provided,*
22 *That for necessary administrative expenses, not to exceed*
23 *\$11,200,000 shall be available from the Trust Fund to the*
24 *Secretary.*

1 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

2 *IMMUNIZATION AND RESPIRATORY DISEASES*

3 *For carrying out titles II, III, XVII, and XXI, and*
4 *section 2821 of the PHS Act, titles II and IV of the Immi-*
5 *gration and Nationality Act, and section 501 of the Refugee*
6 *Education Assistance Act, with respect to immunization*
7 *and respiratory diseases, \$448,805,000.*

8 *HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED*

9 *DISEASES, AND TUBERCULOSIS PREVENTION*

10 *For carrying out titles II, III, XVII, and XXIII of the*
11 *PHS Act with respect to HIV/AIDS, viral hepatitis, sexu-*
12 *ally transmitted diseases, and tuberculosis prevention,*
13 *\$1,314,056,000.*

14 *EMERGING AND ZOOONOTIC INFECTIOUS DISEASES*

15 *For carrying out titles II, III, and XVII, and section*
16 *2821 of the PHS Act, titles II and IV of the Immigration*
17 *and Nationality Act, and section 501 of the Refugee Edu-*
18 *cation Assistance Act, with respect to emerging and zoonotic*
19 *infectious diseases, \$596,272,000: Provided, That of the*
20 *amounts made available under this heading, up to*
21 *\$1,000,000 shall remain available until expended to pay for*
22 *the transportation, medical care, treatment, and other re-*
23 *lated costs of persons quarantined or isolated under Federal*
24 *or State quarantine law.*

1 *CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION*

2 *For carrying out titles II, III, XI, XV, XVII, and XIX*
3 *of the PHS Act with respect to chronic disease prevention*
4 *and health promotion, \$1,021,714,000: Provided, That*
5 *funds made available under this heading may be available*
6 *for making grants under section 1509 of the PHS Act for*
7 *not less than 21 States, tribes, or tribal organizations: Pro-*
8 *vided further, That of the funds made available under this*
9 *heading, \$15,000,000 shall be available to continue and ex-*
10 *pand community specific extension and outreach programs*
11 *to combat obesity in counties with the highest levels of obe-*
12 *sity: Provided further, That the proportional funding re-*
13 *quirements under section 1503(a) of the PHS Act shall not*
14 *apply to funds made available under this heading.*

15 *BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,*

16 *DISABILITIES AND HEALTH*

17 *For carrying out titles II, III, XI, and XVII of the*
18 *PHS Act with respect to birth defects, developmental dis-*
19 *abilities, disabilities and health, \$167,810,000.*

20 *PUBLIC HEALTH SCIENTIFIC SERVICES*

21 *For carrying out titles II, III, and XVII of the PHS*
22 *Act with respect to health statistics, surveillance, health*
23 *informatics, and workforce development, \$591,997,000.*

1 ENVIRONMENTAL HEALTH

2 *For carrying out titles II, III, and XVII of the PHS*
3 *Act with respect to environmental health, \$205,850,000.*

4 INJURY PREVENTION AND CONTROL

5 *For carrying out titles II, III, and XVII of the PHS*
6 *Act with respect to injury prevention and control,*
7 *\$682,879,000.*

8 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
9 HEALTH

10 *For carrying out titles II, III, and XVII of the PHS*
11 *Act, sections 101, 102, 103, 201, 202, 203, 301, and 501*
12 *of the Federal Mine Safety and Health Act, section 13 of*
13 *the Mine Improvement and New Emergency Response Act,*
14 *and sections 20, 21, and 22 of the Occupational Safety and*
15 *Health Act, with respect to occupational safety and health,*
16 *\$345,300,000.*

17 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

18 COMPENSATION PROGRAM

19 *For necessary expenses to administer the Energy Em-*
20 *ployees Occupational Illness Compensation Program Act,*
21 *\$55,358,000, to remain available until expended: Provided,*
22 *That this amount shall be available consistent with the pro-*
23 *vision regarding administrative expenses in section 151(b)*
24 *of division B, title I of Public Law 106–554.*

1 GLOBAL HEALTH

2 *For carrying out titles II, III, and XVII of the PHS*
3 *Act with respect to global health, \$592,843,000, of which:*
4 *(1) \$128,421,000 shall remain available through September*
5 *30, 2022 for international HIV/AIDS; and (2)*
6 *\$193,400,000 shall remain available through September 30,*
7 *2023 for global disease detection and emergency response:*
8 *Provided, That funds may be used for purchase and insur-*
9 *ance of official motor vehicles in foreign countries.*

10 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

11 *For carrying out titles II, III, and XVII of the PHS*
12 *Act with respect to public health preparedness and response,*
13 *and for expenses necessary to support activities related to*
14 *countering potential biological, nuclear, radiological, and*
15 *chemical threats to civilian populations, \$842,200,000: Pro-*
16 *vided, That the Director of the Centers for Disease Control*
17 *and Prevention (referred to in this title as “CDC”) or the*
18 *Administrator of the Agency for Toxic Substances and Dis-*
19 *ease Registry may detail staff without reimbursement to*
20 *support an activation of the CDC Emergency Operations*
21 *Center, so long as the Director or Administrator, as appli-*
22 *cable, provides a notice to the Committees on Appropria-*
23 *tions of the House of Representatives and the Senate within*
24 *15 days of the use of this authority, a full report within*
25 *30 days after use of this authority which includes the num-*

1 ber of staff and funding level broken down by the origi-
2 nating center and number of days detailed, and an update
3 of such report every 180 days until staff are no longer on
4 detail without reimbursement to the CDC Emergency Oper-
5 ations Center.

6 *BUILDINGS AND FACILITIES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For acquisition of real property, equipment, construc-*
9 *tion, installation, demolition, and renovation of facilities,*
10 *\$30,000,000, which shall remain available until September*
11 *30, 2025: Provided, That funds made available to this ac-*
12 *count in this or any prior Act that are available for the*
13 *acquisition of real property or for construction or improve-*
14 *ment of facilities shall be available to make improvements*
15 *on non-federally owned property, provided that any im-*
16 *provements that are not adjacent to federally owned prop-*
17 *erty do not exceed \$2,500,000, and that the primary benefit*
18 *of such improvements accrues to CDC: Provided further,*
19 *That funds previously set-aside by CDC for repair and up-*
20 *grade of the Lake Lynn Experimental Mine and Laboratory*
21 *shall be used to acquire a replacement mine safety research*
22 *facility: Provided further, That in addition, the prior year*
23 *unobligated balance of any amounts assigned to former em-*
24 *ployees in accounts of CDC made available for Individual*
25 *Learning Accounts shall be credited to and merged with the*

1 *amounts made available under this heading to support the*
2 *replacement of the mine safety research facility.*

3 *CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For carrying out titles II, III, XVII and XIX, and*
6 *section 2821 of the PHS Act and for cross-cutting activities*
7 *and program support for activities funded in other appro-*
8 *priations included in this Act for the Centers for Disease*
9 *Control and Prevention, \$123,570,000: Provided, That*
10 *paragraphs (1) through (3) of subsection (b) of section 2821*
11 *of the PHS Act shall not apply to funds appropriated under*
12 *this heading and in all other accounts of the CDC: Provided*
13 *further, That of the amounts made available under this*
14 *heading, \$10,000,000, to remain available until expended,*
15 *shall be available to the Director of the CDC for deposit*
16 *in the Infectious Diseases Rapid Response Reserve Fund es-*
17 *tablished by section 231 of division B of Public Law 115-*
18 *245: Provided further, That funds appropriated under this*
19 *heading may be used to support a contract for the operation*
20 *and maintenance of an aircraft in direct support of activi-*
21 *ties throughout CDC to ensure the agency is prepared to*
22 *address public health preparedness emergencies: Provided*
23 *further, That employees of CDC or the Public Health Serv-*
24 *ice, both civilian and commissioned officers, detailed to*
25 *States, municipalities, or other organizations under author-*

1 *ity of section 214 of the PHS Act, or in overseas assign-*
2 *ments, shall be treated as non-Federal employees for report-*
3 *ing purposes only and shall not be included within any*
4 *personnel ceiling applicable to the Agency, Service, or HHS*
5 *during the period of detail or assignment: Provided further,*
6 *That CDC may use up to \$10,000 from amounts appro-*
7 *priated to CDC in this Act for official reception and rep-*
8 *resentation expenses when specifically approved by the Di-*
9 *rector of CDC: Provided further, That in addition, such*
10 *sums as may be derived from authorized user fees, which*
11 *shall be credited to the appropriation charged with the cost*
12 *thereof: Provided further, That with respect to the previous*
13 *proviso, authorized user fees from the Vessel Sanitation Pro-*
14 *gram and the Respirator Certification Program shall be*
15 *available through September 30, 2022.*

16 *NATIONAL INSTITUTES OF HEALTH*

17 *NATIONAL CANCER INSTITUTE*

18 *For carrying out section 301 and title IV of the PHS*
19 *Act with respect to cancer, \$6,364,852,000, of which up to*
20 *\$30,000,000 may be used for facilities repairs and improve-*
21 *ments at the National Cancer Institute—Frederick Feder-*
22 *ally Funded Research and Development Center in Fred-*
23 *erick, Maryland.*

1 *NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES*

2 *For carrying out section 301 and title IV of the PHS*
3 *Act with respect to general medical sciences,*
4 *\$2,991,417,000, of which \$1,271,505,000 shall be from funds*
5 *available under section 241 of the PHS Act: Provided, That*
6 *not less than \$396,573,000 is provided for the Institutional*
7 *Development Awards program.*

8 *EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD*
9 *HEALTH AND HUMAN DEVELOPMENT*

10 *For carrying out section 301 and title IV of the PHS*
11 *Act with respect to child health and human development,*
12 *\$1,590,337,000.*

13 *NATIONAL EYE INSTITUTE*

14 *For carrying out section 301 and title IV of the PHS*
15 *Act with respect to eye diseases and visual disorders,*
16 *\$835,714,000.*

17 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*
18 *SCIENCES*

19 *For carrying out section 301 and title IV of the PHS*
20 *Act with respect to environmental health sciences,*
21 *\$814,675,000.*

22 *NATIONAL INSTITUTE ON AGING*

23 *For carrying out section 301 and title IV of the PHS*
24 *Act with respect to aging, \$3,899,227,000.*

1 *NATIONAL INSTITUTE OF ARTHRITIS AND*
2 *MUSCULOSKELETAL AND SKIN DISEASES*

3 *For carrying out section 301 and title IV of the PHS*
4 *Act with respect to arthritis and musculoskeletal and skin*
5 *diseases, \$634,292,000.*

6 *NATIONAL INSTITUTE ON DEAFNESS AND OTHER*
7 *COMMUNICATION DISORDERS*

8 *For carrying out section 301 and title IV of the PHS*
9 *Act with respect to deafness and other communication dis-*
10 *orders, \$498,076,000.*

11 *NATIONAL INSTITUTE OF NURSING RESEARCH*

12 *For carrying out section 301 and title IV of the PHS*
13 *Act with respect to nursing research, \$174,957,000.*

14 *NATIONAL INSTITUTE ON ALCOHOL ABUSE AND*
15 *ALCOHOLISM*

16 *For carrying out section 301 and title IV of the PHS*
17 *Act with respect to alcohol abuse and alcoholism,*
18 *\$554,923,000.*

19 *NATIONAL INSTITUTE ON DRUG ABUSE*

20 *For carrying out section 301 and title IV of the PHS*
21 *Act with respect to drug abuse, \$1,479,660,000.*

22 *NATIONAL INSTITUTE OF MENTAL HEALTH*

23 *For carrying out section 301 and title IV of the PHS*
24 *Act with respect to mental health, \$2,053,708,000.*

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

1
2
3 *For carrying out the responsibilities of the Office of*
4 *the Director, NIH, \$2,411,110,000: Provided, That funding*
5 *shall be available for the purchase of not to exceed 29 pas-*
6 *senger motor vehicles for replacement only: Provided fur-*
7 *ther, That all funds credited to the NIH Management Fund*
8 *shall remain available for one fiscal year after the fiscal*
9 *year in which they are deposited: Provided further, That*
10 *\$180,000,000 shall be for the Environmental Influences on*
11 *Child Health Outcomes study: Provided further, That*
12 *\$635,939,000 shall be available for the Common Fund es-*
13 *tablished under section 402A(c)(1) of the PHS Act: Pro-*
14 *vided further, That of the funds provided, \$10,000 shall be*
15 *for official reception and representation expenses when spe-*
16 *cifically approved by the Director of the NIH: Provided fur-*
17 *ther, That the Office of AIDS Research within the Office*
18 *of the Director of the NIH may spend up to \$8,000,000*
19 *to make grants for construction or renovation of facilities*
20 *as provided for in section 2354(a)(5)(B) of the PHS Act:*
21 *Provided further, That \$50,000,000 shall be used to carry*
22 *out section 404I of the PHS Act (42 U.S.C. 283K), relating*
23 *to biomedical and behavioral research facilities: Provided*
24 *further, That \$5,000,000 shall be transferred to and merged*
25 *with the appropriation for the “Office of Inspector General”*

1 *for oversight of grant programs and operations of the NIH,*
2 *including agency efforts to ensure the integrity of its grant*
3 *application evaluation and selection processes, and shall be*
4 *in addition to funds otherwise made available for oversight*
5 *of the NIH: Provided further, That the funds provided in*
6 *the previous proviso may be transferred from one specified*
7 *activity to another with 15 days prior approval of the Com-*
8 *mittees on Appropriations of the House of Representatives*
9 *and the Senate: Provided further, That the Inspector Gen-*
10 *eral shall consult with the Committees on Appropriations*
11 *of the House of Representatives and the Senate before sub-*
12 *mitting to the Committees an audit plan for fiscal years*
13 *2021 and 2022 no later than 30 days after the date of enact-*
14 *ment of this Act.*

15 *In addition to other funds appropriated for the Com-*
16 *mon Fund established under section 402A(c) of the PHS*
17 *Act, \$12,600,000 is appropriated to the Common Fund*
18 *from the 10-year Pediatric Research Initiative Fund de-*
19 *scribed in section 9008 of title 26, United States Code, for*
20 *the purpose of carrying out section 402(b)(7)(B)(ii) of the*
21 *PHS Act (relating to pediatric research), as authorized in*
22 *the Gabriella Miller Kids First Research Act.*

23 *BUILDINGS AND FACILITIES*

24 *For the study of, construction of, demolition of, renova-*
25 *tion of, and acquisition of equipment for, facilities of or*

1 *used by NIH, including the acquisition of real property,*
2 *\$200,000,000, to remain available through September 30,*
3 *2025.*

4 *NIH INNOVATION ACCOUNT, CURES ACT*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses to carry out the purposes de-*
7 *scribed in section 1001(b)(4) of the 21st Century Cures Act,*
8 *in addition to amounts available for such purposes in the*
9 *appropriations provided to the NIH in this Act,*
10 *\$404,000,000, to remain available until expended: Pro-*
11 *vided, That such amounts are appropriated pursuant to*
12 *section 1001(b)(3) of such Act, are to be derived from*
13 *amounts transferred under section 1001(b)(2)(A) of such*
14 *Act, and may be transferred by the Director of the National*
15 *Institutes of Health to other accounts of the National Insti-*
16 *tutes of Health solely for the purposes provided in such Act:*
17 *Provided further, That upon a determination by the Direc-*
18 *tor that funds transferred pursuant to the previous proviso*
19 *are not necessary for the purposes provided, such amounts*
20 *may be transferred back to the Account: Provided further,*
21 *That the transfer authority provided under this heading is*
22 *in addition to any other transfer authority provided by*
23 *law.*

1 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*2 *ADMINISTRATION*3 *MENTAL HEALTH*

4 *For carrying out titles III, V, and XIX of the PHS*
5 *Act with respect to mental health, and the Protection and*
6 *Advocacy for Individuals with Mental Illness Act,*
7 *\$1,759,236,000: Provided, That of the funds made available*
8 *under this heading, \$71,887,000 shall be for the National*
9 *Child Traumatic Stress Initiative: Provided further, That*
10 *notwithstanding section 520A(f)(2) of the PHS Act, no*
11 *funds appropriated for carrying out section 520A shall be*
12 *available for carrying out section 1971 of the PHS Act:*
13 *Provided further, That in addition to amounts provided*
14 *herein, \$21,039,000 shall be available under section 241 of*
15 *the PHS Act to carry out subpart I of part B of title XIX*
16 *of the PHS Act to fund section 1920(b) technical assistance,*
17 *national data, data collection and evaluation activities,*
18 *and further that the total available under this Act for sec-*
19 *tion 1920(b) activities shall not exceed 5 percent of the*
20 *amounts appropriated for subpart I of part B of title XIX:*
21 *Provided further, That of the funds made available under*
22 *this heading for subpart I of part B of title XIX of the*
23 *PHS Act, \$35,000,000 shall be available to support evi-*
24 *dence-based crisis systems: Provided further, That up to 10*
25 *percent of the amounts made available to carry out the Chil-*

1 *dren's Mental Health Services program may be used to*
2 *carry out demonstration grants or contracts for early inter-*
3 *ventions with persons not more than 25 years of age at clin-*
4 *ical high risk of developing a first episode of psychosis: Pro-*
5 *vided further, That section 520E(b)(2) of the PHS Act shall*
6 *not apply to funds appropriated in this Act for fiscal year*
7 *2021: Provided further, That States shall expend at least*
8 *10 percent of the amount each receives for carrying out sec-*
9 *tion 1911 of the PHS Act to support evidence-based pro-*
10 *grams that address the needs of individuals with early seri-*
11 *ous mental illness, including psychotic disorders, regardless*
12 *of the age of the individual at onset: Provided further, That*
13 *\$250,000,000 shall be available until September 30, 2023*
14 *for grants to communities and community organizations*
15 *who meet criteria for Certified Community Behavioral*
16 *Health Clinics pursuant to section 223(a) of Public Law*
17 *113–93: Provided further, That none of the funds provided*
18 *for section 1911 of the PHS Act shall be subject to section*
19 *241 of such Act: Provided further, That of the funds made*
20 *available under this heading, \$21,000,000 shall be to carry*
21 *out section 224 of the Protecting Access to Medicare Act*
22 *of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).*

23 *SUBSTANCE ABUSE TREATMENT*

24 *For carrying out titles III and V of the PHS Act with*
25 *respect to substance abuse treatment and title XIX of such*

1 *Act with respect to substance abuse treatment and preven-*
2 *tion, and the SUPPORT for Patients and Communities*
3 *Act, \$3,773,556,000: Provided, That \$1,500,000,000 shall be*
4 *for State Opioid Response Grants for carrying out activi-*
5 *ties pertaining to opioids and stimulants undertaken by the*
6 *State agency responsible for administering the substance*
7 *abuse prevention and treatment block grant under subpart*
8 *II of part B of title XIX of the PHS Act (42 U.S.C. 300x-*
9 *21 et seq.): Provided further, That of such amount*
10 *\$50,000,000 shall be made available to Indian Tribes or*
11 *tribal organizations: Provided further, That 15 percent of*
12 *the remaining amount shall be for the States with the high-*
13 *est mortality rate related to opioid use disorders: Provided*
14 *further, That of the amounts provided for State Opioid Re-*
15 *sponse Grants not more than 2 percent shall be available*
16 *for Federal administrative expenses, training, technical as-*
17 *sistance, and evaluation: Provided further, That of the*
18 *amount not reserved by the previous three provisos, the Sec-*
19 *retary shall make allocations to States, territories, and the*
20 *District of Columbia according to a formula using national*
21 *survey results that the Secretary determines are the most*
22 *objective and reliable measure of drug use and drug-related*
23 *deaths: Provided further, That the Secretary shall submit*
24 *the formula methodology to the Committees on Appropria-*
25 *tions of the House of Representatives and the Senate not*

1 *less than 15 days prior to publishing a Funding Oppor-*
2 *tunity Announcement: Provided further, That prevention*
3 *and treatment activities funded through such grants may*
4 *include education, treatment (including the provision of*
5 *medication), behavioral health services for individuals in*
6 *treatment programs, referral to treatment services, recovery*
7 *support, and medical screening associated with such treat-*
8 *ment: Provided further, That each State, as well as the Dis-*
9 *trict of Columbia, shall receive not less than \$4,000,000:*
10 *Provided further, That in addition to amounts provided*
11 *herein, the following amounts shall be available under sec-*
12 *tion 241 of the PHS Act: (1) \$79,200,000 to carry out sub-*
13 *part II of part B of title XIX of the PHS Act to fund section*
14 *1935(b) technical assistance, national data, data collection*
15 *and evaluation activities, and further that the total avail-*
16 *able under this Act for section 1935(b) activities shall not*
17 *exceed 5 percent of the amounts appropriated for subpart*
18 *II of part B of title XIX; and (2) \$2,000,000 to evaluate*
19 *substance abuse treatment programs: Provided further, That*
20 *none of the funds provided for section 1921 of the PHS Act*
21 *or State Opioid Response Grants shall be subject to section*
22 *241 of such Act.*

23 *SUBSTANCE ABUSE PREVENTION*

24 *For carrying out titles III and V of the PHS Act with*
25 *respect to substance abuse prevention, \$208,219,000.*

1 *HEALTH SURVEILLANCE AND PROGRAM SUPPORT*

2 *For program support and cross-cutting activities that*
3 *supplement activities funded under the headings “Mental*
4 *Health”, “Substance Abuse Treatment”, and “Substance*
5 *Abuse Prevention” in carrying out titles III, V, and XIX*
6 *of the PHS Act and the Protection and Advocacy for Indi-*
7 *viduals with Mental Illness Act in the Substance Abuse and*
8 *Mental Health Services Administration, \$128,830,000: Pro-*
9 *vided, That in addition to amounts provided herein,*
10 *\$31,428,000 shall be available under section 241 of the PHS*
11 *Act to supplement funds available to carry out national*
12 *surveys on drug abuse and mental health, to collect and*
13 *analyze program data, and to conduct public awareness*
14 *and technical assistance activities: Provided further, That,*
15 *in addition, fees may be collected for the costs of publica-*
16 *tions, data, data tabulations, and data analysis completed*
17 *under title V of the PHS Act and provided to a public or*
18 *private entity upon request, which shall be credited to this*
19 *appropriation and shall remain available until expended*
20 *for such purposes: Provided further, That amounts made*
21 *available in this Act for carrying out section 501(o) of the*
22 *PHS Act shall remain available through September 30,*
23 *2022: Provided further, That funds made available under*
24 *this heading may be used to supplement program support*
25 *funding provided under the headings “Mental Health”,*

1 “*Substance Abuse Treatment*”, and “*Substance Abuse Pre-*
2 *vention*”.

3 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

4 *HEALTHCARE RESEARCH AND QUALITY*

5 *For carrying out titles III and IX of the PHS Act,*
6 *part A of title XI of the Social Security Act, and section*
7 *1013 of the Medicare Prescription Drug, Improvement, and*
8 *Modernization Act of 2003, \$338,000,000: Provided, That*
9 *section 947(c) of the PHS Act shall not apply in fiscal year*
10 *2021: Provided further, That in addition, amounts received*
11 *from Freedom of Information Act fees, reimbursable and*
12 *interagency agreements, and the sale of data shall be cred-*
13 *ited to this appropriation and shall remain available until*
14 *September 30, 2022.*

15 *CENTERS FOR MEDICARE & MEDICAID SERVICES*

16 *GRANTS TO STATES FOR MEDICAID*

17 *For carrying out, except as otherwise provided, titles*
18 *XI and XIX of the Social Security Act, \$313,904,098,000,*
19 *to remain available until expended.*

20 *For making, after May 31, 2021, payments to States*
21 *under title XIX or in the case of section 1928 on behalf*
22 *of States under title XIX of the Social Security Act for the*
23 *last quarter of fiscal year 2021 for unanticipated costs in-*
24 *curred for the current fiscal year, such sums as may be nec-*
25 *essary.*

1 *For making payments to States or in the case of sec-*
2 *tion 1928 on behalf of States under title XIX of the Social*
3 *Security Act for the first quarter of fiscal year 2022,*
4 *\$148,732,315,000, to remain available until expended.*

5 *Payment under such title XIX may be made for any*
6 *quarter with respect to a State plan or plan amendment*
7 *in effect during such quarter, if submitted in or prior to*
8 *such quarter and approved in that or any subsequent quar-*
9 *ter.*

10 *PAYMENTS TO THE HEALTH CARE TRUST FUNDS*

11 *For payment to the Federal Hospital Insurance Trust*
12 *Fund and the Federal Supplementary Medical Insurance*
13 *Trust Fund, as provided under sections 217(g), 1844, and*
14 *1860D–16 of the Social Security Act, sections 103(c) and*
15 *111(d) of the Social Security Amendments of 1965, section*
16 *278(d)(3) of Public Law 97–248, and for administrative*
17 *expenses incurred pursuant to section 201(g) of the Social*
18 *Security Act, \$439,514,000,000.*

19 *In addition, for making matching payments under sec-*
20 *tion 1844 and benefit payments under section 1860D–16*
21 *of the Social Security Act that were not anticipated in*
22 *budget estimates, such sums as may be necessary.*

23 *PROGRAM MANAGEMENT*

24 *For carrying out, except as otherwise provided, titles*
25 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*

1 *XIII and XXVII of the PHS Act, the Clinical Laboratory*
2 *Improvement Amendments of 1988, and other responsibil-*
3 *ities of the Centers for Medicare & Medicaid Services, not*
4 *to exceed \$3,669,744,000, to be transferred from the Federal*
5 *Hospital Insurance Trust Fund and the Federal Supple-*
6 *mentary Medical Insurance Trust Fund, as authorized by*
7 *section 201(g) of the Social Security Act; together with all*
8 *funds collected in accordance with section 353 of the PHS*
9 *Act and section 1857(e)(2) of the Social Security Act, funds*
10 *retained by the Secretary pursuant to section 1893(h) of*
11 *the Social Security Act, and such sums as may be collected*
12 *from authorized user fees and the sale of data, which shall*
13 *be credited to this account and remain available until ex-*
14 *pended: Provided, That all funds derived in accordance*
15 *with 31 U.S.C. 9701 from organizations established under*
16 *title XIII of the PHS Act shall be credited to and available*
17 *for carrying out the purposes of this appropriation: Pro-*
18 *vided further, That the Secretary is directed to collect fees*
19 *in fiscal year 2021 from Medicare Advantage organizations*
20 *pursuant to section 1857(e)(2) of the Social Security Act*
21 *and from eligible organizations with risk-sharing contracts*
22 *under section 1876 of that Act pursuant to section*
23 *1876(k)(4)(D) of that Act: Provided further, That of the*
24 *amount made available under this heading, \$397,334,000*
25 *shall remain available until September 30, 2022, and shall*

1 *be available for the Survey and Certification Program: Pro-*
2 *vided further, That amounts available under this heading*
3 *to support quality improvement organizations (as defined*
4 *in section 1152 of the Social Security Act) shall not exceed*
5 *the amount specifically provided for such purpose under*
6 *this heading in division H of the Consolidated Appropria-*
7 *tions Act, 2018 (Public Law 115–141).*

8 *HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT*

9 *In addition to amounts otherwise available for pro-*
10 *gram integrity and program management, \$807,000,000, to*
11 *remain available through September 30, 2022, to be trans-*
12 *ferred from the Federal Hospital Insurance Trust Fund and*
13 *the Federal Supplementary Medical Insurance Trust Fund,*
14 *as authorized by section 201(g) of the Social Security Act,*
15 *of which \$616,000,000 shall be for the Centers for Medicare*
16 *& Medicaid Services program integrity activities, of which*
17 *\$99,000,000 shall be for the Department of Health and*
18 *Human Services Office of Inspector General to carry out*
19 *fraud and abuse activities authorized by section 1817(k)(3)*
20 *of such Act, and of which \$92,000,000 shall be for the De-*
21 *partment of Justice to carry out fraud and abuse activities*
22 *authorized by section 1817(k)(3) of such Act: Provided,*
23 *That the report required by section 1817(k)(5) of the Social*
24 *Security Act for fiscal year 2021 shall include measures of*
25 *the operational efficiency and impact on fraud, waste, and*

1 *abuse in the Medicare, Medicaid, and CHIP programs for*
2 *the funds provided by this appropriation: Provided further,*
3 *That of the amount provided under this heading,*
4 *\$311,000,000 is provided to meet the terms of section*
5 *251(b)(2)(C)(ii) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985, as amended, and \$496,000,000*
7 *is additional new budget authority specified for purposes*
8 *of section 251(b)(2)(C) of such Act: Provided further, That*
9 *the Secretary shall provide not less than \$20,000,000 from*
10 *amounts made available under this heading and amounts*
11 *made available for fiscal year 2021 under section*
12 *1817(k)(3)(A) of the Social Security Act for the Senior*
13 *Medicare Patrol program to combat health care fraud and*
14 *abuse.*

15 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
16 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*
17 *AND FAMILY SUPPORT PROGRAMS*

18 *For carrying out, except as otherwise provided, titles*
19 *I, IV–D, X, XI, XIV, and XVI of the Social Security Act*
20 *and the Act of July 5, 1960, \$3,039,000,000, to remain*
21 *available until expended; and for such purposes for the first*
22 *quarter of fiscal year 2022, \$1,400,000,000, to remain*
23 *available until expended.*

24 *For carrying out, after May 31 of the current fiscal*
25 *year, except as otherwise provided, titles I, IV–D, X, XI,*

1 *XIV, and XVI of the Social Security Act and the Act of*
2 *July 5, 1960, for the last 3 months of the current fiscal*
3 *year for unanticipated costs, incurred for the current fiscal*
4 *year, such sums as may be necessary.*

5 *LOW INCOME HOME ENERGY ASSISTANCE*

6 *For making payments under subsections (b) and (d)*
7 *of section 2602 of the Low-Income Home Energy Assistance*
8 *Act of 1981 (42 U.S.C. 8621 et seq.), \$3,750,304,000: Pro-*
9 *vided, That notwithstanding section 2609A(a) of such Act,*
10 *not more than \$3,500,000 may be reserved by the Secretary*
11 *of Health and Human Services for technical assistance,*
12 *training, and monitoring of program activities for compli-*
13 *ance with internal controls, policies and procedures and the*
14 *Secretary may, in addition to the authorities provided in*
15 *section 2609A(a)(1), use such funds through contracts with*
16 *private entities that do not qualify as nonprofit organiza-*
17 *tions: Provided further, That all but \$760,000,000 of the*
18 *amount appropriated under this heading shall be allocated*
19 *as though the total appropriation for such payments for fis-*
20 *cal year 2021 was less than \$1,975,000,000: Provided fur-*
21 *ther, That, after applying all applicable provisions of sec-*
22 *tion 2604 of such Act and the previous proviso, each State*
23 *or territory that would otherwise receive an allocation that*
24 *is less than 97 percent of the amount that it received under*
25 *this heading for fiscal year 2020 from amounts appro-*

1 *priated in Public Law 116–94 shall have its allocation in-*
2 *creased to that 97 percent level, with the portions of other*
3 *States’ and territories’ allocations that would exceed 100*
4 *percent of the amounts they respectively received in such*
5 *fashion for fiscal year 2020 being ratably reduced.*

6 *REFUGEE AND ENTRANT ASSISTANCE*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For necessary expenses for refugee and entrant assist-*
9 *ance activities authorized by section 414 of the Immigration*
10 *and Nationality Act and section 501 of the Refugee Edu-*
11 *cation Assistance Act of 1980, and for carrying out section*
12 *462 of the Homeland Security Act of 2002, section 235 of*
13 *the William Wilberforce Trafficking Victims Protection Re-*
14 *authorization Act of 2008, the Trafficking Victims Protec-*
15 *tion Act of 2000 (“TVPA”), and the Torture Victims Relief*
16 *Act of 1998, \$1,910,201,000, of which \$1,864,446,000 shall*
17 *remain available through September 30, 2023 for carrying*
18 *out such sections 414, 501, 462, and 235: Provided, That*
19 *amounts available under this heading to carry out the*
20 *TVPA shall also be available for research and evaluation*
21 *with respect to activities under such Act: Provided further,*
22 *That the limitation in section 205 of this Act regarding*
23 *transfers increasing any appropriation shall apply to*
24 *transfers to appropriations under this heading by sub-*
25 *stituting “15 percent” for “3 percent”: Provided further,*

1 *That the contribution of funds requirement under section*
2 *235(c)(6)(C)(iii) of the William Wilberforce Trafficking*
3 *Victims Protection Reauthorization Act of 2008 shall not*
4 *apply to funds made available under this heading.*

5 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
6 *DEVELOPMENT BLOCK GRANT*

7 *For carrying out the Child Care and Development*
8 *Block Grant Act of 1990 (“CCDBG Act”), \$5,911,000,000*
9 *shall be used to supplement, not supplant State general rev-*
10 *enue funds for child care assistance for low-income families:*
11 *Provided, That technical assistance under section*
12 *658I(a)(3) of such Act may be provided directly, or through*
13 *the use of contracts, grants, cooperative agreements, or*
14 *interagency agreements: Provided further, That all funds*
15 *made available to carry out section 418 of the Social Secu-*
16 *rity Act (42 U.S.C. 618), including funds appropriated for*
17 *that purpose in such section 418 or any other provision*
18 *of law, shall be subject to the reservation of funds authority*
19 *in paragraphs (4) and (5) of section 658O(a) of the CCDBG*
20 *Act: Provided further, That in addition to the amounts re-*
21 *quired to be reserved by the Secretary under section*
22 *658O(a)(2)(A) of such Act, \$177,330,000 shall be for Indian*
23 *tribes and tribal organizations.*

1 *Act of 1980, \$13,040,511,000, of which \$75,000,000, to re-*
2 *main available through September 30, 2022, shall be for*
3 *grants to States for adoption and legal guardianship incen-*
4 *tive payments, as defined by section 473A of the Social Se-*
5 *curity Act and may be made for adoptions and legal*
6 *guardianships completed before September 30, 2021: Pro-*
7 *vided, That \$10,748,095,000 shall be for making payments*
8 *under the Head Start Act, including for Early Head Start-*
9 *Child Care Partnerships, and, of which, notwithstanding*
10 *section 640 of such Act:*

11 (1) *\$123,000,000 shall be available for a cost of*
12 *living adjustment, and with respect to any continuing*
13 *appropriations act, funding available for a cost of liv-*
14 *ing adjustment shall not be construed as an authority*
15 *or condition under this Act;*

16 (2) *\$25,000,000 shall be available for allocation*
17 *by the Secretary to supplement activities described in*
18 *paragraphs (7)(B) and (9) of section 641(c) of the*
19 *Head Start Act under the Designation Renewal Sys-*
20 *tem, established under the authority of sections*
21 *641(c)(7), 645A(b)(12), and 645A(d) of such Act, and*
22 *such funds shall not be included in the calculation of*
23 *“base grant” in subsequent fiscal years, as such term*
24 *is used in section 640(a)(7)(A) of such Act;*

1 (3) \$10,000,000 shall be available to migrant
2 and seasonal Head Start programs, in addition to
3 funds made available for migrant and seasonal Head
4 Start programs under section 640(a) of the Head
5 Start Act, for the purposes of quality improvement
6 consistent with section 640(a)(5) of such Act except
7 that any amount of the funds may be used on any
8 of the activities in such section 640(a)(5): Provided
9 further, That funds derived from a migrant and sea-
10 sonal Head Start program held by the Secretary as
11 a result of recapturing, withholding, or reducing a
12 base grant that were unable to be redistributed con-
13 sistent with section 641A(h)(6)(A)(ii) of such Act
14 shall be added to the amount in this paragraph;

15 (4) \$4,000,000 shall be available for the purposes
16 of maintaining the Tribal Colleges and Universities
17 Head Start Partnership Program consistent with sec-
18 tion 648(g) of such Act; and

19 (5) \$21,000,000 shall be available to supplement
20 funding otherwise available for research, evaluation,
21 and Federal administrative costs:

22 Provided further, That the Secretary may reduce the res-
23 ervation of funds under section 640(a)(2)(C) of such Act
24 in lieu of reducing the reservation of funds under sections
25 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act:

1 *Provided further, That \$275,000,000 shall be available until*
2 *December 31, 2021 for carrying out sections 9212 and 9213*
3 *of the Every Student Succeeds Act: Provided further, That*
4 *up to 3 percent of the funds in the preceding proviso shall*
5 *be available for technical assistance and evaluation related*
6 *to grants awarded under such section 9212: Provided fur-*
7 *ther, That \$775,383,000 shall be for making payments*
8 *under the CSBG Act: Provided further, That \$30,383,000*
9 *shall be for section 680 of the CSBG Act, of which not less*
10 *than \$20,383,000 shall be for section 680(a)(2) and not less*
11 *than \$10,000,000 shall be for section 680(a)(3)(B) of such*
12 *Act: Provided further, That, notwithstanding section*
13 *675C(a)(3) of the CSBG Act, to the extent Community*
14 *Services Block Grant funds are distributed as grant funds*
15 *by a State to an eligible entity as provided under such Act,*
16 *and have not been expended by such entity, they shall re-*
17 *main with such entity for carryover into the next fiscal year*
18 *for expenditure by such entity consistent with program pur-*
19 *poses: Provided further, That the Secretary shall establish*
20 *procedures regarding the disposition of intangible assets*
21 *and program income that permit such assets acquired with,*
22 *and program income derived from, grant funds authorized*
23 *under section 680 of the CSBG Act to become the sole prop-*
24 *erty of such grantees after a period of not more than 12*
25 *years after the end of the grant period for any activity con-*

1 *sistent with section 680(a)(2)(A) of the CSBG Act: Provided*
2 *further, That intangible assets in the form of loans, equity*
3 *investments and other debt instruments, and program in-*
4 *come may be used by grantees for any eligible purpose con-*
5 *sistent with section 680(a)(2)(A) of the CSBG Act: Provided*
6 *further, That these procedures shall apply to such grant*
7 *funds made available after November 29, 1999: Provided*
8 *further, That funds appropriated for section 680(a)(2) of*
9 *the CSBG Act shall be available for financing construction*
10 *and rehabilitation and loans or investments in private*
11 *business enterprises owned by community development cor-*
12 *porations: Provided further, That \$182,500,000 shall be for*
13 *carrying out section 303(a) of the Family Violence Preven-*
14 *tion and Services Act, of which \$7,000,000 shall be allocated*
15 *notwithstanding section 303(a)(2) of such Act for carrying*
16 *out section 309 of such Act: Provided further, That the per-*
17 *centages specified in section 112(a)(2) of the Child Abuse*
18 *Prevention and Treatment Act shall not apply to funds ap-*
19 *propriated under this heading: Provided further, That*
20 *\$1,864,000 shall be for a human services case management*
21 *system for federally declared disasters, to include a com-*
22 *prehensive national case management contract and Federal*
23 *costs of administering the system: Provided further, That*
24 *up to \$2,000,000 shall be for improving the Public Assist-*
25 *ance Reporting Information System, including grants to*

1 *States to support data collection for a study of the system's*
2 *effectiveness.*

3 *PROMOTING SAFE AND STABLE FAMILIES*

4 *For carrying out, except as otherwise provided, section*
5 *436 of the Social Security Act, \$345,000,000 and, for car-*
6 *rying out, except as otherwise provided, section 437 of such*
7 *Act, \$82,515,000: Provided, That of the funds available to*
8 *carry out section 437, \$59,765,000 shall be allocated con-*
9 *sistent with subsections (b) through (d) of such section: Pro-*
10 *vided further, That of the funds available to carry out sec-*
11 *tion 437, to assist in meeting the requirements described*
12 *in section 471(e)(4)(C), \$20,000,000 shall be for grants to*
13 *each State, territory, and Indian tribe operating title IV-*
14 *E plans for developing, enhancing, or evaluating kinship*
15 *navigator programs, as described in section 427(a)(1) of*
16 *such Act and \$2,750,000, in addition to funds otherwise*
17 *appropriated in section 476 for such purposes, shall be for*
18 *the Family First Clearinghouse: Provided further, That sec-*
19 *tion 437(b)(1) shall be applied to amounts in the previous*
20 *proviso by substituting "5 percent" for "3.3 percent", and*
21 *notwithstanding section 436(b)(1), such reserved amounts*
22 *may be used for identifying, establishing, and dissemi-*
23 *nating practices to meet the criteria specified in section*
24 *471(e)(4)(C): Provided further, That the reservation in sec-*
25 *tion 437(b)(2) and the limitations in section 437(d) shall*

1 *not apply to funds specified in the second proviso: Provided*
 2 *further, That the minimum grant award for kinship navi-*
 3 *gator programs in the case of States and territories shall*
 4 *be \$200,000, and, in the case of tribes, shall be \$25,000.*

5 *PAYMENTS FOR FOSTER CARE AND PERMANENCY*

6 *For carrying out, except as otherwise provided, title*
 7 *IV–E of the Social Security Act, \$7,012,000,000.*

8 *For carrying out, except as otherwise provided, title*
 9 *IV–E of the Social Security Act, for the first quarter of fis-*
 10 *cal year 2022, \$3,000,000,000.*

11 *For carrying out, after May 31 of the current fiscal*
 12 *year, except as otherwise provided, section 474 of title IV–*
 13 *E of the Social Security Act, for the last 3 months of the*
 14 *current fiscal year for unanticipated costs, incurred for the*
 15 *current fiscal year, such sums as may be necessary.*

16 *ADMINISTRATION FOR COMMUNITY LIVING*

17 *AGING AND DISABILITY SERVICES PROGRAMS*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For carrying out, to the extent not otherwise provided,*
 20 *the Older Americans Act of 1965 (“OAA”), the RAISE*
 21 *Family Caregivers Act, the Supporting Grandparents Rais-*
 22 *ing Grandchildren Act, titles III and XXIX of the PHS*
 23 *Act, sections 1252 and 1253 of the PHS Act, section 119*
 24 *of the Medicare Improvements for Patients and Providers*
 25 *Act of 2008, title XX–B of the Social Security Act, the De-*

1 *velopmental Disabilities Assistance and Bill of Rights Act,*
2 *parts 2 and 5 of subtitle D of title II of the Help America*
3 *Vote Act of 2002, the Assistive Technology Act of 1998, titles*
4 *II and VII (and section 14 with respect to such titles) of*
5 *the Rehabilitation Act of 1973, and for Department-wide*
6 *coordination of policy and program activities that assist*
7 *individuals with disabilities, \$2,206,000,000, together with*
8 *\$52,115,000 to be transferred from the Federal Hospital In-*
9 *surance Trust Fund and the Federal Supplementary Med-*
10 *ical Insurance Trust Fund to carry out section 4360 of the*
11 *Omnibus Budget Reconciliation Act of 1990: Provided,*
12 *That amounts appropriated under this heading may be*
13 *used for grants to States under section 361 of the OAA only*
14 *for disease prevention and health promotion programs and*
15 *activities which have been demonstrated through rigorous*
16 *evaluation to be evidence-based and effective: Provided fur-*
17 *ther, That of amounts made available under this heading*
18 *to carry out sections 311, 331, and 336 of the OAA, up*
19 *to one percent of such amounts shall be available for devel-*
20 *oping and implementing evidence-based practices for en-*
21 *hancing senior nutrition, including medically-tailored*
22 *meals: Provided further, That notwithstanding any other*
23 *provision of this Act, funds made available under this head-*
24 *ing to carry out section 311 of the OAA may be transferred*
25 *to the Secretary of Agriculture in accordance with such sec-*

1 *tion: Provided further, That \$2,000,000 shall be for com-*
2 *petitive grants to support alternative financing programs*
3 *that provide for the purchase of assistive technology devices,*
4 *such as a low-interest loan fund; an interest buy-down pro-*
5 *gram; a revolving loan fund; a loan guarantee; or an insur-*
6 *ance program: Provided further, That applicants shall pro-*
7 *vide an assurance that, and information describing the*
8 *manner in which, the alternative financing program will*
9 *expand and emphasize consumer choice and control: Pro-*
10 *vided further, That State agencies and community-based*
11 *disability organizations that are directed by and operated*
12 *for individuals with disabilities shall be eligible to compete:*
13 *Provided further, That none of the funds made available*
14 *under this heading may be used by an eligible system (as*
15 *defined in section 102 of the Protection and Advocacy for*
16 *Individuals with Mental Illness Act (42 U.S.C. 10802)) to*
17 *continue to pursue any legal action in a Federal or State*
18 *court on behalf of an individual or group of individuals*
19 *with a developmental disability (as defined in section*
20 *102(8)(A) of the Developmental Disabilities and Assistance*
21 *and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that*
22 *is attributable to a mental impairment (or a combination*
23 *of mental and physical impairments), that has as the re-*
24 *quested remedy the closure of State operated intermediate*
25 *care facilities for people with intellectual or developmental*

1 *disabilities, unless reasonable public notice of the action has*
2 *been provided to such individuals (or, in the case of mental*
3 *incapacitation, the legal guardians who have been specifi-*
4 *cally awarded authority by the courts to make healthcare*
5 *and residential decisions on behalf of such individuals) who*
6 *are affected by such action, within 90 days of instituting*
7 *such legal action, which informs such individuals (or such*
8 *legal guardians) of their legal rights and how to exercise*
9 *such rights consistent with current Federal Rules of Civil*
10 *Procedure: Provided further, That the limitations in the im-*
11 *mediately preceding proviso shall not apply in the case of*
12 *an individual who is neither competent to consent nor has*
13 *a legal guardian, nor shall the proviso apply in the case*
14 *of individuals who are a ward of the State or subject to*
15 *public guardianship.*

16 *OFFICE OF THE SECRETARY*

17 *GENERAL DEPARTMENTAL MANAGEMENT*

18 *For necessary expenses, not otherwise provided, for*
19 *general departmental management, including hire of six*
20 *passenger motor vehicles, and for carrying out titles III,*
21 *XVII, XXI, and section 229 of the PHS Act, the United*
22 *States-Mexico Border Health Commission Act, and research*
23 *studies under section 1110 of the Social Security Act,*
24 *\$485,794,000, together with \$64,828,000 from the amounts*
25 *available under section 241 of the PHS Act to carry out*

1 *national health or human services research and evaluation*
2 *activities: Provided, That of this amount, \$55,400,000 shall*
3 *be for minority AIDS prevention and treatment activities:*
4 *Provided further, That of the funds made available under*
5 *this heading, \$101,000,000 shall be for making competitive*
6 *contracts and grants to public and private entities to fund*
7 *medically accurate and age appropriate programs that re-*
8 *duce teen pregnancy and for the Federal costs associated*
9 *with administering and evaluating such contracts and*
10 *grants, of which not more than 10 percent of the available*
11 *funds shall be for training and technical assistance, evalua-*
12 *tion, outreach, and additional program support activities,*
13 *and of the remaining amount 75 percent shall be for repli-*
14 *cating programs that have been proven effective through rig-*
15 *orous evaluation to reduce teenage pregnancy, behavioral*
16 *risk factors underlying teenage pregnancy, or other associ-*
17 *ated risk factors, and 25 percent shall be available for re-*
18 *search and demonstration grants to develop, replicate, re-*
19 *fine, and test additional models and innovative strategies*
20 *for preventing teenage pregnancy: Provided further, That*
21 *of the amounts provided under this heading from amounts*
22 *available under section 241 of the PHS Act, \$6,800,000*
23 *shall be available to carry out evaluations (including longi-*
24 *tudinal evaluations) of teenage pregnancy prevention ap-*
25 *proaches: Provided further, That of the funds made avail-*

1 able under this heading, \$35,000,000 shall be for making
2 competitive grants which exclusively implement education
3 in sexual risk avoidance (defined as voluntarily refraining
4 from non-marital sexual activity): Provided further, That
5 funding for such competitive grants for sexual risk avoid-
6 ance shall use medically accurate information referenced to
7 peer-reviewed publications by educational, scientific, gov-
8 ernmental, or health organizations; implement an evidence-
9 based approach integrating research findings with practical
10 implementation that aligns with the needs and desired out-
11 comes for the intended audience; and teach the benefits asso-
12 ciated with self-regulation, success sequencing for poverty
13 prevention, healthy relationships, goal setting, and resisting
14 sexual coercion, dating violence, and other youth risk behav-
15 iors such as underage drinking or illicit drug use without
16 normalizing teen sexual activity: Provided further, That no
17 more than 10 percent of the funding for such competitive
18 grants for sexual risk avoidance shall be available for tech-
19 nical assistance and administrative costs of such programs:
20 Provided further, That funds provided in this Act for em-
21 bryo adoption activities may be used to provide to individ-
22 uals adopting embryos, through grants and other mecha-
23 nisms, medical and administrative services deemed nec-
24 essary for such adoptions: Provided further, That such serv-
25 ices shall be provided consistent with 42 CFR 59.5(a)(4):

1 *Provided further, That of the funds made available under*
2 *this heading, \$5,000,000 shall be for carrying out prize*
3 *competitions sponsored by the Office of the Secretary to ac-*
4 *celerate innovation in the prevention, diagnosis, and treat-*
5 *ment of kidney diseases (as authorized by section 24 of the*
6 *Stevenson-Wydler Technology Innovation Act of 1980 (15*
7 *U.S.C. 3719)).*

8 *MEDICARE HEARINGS AND APPEALS*

9 *For expenses necessary for Medicare hearings and ap-*
10 *peals in the Office of the Secretary, \$191,881,000 shall re-*
11 *main available until September 30, 2022, to be transferred*
12 *in appropriate part from the Federal Hospital Insurance*
13 *Trust Fund and the Federal Supplementary Medical Insur-*
14 *ance Trust Fund.*

15 *OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH*

16 *INFORMATION TECHNOLOGY*

17 *For expenses necessary for the Office of the National*
18 *Coordinator for Health Information Technology, including*
19 *grants, contracts, and cooperative agreements for the devel-*
20 *opment and advancement of interoperable health informa-*
21 *tion technology, \$62,367,000.*

22 *OFFICE OF INSPECTOR GENERAL*

23 *For expenses necessary for the Office of Inspector Gen-*
24 *eral, including the hire of passenger motor vehicles for in-*
25 *vestigations, in carrying out the provisions of the Inspector*

1 *General Act of 1978, \$80,000,000: Provided, That of such*
2 *amount, necessary sums shall be available for providing*
3 *protective services to the Secretary and investigating non-*
4 *payment of child support cases for which non-payment is*
5 *a Federal offense under 18 U.S.C. 228.*

6 *OFFICE FOR CIVIL RIGHTS*

7 *For expenses necessary for the Office for Civil Rights,*
8 *\$38,798,000.*

9 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*
10 *COMMISSIONED OFFICERS*

11 *For retirement pay and medical benefits of Public*
12 *Health Service Commissioned Officers as authorized by law,*
13 *for payments under the Retired Serviceman's Family Pro-*
14 *tection Plan and Survivor Benefit Plan, and for medical*
15 *care of dependents and retired personnel under the Depend-*
16 *ents' Medical Care Act, such amounts as may be required*
17 *during the current fiscal year.*

18 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

19 *For expenses necessary to support activities related to*
20 *countering potential biological, nuclear, radiological, chem-*
21 *ical, and cybersecurity threats to civilian populations, and*
22 *for other public health emergencies, \$1,085,458,000, of*
23 *which \$596,700,000 shall remain available through Sep-*
24 *tember 30, 2022, for expenses necessary to support advanced*
25 *research and development pursuant to section 319L of the*

1 *PHS Act and other administrative expenses of the Bio-*
2 *medical Advanced Research and Development Authority:*
3 *Provided, That funds provided under this heading for the*
4 *purpose of acquisition of security countermeasures shall be*
5 *in addition to any other funds available for such purpose:*
6 *Provided further, That products purchased with funds pro-*
7 *vided under this heading may, at the discretion of the Sec-*
8 *retary, be deposited in the Strategic National Stockpile pur-*
9 *suant to section 319F–2 of the PHS Act: Provided further,*
10 *That \$5,000,000 of the amounts made available to support*
11 *emergency operations shall remain available through Sep-*
12 *tember 30, 2023.*

13 *For expenses necessary for procuring security counter-*
14 *measures (as defined in section 319F–2(c)(1)(B) of the PHS*
15 *Act), \$770,000,000, to remain available until expended.*

16 *For expenses necessary to carry out section 319F–2(a)*
17 *of the PHS Act, \$705,000,000, to remain available until*
18 *expended.*

19 *For an additional amount for expenses necessary to*
20 *prepare for or respond to an influenza pandemic,*
21 *\$287,000,000; of which \$252,000,000 shall be available*
22 *until expended, for activities including the development and*
23 *purchase of vaccine, antivirals, necessary medical supplies,*
24 *diagnostics, and other surveillance tools: Provided, That*
25 *notwithstanding section 496(b) of the PHS Act, funds may*

1 *be used for the construction or renovation of privately*
2 *owned facilities for the production of pandemic influenza*
3 *vaccines and other biologics, if the Secretary finds such con-*
4 *struction or renovation necessary to secure sufficient sup-*
5 *plies of such vaccines or biologics.*

6 *GENERAL PROVISIONS*

7 *SEC. 201. Funds appropriated in this title shall be*
8 *available for not to exceed \$50,000 for official reception and*
9 *representation expenses when specifically approved by the*
10 *Secretary.*

11 *SEC. 202. None of the funds appropriated in this title*
12 *shall be used to pay the salary of an individual, through*
13 *a grant or other extramural mechanism, at a rate in excess*
14 *of Executive Level II: Provided, That none of the funds ap-*
15 *propriated in this title shall be used to prevent the NIH*
16 *from paying up to 100 percent of the salary of an indi-*
17 *vidual at this rate.*

18 *SEC. 203. None of the funds appropriated in this Act*
19 *may be expended pursuant to section 241 of the PHS Act,*
20 *except for funds specifically provided for in this Act, or for*
21 *other taps and assessments made by any office located in*
22 *HHS, prior to the preparation and submission of a report*
23 *by the Secretary to the Committees on Appropriations of*
24 *the House of Representatives and the Senate detailing the*
25 *planned uses of such funds.*

1 *awarded such contract has not received funds due under the*
2 *contract.*

3 *SEC. 207. None of the funds appropriated in this Act*
4 *may be made available to any entity under title X of the*
5 *PHS Act unless the applicant for the award certifies to the*
6 *Secretary that it encourages family participation in the de-*
7 *cision of minors to seek family planning services and that*
8 *it provides counseling to minors on how to resist attempts*
9 *to coerce minors into engaging in sexual activities.*

10 *SEC. 208. Notwithstanding any other provision of law,*
11 *no provider of services under title X of the PHS Act shall*
12 *be exempt from any State law requiring notification or the*
13 *reporting of child abuse, child molestation, sexual abuse,*
14 *rape, or incest.*

15 *SEC. 209. None of the funds appropriated by this Act*
16 *(including funds appropriated to any trust fund) may be*
17 *used to carry out the Medicare Advantage program if the*
18 *Secretary denies participation in such program to an other-*
19 *wise eligible entity (including a Provider Sponsored Orga-*
20 *nization) because the entity informs the Secretary that it*
21 *will not provide, pay for, provide coverage of, or provide*
22 *referrals for abortions: Provided, That the Secretary shall*
23 *make appropriate prospective adjustments to the capitation*
24 *payment to such an entity (based on an actuarially sound*
25 *estimate of the expected costs of providing the service to such*

1 *entity's enrollees): Provided further, That nothing in this*
2 *section shall be construed to change the Medicare program's*
3 *coverage for such services and a Medicare Advantage orga-*
4 *nization described in this section shall be responsible for*
5 *informing enrollees where to obtain information about all*
6 *Medicare covered services.*

7 *SEC. 210. None of the funds made available in this*
8 *title may be used, in whole or in part, to advocate or pro-*
9 *mote gun control.*

10 *SEC. 211. The Secretary shall make available through*
11 *assignment not more than 60 employees of the Public*
12 *Health Service to assist in child survival activities and to*
13 *work in AIDS programs through and with funds provided*
14 *by the Agency for International Development, the United*
15 *Nations International Children's Emergency Fund or the*
16 *World Health Organization.*

17 *SEC. 212. In order for HHS to carry out international*
18 *health activities, including HIV/AIDS and other infectious*
19 *disease, chronic and environmental disease, and other*
20 *health activities abroad during fiscal year 2021:*

21 *(1) The Secretary may exercise authority equiva-*
22 *lent to that available to the Secretary of State in sec-*
23 *tion 2(c) of the State Department Basic Authorities*
24 *Act of 1956. The Secretary shall consult with the Sec-*
25 *retary of State and relevant Chief of Mission to en-*

1 *sure that the authority provided in this section is ex-*
2 *ercised in a manner consistent with section 207 of the*
3 *Foreign Service Act of 1980 and other applicable stat-*
4 *utes administered by the Department of State.*

5 *(2) The Secretary is authorized to provide such*
6 *funds by advance or reimbursement to the Secretary*
7 *of State as may be necessary to pay the costs of ac-*
8 *quisition, lease, alteration, renovation, and manage-*
9 *ment of facilities outside of the United States for the*
10 *use of HHS. The Department of State shall cooperate*
11 *fully with the Secretary to ensure that HHS has se-*
12 *ecure, safe, functional facilities that comply with ap-*
13 *plicable regulation governing location, setback, and*
14 *other facilities requirements and serve the purposes*
15 *established by this Act. The Secretary is authorized,*
16 *in consultation with the Secretary of State, through*
17 *grant or cooperative agreement, to make available to*
18 *public or nonprofit private institutions or agencies in*
19 *participating foreign countries, funds to acquire,*
20 *lease, alter, or renovate facilities in those countries as*
21 *necessary to conduct programs of assistance for inter-*
22 *national health activities, including activities relating*
23 *to HIV/AIDS and other infectious diseases, chronic*
24 *and environmental diseases, and other health activi-*
25 *ties abroad.*

1 *House of Representatives and the Senate are notified at*
2 *least 15 days in advance of any transfer.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 214. Of the amounts made available in this Act*
5 *for NIH, the amount for research related to the human im-*
6 *munodeficiency virus, as jointly determined by the Director*
7 *of NIH and the Director of the Office of AIDS Research,*
8 *shall be made available to the “Office of AIDS Research”*
9 *account. The Director of the Office of AIDS Research shall*
10 *transfer from such account amounts necessary to carry out*
11 *section 2353(d)(3) of the PHS Act.*

12 *SEC. 215. (a) AUTHORITY.—Notwithstanding any*
13 *other provision of law, the Director of NIH (“Director”)*
14 *may use funds authorized under section 402(b)(12) of the*
15 *PHS Act to enter into transactions (other than contracts,*
16 *cooperative agreements, or grants) to carry out research*
17 *identified pursuant to or research and activities described*
18 *in such section 402(b)(12).*

19 *(b) PEER REVIEW.—In entering into transactions*
20 *under subsection (a), the Director may utilize such peer re-*
21 *view procedures (including consultation with appropriate*
22 *scientific experts) as the Director determines to be appro-*
23 *priate to obtain assessments of scientific and technical*
24 *merit. Such procedures shall apply to such transactions in*
25 *lieu of the peer review and advisory council review proce-*

1 *dures that would otherwise be required under sections*
2 *301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and*
3 *494 of the PHS Act.*

4 *SEC. 216. Not to exceed \$45,000,000 of funds appro-*
5 *priated by this Act to the institutes and centers of the Na-*
6 *tional Institutes of Health may be used for alteration, re-*
7 *pair, or improvement of facilities, as necessary for the prop-*
8 *er and efficient conduct of the activities authorized herein,*
9 *at not to exceed \$3,500,000 per project.*

10 *(TRANSFER OF FUNDS)*

11 *SEC. 217. Of the amounts made available for NIH, 1*
12 *percent of the amount made available for National Research*
13 *Service Awards (“NRSA”) shall be made available to the*
14 *Administrator of the Health Resources and Services Admin-*
15 *istration to make NRSA awards for research in primary*
16 *medical care to individuals affiliated with entities who have*
17 *received grants or contracts under sections 736, 739, or 747*
18 *of the PHS Act, and 1 percent of the amount made avail-*
19 *able for NRSA shall be made available to the Director of*
20 *the Agency for Healthcare Research and Quality to make*
21 *NRSA awards for health service research.*

22 *SEC. 218. (a) The Biomedical Advanced Research and*
23 *Development Authority (“BARDA”) may enter into a con-*
24 *tract, for more than one but no more than 10 program*
25 *years, for purchase of research services or of security coun-*

1 *termeasures, as that term is defined in section 319F-*
2 *2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)),*
3 *if—*

4 *(1) funds are available and obligated—*

5 *(A) for the full period of the contract or for*
6 *the first fiscal year in which the contract is in*
7 *effect; and*

8 *(B) for the estimated costs associated with*
9 *a necessary termination of the contract; and*

10 *(2) the Secretary determines that a multi-year*
11 *contract will serve the best interests of the Federal*
12 *Government by encouraging full and open competi-*
13 *tion or promoting economy in administration, per-*
14 *formance, and operation of BARDA's programs.*

15 *(b) A contract entered into under this section—*

16 *(1) shall include a termination clause as de-*
17 *scribed by subsection (c) of section 3903 of title 41,*
18 *United States Code; and*

19 *(2) shall be subject to the congressional notice re-*
20 *quirement stated in subsection (d) of such section.*

21 *SEC. 219. (a) The Secretary shall publish in the fiscal*
22 *year 2022 budget justification and on Departmental Web*
23 *sites information concerning the employment of full-time*
24 *equivalent Federal employees or contractors for the purposes*
25 *of implementing, administering, enforcing, or otherwise*

1 *carrying out the provisions of the ACA, and the amend-*
2 *ments made by that Act, in the proposed fiscal year and*
3 *each fiscal year since the enactment of the ACA.*

4 *(b) With respect to employees or contractors supported*
5 *by all funds appropriated for purposes of carrying out the*
6 *ACA (and the amendments made by that Act), the Secretary*
7 *shall include, at a minimum, the following information:*

8 *(1) For each such fiscal year, the section of such*
9 *Act under which such funds were appropriated, a*
10 *statement indicating the program, project, or activity*
11 *receiving such funds, the Federal operating division*
12 *or office that administers such program, and the*
13 *amount of funding received in discretionary or man-*
14 *datory appropriations.*

15 *(2) For each such fiscal year, the number of full-*
16 *time equivalent employees or contracted employees as-*
17 *signed to each authorized and funded provision de-*
18 *tailed in accordance with paragraph (1).*

19 *(c) In carrying out this section, the Secretary may ex-*
20 *clude from the report employees or contractors who—*

21 *(1) are supported through appropriations en-*
22 *acted in laws other than the ACA and work on pro-*
23 *grams that existed prior to the passage of the ACA;*

1 (2) spend less than 50 percent of their time on
2 activities funded by or newly authorized in the ACA;
3 or

4 (3) work on contracts for which FTE reporting
5 is not a requirement of their contract, such as fixed-
6 price contracts.

7 SEC. 220. The Secretary shall publish, as part of the
8 fiscal year 2022 budget of the President submitted under
9 section 1105(a) of title 31, United States Code, information
10 that details the uses of all funds used by the Centers for
11 Medicare & Medicaid Services specifically for Health Insur-
12 ance Exchanges for each fiscal year since the enactment of
13 the ACA and the proposed uses for such funds for fiscal year
14 2022. Such information shall include, for each such fiscal
15 year, the amount of funds used for each activity specified
16 under the heading “Health Insurance Exchange Trans-
17 parency” in the explanatory statement described in section
18 4 (in the matter preceding division A of this consolidated
19 Act).

20 SEC. 221. None of the funds made available by this
21 Act from the Federal Hospital Insurance Trust Fund or
22 the Federal Supplemental Medical Insurance Trust Fund,
23 or transferred from other accounts funded by this Act to
24 the “Centers for Medicare & Medicaid Services—Program
25 Management” account, may be used for payments under

1 *section 1342(b)(1) of Public Law 111–148 (relating to risk*
2 *corridors).*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 222. (a) Within 45 days of enactment of this Act,*
5 *the Secretary shall transfer funds appropriated under sec-*
6 *tion 4002 of the ACA to the accounts specified, in the*
7 *amounts specified, and for the activities specified under the*
8 *heading “Prevention and Public Health Fund” in the ex-*
9 *planatory statement described in section 4 (in the matter*
10 *preceding division A of this consolidated Act).*

11 *(b) Notwithstanding section 4002(c) of the ACA, the*
12 *Secretary may not further transfer these amounts.*

13 *(c) Funds transferred for activities authorized under*
14 *section 2821 of the PHS Act shall be made available with-*
15 *out reference to section 2821(b) of such Act.*

16 *SEC. 223. Effective during the period beginning on No-*
17 *vember 1, 2015 and ending January 1, 2023, any provision*
18 *of law that refers (including through cross-reference to an-*
19 *other provision of law) to the current recommendations of*
20 *the United States Preventive Services Task Force with re-*
21 *spect to breast cancer screening, mammography, and pre-*
22 *vention shall be administered by the Secretary involved as*
23 *if—*

24 *(1) such reference to such current recommenda-*
25 *tions were a reference to the recommendations of such*

1 *Task Force with respect to breast cancer screening,*
2 *mammography, and prevention last issued before*
3 *2009; and*

4 *(2) such recommendations last issued before 2009*
5 *applied to any screening mammography modality*
6 *under section 1861(jj) of the Social Security Act (42*
7 *U.S.C. 1395x(jj)).*

8 *SEC. 224. In making Federal financial assistance, the*
9 *provisions relating to indirect costs in part 75 of title 45,*
10 *Code of Federal Regulations, including with respect to the*
11 *approval of deviations from negotiated rates, shall continue*
12 *to apply to the National Institutes of Health to the same*
13 *extent and in the same manner as such provisions were ap-*
14 *plied in the third quarter of fiscal year 2017. None of the*
15 *funds appropriated in this or prior Acts or otherwise made*
16 *available to the Department of Health and Human Services*
17 *or to any department or agency may be used to develop*
18 *or implement a modified approach to such provisions, or*
19 *to intentionally or substantially expand the fiscal effect of*
20 *the approval of such deviations from negotiated rates be-*
21 *yond the proportional effect of such approvals in such quar-*
22 *ter.*

23 *(TRANSFER OF FUNDS)*

24 *SEC. 225. The NIH Director may transfer funds for*
25 *opioid addiction, opioid alternatives, stimulant misuse and*

1 *addiction, pain management, and addiction treatment to*
2 *other Institutes and Centers of the NIH to be used for the*
3 *same purpose 15 days after notifying the Committees on*
4 *Appropriations of the House of Representatives and the*
5 *Senate: Provided, That the transfer authority provided in*
6 *the previous proviso is in addition to any other transfer*
7 *authority provided by law.*

8 *SEC. 226. (a) The Secretary shall provide to the Com-*
9 *mittees on Appropriations of the House of Representatives*
10 *and the Senate:*

11 *(1) Detailed monthly enrollment figures from the*
12 *Exchanges established under the Patient Protection*
13 *and Affordable Care Act of 2010 pertaining to enroll-*
14 *ments during the open enrollment period; and*

15 *(2) Notification of any new or competitive grant*
16 *awards, including supplements, authorized under sec-*
17 *tion 330 of the Public Health Service Act.*

18 *(b) The Committees on Appropriations of the House*
19 *and Senate must be notified at least 2 business days in*
20 *advance of any public release of enrollment information or*
21 *the award of such grants.*

22 *SEC. 227. In addition to the amounts otherwise avail-*
23 *able for “Centers for Medicare & Medicaid Services, Pro-*
24 *gram Management”, the Secretary of Health and Human*
25 *Services may transfer up to \$305,000,000 to such account*

1 *from the Federal Hospital Insurance Trust Fund and the*
2 *Federal Supplementary Medical Insurance Trust Fund to*
3 *support program management activity related to the Medi-*
4 *care Program: Provided, That except for the foregoing pur-*
5 *pose, such funds may not be used to support any provision*
6 *of Public Law 111–148 or Public Law 111–152 (or any*
7 *amendment made by either such Public Law) or to supplant*
8 *any other amounts within such account.*

9 *SEC. 228. The Department of Health and Human*
10 *Services shall provide the Committees on Appropriations of*
11 *the House of Representatives and Senate a biannual report*
12 *30 days after enactment of this Act on staffing described*
13 *in the explanatory statement described in section 4 (in the*
14 *matter preceding division A of this consolidated Act).*

15 *SEC. 229. Funds appropriated in this Act that are*
16 *available for salaries and expenses of employees of the De-*
17 *partment of Health and Human Services shall also be*
18 *available to pay travel and related expenses of such an em-*
19 *ployee or of a member of his or her family, when such em-*
20 *ployee is assigned to duty, in the United States or in a*
21 *U.S. territory, during a period and in a location that are*
22 *the subject of a determination of a public health emergency*
23 *under section 319 of the Public Health Service Act and such*
24 *travel is necessary to obtain medical care for an illness,*
25 *injury, or medical condition that cannot be adequately ad-*

1 *dressed in that location at that time. For purposes of this*
2 *section, the term “U.S. territory” means Guam, the Com-*
3 *monwealth of Puerto Rico, the Northern Mariana Islands,*
4 *the Virgin Islands, American Samoa, or the Trust Territory*
5 *of the Pacific Islands.*

6 *SEC. 230. The Department of Health and Human*
7 *Services may accept donations from the private sector, non-*
8 *governmental organizations, and other groups independent*
9 *of the Federal Government for the care of unaccompanied*
10 *alien children (as defined in section 462(g)(2) of the Home-*
11 *land Security Act of 2002 (6 U.S.C. 279(g)(2))) in the care*
12 *of the Office of Refugee Resettlement of the Administration*
13 *for Children and Families, including medical goods and*
14 *services, which may include early childhood developmental*
15 *screenings, school supplies, toys, clothing, and any other*
16 *items intended to promote the wellbeing of such children.*

17 *SEC. 231. (a) None of the funds provided by this or*
18 *any prior appropriations Act may be used to reverse*
19 *changes in procedures made by operational directives issued*
20 *to providers by the Office of Refugee Resettlement on Decem-*
21 *ber 18, 2018, March 23, 2019, and June 10, 2019 regarding*
22 *the Memorandum of Agreement on Information Sharing ex-*
23 *ecuted April 13, 2018.*

24 *(b) Notwithstanding subsection (a), the Secretary may*
25 *make changes to such operational directives upon making*

1 *a determination that such changes are necessary to prevent*
2 *unaccompanied alien children from being placed in danger,*
3 *and the Secretary shall provide a written justification to*
4 *Congress and the Inspector General of the Department of*
5 *Health and Human Services in advance of implementing*
6 *such changes.*

7 *(c) Within 15 days of the Secretary's communication*
8 *of the justification, the Inspector General of the Department*
9 *of Health and Human Services shall provide an assessment,*
10 *in writing, to the Secretary and to the Committees on Ap-*
11 *propriations of the House of Representatives and the Senate*
12 *of whether such changes to operational directives are nec-*
13 *essary to prevent unaccompanied children from being*
14 *placed in danger.*

15 *SEC. 232. None of the funds made available in this*
16 *Act under the heading "Department of Health and Human*
17 *Services—Administration for Children and Families—Ref-*
18 *ugee and Entrant Assistance" may be obligated to a grantee*
19 *or contractor to house unaccompanied alien children (as*
20 *such term is defined in section 462(g)(2) of the Homeland*
21 *Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility*
22 *that is not State-licensed for the care of unaccompanied*
23 *alien children, except in the case that the Secretary deter-*
24 *mines that housing unaccompanied alien children in such*

1 *a facility is necessary on a temporary basis due to an influx*
2 *of such children or an emergency, provided that—*

3 *(1) the terms of the grant or contract for the op-*
4 *erations of any such facility that remains in oper-*
5 *ation for more than six consecutive months shall re-*
6 *quire compliance with—*

7 *(A) the same requirements as licensed place-*
8 *ments, as listed in Exhibit 1 of the Flores Settle-*
9 *ment Agreement that the Secretary determines*
10 *are applicable to non-State licensed facilities;*
11 *and*

12 *(B) staffing ratios of one (1) on-duty Youth*
13 *Care Worker for every eight (8) children or youth*
14 *during waking hours, one (1) on-duty Youth*
15 *Care Worker for every sixteen (16) children or*
16 *youth during sleeping hours, and clinician ratios*
17 *to children (including mental health providers)*
18 *as required in grantee cooperative agreements;*

19 *(2) the Secretary may grant a 60-day waiver for*
20 *a contractor's or grantee's non-compliance with para-*
21 *graph (1) if the Secretary certifies and provides a re-*
22 *port to Congress on the contractor's or grantee's good-*
23 *faith efforts and progress towards compliance;*

1 (3) *not more than four consecutive waivers under*
2 *paragraph (2) may be granted to a contractor or*
3 *grantee with respect to a specific facility;*

4 (4) *ORR shall ensure full adherence to the moni-*
5 *toring requirements set forth in section 5.5 of its Poli-*
6 *cies and Procedures Guide as of May 15, 2019;*

7 (5) *for any such unlicensed facility in operation*
8 *for more than three consecutive months, ORR shall*
9 *conduct a minimum of one comprehensive monitoring*
10 *visit during the first three months of operation, with*
11 *quarterly monitoring visits thereafter; and*

12 (6) *not later than 60 days after the date of en-*
13 *actment of this Act, ORR shall brief the Committees*
14 *on Appropriations of the House of Representatives*
15 *and the Senate outlining the requirements of ORR for*
16 *influx facilities including any requirement listed in*
17 *paragraph (1)(A) that the Secretary has determined*
18 *are not applicable to non-State licensed facilities.*

19 *SEC. 233. In addition to the existing Congressional no-*
20 *tification for formal site assessments of potential influx fa-*
21 *cilities, the Secretary shall notify the Committees on Appro-*
22 *priations of the House of Representatives and the Senate*
23 *at least 15 days before operationalizing an unlicensed facil-*
24 *ity, and shall (1) specify whether the facility is hard-sided*
25 *or soft-sided, and (2) provide analysis that indicates that,*

1 *in the absence of the influx facility, the likely outcome is*
2 *that unaccompanied alien children will remain in the cus-*
3 *tody of the Department of Homeland Security for longer*
4 *than 72 hours or that unaccompanied alien children will*
5 *be otherwise placed in danger. Within 60 days of bringing*
6 *such a facility online, and monthly thereafter, the Secretary*
7 *shall provide to the Committees on Appropriations of the*
8 *House of Representatives and the Senate a report detailing*
9 *the total number of children in care at the facility, the aver-*
10 *age length of stay and average length of care of children*
11 *at the facility, and, for any child that has been at the facil-*
12 *ity for more than 60 days, their length of stay and reason*
13 *for delay in release.*

14 *SEC. 234. None of the funds made available in this*
15 *Act may be used to prevent a United States Senator or*
16 *Member of the House of Representatives from entering, for*
17 *the purpose of conducting oversight, any facility in the*
18 *United States used for the purpose of maintaining custody*
19 *of, or otherwise housing, unaccompanied alien children (as*
20 *defined in section 462(g)(2) of the Homeland Security Act*
21 *of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator*
22 *or Member has coordinated the oversight visit with the Of-*
23 *fice of Refugee Resettlement not less than two business days*
24 *in advance to ensure that such visit would not interfere*

1 *with the operations (including child welfare and child safe-*
2 *ty operations) of such facility.*

3 *SEC. 235. Not later than 14 days after the date of en-*
4 *actment of this Act, and monthly thereafter, the Secretary*
5 *shall submit to the Committees on Appropriations of the*
6 *House of Representatives and the Senate, and make pub-*
7 *licly available online, a report with respect to children who*
8 *were separated from their parents or legal guardians by the*
9 *Department of Homeland Security (DHS) (regardless of*
10 *whether or not such separation was pursuant to an option*
11 *selected by the children, parents, or guardians), subse-*
12 *quently classified as unaccompanied alien children, and*
13 *transferred to the care and custody of ORR during the pre-*
14 *vious month. Each report shall contain the following infor-*
15 *mation:*

16 *(1) the number and ages of children so separated*
17 *subsequent to apprehension at or between ports of*
18 *entry, to be reported by sector where separation oc-*
19 *curred; and*

20 *(2) the documented cause of separation, as re-*
21 *ported by DHS when each child was referred.*

22 *SEC. 236. Funds appropriated in this Act that are*
23 *available for salaries and expenses of employees of the Cen-*
24 *ters for Disease Control and Prevention shall also be avail-*
25 *able for the primary and secondary schooling of eligible de-*

1 *the Fund” after “shall be available” and by inserting “mov-*
2 *ing expenses,” after “renovation of facilities,”.*

3 *This title may be cited as the “Department of Health*
4 *and Human Services Appropriations Act, 2021”.*

5 *TITLE III*

6 *DEPARTMENT OF EDUCATION*

7 *EDUCATION FOR THE DISADVANTAGED*

8 *For carrying out title I and subpart 2 of part B of*
9 *title II of the Elementary and Secondary Education Act*
10 *of 1965 (referred to in this Act as “ESEA”) and section*
11 *418A of the Higher Education Act of 1965 (referred to in*
12 *this Act as “HEA”), \$17,226,790,000, of which*
13 *\$6,306,490,000 shall become available on July 1, 2021, and*
14 *shall remain available through September 30, 2022, and of*
15 *which \$10,841,177,000 shall become available on October 1,*
16 *2021, and shall remain available through September 30,*
17 *2022, for academic year 2021–2022: Provided, That*
18 *\$6,459,401,000 shall be for basic grants under section 1124*
19 *of the ESEA: Provided further, That up to \$5,000,000 of*
20 *these funds shall be available to the Secretary of Education*
21 *(referred to in this title as “Secretary”) on October 1, 2020,*
22 *to obtain annually updated local educational agency-level*
23 *census poverty data from the Bureau of the Census: Pro-*
24 *vided further, That \$1,362,301,000 shall be for concentra-*
25 *tion grants under section 1124A of the ESEA: Provided fur-*

1 *ther, That \$4,357,550,000 shall be for targeted grants under*
2 *section 1125 of the ESEA: Provided further, That*
3 *\$4,357,550,000 shall be for education finance incentive*
4 *grants under section 1125A of the ESEA: Provided further,*
5 *That \$220,000,000 shall be for carrying out subpart 2 of*
6 *part B of title II: Provided further, That \$46,123,000 shall*
7 *be for carrying out section 418A of the HEA.*

8 *IMPACT AID*

9 *For carrying out programs of financial assistance to*
10 *federally affected schools authorized by title VII of the*
11 *ESEA, \$1,501,112,000, of which \$1,354,242,000 shall be for*
12 *basic support payments under section 7003(b), \$48,316,000*
13 *shall be for payments for children with disabilities under*
14 *section 7003(d), \$17,406,000, to remain available through*
15 *September 30, 2022, shall be for construction under section*
16 *7007(b), \$76,313,000 shall be for Federal property pay-*
17 *ments under section 7002, and \$4,835,000, to remain avail-*
18 *able until expended, shall be for facilities maintenance*
19 *under section 7008: Provided, That for purposes of com-*
20 *puting the amount of a payment for an eligible local edu-*
21 *cational agency under section 7003(a) for school year 2020–*
22 *2021, children enrolled in a school of such agency that*
23 *would otherwise be eligible for payment under section*
24 *7003(a)(1)(B) of such Act, but due to the deployment of both*
25 *parents or legal guardians, or a parent or legal guardian*

1 *having sole custody of such children, or due to the death*
2 *of a military parent or legal guardian while on active duty*
3 *(so long as such children reside on Federal property as de-*
4 *scribed in section 7003(a)(1)(B)), are no longer eligible*
5 *under such section, shall be considered as eligible students*
6 *under such section, provided such students remain in aver-*
7 *age daily attendance at a school in the same local edu-*
8 *cational agency they attended prior to their change in eligi-*
9 *bility status.*

10 *SCHOOL IMPROVEMENT PROGRAMS*

11 *For carrying out school improvement activities author-*
12 *ized by part B of title I, part A of title II, subpart 1 of*
13 *part A of title IV, part B of title IV, part B of title V,*
14 *and parts B and C of title VI of the ESEA; the McKinney-*
15 *Vento Homeless Assistance Act; section 203 of the Edu-*
16 *cational Technical Assistance Act of 2002; the Compact of*
17 *Free Association Amendments Act of 2003; and the Civil*
18 *Rights Act of 1964, \$5,444,217,000, of which*
19 *\$3,613,652,000 shall become available on July 1, 2021, and*
20 *remain available through September 30, 2022, and of which*
21 *\$1,681,441,000 shall become available on October 1, 2021,*
22 *and shall remain available through September 30, 2022, for*
23 *academic year 2021–2022: Provided, That \$378,000,000*
24 *shall be for part B of title I: Provided further, That*
25 *\$1,259,673,000 shall be for part B of title IV: Provided fur-*

1 *ther, That \$37,397,000 shall be for part B of title VI, which*
2 *may be used for construction, renovation, and moderniza-*
3 *tion of any public elementary school, secondary school, or*
4 *structure related to a public elementary school or secondary*
5 *school that serves a predominantly Native Hawaiian stu-*
6 *dent body, and that the 5 percent limitation in section*
7 *6205(b) of the ESEA on the use of funds for administrative*
8 *purposes shall apply only to direct administrative costs:*
9 *Provided further, That \$36,453,000 shall be for part C of*
10 *title VI, which shall be awarded on a competitive basis, and*
11 *may be used for construction, and that the 5 percent limita-*
12 *tion in section 6305 of the ESEA on the use of funds for*
13 *administrative purposes shall apply only to direct adminis-*
14 *trative costs: Provided further, That \$52,000,000 shall be*
15 *available to carry out section 203 of the Educational Tech-*
16 *nical Assistance Act of 2002 and the Secretary shall make*
17 *such arrangements as determined to be necessary to ensure*
18 *that the Bureau of Indian Education has access to services*
19 *provided under this section: Provided further, That*
20 *\$16,699,000 shall be available to carry out the Supple-*
21 *mental Education Grants program for the Federated States*
22 *of Micronesia and the Republic of the Marshall Islands:*
23 *Provided further, That the Secretary may reserve up to 5*
24 *percent of the amount referred to in the previous proviso*
25 *to provide technical assistance in the implementation of*

1 *these grants: Provided further, That \$187,840,000 shall be*
2 *for part B of title V: Provided further, That \$1,220,000,000*
3 *shall be available for grants under subpart 1 of part A of*
4 *title IV.*

5 *INDIAN EDUCATION*

6 *For expenses necessary to carry out, to the extent not*
7 *otherwise provided, title VI, part A of the ESEA,*
8 *\$181,239,000, of which \$67,993,000 shall be for subpart 2*
9 *of part A of title VI and \$7,865,000 shall be for subpart*
10 *3 of part A of title VI: Provided, That the 5 percent limita-*
11 *tion in sections 6115(d), 6121(e), and 6133(g) of the ESEA*
12 *on the use of funds for administrative purposes shall apply*
13 *only to direct administrative costs.*

14 *INNOVATION AND IMPROVEMENT*

15 *For carrying out activities authorized by subparts 1,*
16 *3 and 4 of part B of title II, and parts C, D, and E and*
17 *subparts 1 and 4 of part F of title IV of the ESEA,*
18 *\$1,114,250,000: Provided, That \$285,250,000 shall be for*
19 *subparts 1, 3 and 4 of part B of title II and shall be made*
20 *available without regard to sections 2201, 2231(b) and*
21 *2241: Provided further, That \$635,000,000 shall be for parts*
22 *C, D, and E and subpart 4 of part F of title IV, and shall*
23 *be made available without regard to sections 4311, 4409(a),*
24 *and 4601 of the ESEA: Provided further, That section*
25 *4303(d)(3)(A)(i) shall not apply to the funds available for*

1 *part C of title IV: Provided further, That of the funds avail-*
2 *able for part C of title IV, the Secretary shall use*
3 *\$60,000,000 to carry out section 4304, of which not more*
4 *than \$10,000,000 shall be available to carry out section*
5 *4304(k), \$140,000,000, to remain available through March*
6 *31, 2022, to carry out section 4305(b), and not more than*
7 *\$15,000,000 to carry out the activities in section*
8 *4305(a)(3): Provided further, That notwithstanding section*
9 *4601(b), \$194,000,000 shall be available through December*
10 *31, 2021 for subpart 1 of part F of title IV.*

11 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

12 *For carrying out activities authorized by subparts 2*
13 *and 3 of part F of title IV of the ESEA, \$217,000,000: Pro-*
14 *vided, That \$106,000,000 shall be available for section*
15 *4631, of which up to \$5,000,000, to remain available until*
16 *expended, shall be for the Project School Emergency Re-*
17 *sponse to Violence (Project SERV) program: Provided fur-*
18 *ther, That \$30,000,000 shall be available for section 4625:*
19 *Provided further, That \$81,000,000 shall be available*
20 *through December 31, 2021, for section 4624.*

21 *ENGLISH LANGUAGE ACQUISITION*

22 *For carrying out part A of title III of the ESEA,*
23 *\$797,400,000, which shall become available on July 1, 2021,*
24 *and shall remain available through September 30, 2022, ex-*
25 *cept that 6.5 percent of such amount shall be available on*

1 *October 1, 2020, and shall remain available through Sep-*
2 *tember 30, 2022, to carry out activities under section*
3 *3111(c)(1)(C).*

4 *SPECIAL EDUCATION*

5 *For carrying out the Individuals with Disabilities*
6 *Education Act (IDEA) and the Special Olympics Sport*
7 *and Empowerment Act of 2004, \$14,070,743,000, of which*
8 *\$4,533,544,000 shall become available on July 1, 2021, and*
9 *shall remain available through September 30, 2022, and of*
10 *which \$9,283,383,000 shall become available on October 1,*
11 *2021, and shall remain available through September 30,*
12 *2022, for academic year 2021–2022: Provided, That the*
13 *amount for section 611(b)(2) of the IDEA shall be equal*
14 *to the lesser of the amount available for that activity during*
15 *fiscal year 2020, increased by the amount of inflation as*
16 *specified in section 619(d)(2)(B) of the IDEA, or the per-*
17 *cent change in the funds appropriated under section 611(i)*
18 *of the IDEA, but not less than the amount for that activity*
19 *during fiscal year 2020: Provided further, That the Sec-*
20 *retary shall, without regard to section 611(d) of the IDEA,*
21 *distribute to all other States (as that term is defined in*
22 *section 611(g)(2)), subject to the third proviso, any amount*
23 *by which a State’s allocation under section 611, from funds*
24 *appropriated under this heading, is reduced under section*
25 *612(a)(18)(B), according to the following: 85 percent on the*

1 *basis of the States' relative populations of children aged 3*
2 *through 21 who are of the same age as children with disabil-*
3 *ities for whom the State ensures the availability of a free*
4 *appropriate public education under this part, and 15 per-*
5 *cent to States on the basis of the States' relative populations*
6 *of those children who are living in poverty: Provided fur-*
7 *ther, That the Secretary may not distribute any funds*
8 *under the previous proviso to any State whose reduction*
9 *in allocation from funds appropriated under this heading*
10 *made funds available for such a distribution: Provided fur-*
11 *ther, That the States shall allocate such funds distributed*
12 *under the second proviso to local educational agencies in*
13 *accordance with section 611(f): Provided further, That the*
14 *amount by which a State's allocation under section 611(d)*
15 *of the IDEA is reduced under section 612(a)(18)(B) and*
16 *the amounts distributed to States under the previous pro-*
17 *visos in fiscal year 2012 or any subsequent year shall not*
18 *be considered in calculating the awards under section*
19 *611(d) for fiscal year 2013 or for any subsequent fiscal*
20 *years: Provided further, That, notwithstanding the provi-*
21 *sion in section 612(a)(18)(B) regarding the fiscal year in*
22 *which a State's allocation under section 611(d) is reduced*
23 *for failure to comply with the requirement of section*
24 *612(a)(18)(A), the Secretary may apply the reduction spec-*
25 *ified in section 612(a)(18)(B) over a period of consecutive*

1 *fiscal years, not to exceed 5, until the entire reduction is*
2 *applied: Provided further, That the Secretary may, in any*
3 *fiscal year in which a State's allocation under section 611*
4 *is reduced in accordance with section 612(a)(18)(B), reduce*
5 *the amount a State may reserve under section 611(e)(1) by*
6 *an amount that bears the same relation to the maximum*
7 *amount described in that paragraph as the reduction under*
8 *section 612(a)(18)(B) bears to the total allocation the State*
9 *would have received in that fiscal year under section 611(d)*
10 *in the absence of the reduction: Provided further, That the*
11 *Secretary shall either reduce the allocation of funds under*
12 *section 611 for any fiscal year following the fiscal year for*
13 *which the State fails to comply with the requirement of sec-*
14 *tion 612(a)(18)(A) as authorized by section 612(a)(18)(B),*
15 *or seek to recover funds under section 452 of the General*
16 *Education Provisions Act (20 U.S.C. 1234a): Provided fur-*
17 *ther, That the funds reserved under 611(c) of the IDEA may*
18 *be used to provide technical assistance to States to improve*
19 *the capacity of the States to meet the data collection re-*
20 *quirements of sections 616 and 618 and to administer and*
21 *carry out other services and activities to improve data col-*
22 *lection, coordination, quality, and use under parts B and*
23 *C of the IDEA: Provided further, That the Secretary may*
24 *use funds made available for the State Personnel Develop-*
25 *ment Grants program under part D, subpart 1 of IDEA*

1 *to evaluate program performance under such subpart: Pro-*
2 *vided further, That States may use funds reserved for other*
3 *State-level activities under sections 611(e)(2) and 619(f) of*
4 *the IDEA to make subgrants to local educational agencies,*
5 *institutions of higher education, other public agencies, and*
6 *private non-profit organizations to carry out activities au-*
7 *thorized by those sections: Provided further, That, notwith-*
8 *standing section 643(e)(2)(A) of the IDEA, if 5 or fewer*
9 *States apply for grants pursuant to section 643(e) of such*
10 *Act, the Secretary shall provide a grant to each State in*
11 *an amount equal to the maximum amount described in sec-*
12 *tion 643(e)(2)(B) of such Act: Provided further, That if*
13 *more than 5 States apply for grants pursuant to section*
14 *643(e) of the IDEA, the Secretary shall award funds to*
15 *those States on the basis of the States' relative populations*
16 *of infants and toddlers except that no such State shall re-*
17 *ceive a grant in excess of the amount described in section*
18 *643(e)(2)(B) of such Act: Provided further, That States may*
19 *use funds allotted under section 643(c) of the IDEA to make*
20 *subgrants to local educational agencies, institutions of high-*
21 *er education, other public agencies, and private non-profit*
22 *organizations to carry out activities authorized by section*
23 *638 of IDEA.*

1 1986, \$81,500,000: *Provided, That from the total amount*
2 *available, the Institute may at its discretion use funds for*
3 *the endowment program as authorized under section 207*
4 *of such Act.*

5 *GALLAUDET UNIVERSITY*

6 *For the Kendall Demonstration Elementary School,*
7 *the Model Secondary School for the Deaf, and the partial*
8 *support of Gallaudet University under titles I and II of*
9 *the Education of the Deaf Act of 1986, \$140,361,000: Pro-*
10 *vided, That from the total amount available, the University*
11 *may at its discretion use funds for the endowment program*
12 *as authorized under section 207 of such Act.*

13 *CAREER, TECHNICAL, AND ADULT EDUCATION*

14 *For carrying out, to the extent not otherwise provided,*
15 *the Carl D. Perkins Career and Technical Education Act*
16 *of 2006 (“Perkins Act”) and the Adult Education and Fam-*
17 *ily Literacy Act (“AEFLA”), \$2,030,936,000, of which*
18 *\$1,239,936,000 shall become available on July 1, 2021, and*
19 *shall remain available through September 30, 2022, and of*
20 *which \$791,000,000 shall become available on October 1,*
21 *2021, and shall remain available through September 30,*
22 *2022: Provided, That of the amounts made available for*
23 *AEFLA, \$13,712,000 shall be for national leadership activi-*
24 *ties under section 242.*

1 *STUDENT FINANCIAL ASSISTANCE*

2 *For carrying out subparts 1, 3, and 10 of part A, and*
3 *part C of title IV of the HEA, \$24,545,352,000 which shall*
4 *remain available through September 30, 2022.*

5 *The maximum Pell Grant for which a student shall*
6 *be eligible during award year 2021–2022 shall be \$5,435.*

7 *STUDENT AID ADMINISTRATION*

8 *For Federal administrative expenses to carry out part*
9 *D of title I, and subparts 1, 3, 9, and 10 of part A, and*
10 *parts B, C, D, and E of title IV of the HEA, and subpart*
11 *1 of part A of title VII of the Public Health Service Act,*
12 *\$1,853,943,000, to remain available through September 30,*
13 *2022: Provided, That the Secretary shall allocate new stu-*
14 *dent loan borrower accounts to eligible student loan*
15 *servicers on the basis of their past performance compared*
16 *to all loan servicers utilizing established common metrics,*
17 *and on the basis of the capacity of each servicer to process*
18 *new and existing accounts: Provided further, That for stu-*
19 *dent loan contracts awarded prior to October 1, 2017, the*
20 *Secretary shall allow student loan borrowers who are con-*
21 *solidating Federal student loans to select from any student*
22 *loan servicer to service their new consolidated student loan:*
23 *Provided further, That in order to promote accountability*
24 *and high-quality service to borrowers, the Secretary shall*
25 *not award funding for any contract solicitation for a new*

1 *Federal student loan servicing environment, including the*
2 *solicitation for the Federal Student Aid (FSA) Next Gen-*
3 *eration Processing and Servicing Environment, unless such*
4 *an environment provides for the participation of multiple*
5 *student loan servicers that contract directly with the De-*
6 *partment of Education to manage a unique portfolio of bor-*
7 *rower accounts and the full life-cycle of loans from disburse-*
8 *ment to pay-off with certain limited exceptions, and allo-*
9 *cates student loan borrower accounts to eligible student loan*
10 *servicers based on performance: Provided further, That the*
11 *Department shall re-allocate accounts from servicers for re-*
12 *curing non-compliance with FSA guidelines, contractual*
13 *requirements, and applicable laws, including for failure to*
14 *sufficiently inform borrowers of available repayment op-*
15 *tions: Provided further, That such servicers shall be evalu-*
16 *ated based on their ability to meet contract requirements*
17 *(including an understanding of Federal and State law), fu-*
18 *ture performance on the contracts, and history of compli-*
19 *ance with applicable consumer protections laws: Provided*
20 *further, That to the extent FSA permits student loan serv-*
21 *icing subcontracting, FSA shall hold prime contractors ac-*
22 *countable for meeting the requirements of the contract, and*
23 *the performance and expectations of subcontractors shall be*
24 *accounted for in the prime contract and in the overall per-*
25 *formance of the prime contractor: Provided further, That*

1 *FSA shall ensure that the Next Generation Processing and*
2 *Servicing Environment, or any new Federal loan servicing*
3 *environment, incentivize more support to borrowers at risk*
4 *of delinquency or default: Provided further, That FSA shall*
5 *ensure that in such environment contractors have the capac-*
6 *ity to meet and are held accountable for performance on*
7 *service levels; are held accountable for and have a history*
8 *of compliance with applicable consumer protection laws;*
9 *and have relevant experience and demonstrated effective-*
10 *ness: Provided further, That the Secretary shall provide*
11 *quarterly briefings to the Committees on Appropriations*
12 *and Education and Labor of the House of Representatives*
13 *and the Committees on Appropriations and Health, Edu-*
14 *cation, Labor, and Pensions of the Senate on general*
15 *progress related to solicitations for Federal student loan*
16 *servicing contracts: Provided further, That FSA shall*
17 *strengthen transparency through expanded publication of*
18 *aggregate data on student loan and servicer performance:*
19 *Provided further, That not later than 60 days after enact-*
20 *ment of this Act, FSA shall provide to the Committees on*
21 *Appropriations of the House of Representatives and the*
22 *Senate a detailed spend plan of anticipated uses of funds*
23 *made available in this account for fiscal year 2021 and pro-*
24 *vide quarterly updates on this plan (including contracts*
25 *awarded, change orders, bonuses paid to staff, reorganiza-*

1 *tion costs, and any other activity carried out using*
2 *amounts provided under this heading for fiscal year 2021):*
3 *Provided further, That the FSA Next Generation Processing*
4 *and Servicing Environment, or any new Federal student*
5 *loan servicing environment, shall include accountability*
6 *measures that account for the performance of the portfolio*
7 *and contractor compliance with FSA guidelines: Provided*
8 *further, That, due to concerns with the transfer of borrower*
9 *accounts and to allow appropriate time for review of the*
10 *risks of current contracting plans, FSA shall suspend*
11 *awarding of any contract for the Interim Servicing Solu-*
12 *tion (ISS) Solicitation (Solicitation No. 91003120R0018)*
13 *for a period of not less than 90 days after enactment of*
14 *this Act: Provided further, That FSA may not award fund-*
15 *ing for any contract under such ISS Solicitation unless*
16 *Business Process Operations (BPO) Contractors are, as bor-*
17 *rower accounts are migrated to ISS, immediately respon-*
18 *sible for all contact center and back-office processing, as de-*
19 *scribed in BPO Solicitation No. 91003119R0008, necessary*
20 *to deliver all such servicing requirements for accounts that*
21 *have been migrated to ISS: Provided further, That notwith-*
22 *standing the requirements of the Federal Property and Ad-*
23 *ministration Services Act of 1949, 41 U.S.C. 3101 et. seq,*
24 *as amended; parts 6, 16, and 37 of title 48, Code of Federal*
25 *Regulations; or any other procurement limitation on the*

1 *period of performance, the Secretary may extend the period*
2 *of performance for any contract under section 456 of the*
3 *HEA for servicing activities scheduled to expire on Decem-*
4 *ber 14, 2021, or March 30, 2022, as applicable, for up to*
5 *two additional years from the date of expiration.*

6 *HIGHER EDUCATION*

7 *For carrying out, to the extent not otherwise provided,*
8 *titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mu-*
9 *tual Educational and Cultural Exchange Act of 1961, and*
10 *section 117 of the Perkins Act, \$2,541,661,000, of which*
11 *\$96,000,000 shall remain available through December 31,*
12 *2021: Provided, That notwithstanding any other provision*
13 *of law, funds made available in this Act to carry out title*
14 *VI of the HEA and section 102(b)(6) of the Mutual Edu-*
15 *cational and Cultural Exchange Act of 1961 may be used*
16 *to support visits and study in foreign countries by individ-*
17 *uals who are participating in advanced foreign language*
18 *training and international studies in areas that are vital*
19 *to United States national security and who plan to apply*
20 *their language skills and knowledge of these countries in*
21 *the fields of government, the professions, or international*
22 *development: Provided further, That of the funds referred*
23 *to in the preceding proviso up to 1 percent may be used*
24 *for program evaluation, national outreach, and informa-*
25 *tion dissemination activities: Provided further, That up to*

1 1.5 percent of the funds made available under chapter 2
2 of subpart 2 of part A of title IV of the HEA may be used
3 for evaluation: Provided further, That section 313(d) of the
4 HEA shall not apply to an institution of higher education
5 that is eligible to receive funding under section 318 of the
6 HEA.

7 *HOWARD UNIVERSITY*

8 For partial support of Howard University,
9 \$251,018,000, of which not less than \$3,405,000 shall be for
10 a matching endowment grant pursuant to the Howard Uni-
11 versity Endowment Act and shall remain available until
12 expended.

13 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

14 *PROGRAM*

15 For Federal administrative expenses to carry out ac-
16 tivities related to existing facility loans pursuant to section
17 121 of the HEA, \$435,000.

18 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*

19 *FINANCING PROGRAM ACCOUNT*

20 For the cost of guaranteed loans, \$22,150,000, as au-
21 thorized pursuant to part D of title III of the HEA, which
22 shall remain available through September 30, 2022: Pro-
23 vided, That such costs, including the cost of modifying such
24 loans, shall be as defined in section 502 of the Congressional
25 Budget Act of 1974: Provided further, That these funds are

1 *available to subsidize total loan principal, any part of*
2 *which is to be guaranteed, not to exceed \$278,266,000: Pro-*
3 *vided further, That these funds may be used to support*
4 *loans to public and private Historically Black Colleges and*
5 *Universities without regard to the limitations within sec-*
6 *tion 344(a) of the HEA.*

7 *In addition, \$16,000,000, to remain available through*
8 *September 30, 2022, shall be made available to provide for*
9 *the deferment of loans made under part D of title III of*
10 *the HEA to eligible institutions that are private Histori-*
11 *cally Black Colleges and Universities, which apply for the*
12 *deferment of such a loan and demonstrate financial need*
13 *for such deferment by having a score of 2.6 or less on the*
14 *Department of Education's financial responsibility test:*
15 *Provided, That the loan has not been paid in full and is*
16 *not paid in full during the period of deferment: Provided*
17 *further, That during the period of deferment of such a loan,*
18 *interest on the loan will not accrue or be capitalized, and*
19 *the period of deferment shall be for at least a period of 3-*
20 *fiscal years and not more than 6-fiscal years: Provided fur-*
21 *ther, That funds available under this paragraph shall be*
22 *used to fund eligible deferment requests submitted for this*
23 *purpose in fiscal year 2018: Provided further, That the Sec-*
24 *retary shall create and execute an outreach plan to work*
25 *with States and the Capital Financing Advisory Board to*

1 *improve outreach to States and help additional public His-*
2 *torically Black Colleges and Universities participate in the*
3 *program.*

4 *In addition, \$10,000,000, to remain available through*
5 *September 30, 2022, shall be made available to provide for*
6 *the deferment of loans made under part D of title III of*
7 *the HEA to eligible institutions that are public Historically*
8 *Black Colleges and Universities, which apply for the*
9 *deferment of such a loan and demonstrate financial need*
10 *for such deferment, which shall be determined by the Sec-*
11 *retary of Education based on factors including, but not lim-*
12 *ited to, equal to or greater than 5 percent of the school's*
13 *operating revenue relative to its annual debt service pay-*
14 *ment: Provided, That during the period of deferment of such*
15 *a loan, interest on the loan will not accrue or be capitalized,*
16 *and the period of deferment shall be for at least a period*
17 *of 3-fiscal years and not more than 6-fiscal years.*

18 *In addition, for administrative expenses to carry out*
19 *the Historically Black College and University Capital Fi-*
20 *nancing Program entered into pursuant to part D of title*
21 *III of the HEA, \$334,000.*

22 *INSTITUTE OF EDUCATION SCIENCES*

23 *For carrying out activities authorized by the Edu-*
24 *cation Sciences Reform Act of 2002, the National Assess-*
25 *ment of Educational Progress Authorization Act, section*

1 *208 of the Educational Technical Assistance Act of 2002,*
2 *and section 664 of the Individuals with Disabilities Edu-*
3 *cation Act, \$642,462,000, which shall remain available*
4 *through September 30, 2022: Provided, That funds available*
5 *to carry out section 208 of the Educational Technical As-*
6 *sistance Act may be used to link Statewide elementary and*
7 *secondary data systems with early childhood, postsec-*
8 *ondary, and workforce data systems, or to further develop*
9 *such systems: Provided further, That up to \$6,000,000 of*
10 *the funds available to carry out section 208 of the Edu-*
11 *cational Technical Assistance Act may be used for awards*
12 *to public or private organizations or agencies to support*
13 *activities to improve data coordination, quality, and use*
14 *at the local, State, and national levels.*

15 *DEPARTMENTAL MANAGEMENT*

16 *PROGRAM ADMINISTRATION*

17 *For carrying out, to the extent not otherwise provided,*
18 *the Department of Education Organization Act, including*
19 *rental of conference rooms in the District of Columbia and*
20 *hire of three passenger motor vehicles, \$430,000,000: Pro-*
21 *vided, That, notwithstanding any other provision of law,*
22 *none of the funds provided by this Act or provided by pre-*
23 *vious Appropriations Acts to the Department of Education*
24 *available for obligation or expenditure in the current fiscal*
25 *year may be used for any activity relating to implementing*

1 *a reorganization that decentralizes, reduces the staffing*
2 *level, or alters the responsibilities, structure, authority, or*
3 *functionality of the Budget Service of the Department of*
4 *Education, relative to the organization and operation of the*
5 *Budget Service as in effect on January 1, 2018.*

6 *OFFICE FOR CIVIL RIGHTS*

7 *For expenses necessary for the Office for Civil Rights,*
8 *as authorized by section 203 of the Department of Edu-*
9 *cation Organization Act, \$131,000,000.*

10 *OFFICE OF INSPECTOR GENERAL*

11 *For expenses necessary for the Office of Inspector Gen-*
12 *eral, as authorized by section 212 of the Department of*
13 *Education Organization Act, \$63,000,000, of which*
14 *\$2,000,000 shall remain available until expended.*

15 *GENERAL PROVISIONS*

16 *SEC. 301. No funds appropriated in this Act may be*
17 *used to prevent the implementation of programs of vol-*
18 *untary prayer and meditation in the public schools.*

19 *(TRANSFER OF FUNDS)*

20 *SEC. 302. Not to exceed 1 percent of any discretionary*
21 *funds (pursuant to the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985) which are appropriated for the*
23 *Department of Education in this Act may be transferred*
24 *between appropriations, but no such appropriation shall be*
25 *increased by more than 3 percent by any such transfer: Pro-*

1 *vided, That the transfer authority granted by this section*
2 *shall not be used to create any new program or to fund*
3 *any project or activity for which no funds are provided in*
4 *this Act: Provided further, That the Committees on Appro-*
5 *priations of the House of Representatives and the Senate*
6 *are notified at least 15 days in advance of any transfer.*

7 *SEC. 303. Funds appropriated in this Act and consoli-*
8 *dated for evaluation purposes under section 8601(c) of the*
9 *ESEA shall be available from July 1, 2021, through Sep-*
10 *tember 30, 2022.*

11 *SEC. 304. (a) An institution of higher education that*
12 *maintains an endowment fund supported with funds appro-*
13 *priated for title III or V of the HEA for fiscal year 2021*
14 *may use the income from that fund to award scholarships*
15 *to students, subject to the limitation in section*
16 *331(c)(3)(B)(i) of the HEA. The use of such income for such*
17 *purposes, prior to the enactment of this Act, shall be consid-*
18 *ered to have been an allowable use of that income, subject*
19 *to that limitation.*

20 *(b) Subsection (a) shall be in effect until titles III and*
21 *V of the HEA are reauthorized.*

22 *SEC. 305. Section 114(f) of the HEA (20 U.S.C.*
23 *1011c(f)) is amended by striking “2020” and inserting*
24 *“2021”.*

1 *of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers*
2 *are meeting the terms and conditions of such loan cancella-*
3 *tion: Provided, That the Secretary shall specifically conduct*
4 *outreach to assist borrowers who would qualify for loan can-*
5 *cellation under section 455(m) of such Act except that the*
6 *borrower has made some, or all, of the 120 required pay-*
7 *ments under a repayment plan that is not described under*
8 *section 455(m)(A) of such Act, to encourage borrowers to*
9 *enroll in a qualifying repayment plan: Provided further,*
10 *That the Secretary shall also communicate to all Direct*
11 *Loan borrowers the full requirements of section 455(m) of*
12 *such Act and improve the filing of employment certification*
13 *by providing improved outreach and information such as*
14 *outbound calls, electronic communications, ensuring promi-*
15 *nent access to program requirements and benefits on each*
16 *servicer's website, and creating an option for all borrowers*
17 *to complete the entire payment certification process elec-*
18 *tronically and on a centralized website.*

19 *SEC. 311. For an additional amount for "Department*
20 *of Education—Federal Direct Student Loan Program Ac-*
21 *count", \$50,000,000, to remain available until expended,*
22 *shall be for the cost, as defined under section 502 of the*
23 *Congressional Budget Act of 1974, of the Secretary of Edu-*
24 *cation providing loan cancellation in the same manner as*
25 *under section 455(m) of the Higher Education Act of 1965*

1 *(20 U.S.C. 1087e(m)), for borrowers of loans made under*
2 *part D of title IV of such Act who would qualify for loan*
3 *cancellation under section 455(m) except some, or all, of*
4 *the 120 required payments under section 455(m)(1)(A) do*
5 *not qualify for purposes of the program because they were*
6 *monthly payments made in accordance with graduated or*
7 *extended repayment plans as described under subparagraph*
8 *(B) or (C) of section 455(d)(1) or the corresponding repay-*
9 *ment plan for a consolidation loan made under section*
10 *455(g) and that were less than the amount calculated under*
11 *section 455(d)(1)(A), based on a 10-year repayment period:*
12 *Provided, That the monthly payment made 12 months be-*
13 *fore the borrower applied for loan cancellation as described*
14 *in the matter preceding this proviso and the most recent*
15 *monthly payment made by the borrower at the time of such*
16 *application were each not less than the monthly amount*
17 *that would be calculated under, and for which the borrower*
18 *would otherwise qualify for, clause (i) or (iv) of section*
19 *455(m)(1)(A) regarding income-based or income-contingent*
20 *repayment plans, with exception for a borrower who would*
21 *have otherwise been eligible under this section but dem-*
22 *onstrates an unusual fluctuation of income over the past*
23 *5 years: Provided further, That the total loan volume, in-*
24 *cluding outstanding principal, fees, capitalized interest, or*
25 *accrued interest, at application that is eligible for such loan*

1 *ferred (not later than the end of the fifth fiscal year after*
2 *the last fiscal year for which such funds are available for*
3 *the purposes for which appropriated) into the Fund: Pro-*
4 *vided further, That amounts deposited in the Fund shall*
5 *be available until expended, and in addition to such other*
6 *funds as may be available for such purposes, for informa-*
7 *tion and business technology system modernization and fa-*
8 *cilities infrastructure improvements necessary for the oper-*
9 *ation of the Department, subject to approval by the Office*
10 *of Management and Budget: Provided further, That*
11 *amounts in the Fund may be obligated only after the Com-*
12 *mittees on Appropriations of the House of Representatives*
13 *and the Senate are notified at least 30 days in advance*
14 *of the specific information and business technology system*
15 *modernization project or facility infrastructure improve-*
16 *ment obligations planned for such amounts.*

17 *SEC. 314. (a) The General Education Provisions Act*
18 *(20 U.S.C. 1221 et seq.) is amended by striking section 426.*

19 *(b) Paragraph (9) of section 4407(a) of the Elementary*
20 *and Secondary Education Act of 1965 (20 U.S.C. 7231f(a))*
21 *is amended by striking “notwithstanding section 426 of the*
22 *General Education Provisions Act (20 U.S.C. 1228),”.*

23 *SEC. 315. Section 2101(b) of the Elementary and Sec-*
24 *ondary Education Act of 1965 (20 U.S.C. 6611(b)) is*
25 *amended—(1) in paragraph (2)(A)(iv), by inserting*

1 “through fiscal year 2022” after “fiscal year 2020”; and
2 (2) in paragraph (3), by striking “2021” both places it ap-
3 pears and inserting “2023” in its place.

4 RURAL AND LOW-INCOME SCHOOL PROGRAM ADJUSTMENTS

5 SEC. 316. (a) HOLD HARMLESS.—For the purpose of
6 making awards under section 5221 of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C. 7351) for a
8 fiscal year during the period described in subsection (c),
9 the Secretary of Education and each State educational
10 agency shall treat as eligible to receive a grant under such
11 section—

12 (1) any local educational agency that meets the
13 eligibility requirements described in section
14 5221(b)(1) of such Act for such fiscal year, in accord-
15 ance with subsection (d); and

16 (2) notwithstanding such section 5221(b)(1), any
17 local educational agency that does not meet the eligi-
18 bility requirements described in such section for such
19 fiscal year if—

20 (A) the local educational agency received a
21 grant under section 5221 of such Act for fiscal
22 year 2019;

23 (B) for fiscal year 2019, less than 20 per-
24 cent of the children ages 5 through 17 years
25 served by the local educational agency were from

1 *families with incomes below the poverty line, as*
2 *determined by data from the Small Area Income*
3 *and Poverty Estimates of the Bureau of the Cen-*
4 *sus;*

5 *(C) the award for fiscal year 2019 was*
6 *based on alternative poverty data submitted by*
7 *the State to the Secretary despite data being*
8 *available from the Small Area Income and Pov-*
9 *erty Estimates of the Bureau of the Census; and*

10 *(D) the local educational agency meets the*
11 *eligibility criteria described in section*
12 *5221(b)(1)(A)(i) of such Act, or has obtained a*
13 *waiver under section 5221(b)(2) of such Act, for*
14 *the fiscal year for which the eligibility deter-*
15 *mination is being made.*

16 *(b) LIMITATIONS.—*

17 *(1) LIMITS ON LOCAL EDUCATIONAL AGENCY*
18 *AWARDS.—For the purposes of making an award*
19 *under section 5221(b) of the Elementary and Sec-*
20 *ondary Education Act of 1965 (20 U.S.C. 7351(b)) to*
21 *local educational agencies described in subsection*
22 *(a)(2) for a fiscal year during the period described in*
23 *subsection (c), a State educational agency shall pro-*
24 *vide an award to each such local educational agency*
25 *for such fiscal year that is not larger than—*

1 (A) for fiscal year 2021, 100 percent of the
2 amount such local educational agency received
3 for fiscal year 2019;

4 (B) for fiscal year 2022, 100 percent of the
5 amount such local educational agency received
6 for fiscal year 2019;

7 (C) for fiscal year 2023, 83.33 percent of the
8 amount such local educational agency received
9 for fiscal year 2019;

10 (D) for fiscal year 2024, 66.67 percent of
11 the amount such local educational agency re-
12 ceived for fiscal year 2019;

13 (E) for fiscal year 2025, 50 percent of the
14 amount such local educational agency received
15 for fiscal year 2019;

16 (F) for fiscal year 2026, 33.33 percent of the
17 amount such local educational agency received
18 for fiscal year 2019; and

19 (G) for fiscal year 2027, 16.67 percent of
20 the amount such local educational agency re-
21 ceived for fiscal year 2019.

22 (2) *ADJUSTMENTS TO STATE ALLOCATIONS.*—*In*
23 *determining grant amounts for each State edu-*
24 *cational agency under section 5221(a)(2) of the Ele-*
25 *mentary and Secondary Education Act of 1965 (20*

1 *U.S.C. 7351(a)(2)) for each fiscal year during the pe-*
2 *riod described in subsection (c), the Secretary of Edu-*
3 *cation shall reduce the amount that the State edu-*
4 *cational agency would otherwise receive by the com-*
5 *bined amount of any reductions in grant awards re-*
6 *quired under paragraph (1) for such year for the local*
7 *educational agencies described in subsection (a)(2)*
8 *that are served by the State educational agency.*

9 *(c) APPLICABILITY.—Subsections (a) and (b) shall be*
10 *in effect during the period—*

11 *(1) beginning on the first day of the fiscal year*
12 *in which this Act is enacted; and*

13 *(2) ending on the earlier of—*

14 *(A) September 30, 2027; or*

15 *(B) the last day of the fiscal year in which*
16 *an Act that reauthorizes the rural and low-in-*
17 *come school program under subpart 2 of part B*
18 *of title V of the Elementary and Secondary Edu-*
19 *cation Act of 1965 (20 U.S.C. 7351 et seq.) is en-*
20 *acted.*

21 *(d) USE OF DATA MEASURES.—Except as provided in*
22 *subsection (a)(2), for the purpose of making awards under*
23 *section 5221 of the Elementary and Secondary Education*
24 *Act of 1965 (20 U.S.C. 7351) for any fiscal year—*

1 (1) if data are available from the Small Area In-
2 come and Poverty Estimates of the Bureau of the
3 Census to determine a local educational agency's en-
4 rollment of children from families with incomes below
5 the poverty line as described in section
6 5221(b)(1)(A)(i) of such Act, the Secretary of Edu-
7 cation and each State educational agency shall not
8 use alternative poverty data in determining such local
9 educational agency's eligibility under such section;
10 and

11 (2) if data are not available from the Small
12 Area Income and Poverty Estimates of the Bureau of
13 the Census to determine a local educational agency's
14 enrollment of children from families with incomes
15 below the poverty line as described in such section
16 5221(b)(1)(A)(i), the Secretary and the State edu-
17 cational agency shall determine such local educational
18 agency's eligibility under such section using the same
19 State-derived poverty data used to determine local
20 educational agency allocations under part A of title
21 I of the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 6311 et seq.).

23 SEC. 317. (a) IN GENERAL.—For the purpose of car-
24 rying out section 435(a)(2) of the Higher Education Act
25 of 1965 (20 U.S.C. 1085(a)(2)), the Secretary of Education

1 *may waive the requirements under sections 435(a)(5)(A)(i)*
2 *and 435(a)(5)(A)(ii) of such Act (20 U.S.C.*
3 *1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii)) for a*
4 *private non-profit institution of higher education—(1) that*
5 *is an Alaska Native-Serving Institution (as defined in sec-*
6 *tion 317(A)(2) of such Act (20 U.S.C. 1059d)) and a Native*
7 *American-Serving Non-Tribal Institution (as defined in*
8 *section 319(b)(2) (20 U.S.C. 1059f)) whose fall enrollment*
9 *for the most recently completed academic year was com-*
10 *prised of a majority of students who are Indian (as defined*
11 *in such section) or Alaska Native (as defined in section*
12 *317(b) of such Act (20 U.S.C. 1059d(b)) and who are eligi-*
13 *ble to receive the maximum award under the Pell Grant*
14 *program; or (2) whose fall enrollment for the most recently*
15 *completed academic year was comprised of a majority of*
16 *the students who are African American (as defined in sec-*
17 *tion 322(2) of such act (20 U.S.C. 1061(2)) and at least*
18 *50% or more received Federal Pell Grant Funds.*

19 *(b) APPLICABILITY.—Subsection (a) shall apply to an*
20 *institution of higher education that otherwise would be in-*
21 *eligible to participate in a program under part A of title*
22 *IV of the Higher Education Act of 1965 on or after the*
23 *date of enactment of this Act due to the application of sec-*
24 *tion 435(a)(2) of the Higher Education Act of 1965 (20*
25 *U.S.C. 1085(a)(2)).*

1 (c) *COVERAGE.*—*This section shall be in effect for the*
2 *period covered by this Act and for the succeeding fiscal year.*

3 *SEC. 318. Of the amounts made available under the*
4 *heading “Department of Education—Rehabilitation Serv-*
5 *ices” in title III of the Departments of Labor, Health and*
6 *Human Services, and Education, and Related Agencies Ap-*
7 *propriations Act, 2020 (division A of Public Law 116–94)*
8 *that remain available subsequent to the reallocation of funds*
9 *to States pursuant to section 110(b) of the Rehabilitation*
10 *Act of 1973 (Public Law 93–112), \$20,000,000 shall be*
11 *available to the Secretary for one-time financial relief and*
12 *restoration grants consistent with the purposes of the Ran-*
13 *dolph-Sheppard Act as authorized under section 10 of such*
14 *Act (20 U.S.C. 107f): Provided, That the Secretary shall*
15 *use such funds to make grants to each State licensing agen-*
16 *cy in the same proportion as the number of blind vendors*
17 *operating a vending facility in such State as compared to*
18 *the number of blind vendors operating a vending facility*
19 *in all the States on September 30, 2019: Provided further,*
20 *That the State licensing agency shall use these grants to*
21 *make financial relief and restoration payments to offset*
22 *losses of blind vendors that occurred during calendar year*
23 *2020, but only to the extent that such losses are not other-*
24 *wise compensated: Provided further, That any funds in ex-*
25 *cess of the amount needed for financial relief and restora-*

1 *tion payments to blind vendors shall be used by the State*
2 *licensing agency for other purposes authorized by section*
3 *395.9 of title 34, Code of Federal Regulations, as in effect*
4 *on the date of enactment of this Act, and determined*
5 *through active participation with the State committee of*
6 *blind vendors as required: Provided further, That such*
7 *funds shall remain available to the Secretary until Sep-*
8 *tember 30, 2021.*

9 *This title may be cited as the “Department of Edu-*
10 *cation Appropriations Act, 2021”.*

11 *TITLE IV*

12 *RELATED AGENCIES*

13 *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE*

14 *BLIND OR SEVERELY DISABLED*

15 *SALARIES AND EXPENSES*

16 *For expenses necessary for the Committee for Purchase*
17 *From People Who Are Blind or Severely Disabled (referred*
18 *to in this title as “the Committee”) established under sec-*
19 *tion 8502 of title 41, United States Code, \$10,500,000: Pro-*
20 *vided, That in order to authorize any central nonprofit*
21 *agency designated pursuant to section 8503(c) of title 41,*
22 *United States Code, to perform requirements of the Com-*
23 *mittee as prescribed under section 51–3.2 of title 41, Code*
24 *of Federal Regulations, the Committee shall enter into a*
25 *written agreement with any such central nonprofit agency:*

1 *Provided further, That such agreement shall contain such*
2 *auditing, oversight, and reporting provisions as necessary*
3 *to implement chapter 85 of title 41, United States Code:*
4 *Provided further, That such agreement shall include the ele-*
5 *ments listed under the heading “Committee For Purchase*
6 *From People Who Are Blind or Severely Disabled—Written*
7 *Agreement Elements” in the explanatory statement de-*
8 *scribed in section 4 of Public Law 114–113 (in the matter*
9 *preceding division A of that consolidated Act): Provided*
10 *further, That any such central nonprofit agency may not*
11 *charge a fee under section 51–3.5 of title 41, Code of Federal*
12 *Regulations, prior to executing a written agreement with*
13 *the Committee: Provided further, That no less than*
14 *\$2,500,000 shall be available for the Office of Inspector Gen-*
15 *eral.*

16 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

17 *OPERATING EXPENSES*

18 *For necessary expenses for the Corporation for Na-*
19 *tional and Community Service (referred to in this title as*
20 *“CNCS”) to carry out the Domestic Volunteer Service Act*
21 *of 1973 (referred to in this title as “1973 Act”) and the*
22 *National and Community Service Act of 1990 (referred to*
23 *in this title as “1990 Act”), \$843,115,000, notwithstanding*
24 *sections 198B(b)(3), 198S(g), 501(a)(4)(C), and*
25 *501(a)(4)(F) of the 1990 Act: Provided, That of the amounts*

1 *provided under this heading: (1) up to 1 percent of program*
2 *grant funds may be used to defray the costs of conducting*
3 *grant application reviews, including the use of outside peer*
4 *reviewers and electronic management of the grants cycle;*
5 *(2) \$18,538,000 shall be available to provide assistance to*
6 *State commissions on national and community service,*
7 *under section 126(a) of the 1990 Act and notwithstanding*
8 *section 501(a)(5)(B) of the 1990 Act; (3) \$33,500,000 shall*
9 *be available to carry out subtitle E of the 1990 Act; and*
10 *(4) \$6,400,000 shall be available for expenses authorized*
11 *under section 501(a)(4)(F) of the 1990 Act, which, notwith-*
12 *standing the provisions of section 198P shall be awarded*
13 *by CNCS on a competitive basis: Provided further, That*
14 *for the purposes of carrying out the 1990 Act, satisfying*
15 *the requirements in section 122(c)(1)(D) may include a de-*
16 *termination of need by the local community.*

17 *PAYMENT TO THE NATIONAL SERVICE TRUST*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For payment to the National Service Trust established*
20 *under subtitle D of title I of the 1990 Act, \$185,000,000,*
21 *to remain available until expended: Provided, That CNCS*
22 *may transfer additional funds from the amount provided*
23 *within “Operating Expenses” allocated to grants under sub-*
24 *title C of title I of the 1990 Act to the National Service*
25 *Trust upon determination that such transfer is necessary*

1 *to support the activities of national service participants*
2 *and after notice is transmitted to the Committees on Appro-*
3 *priations of the House of Representatives and the Senate:*
4 *Provided further, That amounts appropriated for or trans-*
5 *ferred to the National Service Trust may be invested under*
6 *section 145(b) of the 1990 Act without regard to the require-*
7 *ment to apportion funds under 31 U.S.C. 1513(b).*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of administration as provided*
10 *under section 501(a)(5) of the 1990 Act and under section*
11 *504(a) of the 1973 Act, including payment of salaries, au-*
12 *thorized travel, hire of passenger motor vehicles, the rental*
13 *of conference rooms in the District of Columbia, the employ-*
14 *ment of experts and consultants authorized under 5 U.S.C.*
15 *3109, and not to exceed \$2,500 for official reception and*
16 *representation expenses, \$86,487,000.*

17 *OFFICE OF INSPECTOR GENERAL*

18 *For necessary expenses of the Office of Inspector Gen-*
19 *eral in carrying out the Inspector General Act of 1978,*
20 *\$6,500,000.*

21 *ADMINISTRATIVE PROVISIONS*

22 *SEC. 401. CNCS shall make any significant changes*
23 *to program requirements, service delivery or policy only*
24 *through public notice and comment rulemaking. For fiscal*
25 *year 2021, during any grant selection process, an officer*

1 *or employee of CNCS shall not knowingly disclose any cov-*
2 *ered grant selection information regarding such selection,*
3 *directly or indirectly, to any person other than an officer*
4 *or employee of CNCS that is authorized by CNCS to receive*
5 *such information.*

6 *SEC. 402. AmeriCorps programs receiving grants*
7 *under the National Service Trust program shall meet an*
8 *overall minimum share requirement of 24 percent for the*
9 *first 3 years that they receive AmeriCorps funding, and*
10 *thereafter shall meet the overall minimum share require-*
11 *ment as provided in section 2521.60 of title 45, Code of*
12 *Federal Regulations, without regard to the operating costs*
13 *match requirement in section 121(e) or the member support*
14 *Federal share limitations in section 140 of the 1990 Act,*
15 *and subject to partial waiver consistent with section*
16 *2521.70 of title 45, Code of Federal Regulations.*

17 *SEC. 403. Donations made to CNCS under section 196*
18 *of the 1990 Act for the purposes of financing programs and*
19 *operations under titles I and II of the 1973 Act or subtitle*
20 *B, C, D, or E of title I of the 1990 Act shall be used to*
21 *supplement and not supplant current programs and oper-*
22 *ations.*

23 *SEC. 404. In addition to the requirements in section*
24 *146(a) of the 1990 Act, use of an educational award for*
25 *the purpose described in section 148(a)(4) shall be limited*

1 *to individuals who are veterans as defined under section*
2 *101 of the Act.*

3 *SEC. 405. For the purpose of carrying out section*
4 *189D of the 1990 Act—*

5 *(1) entities described in paragraph (a) of such*
6 *section shall be considered “qualified entities” under*
7 *section 3 of the National Child Protection Act of 1993*
8 *(“NCPA”);*

9 *(2) individuals described in such section shall be*
10 *considered “volunteers” under section 3 of NCPA; and*

11 *(3) State Commissions on National and Commu-*
12 *nity Service established pursuant to section 178 of the*
13 *1990 Act, are authorized to receive criminal history*
14 *record information, consistent with Public Law 92–*
15 *544.*

16 *SEC. 406. Notwithstanding sections 139(b), 146 and*
17 *147 of the 1990 Act, an individual who successfully com-*
18 *pletes a term of service of not less than 1,200 hours during*
19 *a period of not more than one year may receive a national*
20 *service education award having a value of 70 percent of*
21 *the value of a national service education award determined*
22 *under section 147(a) of the Act.*

23 *CORPORATION FOR PUBLIC BROADCASTING*

24 *For payment to the Corporation for Public Broad-*
25 *casting (“CPB”), as authorized by the Communications Act*

1 of 1934, an amount which shall be available within limita-
2 tions specified by that Act, for the fiscal year 2023,
3 \$475,000,000: Provided, That none of the funds made avail-
4 able to CPB by this Act shall be used to pay for receptions,
5 parties, or similar forms of entertainment for Government
6 officials or employees: Provided further, That none of the
7 funds made available to CPB by this Act shall be available
8 or used to aid or support any program or activity from
9 which any person is excluded, or is denied benefits, or is
10 discriminated against, on the basis of race, color, national
11 origin, religion, or sex: Provided further, That none of the
12 funds made available to CPB by this Act shall be used to
13 apply any political test or qualification in selecting, ap-
14 pointing, promoting, or taking any other personnel action
15 with respect to officers, agents, and employees of CPB.

16 *In addition, for the costs associated with replacing and*
17 *upgrading the public broadcasting interconnection system*
18 *and other technologies and services that create infrastruc-*
19 *ture and efficiencies within the public media system,*
20 *\$20,000,000.*

21 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the Federal Mediation and*
24 *Conciliation Service (“Service”) to carry out the functions*
25 *vested in it by the Labor-Management Relations Act, 1947,*

1 *including hire of passenger motor vehicles; for expenses nec-*
2 *essary for the Labor-Management Cooperation Act of 1978;*
3 *and for expenses necessary for the Service to carry out the*
4 *functions vested in it by the Civil Service Reform Act,*
5 *\$48,600,000, including up to \$900,000 to remain available*
6 *through September 30, 2022, for activities authorized by the*
7 *Labor-Management Cooperation Act of 1978: Provided,*
8 *That notwithstanding 31 U.S.C. 3302, fees charged, up to*
9 *full-cost recovery, for special training activities and other*
10 *conflict resolution services and technical assistance, includ-*
11 *ing those provided to foreign governments and international*
12 *organizations, and for arbitration services shall be credited*
13 *to and merged with this account, and shall remain avail-*
14 *able until expended: Provided further, That fees for arbitra-*
15 *tion services shall be available only for education, training,*
16 *and professional development of the agency workforce: Pro-*
17 *vided further, That the Director of the Service is authorized*
18 *to accept and use on behalf of the United States gifts of*
19 *services and real, personal, or other property in the aid of*
20 *any projects or functions within the Director's jurisdiction.*

21 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

22 *COMMISSION*

23 *SALARIES AND EXPENSES*

24 *For expenses necessary for the Federal Mine Safety*
25 *and Health Review Commission, \$17,184,000.*

1 *NATIONAL LABOR RELATIONS BOARD*2 *SALARIES AND EXPENSES*

3 *For expenses necessary for the National Labor Rela-*
4 *tions Board to carry out the functions vested in it by the*
5 *Labor-Management Relations Act, 1947, and other laws,*
6 *\$274,224,000: Provided, That no part of this appropriation*
7 *shall be available to organize or assist in organizing agri-*
8 *cultural laborers or used in connection with investigations,*
9 *hearings, directives, or orders concerning bargaining units*
10 *composed of agricultural laborers as referred to in section*
11 *2(3) of the Act of July 5, 1935, and as amended by the*
12 *Labor-Management Relations Act, 1947, and as defined in*
13 *section 3(f) of the Act of June 25, 1938, and including in*
14 *said definition employees engaged in the maintenance and*
15 *operation of ditches, canals, reservoirs, and waterways*
16 *when maintained or operated on a mutual, nonprofit basis*
17 *and at least 95 percent of the water stored or supplied there-*
18 *by is used for farming purposes.*

19 *ADMINISTRATIVE PROVISIONS*

20 *SEC. 407. None of the funds provided by this Act or*
21 *previous Acts making appropriations for the National*
22 *Labor Relations Board may be used to issue any new ad-*
23 *ministrative directive or regulation that would provide em-*
24 *ployees any means of voting through any electronic means*

1 *in an election to determine a representative for the purposes*
2 *of collective bargaining.*

3 *NATIONAL MEDIATION BOARD*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary to carry out the provisions of*
6 *the Railway Labor Act, including emergency boards ap-*
7 *pointed by the President, \$14,300,000.*

8 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*

9 *COMMISSION*

10 *SALARIES AND EXPENSES*

11 *For expenses necessary for the Occupational Safety*
12 *and Health Review Commission, \$13,225,000.*

13 *RAILROAD RETIREMENT BOARD*

14 *DUAL BENEFITS PAYMENTS ACCOUNT*

15 *For payment to the Dual Benefits Payments Account,*
16 *authorized under section 15(d) of the Railroad Retirement*
17 *Act of 1974, \$13,000,000, which shall include amounts be-*
18 *coming available in fiscal year 2021 pursuant to section*
19 *224(c)(1)(B) of Public Law 98-76; and in addition, an*
20 *amount, not to exceed 2 percent of the amount provided*
21 *herein, shall be available proportional to the amount by*
22 *which the product of recipients and the average benefit re-*
23 *ceived exceeds the amount available for payment of vested*
24 *dual benefits: Provided, That the total amount provided*

1 *herein shall be credited in 12 approximately equal amounts*
2 *on the first day of each month in the fiscal year.*

3 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

4 *ACCOUNTS*

5 *For payment to the accounts established in the Treas-*
6 *ury for the payment of benefits under the Railroad Retire-*
7 *ment Act for interest earned on unnegotiated checks,*
8 *\$150,000, to remain available through September 30, 2022,*
9 *which shall be the maximum amount available for payment*
10 *pursuant to section 417 of Public Law 98–76.*

11 *LIMITATION ON ADMINISTRATION*

12 *For necessary expenses for the Railroad Retirement*
13 *Board (“Board”) for administration of the Railroad Retire-*
14 *ment Act and the Railroad Unemployment Insurance Act,*
15 *\$123,500,000, to be derived in such amounts as determined*
16 *by the Board from the railroad retirement accounts and*
17 *from moneys credited to the railroad unemployment insur-*
18 *ance administration fund: Provided, That notwithstanding*
19 *section 7(b)(9) of the Railroad Retirement Act this limita-*
20 *tion may be used to hire attorneys only through the excepted*
21 *service: Provided further, That the previous proviso shall*
22 *not change the status under Federal employment laws of*
23 *any attorney hired by the Railroad Retirement Board prior*
24 *to January 1, 2013: Provided further, That notwith-*
25 *standing section 7(b)(9) of the Railroad Retirement Act,*

1 *this limitation may be used to hire students attending*
2 *qualifying educational institutions or individuals who have*
3 *recently completed qualifying educational programs using*
4 *current excepted hiring authorities established by the Office*
5 *of Personnel Management: Provided further, That*
6 *\$9,000,000 to remain available until expended, shall be used*
7 *to supplement, not supplant, existing resources devoted to*
8 *operations and improvements for the Board's Information*
9 *Technology Investment Initiatives.*

10 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

11 *For expenses necessary for the Office of Inspector Gen-*
12 *eral for audit, investigatory and review activities, as au-*
13 *thorized by the Inspector General Act of 1978, not more*
14 *than \$11,500,000, to be derived from the railroad retire-*
15 *ment accounts and railroad unemployment insurance ac-*
16 *count.*

17 *SOCIAL SECURITY ADMINISTRATION*

18 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

19 *For payment to the Federal Old-Age and Survivors In-*
20 *surance Trust Fund and the Federal Disability Insurance*
21 *Trust Fund, as provided under sections 201(m) and*
22 *1131(b)(2) of the Social Security Act, \$11,000,000.*

23 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

24 *For carrying out titles XI and XVI of the Social Secu-*
25 *rity Act, section 401 of Public Law 92-603, section 212*

1 *of Public Law 93–66, as amended, and section 405 of Public*
2 *Law 95–216, including payment to the Social Security*
3 *trust funds for administrative expenses incurred pursuant*
4 *to section 201(g)(1) of the Social Security Act,*
5 *\$40,158,768,000, to remain available until expended: Pro-*
6 *vided, That any portion of the funds provided to a State*
7 *in the current fiscal year and not obligated by the State*
8 *during that year shall be returned to the Treasury: Pro-*
9 *vided further, That not more than \$86,000,000 shall be*
10 *available for research and demonstrations under sections*
11 *1110, 1115, and 1144 of the Social Security Act, and re-*
12 *main available through September 30, 2023.*

13 *For making, after June 15 of the current fiscal year,*
14 *benefit payments to individuals under title XVI of the So-*
15 *cial Security Act, for unanticipated costs incurred for the*
16 *current fiscal year, such sums as may be necessary.*

17 *For making benefit payments under title XVI of the*
18 *Social Security Act for the first quarter of fiscal year 2022,*
19 *\$19,600,000,000, to remain available until expended.*

20 *LIMITATION ON ADMINISTRATIVE EXPENSES*

21 *For necessary expenses, including the hire of two pas-*
22 *senger motor vehicles, and not to exceed \$20,000 for official*
23 *reception and representation expenses, not more than*
24 *\$12,794,945,000 may be expended, as authorized by section*
25 *201(g)(1) of the Social Security Act, from any one or all*

1 *of the trust funds referred to in such section: Provided, That*
2 *not less than \$2,500,000 shall be for the Social Security*
3 *Advisory Board: Provided further, That \$45,000,000 shall*
4 *remain available until expended for information technology*
5 *modernization, including related hardware and software*
6 *infrastructure and equipment, and for administrative ex-*
7 *penses directly associated with information technology mod-*
8 *ernization: Provided further, That \$50,000,000 shall re-*
9 *main available through September 30, 2022, for activities*
10 *to address the disability hearings backlog within the Office*
11 *of Hearings Operations: Provided further, That unobligated*
12 *balances of funds provided under this paragraph at the end*
13 *of fiscal year 2021 not needed for fiscal year 2021 shall*
14 *remain available until expended to invest in the Social Se-*
15 *curity Administration information technology and tele-*
16 *communications hardware and software infrastructure, in-*
17 *cluding related equipment and non-payroll administrative*
18 *expenses associated solely with this information technology*
19 *and telecommunications infrastructure: Provided further,*
20 *That the Commissioner of Social Security shall notify the*
21 *Committees on Appropriations of the House of Representa-*
22 *tives and the Senate prior to making unobligated balances*
23 *available under the authority in the previous proviso: Pro-*
24 *vided further, That reimbursement to the trust funds under*
25 *this heading for expenditures for official time for employees*

1 *of the Social Security Administration pursuant to 5 U.S.C.*
2 *7131, and for facilities or support services for labor organi-*
3 *zations pursuant to policies, regulations, or procedures re-*
4 *ferred to in section 7135(b) of such title shall be made by*
5 *the Secretary of the Treasury, with interest, from amounts*
6 *in the general fund not otherwise appropriated, as soon as*
7 *possible after such expenditures are made.*

8 *Of the total amount made available in the first para-*
9 *graph under this heading, not more than \$1,575,000,000,*
10 *to remain available through March 31, 2022, is for the costs*
11 *associated with continuing disability reviews under titles*
12 *II and XVI of the Social Security Act, including work-re-*
13 *lated continuing disability reviews to determine whether*
14 *earnings derived from services demonstrate an individual's*
15 *ability to engage in substantial gainful activity, for the cost*
16 *associated with conducting redeterminations of eligibility*
17 *under title XVI of the Social Security Act, for the cost of*
18 *co-operative disability investigation units, and for the cost*
19 *associated with the prosecution of fraud in the programs*
20 *and operations of the Social Security Administration by*
21 *Special Assistant United States Attorneys: Provided, That,*
22 *of such amount, \$273,000,000 is provided to meet the terms*
23 *of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985, as amended, and*
25 *\$1,302,000,000 is additional new budget authority specified*

1 *for purposes of section 251(b)(2)(B) of such Act: Provided*
2 *further, That, of the additional new budget authority de-*
3 *scribed in the preceding proviso, up to \$11,200,000 may*
4 *be transferred to the “Office of Inspector General”, Social*
5 *Security Administration, for the cost of jointly operated co-*
6 *operative disability investigation units: Provided further,*
7 *That such transfer authority is in addition to any other*
8 *transfer authority provided by law: Provided further, That*
9 *the Commissioner shall provide to the Congress (at the con-*
10 *clusion of the fiscal year) a report on the obligation and*
11 *expenditure of these funds, similar to the reports that were*
12 *required by section 103(d)(2) of Public Law 104–121 for*
13 *fiscal years 1996 through 2002.*

14 *In addition, \$135,000,000 to be derived from adminis-*
15 *tration fees in excess of \$5.00 per supplementary payment*
16 *collected pursuant to section 1616(d) of the Social Security*
17 *Act or section 212(b)(3) of Public Law 93–66, which shall*
18 *remain available until expended: Provided, That to the ex-*
19 *tent that the amounts collected pursuant to such sections*
20 *in fiscal year 2021 exceed \$135,000,000, the amounts shall*
21 *be available in fiscal year 2022 only to the extent provided*
22 *in advance in appropriations Acts.*

23 *In addition, up to \$1,000,000 to be derived from fees*
24 *collected pursuant to section 303(c) of the Social Security*

1 *Protection Act, which shall remain available until ex-*
2 *pended.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For expenses necessary for the Office of Inspector Gen-*
6 *eral in carrying out the provisions of the Inspector General*
7 *Act of 1978, \$30,000,000, together with not to exceed*
8 *\$75,500,000, to be transferred and expended as authorized*
9 *by section 201(g)(1) of the Social Security Act from the*
10 *Federal Old-Age and Survivors Insurance Trust Fund and*
11 *the Federal Disability Insurance Trust Fund.*

12 *In addition, an amount not to exceed 3 percent of the*
13 *total provided in this appropriation may be transferred*
14 *from the "Limitation on Administrative Expenses", Social*
15 *Security Administration, to be merged with this account,*
16 *to be available for the time and purposes for which this*
17 *account is available: Provided, That notice of such transfers*
18 *shall be transmitted promptly to the Committees on Appro-*
19 *priations of the House of Representatives and the Senate*
20 *at least 15 days in advance of any transfer.*

21 *TITLE V*

22 *GENERAL PROVISIONS*

23 *(TRANSFER OF FUNDS)*

24 *SEC. 501. The Secretaries of Labor, Health and*
25 *Human Services, and Education are authorized to transfer*

1 *unexpended balances of prior appropriations to accounts*
2 *corresponding to current appropriations provided in this*
3 *Act. Such transferred balances shall be used for the same*
4 *purpose, and for the same periods of time, for which they*
5 *were originally appropriated.*

6 *SEC. 502. No part of any appropriation contained in*
7 *this Act shall remain available for obligation beyond the*
8 *current fiscal year unless expressly so provided herein.*

9 *SEC. 503. (a) No part of any appropriation contained*
10 *in this Act or transferred pursuant to section 4002 of Public*
11 *Law 111–148 shall be used, other than for normal and rec-*
12 *ognized executive-legislative relationships, for publicity or*
13 *propaganda purposes, for the preparation, distribution, or*
14 *use of any kit, pamphlet, booklet, publication, electronic*
15 *communication, radio, television, or video presentation de-*
16 *signed to support or defeat the enactment of legislation be-*
17 *fore the Congress or any State or local legislature or legisla-*
18 *tive body, except in presentation to the Congress or any*
19 *State or local legislature itself, or designed to support or*
20 *defeat any proposed or pending regulation, administrative*
21 *action, or order issued by the executive branch of any State*
22 *or local government, except in presentation to the executive*
23 *branch of any State or local government itself.*

24 *(b) No part of any appropriation contained in this*
25 *Act or transferred pursuant to section 4002 of Public Law*

1 111–148 shall be used to pay the salary or expenses of any
2 grant or contract recipient, or agent acting for such recipi-
3 ent, related to any activity designed to influence the enact-
4 ment of legislation, appropriations, regulation, administra-
5 tive action, or Executive order proposed or pending before
6 the Congress or any State government, State legislature or
7 local legislature or legislative body, other than for normal
8 and recognized executive-legislative relationships or partici-
9 pation by an agency or officer of a State, local or tribal
10 government in policymaking and administrative processes
11 within the executive branch of that government.

12 (c) The prohibitions in subsections (a) and (b) shall
13 include any activity to advocate or promote any proposed,
14 pending or future Federal, State or local tax increase, or
15 any proposed, pending, or future requirement or restriction
16 on any legal consumer product, including its sale or mar-
17 keting, including but not limited to the advocacy or pro-
18 motion of gun control.

19 SEC. 504. The Secretaries of Labor and Education are
20 authorized to make available not to exceed \$28,000 and
21 \$20,000, respectively, from funds available for salaries and
22 expenses under titles I and III, respectively, for official re-
23 ception and representation expenses; the Director of the
24 Federal Mediation and Conciliation Service is authorized
25 to make available for official reception and representation

1 *expenses not to exceed \$5,000 from the funds available for*
2 *“Federal Mediation and Conciliation Service, Salaries and*
3 *Expenses”*; and the Chairman of the National Mediation
4 *Board is authorized to make available for official reception*
5 *and representation expenses not to exceed \$5,000 from funds*
6 *available for “National Mediation Board, Salaries and Ex-*
7 *penses”*.

8 *SEC. 505. When issuing statements, press releases, re-*
9 *quests for proposals, bid solicitations and other documents*
10 *describing projects or programs funded in whole or in part*
11 *with Federal money, all grantees receiving Federal funds*
12 *included in this Act, including but not limited to State and*
13 *local governments and recipients of Federal research grants,*
14 *shall clearly state—*

15 *(1) the percentage of the total costs of the pro-*
16 *gram or project which will be financed with Federal*
17 *money;*

18 *(2) the dollar amount of Federal funds for the*
19 *project or program; and*

20 *(3) percentage and dollar amount of the total*
21 *costs of the project or program that will be financed*
22 *by non-governmental sources.*

23 *SEC. 506. (a) None of the funds appropriated in this*
24 *Act, and none of the funds in any trust fund to which funds*

1 *are appropriated in this Act, shall be expended for any*
2 *abortion.*

3 *(b) None of the funds appropriated in this Act, and*
4 *none of the funds in any trust fund to which funds are*
5 *appropriated in this Act, shall be expended for health bene-*
6 *fits coverage that includes coverage of abortion.*

7 *(c) The term “health benefits coverage” means the*
8 *package of services covered by a managed care provider or*
9 *organization pursuant to a contract or other arrangement.*

10 *SEC. 507. (a) The limitations established in the pre-*
11 *ceding section shall not apply to an abortion—*

12 *(1) if the pregnancy is the result of an act of*
13 *rape or incest; or*

14 *(2) in the case where a woman suffers from a*
15 *physical disorder, physical injury, or physical illness,*
16 *including a life-endangering physical condition*
17 *caused by or arising from the pregnancy itself, that*
18 *would, as certified by a physician, place the woman*
19 *in danger of death unless an abortion is performed.*

20 *(b) Nothing in the preceding section shall be construed*
21 *as prohibiting the expenditure by a State, locality, entity,*
22 *or private person of State, local, or private funds (other*
23 *than a State’s or locality’s contribution of Medicaid match-*
24 *ing funds).*

1 (c) *Nothing in the preceding section shall be construed*
2 *as restricting the ability of any managed care provider*
3 *from offering abortion coverage or the ability of a State or*
4 *locality to contract separately with such a provider for such*
5 *coverage with State funds (other than a State's or locality's*
6 *contribution of Medicaid matching funds).*

7 (d)(1) *None of the funds made available in this Act*
8 *may be made available to a Federal agency or program,*
9 *or to a State or local government, if such agency, program,*
10 *or government subjects any institutional or individual*
11 *health care entity to discrimination on the basis that the*
12 *health care entity does not provide, pay for, provide cov-*
13 *erage of, or refer for abortions.*

14 (2) *In this subsection, the term "health care enti-*
15 *ty" includes an individual physician or other health*
16 *care professional, a hospital, a provider-sponsored or-*
17 *ganization, a health maintenance organization, a*
18 *health insurance plan, or any other kind of health*
19 *care facility, organization, or plan.*

20 SEC. 508. (a) *None of the funds made available in this*
21 *Act may be used for—*

22 (1) *the creation of a human embryo or embryos*
23 *for research purposes; or*

24 (2) *research in which a human embryo or em-*
25 *broys are destroyed, discarded, or knowingly subjected*

1 *to risk of injury or death greater than that allowed*
2 *for research on fetuses in utero under 45 CFR*
3 *46.204(b) and section 498(b) of the Public Health*
4 *Service Act (42 U.S.C. 289g(b)).*

5 *(b) For purposes of this section, the term “human em-*
6 *bryo or embryos” includes any organism, not protected as*
7 *a human subject under 45 CFR 46 as of the date of the*
8 *enactment of this Act, that is derived by fertilization, par-*
9 *thenogenesis, cloning, or any other means from one or more*
10 *human gametes or human diploid cells.*

11 *SEC. 509. (a) None of the funds made available in this*
12 *Act may be used for any activity that promotes the legaliza-*
13 *tion of any drug or other substance included in schedule*
14 *I of the schedules of controlled substances established under*
15 *section 202 of the Controlled Substances Act except for nor-*
16 *mal and recognized executive-congressional communica-*
17 *tions.*

18 *(b) The limitation in subsection (a) shall not apply*
19 *when there is significant medical evidence of a therapeutic*
20 *advantage to the use of such drug or other substance or that*
21 *federally sponsored clinical trials are being conducted to de-*
22 *termine therapeutic advantage.*

23 *SEC. 510. None of the funds made available in this*
24 *Act may be used to promulgate or adopt any final standard*
25 *under section 1173(b) of the Social Security Act providing*

1 *for, or providing for the assignment of, a unique health*
2 *identifier for an individual (except in an individual's ca-*
3 *capacity as an employer or a health care provider), until leg-*
4 *islation is enacted specifically approving the standard.*

5 *SEC. 511. None of the funds made available in this*
6 *Act may be obligated or expended to enter into or renew*
7 *a contract with an entity if—*

8 *(1) such entity is otherwise a contractor with the*
9 *United States and is subject to the requirement in 38*
10 *U.S.C. 4212(d) regarding submission of an annual*
11 *report to the Secretary of Labor concerning employ-*
12 *ment of certain veterans; and*

13 *(2) such entity has not submitted a report as re-*
14 *quired by that section for the most recent year for*
15 *which such requirement was applicable to such entity.*

16 *SEC. 512. None of the funds made available in this*
17 *Act may be transferred to any department, agency, or in-*
18 *strumentality of the United States Government, except pur-*
19 *suant to a transfer made by, or transfer authority provided*
20 *in, this Act or any other appropriation Act.*

21 *SEC. 513. None of the funds made available by this*
22 *Act to carry out the Library Services and Technology Act*
23 *may be made available to any library covered by paragraph*
24 *(1) of section 224(f) of such Act, as amended by the Chil-*

1 *dren's Internet Protection Act, unless such library has made*
2 *the certifications required by paragraph (4) of such section.*

3 *SEC. 514. (a) None of the funds provided under this*
4 *Act, or provided under previous appropriations Acts to the*
5 *agencies funded by this Act that remain available for obli-*
6 *gation or expenditure in fiscal year 2021, or provided from*
7 *any accounts in the Treasury of the United States derived*
8 *by the collection of fees available to the agencies funded by*
9 *this Act, shall be available for obligation or expenditure*
10 *through a reprogramming of funds that—*

11 *(1) creates new programs;*

12 *(2) eliminates a program, project, or activity;*

13 *(3) increases funds or personnel by any means*
14 *for any project or activity for which funds have been*
15 *denied or restricted;*

16 *(4) relocates an office or employees;*

17 *(5) reorganizes or renames offices;*

18 *(6) reorganizes programs or activities; or*

19 *(7) contracts out or privatizes any functions or*
20 *activities presently performed by Federal employees;*

21 *unless the Committees on Appropriations of the House of*
22 *Representatives and the Senate are consulted 15 days in*
23 *advance of such reprogramming or of an announcement of*
24 *intent relating to such reprogramming, whichever occurs*

1 *earlier, and are notified in writing 10 days in advance of*
2 *such reprogramming.*

3 *(b) None of the funds provided under this Act, or pro-*
4 *vided under previous appropriations Acts to the agencies*
5 *funded by this Act that remain available for obligation or*
6 *expenditure in fiscal year 2021, or provided from any ac-*
7 *counts in the Treasury of the United States derived by the*
8 *collection of fees available to the agencies funded by this*
9 *Act, shall be available for obligation or expenditure through*
10 *a reprogramming of funds in excess of \$500,000 or 10 per-*
11 *cent, whichever is less, that—*

12 *(1) augments existing programs, projects (in-*
13 *cluding construction projects), or activities;*

14 *(2) reduces by 10 percent funding for any exist-*
15 *ing program, project, or activity, or numbers of per-*
16 *sonnel by 10 percent as approved by Congress; or*

17 *(3) results from any general savings from a re-*
18 *duction in personnel which would result in a change*
19 *in existing programs, activities, or projects as ap-*
20 *proved by Congress;*

21 *unless the Committees on Appropriations of the House of*
22 *Representatives and the Senate are consulted 15 days in*
23 *advance of such reprogramming or of an announcement of*
24 *intent relating to such reprogramming, whichever occurs*

1 *earlier, and are notified in writing 10 days in advance of*
2 *such reprogramming.*

3 *SEC. 515. (a) None of the funds made available in this*
4 *Act may be used to request that a candidate for appoint-*
5 *ment to a Federal scientific advisory committee disclose the*
6 *political affiliation or voting history of the candidate or*
7 *the position that the candidate holds with respect to polit-*
8 *ical issues not directly related to and necessary for the work*
9 *of the committee involved.*

10 *(b) None of the funds made available in this Act may*
11 *be used to disseminate information that is deliberately false*
12 *or misleading.*

13 *SEC. 516. Within 45 days of enactment of this Act,*
14 *each department and related agency funded through this*
15 *Act shall submit an operating plan that details at the pro-*
16 *gram, project, and activity level any funding allocations*
17 *for fiscal year 2021 that are different than those specified*
18 *in this Act, the explanatory statement described in section*
19 *4 (in the matter preceding division A of this consolidated*
20 *Act), or the fiscal year 2021 budget request.*

21 *SEC. 517. The Secretaries of Labor, Health and*
22 *Human Services, and Education shall each prepare and*
23 *submit to the Committees on Appropriations of the House*
24 *of Representatives and the Senate a report on the number*
25 *and amount of contracts, grants, and cooperative agree-*

1 *ments exceeding \$500,000, individually or in total for a*
2 *particular project, activity, or programmatic initiative, in*
3 *value and awarded by the Department on a non-competitive*
4 *basis during each quarter of fiscal year 2021, but not to*
5 *include grants awarded on a formula basis or directed by*
6 *law. Such report shall include the name of the contractor*
7 *or grantee, the amount of funding, the governmental pur-*
8 *pose, including a justification for issuing the award on a*
9 *non-competitive basis. Such report shall be transmitted to*
10 *the Committees within 30 days after the end of the quarter*
11 *for which the report is submitted.*

12 *SEC. 518. None of the funds appropriated in this Act*
13 *shall be expended or obligated by the Commissioner of So-*
14 *cial Security, for purposes of administering Social Security*
15 *benefit payments under title II of the Social Security Act,*
16 *to process any claim for credit for a quarter of coverage*
17 *based on work performed under a social security account*
18 *number that is not the claimant's number and the perform-*
19 *ance of such work under such number has formed the basis*
20 *for a conviction of the claimant of a violation of section*
21 *208(a)(6) or (7) of the Social Security Act.*

22 *SEC. 519. None of the funds appropriated by this Act*
23 *may be used by the Commissioner of Social Security or the*
24 *Social Security Administration to pay the compensation of*
25 *employees of the Social Security Administration to admin-*

1 *ister Social Security benefit payments, under any agree-*
2 *ment between the United States and Mexico establishing to-*
3 *talization arrangements between the social security system*
4 *established by title II of the Social Security Act and the*
5 *social security system of Mexico, which would not otherwise*
6 *be payable but for such agreement.*

7 *SEC. 520. (a) None of the funds made available in this*
8 *Act may be used to maintain or establish a computer net-*
9 *work unless such network blocks the viewing, downloading,*
10 *and exchanging of pornography.*

11 *(b) Nothing in subsection (a) shall limit the use of*
12 *funds necessary for any Federal, State, tribal, or local law*
13 *enforcement agency or any other entity carrying out crimi-*
14 *nal investigations, prosecution, or adjudication activities.*

15 *SEC. 521. None of the funds made available under this*
16 *or any other Act, or any prior Appropriations Act, may*
17 *be provided to the Association of Community Organizations*
18 *for Reform Now (ACORN), or any of its affiliates, subsidi-*
19 *aries, allied organizations, or successors.*

20 *SEC. 522. For purposes of carrying out Executive*
21 *Order 13589, Office of Management and Budget Memo-*
22 *randum M-12-12 dated May 11, 2012, and requirements*
23 *contained in the annual appropriations bills relating to*
24 *conference attendance and expenditures:*

1 (1) *the operating divisions of HHS shall be con-*
2 *sidered independent agencies; and*

3 (2) *attendance at and support for scientific con-*
4 *ferences shall be tabulated separately from and not*
5 *included in agency totals.*

6 *SEC. 523. Federal agencies funded under this Act shall*
7 *clearly state within the text, audio, or video used for adver-*
8 *tising or educational purposes, including emails or Internet*
9 *postings, that the communication is printed, published, or*
10 *produced and disseminated at U.S. taxpayer expense. The*
11 *funds used by a Federal agency to carry out this require-*
12 *ment shall be derived from amounts made available to the*
13 *agency for advertising or other communications regarding*
14 *the programs and activities of the agency.*

15 *SEC. 524. (a) Federal agencies may use Federal discre-*
16 *tionary funds that are made available in this Act to carry*
17 *out up to 10 Performance Partnership Pilots. Such Pilots*
18 *shall be governed by the provisions of section 526 of division*
19 *H of Public Law 113–76, except that in carrying out such*
20 *Pilots section 526 shall be applied by substituting “Fiscal*
21 *Year 2021” for “Fiscal Year 2014” in the title of subsection*
22 *(b) and by substituting “September 30, 2025” for “Sep-*
23 *tember 30, 2018” each place it appears: Provided, That*
24 *such pilots shall include communities that have experienced*
25 *civil unrest.*

1 **(b)** *In addition, Federal agencies may use Federal dis-*
2 *cretionary funds that are made available in this Act to par-*
3 *ticipate in Performance Partnership Pilots that are being*
4 *carried out pursuant to the authority provided by section*
5 *526 of division H of Public Law 113–76, section 524 of*
6 *division G of Public Law 113–235, section 525 of division*
7 *H of Public Law 114–113, section 525 of division H of Pub-*
8 *lic Law 115–31, section 525 of division H of Public Law*
9 *115–141, and section 524 of division A of Public Law 116–*
10 *94.*

11 **(c)** *Pilot sites selected under authorities in this Act and*
12 *prior appropriations Acts may be granted by relevant agen-*
13 *cies up to an additional 5 years to operate under such au-*
14 *thorities.*

15 **SEC. 525.** *Not later than 30 days after the end of each*
16 *calendar quarter, beginning with the first month of fiscal*
17 *year 2021 the Departments of Labor, Health and Human*
18 *Services and Education and the Social Security Adminis-*
19 *tration shall provide the Committees on Appropriations of*
20 *the House of Representatives and Senate a report on the*
21 *status of balances of appropriations: Provided, That for bal-*
22 *ances that are unobligated and uncommitted, committed,*
23 *and obligated but unexpended, the monthly reports shall*
24 *separately identify the amounts attributable to each source*
25 *year of appropriation (beginning with fiscal year 2012, or,*

1 *to the extent feasible, earlier fiscal years) from which bal-*
2 *ances were derived.*

3 *SEC. 526. The Departments of Labor, Health and*
4 *Human Services, or Education shall provide to the Com-*
5 *mittees on Appropriations of the House of Representatives*
6 *and the Senate a comprehensive list of any new or competi-*
7 *tive grant award notifications, including supplements,*
8 *issued at the discretion of such Departments not less than*
9 *3 full business days before any entity selected to receive a*
10 *grant award is announced by the Department or its offices*
11 *(other than emergency response grants at any time of the*
12 *year or for grant awards made during the last 10 business*
13 *days of the fiscal year, or if applicable, of the program*
14 *year).*

15 *SEC. 527. Notwithstanding any other provision of this*
16 *Act, no funds appropriated in this Act shall be used to pur-*
17 *chase sterile needles or syringes for the hypodermic injection*
18 *of any illegal drug: Provided, That such limitation does not*
19 *apply to the use of funds for elements of a program other*
20 *than making such purchases if the relevant State or local*
21 *health department, in consultation with the Centers for Dis-*
22 *ease Control and Prevention, determines that the State or*
23 *local jurisdiction, as applicable, is experiencing, or is at*
24 *risk for, a significant increase in hepatitis infections or an*

1 *HIV outbreak due to injection drug use, and such program*
2 *is operating in accordance with State and local law.*

3 *SEC. 528. Each department and related agency funded*
4 *through this Act shall provide answers to questions sub-*
5 *mitted for the record by members of the Committee within*
6 *45 business days after receipt.*

7 *(RESCISSION)*

8 *SEC. 529. Of the unobligated balances made available*
9 *by section 301(b)(3) of Public Law 114–10, \$2,000,000,000*
10 *are hereby rescinded.*

11 *(RESCISSION)*

12 *SEC. 530. Of any available amounts appropriated*
13 *under section 2104(a)(24) of the Social Security Act (42*
14 *U.S.C. 1397dd) that are unobligated as of September 25,*
15 *2021, \$1,000,000,000 are hereby rescinded as of such date.*

16 *SEC. 531. Of the unobligated balances made available*
17 *for purposes of carrying out section 2105(a)(3) of the Social*
18 *Security Act, \$4,000,000,000 shall not be available for obli-*
19 *gation in this fiscal year.*

20 *SEC. 532. Of amounts deposited in the Child Enroll-*
21 *ment Contingency Fund under section 2104(n)(2) of the So-*
22 *cial Security Act and the income derived from investment*
23 *of those funds pursuant to section 2104(n)(2)(C) of that Act,*
24 *\$14,000,000,000 shall not be available for obligation in this*
25 *fiscal year.*

1 *SEC. 533. For an additional amount for “Department*
2 *of Health and Human Services—Administration for Chil-*
3 *dren and Families—Children and Families Services Pro-*
4 *grams”, \$638,000,000, to prevent, prepare for, and respond*
5 *to coronavirus, for necessary expenses for grants to carry*
6 *out a Low-Income Household Drinking Water and Waste-*
7 *water Emergency Assistance Program: Provided, That the*
8 *Secretary of Health and Human Services shall make grants*
9 *to States and Indian Tribes to assist low-income households,*
10 *particularly those with the lowest incomes, that pay a high*
11 *proportion of household income for drinking water and*
12 *wastewater services, by providing funds to owners or opera-*
13 *tors of public water systems or treatment works to reduce*
14 *arrears of and rates charged to such households for such*
15 *services: Provided further, That in carrying out this appro-*
16 *priation, the Secretary, States, and Indian Tribes, as ap-*
17 *plicable, shall, as appropriate and to the extent practicable,*
18 *use existing processes, procedures, policies, and systems in*
19 *place to provide assistance to low-income households, in-*
20 *cluding by using existing programs and program an-*
21 *nouncements, application and approval processes: Provided*
22 *further, That the Secretary shall allot amounts appro-*
23 *priated in this section to a State or Indian Tribe based*
24 *on the following (i) the percentage of households in the*
25 *State, or under the jurisdiction of the Indian Tribe, with*

1 *income equal to or less than 150 percent of the Federal pov-*
 2 *erty line, and (ii) the percentage of such households in the*
 3 *State, or under the jurisdiction of the Indian Tribe, that*
 4 *spend more than 30 percent of monthly income on housing:*
 5 *Provided further, That up to 3 percent of the amount ap-*
 6 *propriated in this section shall be reserved for Indian*
 7 *Tribes and tribal organizations: Provided further, That*
 8 *such amount is designated by the Congress as being for an*
 9 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
 10 *of the Balanced Budget and Emergency Deficit Control Act*
 11 *of 1985.*

12 *This division may be cited as the “Departments of*
 13 *Labor, Health and Human Services, and Education, and*
 14 *Related Agencies Appropriations Act, 2021”.*

15 ***DIVISION I—LEGISLATIVE BRANCH***

16 ***APPROPRIATIONS ACT, 2021***

17 ***TITLE I***

18 ***LEGISLATIVE BRANCH***

19 ***SENATE***

20 ***EXPENSE ALLOWANCES***

21 *For expense allowances of the Vice President, \$18,760;*
 22 *the President Pro Tempore of the Senate, \$37,520; Majority*
 23 *Leader of the Senate, \$39,920; Minority Leader of the Sen-*
 24 *ate, \$39,920; Majority Whip of the Senate, \$9,980; Minority*
 25 *Whip of the Senate, \$9,980; President Pro Tempore Emer-*

1 *itus, \$15,000; Chairmen of the Majority and Minority Con-*
2 *ference Committees, \$4,690 for each Chairman; and Chair-*
3 *men of the Majority and Minority Policy Committees,*
4 *\$4,690 for each Chairman; in all, \$189,840.*

5 *For representation allowances of the Majority and Mi-*
6 *nority Leaders of the Senate, \$14,070 for each such Leader;*
7 *in all, \$28,140.*

8 *SALARIES, OFFICERS AND EMPLOYEES*

9 *For compensation of officers, employees, and others as*
10 *authorized by law, including agency contributions,*
11 *\$222,727,000, which shall be paid from this appropriation*
12 *as follows:*

13 *OFFICE OF THE VICE PRESIDENT*

14 *For the Office of the Vice President, \$2,533,000.*

15 *OFFICE OF THE PRESIDENT PRO TEMPORE*

16 *For the Office of the President Pro Tempore, \$759,000.*

17 *OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS*

18 *For the Office of the President Pro Tempore Emeritus,*
19 *\$326,000.*

20 *OFFICES OF THE MAJORITY AND MINORITY LEADERS*

21 *For Offices of the Majority and Minority Leaders,*
22 *\$5,506,000.*

23 *OFFICES OF THE MAJORITY AND MINORITY WHIPS*

24 *For Offices of the Majority and Minority Whips,*
25 *\$3,525,000.*

1 *COMMITTEE ON APPROPRIATIONS*

2 *For salaries of the Committee on Appropriations,*
3 *\$16,143,000.*

4 *CONFERENCE COMMITTEES*

5 *For the Conference of the Majority and the Conference*
6 *of the Minority, at rates of compensation to be fixed by the*
7 *Chairman of each such committee, \$1,738,000 for each such*
8 *committee; in all, \$3,476,000.*

9 *OFFICES OF THE SECRETARIES OF THE CONFERENCE OF*
10 *THE MAJORITY AND THE CONFERENCE OF THE MINORITY*

11 *For Offices of the Secretaries of the Conference of the*
12 *Majority and the Conference of the Minority, \$862,000.*

13 *POLICY COMMITTEES*

14 *For salaries of the Majority Policy Committee and the*
15 *Minority Policy Committee, \$1,776,000 for each such com-*
16 *mittee; in all, \$3,552,000.*

17 *OFFICE OF THE CHAPLAIN*

18 *For Office of the Chaplain, \$510,000.*

19 *OFFICE OF THE SECRETARY*

20 *For Office of the Secretary, \$26,818,000.*

21 *OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER*

22 *For Office of the Sergeant at Arms and Doorkeeper,*
23 *\$88,879,000.*

1 *CONTINGENT EXPENSES OF THE SENATE*
2 *INQUIRIES AND INVESTIGATIONS*

3 *For expenses of inquiries and investigations ordered*
4 *by the Senate, or conducted under paragraph 1 of rule*
5 *XXVI of the Standing Rules of the Senate, section 112 of*
6 *the Supplemental Appropriations and Rescission Act, 1980*
7 *(Public Law 96-304), and Senate Resolution 281, 96th*
8 *Congress, agreed to March 11, 1980, \$133,265,000, of which*
9 *\$13,350,000 shall remain available until September 30,*
10 *2023.*

11 *U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS*
12 *CONTROL*

13 *For expenses of the United States Senate Caucus on*
14 *International Narcotics Control, \$508,000.*

15 *SECRETARY OF THE SENATE*

16 *For expenses of the Office of the Secretary of the Sen-*
17 *ate, \$9,536,000 of which \$6,436,000 shall remain available*
18 *until September 30, 2025 and of which \$3,100,000 shall re-*
19 *main available until expended.*

20 *SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE*

21 *For expenses of the Office of the Sergeant at Arms and*
22 *Doorkeeper of the Senate, \$139,221,200, which shall remain*
23 *available until September 30, 2025: Provided, That of the*
24 *amounts made available under this heading, \$4,740,000, to*

1 *remain available until expended, shall be for the Joint Au-*
2 *dible Warning System.*

3 *MISCELLANEOUS ITEMS*

4 *For miscellaneous items, \$24,877,100 which shall re-*
5 *main available until September 30, 2023.*

6 *SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE*

7 *ACCOUNT*

8 *For Senators' Official Personnel and Office Expense*
9 *Account, \$461,000,000 of which \$20,128,950 shall remain*
10 *available until September 30, 2023 and of which \$6,000,000*
11 *shall be allocated solely for the purpose of providing finan-*
12 *cial compensation to Senate interns.*

13 *OFFICIAL MAIL COSTS*

14 *For expenses necessary for official mail costs of the*
15 *Senate, \$300,000.*

16 *ADMINISTRATIVE PROVISIONS*

17 *(INCLUDING RESCISSION OF FUNDS)*

18 *REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL*
19 *PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE*
20 *USED FOR DEFICIT REDUCTION OR TO REDUCE THE*
21 *FEDERAL DEBT*

22 *SEC. 101. Notwithstanding any other provision of law,*
23 *any amounts appropriated under this Act under the head-*
24 *ing "SENATE" under the heading "CONTINGENT EX-*
25 *PENSES OF THE SENATE" under the heading "SENATORS'*

1 *OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT”*
2 *shall be available for obligation only during the fiscal year*
3 *or fiscal years for which such amounts are made available.*
4 *Any unexpended balances under such allowances remaining*
5 *after the end of the period of availability shall be returned*
6 *to the Treasury in accordance with the undesignated para-*
7 *graph under the center heading “GENERAL PROVISION”*
8 *under chapter XI of the Third Supplemental Appropriation*
9 *Act, 1957 (2 U.S.C. 4107) and used for deficit reduction*
10 *(or, if there is no Federal budget deficit after all such pay-*
11 *ments have been made, for reducing the Federal debt, in*
12 *such manner as the Secretary of the Treasury considers ap-*
13 *propriate).*

14 *RESCISSION*

15 *SEC. 102. Of the unobligated balances made available*
16 *under the heading “Senate—Contingent Expenses of the*
17 *Senate—Settlements and Awards Reserve” in the Legisla-*
18 *tive Branch Appropriations Act, 1996 (Public Law 104–*
19 *53), \$1,000,000 are hereby permanently rescinded.*

20 *EXTENSION OF AUTHORITY*

21 *SEC. 103. Section 21(d) of Senate Resolution 64 of the*
22 *One Hundred Thirteenth Congress, 1st session (agreed to*
23 *on March 5, 2013), as most recently amended by section*
24 *103 of the Legislative Branch Appropriations Act, 2019 (di-*
25 *vision B of Public Law 115–244), is further amended by*

1 *striking “December 31, 2020” and inserting “December 31,*
2 *2022”.*

3 *SENATE DEMOCRATIC LEADERSHIP OFFICES FUNDING AND*
4 *AUTHORITIES*

5 *SEC. 104. (a) In this section—*

6 *(1) the term “applicable conference” means the*
7 *majority or minority conference of the Senate, as ap-*
8 *plicable, that represents the Democratic party;*

9 *(2) the term “covered Congress” means the 117th*
10 *Congress; and*

11 *(3) the term “covered period” means the period*
12 *beginning on the date on which the Secretary of the*
13 *applicable conference submits the letter described in*
14 *subsection (b) and ending on January 3, 2023.*

15 *(b) The Secretary of the applicable conference may, by*
16 *submission of a letter to the Disbursing Office of the Senate*
17 *on or after January 3, 2021, assign to the Assistant Leader*
18 *of the applicable conference the following duties and au-*
19 *thorities for the duration of the covered Congress:*

20 *(1) The authority over any amounts made avail-*
21 *able for the Office of the Secretary of the applicable*
22 *conference.*

23 *(2) The duties and authorities of the Secretary*
24 *of the applicable conference under section 3 of title I*
25 *of division H of the Consolidated Appropriations Act,*

1 2008 (2 U.S.C. 6154), section 102 of chapter VIII of
2 title I of the Supplemental Appropriations Act, 1979
3 (2 U.S.C. 6156), or any other provision of law.

4 (c) For purposes of any individual employed by the
5 Office of the Assistant Leader of the applicable conference
6 during the covered period—

7 (1) any reference to the Office of the Secretary
8 of the applicable conference in the last sentence of sec-
9 tion 506(e) of the Supplemental Appropriations Act,
10 1973 (2 U.S.C. 6314(e)) shall be deemed to refer to
11 the Office of the Assistant Leader of the applicable
12 conference;

13 (2) any reference to the Office of the Secretary
14 of the applicable conference under subsection (b) of the
15 first section of S. Res. 458 (98th Congress) shall be
16 deemed to refer to the Office of the Assistant Leader
17 of the applicable conference; and

18 (3) any reference to the Secretary of the applica-
19 ble conference under section 207(e)(9)(M) of title 18,
20 United States Code, shall be deemed to refer to the As-
21 sistant Leader of the applicable conference.

22 (d) For purposes of any individual employed by the
23 Office of the Assistant Leader of the applicable conference
24 during the covered period and with respect to any practice
25 that occurs during the covered period, any reference to the

1 *Office of the Secretary of the applicable conference under*
2 *section 220(e)(2)(C) of the Congressional Accountability Act*
3 *of 1995 (2 U.S.C. 1351(e)(2)(C)) shall be deemed to be a*
4 *reference to the Office of the Assistant Leader of the applica-*
5 *ble conference.*

6 *(e) Nothing in this section shall be construed to have*
7 *any effect on the continuation of any procedure or action*
8 *initiated under the Congressional Accountability Act of*
9 *1995 (2 U.S.C. 1301 et seq.) or section 207 of title 18,*
10 *United States Code.*

11 *STUDENT LOAN CAP ADJUSTMENT*

12 *SEC. 105. (a) Section 102 of the Legislative Branch*
13 *Appropriations Act, 2002 (2 U.S.C. 4579) is amended—*

14 *(1) in subsection (c)(2)(A)—*

15 *(A) in clause (i), by striking “ \$500” and*
16 *inserting “ \$833”; and*

17 *(B) in clause (ii), by striking “ \$40,000”*
18 *and inserting “ \$80,000”; and*

19 *(2) in subsection (h)(1), by striking “2 percent”*
20 *each place it appears and inserting “2.5 percent”.*

21 *(b) The amendments made by subsection (a) shall take*
22 *effect on March 1, 2021.*

*HOUSE OF REPRESENTATIVES**SALARIES AND EXPENSES*

1
2
3 *For salaries and expenses of the House of Representa-*
4 *tives, \$1,480,819,000, as follows:*

HOUSE LEADERSHIP OFFICES

5
6 *For salaries and expenses, as authorized by law,*
7 *\$28,884,000, including: Office of the Speaker, \$8,295,000,*
8 *including \$25,000 for official expenses of the Speaker; Office*
9 *of the Majority Floor Leader, \$2,947,000, including \$10,000*
10 *for official expenses of the Majority Leader; Office of the*
11 *Minority Floor Leader, \$8,295,000, including \$10,000 for*
12 *official expenses of the Minority Leader; Office of the Major-*
13 *ity Whip, including the Chief Deputy Majority Whip,*
14 *\$2,448,000, including \$5,000 for official expenses of the Ma-*
15 *jority Whip; Office of the Minority Whip, including the*
16 *Chief Deputy Minority Whip, \$2,219,000, including \$5,000*
17 *for official expenses of the Minority Whip; Republican Con-*
18 *ference, \$2,340,000; Democratic Caucus, \$2,340,000: Pro-*
19 *vided, That such amount for salaries and expenses shall re-*
20 *main available from January 3, 2021 until January 2,*
21 *2022.*

1 *MEMBERS' REPRESENTATIONAL ALLOWANCES*
2 *INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES*
3 *OF MEMBERS, AND OFFICIAL MAIL*

4 *For Members' representational allowances, including*
5 *Members' clerk hire, official expenses, and official mail,*
6 *\$640,000,000.*

7 *ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER*
8 *OFFICES*

9 *For the allowance established under section 120 of the*
10 *Legislative Branch Appropriations Act, 2019 (2 U.S.C.*
11 *5322a) for the compensation of interns who serve in the of-*
12 *fices of Members of the House of Representatives,*
13 *\$11,025,000, to remain available through January 2, 2022:*
14 *Provided, That notwithstanding section 120(b) of such Act,*
15 *an office of a Member of the House of Representatives may*
16 *use not more than \$25,000 of the allowance available under*
17 *this heading during calendar year 2021.*

18 *ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE*
19 *LEADERSHIP OFFICES*

20 *For the allowance established under section 113 of the*
21 *Legislative Branch Appropriations Act, 2020 (2 U.S.C.*
22 *5106) for the compensation of interns who serve in House*
23 *leadership offices, \$365,000, to remain available through*
24 *January 2, 2022: Provided, That of the amount provided*
25 *under this heading, \$200,000 shall be available for the com-*

1 *ensation of interns who serve in House leadership offices*
2 *of the majority, to be allocated among such offices by the*
3 *Speaker of the House of Representatives, and \$165,000 shall*
4 *be available for the compensation of interns who serve in*
5 *House leadership offices of the minority, to be allocated*
6 *among such offices by the Minority Floor Leader.*

7 *COMMITTEE EMPLOYEES*

8 *STANDING COMMITTEES, SPECIAL AND SELECT*

9 *For salaries and expenses of standing committees, spe-*
10 *cial and select, authorized by House resolutions,*
11 *\$138,100,000: Provided, That such amount shall remain*
12 *available for such salaries and expenses until December 31,*
13 *2022, except that \$3,100,000 of such amount shall remain*
14 *available until expended for committee room upgrading.*

15 *COMMITTEE ON APPROPRIATIONS*

16 *For salaries and expenses of the Committee on Appro-*
17 *priations, \$24,725,000, including studies and examinations*
18 *of executive agencies and temporary personal services for*
19 *such committee, to be expended in accordance with section*
20 *202(b) of the Legislative Reorganization Act of 1946 and*
21 *to be available for reimbursement to agencies for services*
22 *performed: Provided, That such amount shall remain avail-*
23 *able for such salaries and expenses until December 31, 2022.*

1 *SALARIES, OFFICERS AND EMPLOYEES*

2 *For compensation and expenses of officers and employ-*
3 *ees, as authorized by law, \$260,781,000, including: for sala-*
4 *ries and expenses of the Office of the Clerk, including the*
5 *positions of the Chaplain and the Historian, and including*
6 *not more than \$25,000 for official representation and recep-*
7 *tion expenses, of which not more than \$20,000 is for the*
8 *Family Room and not more than \$2,000 is for the Office*
9 *of the Chaplain, \$31,975,000, of which \$4,000,000 shall re-*
10 *main available until expended; for salaries and expenses*
11 *of the Office of the Sergeant at Arms, including the position*
12 *of Superintendent of Garages and the Office of Emergency*
13 *Management, and including not more than \$3,000 for offi-*
14 *cial representation and reception expenses, \$23,260,000, of*
15 *which \$11,000,000 shall remain available until expended;*
16 *for salaries and expenses of the Office of the Chief Adminis-*
17 *trative Officer including not more than \$3,000 for official*
18 *representation and reception expenses, \$177,200,000, of*
19 *which \$26,000,000 shall remain available until expended;*
20 *for salaries and expenses of the Office of Diversity and In-*
21 *clusion, \$1,500,000; for salaries and expenses of the Office*
22 *of the Whistleblower Ombudsman, \$1,000,000; for salaries*
23 *and expenses of the Office of the Inspector General,*
24 *\$5,019,000; for salaries and expenses of the Office of General*
25 *Counsel, \$1,815,000; for salaries and expenses of the Office*

1 *of the Parliamentarian, including the Parliamentarian,*
2 *\$2,000 for preparing the Digest of Rules, and not more than*
3 *\$1,000 for official representation and reception expenses,*
4 *\$2,088,000; for salaries and expenses of the Office of the*
5 *Law Revision Counsel of the House, \$3,469,000; for salaries*
6 *and expenses of the Office of the Legislative Counsel of the*
7 *House, \$11,937,000; for salaries and expenses of the Office*
8 *of Interparliamentary Affairs, \$934,000; for other author-*
9 *ized employees, \$584,000.*

10 *ALLOWANCES AND EXPENSES*

11 *For allowances and expenses as authorized by House*
12 *resolution or law, \$374,939,000, including: supplies, mate-*
13 *rials, administrative costs and Federal tort claims,*
14 *\$1,555,000; official mail for committees, leadership offices,*
15 *and administrative offices of the House, \$190,000; Govern-*
16 *ment contributions for health, retirement, Social Security,*
17 *contractor support for actuarial projections, and other ap-*
18 *plicable employee benefits, \$335,000,000, to remain avail-*
19 *able until March 31, 2022; salaries and expenses for Busi-*
20 *ness Continuity and Disaster Recovery, \$18,508,000, of*
21 *which \$6,000,000 shall remain available until expended;*
22 *transition activities for new members and staff,*
23 *\$13,000,000, to remain available until expended; Wounded*
24 *Warrior Program and the Congressional Gold Star Family*
25 *Fellowship Program, \$3,975,000, to remain available until*

1 *expended; Office of Congressional Ethics, \$1,711,000; and*
2 *miscellaneous items including purchase, exchange, mainte-*
3 *nance, repair and operation of House motor vehicles, inter-*
4 *parliamentary receptions, and gratuities to heirs of de-*
5 *ceased employees of the House, \$1,000,000.*

6 *HOUSE OF REPRESENTATIVES MODERNIZATION*

7 *INITIATIVES ACCOUNT*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the House of Representatives Modernization Ini-*
10 *tiatives Account established in section 115, \$2,000,000, to*
11 *remain available until expended: Provided, That disburse-*
12 *ment from this account is subject to approval of the Com-*
13 *mittee on Appropriations of the House of Representatives:*
14 *Provided further, That funds provided in this account shall*
15 *only be used for initiatives recommended by the Select Com-*
16 *mittee on Modernization or approved by the Committee on*
17 *House Administration.*

18 *ADMINISTRATIVE PROVISIONS*

19 *REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT*

22 *SEC. 110. (a) Notwithstanding any other provision of*
23 *law, any amounts appropriated under this Act for*
24 *“HOUSE OF REPRESENTATIVES—SALARIES AND EX-*
25 *PENSES—MEMBERS’ REPRESENTATIONAL ALLOWANCES”*

1 *shall be available only for fiscal year 2021. Any amount*
2 *remaining after all payments are made under such allow-*
3 *ances for fiscal year 2021 shall be deposited in the Treasury*
4 *and used for deficit reduction (or, if there is no Federal*
5 *budget deficit after all such payments have been made, for*
6 *reducing the Federal debt, in such manner as the Secretary*
7 *of the Treasury considers appropriate).*

8 *(b) The Committee on House Administration of the*
9 *House of Representatives shall have authority to prescribe*
10 *regulations to carry out this section.*

11 *(c) As used in this section, the term “Member of the*
12 *House of Representatives” means a Representative in, or*
13 *a Delegate or Resident Commissioner to, the Congress.*

14 *LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES*

15 *SEC. 111. None of the funds made available in this*
16 *Act may be used by the Chief Administrative Officer of the*
17 *House of Representatives to make any payments from any*
18 *Members’ Representational Allowance for the leasing of a*
19 *vehicle, excluding mobile district offices, in an aggregate*
20 *amount that exceeds \$1,000 for the vehicle in any month.*

21 *CYBERSECURITY ASSISTANCE FOR HOUSE OF*

22 *REPRESENTATIVES*

23 *SEC. 112. The head of any Federal entity that provides*
24 *assistance to the House of Representatives in the House’s*
25 *efforts to deter, prevent, mitigate, or remediate cybersecu-*

1 *rity risks to, and incidents involving, the information sys-*
2 *tems of the House shall take all necessary steps to ensure*
3 *the constitutional integrity of the separate branches of the*
4 *government at all stages of providing the assistance, includ-*
5 *ing applying minimization procedures to limit the spread*
6 *or sharing of privileged House and Member information.*

7 *RESCISSIONS OF FUNDS*

8 *SEC. 113. (a) Of the unobligated balances available*
9 *from prior appropriations Acts from the revolving fund es-*
10 *tablished under House Resolution 64, Ninety Eighth Con-*
11 *gress, agreed to February 8, 1983, as enacted into perma-*
12 *nent law by section 110 of the Congressional Operations*
13 *Appropriation Act, 1984 (2 U.S.C. 4917), \$212,976 is here-*
14 *by rescinded.*

15 *(b) Of the unobligated balances available from prior*
16 *appropriations Acts from the revolving fund established in*
17 *the item relating to “Stationery” under the heading “House*
18 *of Representatives, Contingent Expenses of the House” in*
19 *the first section of the Legislative Branch Appropriation*
20 *Act, 1948 (2 U.S.C. 5534), \$1,000,000 is hereby rescinded.*

21 *(c) Of the unobligated balances available from prior*
22 *appropriations Acts from the Net Expenses of Tele-*
23 *communications Revolving Fund under section 102 of the*
24 *Legislative Branch Appropriations Act, 2005 (2 U.S.C.*
25 *5538), \$3,000,000 is hereby rescinded.*

1 *STUDENT LOAN CAP ADJUSTMENT*

2 *SEC. 114. (a) INCREASE IN LIFETIME LIMIT.—Section*
3 *105 of the Legislative Branch Appropriations Act, 2003 (2*
4 *U.S.C. 4536) is amended—*

5 *(1) by redesignating subsections (b) and (c) as*
6 *subsections (c) and (d); and*

7 *(2) by inserting after subsection (a) the following*
8 *new subsection:*

9 *“(b) LIFETIME LIMIT ON AGGREGATE PAYMENTS*
10 *MADE ON BEHALF OF ANY INDIVIDUAL.—The aggregate*
11 *amount of payments made on behalf of any individual*
12 *under the program under this section by all employing of-*
13 *fices of the House of Representatives may not exceed*
14 *\$80,000.”.*

15 *(b) EFFECTIVE DATE; TRANSITION.—*

16 *(1) EFFECTIVE DATE.—The amendment made by*
17 *subsection (a) shall apply with respect to fiscal year*
18 *2021 and each succeeding fiscal year.*

19 *(2) PERMITTING ADDITIONAL PAYMENTS ON BE-*
20 *HALF OF INDIVIDUALS WHOSE PAYMENTS REACHED*
21 *PRIOR LIMIT.—In promulgating regulations to carry*
22 *out the amendment made by subsection (a), the Com-*
23 *mittee on House Administration of the House of Rep-*
24 *resentatives shall include regulations to permit pay-*
25 *ments to be made under the program under section*

1 *105 of the Legislative Branch Appropriations Act,*
2 *2003 (2 U.S.C. 4536) on behalf of an individual*
3 *who—*

4 *(A) is an employee of an employing office*
5 *of the House during fiscal year 2021 or any suc-*
6 *ceeding fiscal year;*

7 *(B) prior to fiscal year 2021, had payments*
8 *made on the individual's behalf under the pro-*
9 *gram under such section; and*

10 *(C) prior to fiscal year 2021, became ineli-*
11 *gible to have payments made on the individual's*
12 *behalf under the program because the aggregate*
13 *amount of the payments made on the individ-*
14 *ual's behalf under the program reached the limit*
15 *on such aggregate amount which (under regula-*
16 *tions promulgated by the Committee) was in ef-*
17 *fect prior to fiscal year 2021.*

18 *HOUSE OF REPRESENTATIVES MODERNIZATION INITIATIVES*

19 *ACCOUNT*

20 *SEC. 115. (a) ESTABLISHMENT.—There is hereby es-*
21 *tablished in the Treasury of the United States an account*
22 *for the House of Representatives to be known as the “House*
23 *of Representatives Modernization Initiatives Account”*
24 *(hereafter in this section referred to as the “Account”).*

1 **(b) USE OF FUNDS.**—*Funds in the Account shall be*
2 *used by the House of Representatives to carry out initiatives*
3 *to modernize the operations of the House, including initia-*
4 *tives to promote administrative efficiencies and expand the*
5 *use of innovative technologies in offices of the House.*

6 **(c) CONTINUING AVAILABILITY OF FUNDS.**—*Funds in*
7 *the Account are available without fiscal year limitation.*

8 **(d) AUTHORIZING TRANSFERS OF FUNDS AMONG**
9 **OTHER HOUSE ACCOUNTS.**—*Section 101(c)(2) of the Legis-*
10 *lative Branch Appropriations Act, 1993 (2 U.S.C.*
11 *5507(c)(2)) is amended by striking “, and ‘Allowance for*
12 *Compensation of Interns in House Leadership Offices’.”*
13 *and inserting “‘Allowance for Compensation of Interns in*
14 *House Leadership Offices’, and ‘House of Representatives*
15 *Modernization Initiatives Account’.”*

16 **(e) EFFECTIVE DATE.**—*This section and the amend-*
17 *ments made by this section shall apply with respect to fiscal*
18 *year 2021 and each succeeding fiscal year.*

19 **CONGRESSIONAL MAILING STANDARDS**

20 **SEC. 116. (a) SHORT TITLE.**—*This section may be*
21 *cited as the “Communications Outreach Media and Mail*
22 *Standards Act” or the “COMMS Act”.*

23 **(b) RENAMING HOUSE COMMISSION ON CONGRES-**
24 **SIONAL MAILING STANDARDS.**—

1 (1) *IN GENERAL.*—Section 5(a) of the Act enti-
2 tled “An Act to amend title 39, United States Code,
3 to clarify the proper use of the franking privilege by
4 Members of Congress, and for other purposes”, ap-
5 proved December 18, 1973 (2 U.S.C. 501(a)), is
6 amended by striking “House Commission on Congres-
7 sional Mailing Standards” and inserting “House
8 Communications Standards Commission”.

9 (2) *CONFORMING AMENDMENTS.*—

10 (A) *TITLE 39.*—Title 39, United States
11 Code, is amended by striking “House Commis-
12 sion on Congressional Mailing Standards” and
13 inserting “House Communications Standards
14 Commission” each place it appears in the fol-
15 lowing sections:

16 (i) Section 3210(a)(5), (a)(6)(D),
17 (b)(3), (d)(5), and (d)(6)(A).

18 (ii) Section 3216(e)(1) and (e)(2).

19 (iii) Section 3220(b).

20 (B) *OTHER PROVISIONS.*—Section 311 of
21 the Legislative Branch Appropriations Act, 1991
22 (2 U.S.C. 503) is amended by striking “House
23 Commission on Congressional Mailing Stand-
24 ards” and inserting “House Communications

1 *Standards Commission” each place it appears in*
2 *subsections (a)(3), (e)(1)(B), and (f).*

3 (3) *REFERENCES IN OTHER DOCUMENTS.—Any*
4 *reference in any rule, regulation, or other document*
5 *to the House Commission on Congressional Mailing*
6 *Standards shall be deemed to be a reference to the*
7 *House Communications Standards Commission.*

8 (c) *AUTHORITY OF COMMISSION OVER OFFICIAL MASS*
9 *COMMUNICATIONS.—*

10 (1) *AUTHORITY TO PROVIDE GUIDANCE REGARD-*
11 *ING DISSEMINATION OF MASS COMMUNICATIONS.—*

12 (A) *IN GENERAL.—Section 5(d) of the Act*
13 *entitled “An Act to amend title 39, United*
14 *States Code, to clarify the proper use of the*
15 *franking privilege by Members of Congress, and*
16 *for other purposes”, approved December 18, 1973*
17 *(2 U.S.C. 501(d)), is amended—*

18 (i) *in the first sentence, by striking*
19 *“The Commission” and inserting “(1) The*
20 *Commission”; and*

21 (ii) *by adding at the end the following*
22 *new paragraph:*

23 “(2) *In addition to the guidance, assistance, ad-*
24 *vice, and counsel described in paragraph (1), the*
25 *Commission shall provide—*

1 “(A) guidance, assistance, advice, and coun-
2 sel, through advisory opinions or consultations,
3 in connection with any law and with any rule
4 or regulation of the House of Representatives
5 governing the dissemination of mass communica-
6 tions other than franked mail; and

7 “(B) guidance, assistance, advice, and coun-
8 sel in connection with any law and with any
9 rule or regulation of the House of Representa-
10 tives governing the official content of other offi-
11 cial communications of any quantity, whether
12 solicited or unsolicited.”.

13 (B) AUTHORITY TO INVESTIGATE COM-
14 PLAINTS.—Section 5(e) of such Act (2 U.S.C.
15 501(e)) is amended—

16 (i) in the first sentence, by striking
17 “Any complaint” and all that follows
18 through “is about to occur” and inserting
19 the following: “Any complaint that a viola-
20 tion of any provision of law or any rule or
21 regulation of the House of Representatives
22 to which subsection (d) applies is about to
23 occur”; and

24 (ii) in the sentence beginning with
25 “Notwithstanding any other provision of

1 *law*”, by striking “*a violation of the frank-*
2 *ing laws or an abuse of the franking privi-*
3 *lege by any person listed under subsection*
4 *(d) of this section as entitled to send mail*
5 *as franked mail,” and inserting “a viola-*
6 *tion of any provision of law or any rule or*
7 *regulation of the House of Representatives*
8 *to which subsection (d) applies,”.*

9 (C) *MASS COMMUNICATION DEFINED.*—*Sec-*
10 *tion 5 of such Act (2 U.S.C. 501) is amended by*
11 *adding at the end the following new subsection:*

12 “(h) *In this section, the term ‘mass communication’*
13 *means a mass mailing described in section 3210(a)(6)(E)*
14 *of title 39, United States Code, or any other unsolicited*
15 *communication of substantially identical content which is*
16 *transmitted to 500 or more persons in a session of Congress,*
17 *as provided under regulations of the Commission, except*
18 *that such term does not include—*

19 “(1) *any communication from an individual de-*
20 *scribed in subsection (d) to another individual de-*
21 *scribed in subsection (d), a Senator, or any Federal,*
22 *State, local, or Tribal government official;*

23 “(2) *any news release to the communications*
24 *media;*

1 “(3) *any such mass mailing or unsolicited com-*
2 *munication made in direct response to a communica-*
3 *tion from a person to whom the mass mailing or un-*
4 *solicited communication was transmitted; or*

5 “(4) *in the case of any such unsolicited commu-*
6 *nication which is transmitted in a digital format, a*
7 *communication for which the cost of the content is*
8 *less than a threshold amount established under regu-*
9 *lations of the House Communications Standards*
10 *Commission.*”.

11 (2) *AUTHORITY TO REVIEW ALL UNSOLICITED*
12 *MASS COMMUNICATIONS.—*

13 (A) *REQUIRING REVIEW BEFORE DISSEMI-*
14 *NATION.—Section 311(f) of the Legislative*
15 *Branch Appropriations Act, 1991 (2 U.S.C.*
16 *503(f)) is amended—*

17 (i) *by striking “any mass mailing”*
18 *and inserting “any mass communication”;*

19 (ii) *by striking “mail matter” and in-*
20 *serting “matter”; and*

21 (iii) *by striking “such proposed mail-*
22 *ing” and inserting “such proposed commu-*
23 *nication”.*

1 (B) *EXCEPTION FOR CERTAIN COMMUNICA-*
2 *TIONS.—Section 311(f) of such Act (2 U.S.C.*
3 *503(f)) is amended—*

4 (i) *by striking “A Member” and insert-*
5 *ing “(1) Except as provided in paragraph*
6 *(2), a Member”; and*

7 (ii) *by adding at the end the following*
8 *new paragraph:*

9 “(2) *Paragraph (1) does not apply in the case of any*
10 *type of mass communication which is designated as exempt*
11 *from the requirements of such paragraph as provided under*
12 *regulations of the House Communications Standards Com-*
13 *mission.”.*

14 (C) *DEFINITION.—Section 311(g) of such*
15 *Act (2 U.S.C. 503(g)) is amended—*

16 (i) *by striking “and” at the end of*
17 *paragraph (1);*

18 (ii) *by striking the period at the end of*
19 *paragraph (2) and inserting “; and”; and*

20 (iii) *by adding at the end the following*
21 *new paragraph:*

22 “(3) *the term ‘mass communication’ means a*
23 *mass mailing described in section 3210(a)(6)(E) of*
24 *title 39, United States Code, or any other unsolicited*
25 *communication of substantially identical content*

1 *which is transmitted to 500 or more persons in a ses-*
2 *sion of Congress, as provided under regulations of the*
3 *House Communications Standards Commission, ex-*
4 *cept that such term does not include—*

5 *“(A) any communication from a Member of*
6 *the House of Representatives to another Member*
7 *of the House of Representatives, a Senator, or*
8 *any Federal, State, or local government official;*

9 *“(B) any news release to the communica-*
10 *tions media;*

11 *“(C) any such mass mailing or unsolicited*
12 *communication made in direct response to a*
13 *communication from a person to whom the mass*
14 *mailing or unsolicited communication was*
15 *transmitted; or*

16 *“(D) in the case of any such unsolicited*
17 *communication which is transmitted in a digital*
18 *format, a communication for which the cost of*
19 *the content is less than a threshold amount estab-*
20 *lished under regulations of the House Commu-*
21 *nications Standards Commission.”.*

22 *(3) CONFORMING AMENDMENT TO RULES OF THE*
23 *HOUSE OF REPRESENTATIVES.—Clause 9 of rule*
24 *XXIV of the Rules of the House of Representatives is*
25 *amended by inserting after “that session,” the fol-*

1 *lowing: “or any other unsolicited communication of*
 2 *substantially identical content which is transmitted*
 3 *to 500 or more persons in that session or, in the case*
 4 *of a digital communication of substantially identical*
 5 *content, which is disseminated at a cost exceeding a*
 6 *designated amount, as provided under regulations of*
 7 *the House Communications Standards Commission,”.*

8 *(d) REVISION TO MASS MAILING NOTICE ON TAX-*
 9 *PAYER FUNDING.—Section 311(a) of the Legislative Branch*
 10 *Appropriations Act, 1997 (2 U.S.C. 506(a)) is amended—*

11 *(1) by striking “(a) Each mass mailing” and in-*
 12 *serting “(a)(1) Each mass mailing”;*

13 *(2) by striking “the following notice:” and all*
 14 *that follows through “or a notice” and inserting “one*
 15 *of the notices described in paragraph (2) or a notice”;*
 16 *and*

17 *(3) by adding at the end the following new para-*
 18 *graph:*

19 *“(2) The notices described in this paragraph are as*
 20 *follows:*

21 *“(A) ‘Paid for with official funds from the office*
 22 *of _____.’, with the blank filled in with the*
 23 *name of the Member sending the mailing.*

24 *“(B) ‘Paid for by the funds authorized by the*
 25 *House of Representatives for District _____ of*

1 _____., with the first blank filled in with the
2 name of the congressional district number, and the
3 second blank filled in with the name of the State, of
4 the Member sending the mailing.

5 “(C) ‘Paid for by official funds authorized by the
6 House of Representatives.’”.

7 (e) REVISIONS TO RESTRICTIONS ON MAIL MATTER
8 CONSIDERED FRANKABLE.—

9 (1) EXPRESSIONS OF CONGRATULATIONS.—Sec-
10 tion 3210(a)(3)(F) of title 39, United States Code, is
11 amended by striking “to a person who has achieved
12 some public distinction”.

13 (2) BIOGRAPHICAL INFORMATION RELATED TO
14 OFFICIAL AND REPRESENTATIONAL DUTIES.—Section
15 3210(a)(3)(I) of such title is amended by striking
16 “publication or in response to a specific request there-
17 for” and inserting the following: “publication, in re-
18 sponse to a specific request therefor, or which relates
19 to the Member’s or Member-elect’s official and rep-
20 resentational duties,”.

21 (3) PHOTOS AND LIKENESSES INCLUDED IN
22 NEWSLETTERS OR GENERAL MASS MAILINGS.—Section
23 3210(a)(3) of such title is amended—

24 (A) by adding “or” at the end of subpara-
25 graph (H);

1 (B) in subparagraph (I), by striking “; or”
2 and inserting a period; and

3 (C) by striking subparagraph (J).

4 (4) *CLARIFICATION OF ABILITY OF MEMBERS TO*
5 *USE FRANKED MAIL TO SEND PERSONAL MESSAGES*
6 *TO CONSTITUENTS.*—Section 3210(a)(4) of such title
7 is amended by striking the period at the end and in-
8 serting the following: “, except that nothing in this
9 paragraph may be construed to prohibit the use of the
10 franking privilege for the transmission of matter
11 which is purely personal to a recipient who is a con-
12 stituent of a Member of Congress and which is related
13 to the official business, activities, and duties of the
14 Member.”.

15 (5) *UNIFORM BLACKOUT PERIOD FOR ALL MEM-*
16 *BERS OF CONGRESS.*—

17 (A) *UNIFORM PERIOD.*—Section
18 3210(a)(6)(A) of such title is amended—

19 (i) in clause (i), by striking “(or, in
20 the case of a Member of the House, fewer
21 than 90 days)”; and

22 (ii) in clause (ii)(II), by striking “90
23 days” and inserting “60 days”.

24 (B) *EFFECTIVE DATE.*—The amendments
25 made by paragraph (1) shall apply with respect

1 to the regularly scheduled general election for
2 Federal office held in November 2020 and each
3 succeeding election for public office.

4 (6) *INFORMATION ON CERTAIN MATTERS.*—*Sec-*
5 *tion 3210(a)(6)(E) of such title is amended—*

6 (A) *by striking “or” at the end of clause*
7 *(ii);*

8 (B) *by striking the period at the end of*
9 *clause (iii) and inserting “; or”; and*

10 (C) *by adding at the end the following new*
11 *clause:*

12 “*(iv) providing information exclusively on com-*
13 *petitions which are officially sanctioned by the House*
14 *of Representatives or Senate, nominations to military*
15 *service academies, official employment listings for po-*
16 *sitions in the House of Representatives (including*
17 *listings for positions in the Wounded Warrior Pro-*
18 *gram or the Gold Star Family Fellowship Program),*
19 *or natural disasters or other threats to public health*
20 *and life safety.”.*

21 (f) *EFFECTIVE DATE.*—*Except as provided in sub-*
22 *section (e)(5)(B), this section and the amendments made*
23 *by this section shall apply with respect to communications*
24 *disseminated on or after the date of the enactment of this*
25 *Act.*

1 *AUTHORIZING USE OF MEMBERS' REPRESENTATIONAL*
2 *ALLOWANCE FOR EXPENSES OF MEMBERS-ELECT*
3 *SEC. 117. (a) AUTHORIZATION.—Section 101(a) of the*
4 *House of Representatives Administrative Reform Technical*
5 *Corrections Act (2 U.S.C. 5341(a)) is amended—*
6 *(1) by striking “a Member” and inserting “a*
7 *Member or Member-elect”; and*
8 *(2) by striking “the Member” and inserting “the*
9 *Member or Member-elect”.*
10 *(b) REGULATIONS.—Section 101(d) of such Act (2*
11 *U.S.C. 5341(d)) is amended by striking the period at the*
12 *end and inserting the following: “, including regulations*
13 *establishing under subsection (a) the official and represen-*
14 *tational duties during a Congress of a Member-elect of the*
15 *House of Representatives who is not an incumbent Member*
16 *re-elected to the ensuing Congress.”.*
17 *(c) EFFECTIVE DATE.—The amendments made by this*
18 *section shall apply with respect to Members-elect of the*
19 *House of Representatives for the One Hundred Seventeenth*
20 *Congress and each succeeding Congress.*
21 *JOINT ITEMS*
22 *For Joint Committees, as follows:*

1 *JOINT ECONOMIC COMMITTEE*

2 *For salaries and expenses of the Joint Economic Com-*
3 *mittee, \$4,203,000, to be disbursed by the Secretary of the*
4 *Senate.*

5 *JOINT COMMITTEE ON TAXATION*

6 *For salaries and expenses of the Joint Committee on*
7 *Taxation, \$11,905,000, to be disbursed by the Chief Admin-*
8 *istrative Officer of the House of Representatives.*

9 *For other joint items, as follows:*

10 *OFFICE OF THE ATTENDING PHYSICIAN*

11 *For medical supplies, equipment, and contingent ex-*
12 *penses of the emergency rooms, and for the Attending Physi-*
13 *cian and his assistants, including:*

14 (1) *an allowance of \$2,175 per month to the At-*
15 *tending Physician;*

16 (2) *an allowance of \$1,300 per month to the Sen-*
17 *ior Medical Officer;*

18 (3) *an allowance of \$725 per month each to three*
19 *medical officers while on duty in the Office of the At-*
20 *tending Physician;*

21 (4) *an allowance of \$725 per month to 2 assist-*
22 *ants and \$580 per month each not to exceed 11 assist-*
23 *ants on the basis heretofore provided for such assist-*
24 *ants; and*

1 (5) \$2,796,000 for reimbursement to the Depart-
2 ment of the Navy for expenses incurred for staff and
3 equipment assigned to the Office of the Attending
4 Physician, which shall be advanced and credited to
5 the applicable appropriation or appropriations from
6 which such salaries, allowances, and other expenses
7 are payable and shall be available for all the purposes
8 thereof, \$3,869,000, to be disbursed by the Chief Ad-
9 ministrative Officer of the House of Representatives.

10 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

11 SALARIES AND EXPENSES

12 For salaries and expenses of the Office of Congressional
13 Accessibility Services, \$1,536,000, to be disbursed by the
14 Secretary of the Senate.

15 CAPITOL POLICE

16 SALARIES

17 For salaries of employees of the Capitol Police, includ-
18 ing overtime, hazardous duty pay, and Government con-
19 tributions for health, retirement, social security, profes-
20 sional liability insurance, and other applicable employee
21 benefits, \$424,397,000 of which overtime shall not exceed
22 \$50,246,000 unless the Committee on Appropriations of the
23 House and Senate are notified, to be disbursed by the Chief
24 of the Capitol Police or his designee.

GENERAL EXPENSES

1
2 *For necessary expenses of the Capitol Police, including*
3 *motor vehicles, communications and other equipment, secu-*
4 *rity equipment and installation, uniforms, weapons, sup-*
5 *plies, materials, training, medical services, forensic services,*
6 *stenographic services, personal and professional services, the*
7 *employee assistance program, the awards program, postage,*
8 *communication services, travel advances, relocation of in-*
9 *structor and liaison personnel for the Federal Law Enforce-*
10 *ment Training Center, and not more than \$5,000 to be ex-*
11 *pended on the certification of the Chief of the Capitol Police*
12 *in connection with official representation and reception ex-*
13 *penses, \$91,144,000, to be disbursed by the Chief of the Cap-*
14 *itol Police or his designee: Provided, That, notwithstanding*
15 *any other provision of law, the cost of basic training for*
16 *the Capitol Police at the Federal Law Enforcement Train-*
17 *ing Center for fiscal year 2021 shall be paid by the Sec-*
18 *retary of Homeland Security from funds available to the*
19 *Department of Homeland Security: Provided further, That*
20 *of the amounts made available under this heading,*
21 *\$3,639,000, to remain available until expended, shall be for*
22 *the Joint Audible Warning System.*

1 *ADMINISTRATIVE PROVISION*2 *STUDENT LOAN CAP ADJUSTMENT*

3 *SEC. 120. Section 908(c) of the Emergency Supple-*
4 *mental Act, 2002 (2 U.S.C. 1926(c)), is amended by strik-*
5 *ing “ \$60,000” and inserting “ \$80,000”.*

6 *OFFICE OF CONGRESSIONAL WORKPLACE*7 *RIGHTS*8 *SALARIES AND EXPENSES*

9 *For salaries and expenses necessary for the operation*
10 *of the Office of Congressional Workplace Rights, \$7,500,000,*
11 *of which \$1,000,000 shall remain available until September*
12 *30, 2022, and of which not more than \$1,000 may be ex-*
13 *pended on the certification of the Executive Director in con-*
14 *nection with official representation and reception expenses.*

15 *CONGRESSIONAL BUDGET OFFICE*16 *SALARIES AND EXPENSES*

17 *For salaries and expenses necessary for operation of*
18 *the Congressional Budget Office, including not more than*
19 *\$6,000 to be expended on the certification of the Director*
20 *of the Congressional Budget Office in connection with offi-*
21 *cial representation and reception expenses, \$57,292,000:*
22 *Provided, That the Director shall use not less than \$500,000*
23 *of the amount made available under this heading for (1)*
24 *improving technical systems, processes, and models for the*
25 *purpose of improving the transparency of estimates of budg-*

1 *etary effects to Members of Congress, employees of Members*
2 *of Congress, and the public, and (2) to increase the avail-*
3 *ability of models, economic assumptions, and data for Mem-*
4 *bers of Congress, employees of Members of Congress, and the*
5 *public.*

6 *ARCHITECT OF THE CAPITOL*

7 *CAPITAL CONSTRUCTION AND OPERATIONS*

8 *For salaries for the Architect of the Capitol, and other*
9 *personal services, at rates of pay provided by law; for all*
10 *necessary expenses for surveys and studies, construction, op-*
11 *eration, and general and administrative support in connec-*
12 *tion with facilities and activities under the care of the Ar-*
13 *chitect of the Capitol including the Botanic Garden; elec-*
14 *trical substations of the Capitol, Senate and House office*
15 *buildings, and other facilities under the jurisdiction of the*
16 *Architect of the Capitol; including furnishings and office*
17 *equipment; including not more than \$5,000 for official re-*
18 *ception and representation expenses, to be expended as the*
19 *Architect of the Capitol may approve; for purchase or ex-*
20 *change, maintenance, and operation of a passenger motor*
21 *vehicle, \$127,462,000, of which \$1,500,000 shall remain*
22 *available until September 30, 2025.*

23 *CAPITOL BUILDING*

24 *For all necessary expenses for the maintenance, care*
25 *and operation of the Capitol, \$34,719,000, of which*

1 \$6,099,000 shall remain available until September 30,
2 2025.

3 *CAPITOL GROUNDS*

4 *For all necessary expenses for care and improvement*
5 *of grounds surrounding the Capitol, the Senate and House*
6 *office buildings, and the Capitol Power Plant, \$20,560,000,*
7 *of which \$7,800,000 shall remain available until September*
8 *30, 2025.*

9 *SENATE OFFICE BUILDINGS*

10 *For all necessary expenses for the maintenance, care*
11 *and operation of Senate office buildings; and furniture and*
12 *furnishings to be expended under the control and super-*
13 *vision of the Architect of the Capitol, \$89,615,280, of which*
14 *\$22,200,000 shall remain available until September 30,*
15 *2025.*

16 *HOUSE OFFICE BUILDINGS*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For all necessary expenses for the maintenance, care*
19 *and operation of the House office buildings, \$138,780,000,*
20 *of which \$14,540,000 shall remain available until Sep-*
21 *tember 30, 2025, and of which \$62,000,000 shall remain*
22 *available until expended for the restoration and renovation*
23 *of the Cannon House Office Building: Provided, That of the*
24 *amount made available under this heading, \$9,000,000*
25 *shall be derived by transfer from the House Office Building*

1 *Fund established under section 176(d) of the Continuing*
2 *Appropriations Act, 2017, as added by section 101(3) of*
3 *the Further Continuing Appropriation Act, 2017 (Public*
4 *Law 114–254; 2 U.S.C. 2001 note).*

5 *CAPITOL POWER PLANT*

6 *For all necessary expenses for the maintenance, care*
7 *and operation of the Capitol Power Plant; lighting, heating,*
8 *power (including the purchase of electrical energy) and*
9 *water and sewer services for the Capitol, Senate and House*
10 *office buildings, Library of Congress buildings, and the*
11 *grounds about the same, Botanic Garden, Senate garage,*
12 *and air conditioning refrigeration not supplied from plants*
13 *in any of such buildings; heating the Government Pub-*
14 *lishing Office and Washington City Post Office, and heating*
15 *and chilled water for air conditioning for the Supreme*
16 *Court Building, the Union Station complex, the Thurgood*
17 *Marshall Federal Judiciary Building and the Folger Shake-*
18 *speare Library, expenses for which shall be advanced or re-*
19 *imbursed upon request of the Architect of the Capitol and*
20 *amounts so received shall be deposited into the Treasury*
21 *to the credit of this appropriation, \$97,761,000, of which*
22 *\$13,700,000 shall remain available until September 30,*
23 *2025: Provided, That not more than \$10,000,000 of the*
24 *funds credited or to be reimbursed to this appropriation*

1 *as herein provided shall be available for obligation during*
2 *fiscal year 2021.*

3 *LIBRARY BUILDINGS AND GROUNDS*

4 *For all necessary expenses for the mechanical and*
5 *structural maintenance, care and operation of the Library*
6 *buildings and grounds, \$83,446,000, of which \$51,600,000*
7 *shall remain available until September 30, 2025.*

8 *CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY*

9 *For all necessary expenses for the maintenance, care*
10 *and operation of buildings, grounds and security enhance-*
11 *ments of the United States Capitol Police, wherever located,*
12 *the Alternate Computing Facility, and Architect of the Cap-*
13 *itol security operations, \$45,993,000, of which \$15,700,000*
14 *shall remain available until September 30, 2025: Provided,*
15 *That of the amounts made available under this heading,*
16 *\$2,500,000, to remain available until expended, shall be for*
17 *the Joint Audible Warning System.*

18 *BOTANIC GARDEN*

19 *For all necessary expenses for the maintenance, care*
20 *and operation of the Botanic Garden and the nurseries,*
21 *buildings, grounds, and collections; and purchase and ex-*
22 *change, maintenance, repair, and operation of a passenger*
23 *motor vehicle; all under the direction of the Joint Com-*
24 *mittee on the Library, \$20,986,000, of which \$8,300,000*
25 *shall remain available until September 30, 2025: Provided,*

1 *That, of the amount made available under this heading, the*
2 *Architect of the Capitol may obligate and expend such sums*
3 *as may be necessary for the maintenance, care and oper-*
4 *ation of the National Garden established under section*
5 *307E of the Legislative Branch Appropriations Act, 1989*
6 *(2 U.S.C. 2146), upon vouchers approved by the Architect*
7 *of the Capitol or a duly authorized designee.*

8 *CAPITOL VISITOR CENTER*

9 *For all necessary expenses for the operation of the Cap-*
10 *itol Visitor Center, \$24,751,000.*

11 *ADMINISTRATIVE PROVISION*

12 *NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR*
13 *OVER BUDGET*

14 *SEC. 130. None of the funds made available in this*
15 *Act for the Architect of the Capitol may be used to make*
16 *incentive or award payments to contractors for work on*
17 *contracts or programs for which the contractor is behind*
18 *schedule or over budget, unless the Architect of the Capitol,*
19 *or agency-employed designee, determines that any such de-*
20 *viations are due to unforeseeable events, government-driven*
21 *scope changes, or are not significant within the overall*
22 *scope of the project and/or program.*

*LIBRARY OF CONGRESS**SALARIES AND EXPENSES*

1 *For all necessary expenses of the Library of Congress*
2 *not otherwise provided for, including development and*
3 *maintenance of the Library's catalogs; custody and custo-*
4 *dial care of the Library buildings; information technology*
5 *services provided centrally; special clothing; cleaning, laun-*
6 *dering and repair of uniforms; preservation of motion pic-*
7 *tures in the custody of the Library; operation and mainte-*
8 *nance of the American Folklife Center in the Library; prep-*
9 *aration and distribution of catalog records and other publi-*
10 *cations of the Library; hire or purchase of one passenger*
11 *motor vehicle; and expenses of the Library of Congress Trust*
12 *Fund Board not properly chargeable to the income of any*
13 *trust fund held by the Board, \$523,654,000, and, in addi-*
14 *tion, amounts credited to this appropriation during fiscal*
15 *year 2021 under the Act of June 28, 1902 (chapter 1301;*
16 *32 Stat. 480; 2 U.S.C. 150), shall remain available until*
17 *expended: Provided, That the Library of Congress may not*
18 *obligate or expend any funds derived from collections under*
19 *the Act of June 28, 1902, in excess of the amount authorized*
20 *for obligation or expenditure in appropriations Acts: Pro-*
21 *vided further, That of the total amount appropriated, not*
22 *more than \$18,000 may be expended, on the certification*
23 *of the Librarian of Congress, in connection with official*
24
25

1 *representation and reception expenses, including for the*
2 *Overseas Field Offices: Provided further, That of the total*
3 *amount appropriated, \$9,424,000 shall remain available*
4 *until expended for the Teaching with Primary Sources pro-*
5 *gram: Provided further, That of the total amount appro-*
6 *priated, \$1,384,000 shall remain available until expended*
7 *for upgrade of the Legislative Branch Financial Manage-*
8 *ment System: Provided further, That of the total amount*
9 *appropriated, \$250,000 shall remain available until ex-*
10 *pended for the Surplus Books Program to promote the pro-*
11 *gram and facilitate a greater number of donations to eligi-*
12 *ble entities across the United States: Provided further, That*
13 *of the total amount appropriated, \$3,720,000 shall remain*
14 *available until expended for the Veterans History Project*
15 *to continue digitization efforts of already collected mate-*
16 *rials, reach a greater number of veterans to record their*
17 *stories, and promote public access to the Project: Provided*
18 *further, That of the total amount appropriated, \$10,000,000*
19 *shall remain available until expended for the Library's Vis-*
20 *itor Experience project, and may be obligated and expended*
21 *only upon approval by the Subcommittee on the Legislative*
22 *Branch of the Committee on Appropriations of the House*
23 *of Representatives and by the Subcommittee on the Legisla-*
24 *tive Branch of the Committee on Appropriations of the Sen-*
25 *ate: Provided further, That of the total amount appro-*

1 *priated, \$4,370,000 shall remain available until September*
2 *30, 2025, to complete the second of three phases of the shelv-*
3 *ing replacement in the Law Library's collection storage*
4 *areas: Provided further, That of the total amount appro-*
5 *priated, \$2,500,000 shall remain available until September*
6 *30, 2022, for the phase-out and retirement of the de-acidifi-*
7 *cation preservation program.*

8

COPYRIGHT OFFICE

9

SALARIES AND EXPENSES

10 *For all necessary expenses of the Copyright Office,*
11 *\$93,416,000, of which not more than \$38,004,000, to re-*
12 *main available until expended, shall be derived from collec-*
13 *tions credited to this appropriation during fiscal year 2021*
14 *under sections 708(d) and 1316 of title 17, United States*
15 *Code: Provided, That the Copyright Office may not obligate*
16 *or expend any funds derived from collections under such*
17 *section in excess of the amount authorized for obligation*
18 *or expenditure in appropriations Acts: Provided further,*
19 *That not more than \$6,778,000 shall be derived from collec-*
20 *tions during fiscal year 2021 under sections 111(d)(2),*
21 *119(b)(3), 803(e), and 1005 of such title: Provided further,*
22 *That the total amount available for obligation shall be re-*
23 *duced by the amount by which collections are less than*
24 *\$44,782,000: Provided further, That of the funds provided*
25 *under this heading, not less than \$17,100,000 is for mod-*

1 *ernization initiatives, of which \$10,000,000 shall remain*
2 *available until September 30, 2022: Provided further, That*
3 *not more than \$100,000 of the amount appropriated is*
4 *available for the maintenance of an “International Copy-*
5 *right Institute” in the Copyright Office of the Library of*
6 *Congress for the purpose of training nationals of developing*
7 *countries in intellectual property laws and policies: Pro-*
8 *vided further, That not more than \$6,500 may be expended,*
9 *on the certification of the Librarian of Congress, in connec-*
10 *tion with official representation and reception expenses for*
11 *activities of the International Copyright Institute and for*
12 *copyright delegations, visitors, and seminars: Provided fur-*
13 *ther, That, notwithstanding any provision of chapter 8 of*
14 *title 17, United States Code, any amounts made available*
15 *under this heading which are attributable to royalty fees*
16 *and payments received by the Copyright Office pursuant*
17 *to sections 111, 119, and chapter 10 of such title may be*
18 *used for the costs incurred in the administration of the*
19 *Copyright Royalty Judges program, with the exception of*
20 *the costs of salaries and benefits for the Copyright Royalty*
21 *Judges and staff under section 802(e).*

22 *CONGRESSIONAL RESEARCH SERVICE*

23 *SALARIES AND EXPENSES*

24 *For all necessary expenses to carry out the provisions*
25 *of section 203 of the Legislative Reorganization Act of 1946*

1 *(2 U.S.C. 166) and to revise and extend the Annotated Con-*
2 *stitution of the United States of America, \$125,495,000:*
3 *Provided, That no part of such amount may be used to pay*
4 *any salary or expense in connection with any publication,*
5 *or preparation of material therefor (except the Digest of*
6 *Public General Bills), to be issued by the Library of Con-*
7 *gress unless such publication has obtained prior approval*
8 *of either the Committee on House Administration of the*
9 *House of Representatives or the Committee on Rules and*
10 *Administration of the Senate: Provided further, That this*
11 *prohibition does not apply to publication of non-confiden-*
12 *tial Congressional Research Service (CRS) products: Pro-*
13 *vided further, That a non-confidential CRS product in-*
14 *cludes any written product containing research or analysis*
15 *that is currently available for general congressional access*
16 *on the CRS Congressional Intranet, or that would be made*
17 *available on the CRS Congressional Intranet in the normal*
18 *course of business and does not include material prepared*
19 *in response to Congressional requests for confidential anal-*
20 *ysis or research.*

21 *NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT*

22 *DISABLED*

23 *SALARIES AND EXPENSES*

24 *For all necessary expenses to carry out the Act of*
25 *March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a),*

1 \$59,563,000: *Provided, That of the total amount appro-*
2 *priated, \$650,000 shall be available to contract to provide*
3 *newspapers to blind and print disabled residents at no cost*
4 *to the individual.*

5 *ADMINISTRATIVE PROVISION*

6 *REIMBURSABLE AND REVOLVING FUND ACTIVITIES*

7 *SEC. 140. (a) IN GENERAL.—For fiscal year 2021, the*
8 *obligational authority of the Library of Congress for the ac-*
9 *tivities described in subsection (b) may not exceed*
10 *\$252,552,000.*

11 *(b) ACTIVITIES.—The activities referred to in sub-*
12 *section (a) are reimbursable and revolving fund activities*
13 *that are funded from sources other than appropriations to*
14 *the Library in appropriations Acts for the legislative*
15 *branch.*

16 *GOVERNMENT PUBLISHING OFFICE*

17 *CONGRESSIONAL PUBLISHING*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For authorized publishing of congressional informa-*
20 *tion and the distribution of congressional information in*
21 *any format; publishing of Government publications author-*
22 *ized by law to be distributed to Members of Congress; and*
23 *publishing, and distribution of Government publications*
24 *authorized by law to be distributed without charge to the*
25 *recipient, \$78,000,000: Provided, That this appropriation*

1 *shall not be available for paper copies of the permanent edi-*
2 *tion of the Congressional Record for individual Representa-*
3 *tives, Resident Commissioners or Delegates authorized*
4 *under section 906 of title 44, United States Code: Provided*
5 *further, That this appropriation shall be available for the*
6 *payment of obligations incurred under the appropriations*
7 *for similar purposes for preceding fiscal years: Provided*
8 *further, That notwithstanding the 2-year limitation under*
9 *section 718 of title 44, United States Code, none of the funds*
10 *appropriated or made available under this Act or any other*
11 *Act for printing and binding and related services provided*
12 *to Congress under chapter 7 of title 44, United States Code,*
13 *may be expended to print a document, report, or publica-*
14 *tion after the 27-month period beginning on the date that*
15 *such document, report, or publication is authorized by Con-*
16 *gress to be printed, unless Congress reauthorizes such print-*
17 *ing in accordance with section 718 of title 44, United States*
18 *Code: Provided further, That unobligated or unexpended*
19 *balances of expired discretionary funds made available*
20 *under this heading in this Act for this fiscal year may be*
21 *transferred to, and merged with, funds under the heading*
22 *“Government Publishing Office Business Operations Re-*
23 *volving Fund” no later than the end of the fifth fiscal year*
24 *after the last fiscal year for which such funds are available*
25 *for the purposes for which appropriated, to be available for*

1 *carrying out the purposes of this heading, subject to the ap-*
2 *proval of the Committees on Appropriations of the House*
3 *of Representatives and the Senate: Provided further, That*
4 *notwithstanding sections 901, 902, and 906 of title 44,*
5 *United States Code, this appropriation may be used to pre-*
6 *pare indexes to the Congressional Record on only a monthly*
7 *and session basis.*

8 *PUBLIC INFORMATION PROGRAMS OF THE*
9 *SUPERINTENDENT OF DOCUMENTS*
10 *SALARIES AND EXPENSES*
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For expenses of the public information programs of the*
13 *Office of Superintendent of Documents necessary to provide*
14 *for the cataloging and indexing of Government publications*
15 *in any format, and their distribution to the public, Mem-*
16 *bers of Congress, other Government agencies, and designated*
17 *depository and international exchange libraries as author-*
18 *ized by law, \$32,300,000: Provided, That amounts of not*
19 *more than \$2,000,000 from current year appropriations are*
20 *authorized for producing and disseminating Congressional*
21 *serial sets and other related publications for the preceding*
22 *two fiscal years to depository and other designated libraries:*
23 *Provided further, That unobligated or unexpended balances*
24 *of expired discretionary funds made available under this*
25 *heading in this Act for this fiscal year may be transferred*

1 *to, and merged with, funds under the heading “Government*
2 *Publishing Office Business Operations Revolving Fund” no*
3 *later than the end of the fifth fiscal year after the last fiscal*
4 *year for which such funds are available for the purposes*
5 *for which appropriated, to be available for carrying out the*
6 *purposes of this heading, subject to the approval of the Com-*
7 *mittees on Appropriations of the House of Representatives*
8 *and the Senate.*

9 *GOVERNMENT PUBLISHING OFFICE BUSINESS*
10 *OPERATIONS REVOLVING FUND*

11 *For payment to the Government Publishing Office*
12 *Business Operations Revolving Fund, \$6,700,000, to re-*
13 *main available until expended, for information technology*
14 *development and facilities repair: Provided, That the Gov-*
15 *ernment Publishing Office is hereby authorized to make*
16 *such expenditures, within the limits of funds available and*
17 *in accordance with law, and to make such contracts and*
18 *commitments without regard to fiscal year limitations as*
19 *provided by section 9104 of title 31, United States Code,*
20 *as may be necessary in carrying out the programs and pur-*
21 *poses set forth in the budget for the current fiscal year for*
22 *the Government Publishing Office Business Operations Re-*
23 *volving Fund: Provided further, That not more than \$7,500*
24 *may be expended on the certification of the Director of the*
25 *Government Publishing Office in connection with official*

1 *representation and reception expenses: Provided further,*
2 *That the Business Operations Revolving Fund shall be*
3 *available for the hire or purchase of not more than 12 pas-*
4 *senger motor vehicles: Provided further, That expenditures*
5 *in connection with travel expenses of the advisory councils*
6 *to the Director of the Government Publishing Office shall*
7 *be deemed necessary to carry out the provisions of title 44,*
8 *United States Code: Provided further, That the Business*
9 *Operations Revolving Fund shall be available for tem-*
10 *porary or intermittent services under section 3109(b) of*
11 *title 5, United States Code, but at rates for individuals not*
12 *more than the daily equivalent of the annual rate of basic*
13 *pay for level V of the Executive Schedule under section 5316*
14 *of such title: Provided further, That activities financed*
15 *through the Business Operations Revolving Fund may pro-*
16 *vide information in any format: Provided further, That the*
17 *Business Operations Revolving Fund and the funds pro-*
18 *vided under the heading "Public Information Programs of*
19 *the Superintendent of Documents" may not be used for con-*
20 *tracted security services at Government Publishing Office's*
21 *passport facility in the District of Columbia.*

22 **GOVERNMENT ACCOUNTABILITY OFFICE**

23 **SALARIES AND EXPENSES**

24 *For necessary expenses of the Government Account-*
25 *ability Office, including not more than \$12,500 to be ex-*

1 *pended on the certification of the Comptroller General of*
2 *the United States in connection with official representation*
3 *and reception expenses; temporary or intermittent services*
4 *under section 3109(b) of title 5, United States Code, but*
5 *at rates for individuals not more than the daily equivalent*
6 *of the annual rate of basic pay for level IV of the Executive*
7 *Schedule under section 5315 of such title; hire of one pas-*
8 *senger motor vehicle; advance payments in foreign countries*
9 *in accordance with section 3324 of title 31, United States*
10 *Code; benefits comparable to those payable under sections*
11 *901(5), (6), and (8) of the Foreign Service Act of 1980 (22*
12 *U.S.C. 4081(5), (6), and (8)); and under regulations pre-*
13 *scribed by the Comptroller General of the United States,*
14 *rental of living quarters in foreign countries, \$661,139,000:*
15 *Provided, That, in addition, \$31,342,000 of payments re-*
16 *ceived under sections 782, 791, 3521, and 9105 of title 31,*
17 *United States Code, shall be available without fiscal year*
18 *limitation: Provided further, That this appropriation and*
19 *appropriations for administrative expenses of any other de-*
20 *partment or agency which is a member of the National*
21 *Intergovernmental Audit Forum or a Regional Intergovern-*
22 *mental Audit Forum shall be available to finance an appro-*
23 *priate share of either Forum's costs as determined by the*
24 *respective Forum, including necessary travel expenses of*
25 *non-Federal participants: Provided further, That payments*

1 *hereunder to the Forum may be credited as reimbursements*
2 *to any appropriation from which costs involved are ini-*
3 *tially financed.*

4 *OPEN WORLD LEADERSHIP CENTER TRUST*
5 *FUND*

6 *For a payment to the Open World Leadership Center*
7 *Trust Fund for financing activities of the Open World*
8 *Leadership Center under section 313 of the Legislative*
9 *Branch Appropriations Act, 2001 (2 U.S.C. 1151),*
10 *\$6,000,000: Provided, That funds made available to support*
11 *Russian participants shall only be used for those engaging*
12 *in free market development, humanitarian activities, and*
13 *civic engagement, and shall not be used for officials of the*
14 *central government of Russia.*

15 *JOHN C. STENNIS CENTER FOR PUBLIC SERVICE*
16 *TRAINING AND DEVELOPMENT*

17 *For payment to the John C. Stennis Center for Public*
18 *Service Development Trust Fund established under section*
19 *116 of the John C. Stennis Center for Public Service Train-*
20 *ing and Development Act (2 U.S.C. 1105), \$430,000.*

21 *TITLE II*

22 *GENERAL PROVISIONS*

23 *MAINTENANCE AND CARE OF PRIVATE VEHICLES*

24 *SEC. 201. No part of the funds appropriated in this*
25 *Act shall be used for the maintenance or care of private*

1 *vehicles, except for emergency assistance and cleaning as*
2 *may be provided under regulations relating to parking fa-*
3 *cilities for the House of Representatives issued by the Com-*
4 *mittee on House Administration and for the Senate issued*
5 *by the Committee on Rules and Administration.*

6 *FISCAL YEAR LIMITATION*

7 *SEC. 202. No part of the funds appropriated in this*
8 *Act shall remain available for obligation beyond fiscal year*
9 *2021 unless expressly so provided in this Act.*

10 *RATES OF COMPENSATION AND DESIGNATION*

11 *SEC. 203. Whenever in this Act any office or position*
12 *not specifically established by the Legislative Pay Act of*
13 *1929 (46 Stat. 32 et seq.) is appropriated for or the rate*
14 *of compensation or designation of any office or position ap-*
15 *propriated for is different from that specifically established*
16 *by such Act, the rate of compensation and the designation*
17 *in this Act shall be the permanent law with respect thereto:*
18 *Provided, That the provisions in this Act for the various*
19 *items of official expenses of Members, officers, and commit-*
20 *tees of the Senate and House of Representatives, and clerk*
21 *hire for Senators and Members of the House of Representa-*
22 *tives shall be the permanent law with respect thereto.*

23 *CONSULTING SERVICES*

24 *SEC. 204. The expenditure of any appropriation under*
25 *this Act for any consulting service through procurement*

1 *contract, under section 3109 of title 5, United States Code,*
2 *shall be limited to those contracts where such expenditures*
3 *are a matter of public record and available for public in-*
4 *spection, except where otherwise provided under existing*
5 *law, or under existing Executive order issued under existing*
6 *law.*

7 *COSTS OF LBFMC*

8 *SEC. 205. Amounts available for administrative ex-*
9 *penses of any legislative branch entity which participates*
10 *in the Legislative Branch Financial Managers Council*
11 *(LBFMC) established by charter on March 26, 1996, shall*
12 *be available to finance an appropriate share of LBFMC*
13 *costs as determined by the LBFMC, except that the total*
14 *LBFMC costs to be shared among all participating legisla-*
15 *tive branch entities (in such allocations among the entities*
16 *as the entities may determine) may not exceed \$2,000.*

17 *LIMITATION ON TRANSFERS*

18 *SEC. 206. None of the funds made available in this*
19 *Act may be transferred to any department, agency, or in-*
20 *strumentality of the United States Government, except pur-*
21 *suant to a transfer made by, or transfer authority provided*
22 *in, this Act or any other appropriation Act.*

23 *GUIDED TOURS OF THE CAPITOL*

24 *SEC. 207. (a) Except as provided in subsection (b),*
25 *none of the funds made available to the Architect of the Cap-*

1 *itol in this Act may be used to eliminate or restrict guided*
2 *tours of the United States Capitol which are led by employ-*
3 *ees and interns of offices of Members of Congress and other*
4 *offices of the House of Representatives and Senate, unless*
5 *through regulations as authorized by section 402(b)(8) of*
6 *the Capitol Visitor Center Act of 2008 (2 U.S.C.*
7 *2242(b)(8)).*

8 *(b) At the direction of the Capitol Police Board, or*
9 *at the direction of the Architect of the Capitol with the ap-*
10 *proval of the Capitol Police Board, guided tours of the*
11 *United States Capitol which are led by employees and in-*
12 *terns described in subsection (a) may be suspended tempo-*
13 *rarily or otherwise subject to restriction for security or re-*
14 *lated reasons to the same extent as guided tours of the*
15 *United States Capitol which are led by the Architect of the*
16 *Capitol.*

17 *LIMITATION ON TELECOMMUNICATIONS EQUIPMENT*

18 *PROCUREMENT*

19 *SEC. 208. (a) None of the funds appropriated or other-*
20 *wise made available under this Act may be used to acquire*
21 *telecommunications equipment produced by Huawei Tech-*
22 *nologies Company or ZTE Corporation for a high or mod-*
23 *erate impact information system, as defined for security*
24 *categorization in the National Institute of Standards and*
25 *Technology's (NIST) Federal Information Processing*

1 *Standard Publication 199, “Standards for Security Cat-*
2 *egorization of Federal Information and Information Sys-*
3 *tems” unless the agency, office, or other entity acquiring*
4 *the equipment or system has—*

5 (1) *reviewed the supply chain risk for the infor-*
6 *mation systems against criteria developed by NIST to*
7 *inform acquisition decisions for high or moderate im-*
8 *port information systems within the Federal Govern-*
9 *ment;*

10 (2) *reviewed the supply chain risk from the pre-*
11 *sumptive awardee against available and relevant*
12 *threat information provided by the Federal Bureau of*
13 *Investigation and other appropriate agencies; and*

14 (3) *in consultation with the Federal Bureau of*
15 *Investigation or other appropriate Federal entity,*
16 *conducted an assessment of any risk of cyber-espio-*
17 *nage or sabotage associated with the acquisition of*
18 *such telecommunications equipment for inclusion in a*
19 *high or moderate impact system, including any risk*
20 *associated with such system being produced, manufac-*
21 *tured, or assembled by one or more entities identified*
22 *by the United States Government as posing a cyber*
23 *threat, including but not limited to, those that may*
24 *be owned, directed, or subsidized by the People’s Re-*
25 *public of China, the Islamic Republic of Iran, the*

1 *Democratic People’s Republic of Korea, or the Rus-*
2 *sian Federation.*

3 *(b) None of the funds appropriated or otherwise made*
4 *available under this Act may be used to acquire a high or*
5 *moderate impact information system reviewed and assessed*
6 *under subsection (a) unless the head of the assessing entity*
7 *described in subsection (a) has—*

8 *(1) developed, in consultation with NIST and*
9 *supply chain risk management experts, a mitigation*
10 *strategy for any identified risks;*

11 *(2) determined, in consultation with NIST and*
12 *the Federal Bureau of Investigation, that the acquisi-*
13 *tion of such telecommunications equipment for inclu-*
14 *sion in a high or moderate impact system is in the*
15 *vital national security interest of the United States;*
16 *and*

17 *(3) reported that determination to the Commit-*
18 *tees on Appropriations of the House of Representa-*
19 *tives and the Senate in a manner that identifies the*
20 *telecommunications equipment for inclusion in a high*
21 *or moderate impact system intended for acquisition*
22 *and a detailed description of the mitigation strategies*
23 *identified in paragraph (1), provided that such report*
24 *may include a classified annex as necessary.*

1 *PROHIBITION ON CERTAIN OPERATIONAL EXPENSES*

2 *SEC. 209. (a) None of the funds made available in this*
3 *Act may be used to maintain or establish a computer net-*
4 *work unless such network blocks the viewing, downloading,*
5 *and exchanging of pornography.*

6 *(b) Nothing in subsection (a) shall limit the use of*
7 *funds necessary for any Federal, State, tribal, or local law*
8 *enforcement agency or any other entity carrying out crimi-*
9 *nal investigations, prosecution, or adjudication activities or*
10 *other official government activities.*

11 *PLASTIC WASTE REDUCTION*

12 *SEC. 210. All agencies and offices funded by this divi-*
13 *sion that contract with a food service provider or providers*
14 *shall confer and coordinate with such food service provider*
15 *or providers, in consultation with disability advocacy*
16 *groups, to eliminate or reduce plastic waste, including*
17 *waste from plastic straws, explore the use of biodegradable*
18 *items, and increase recycling and composting opportunities.*

19 *JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL*20 *CEREMONIES OF 2021*

21 *SEC. 211. There is hereby appropriated \$2,000,000, for*
22 *the same purposes and under the same authorities and con-*
23 *ditions as amounts made available under the heading*
24 *“Joint Items—Joint Congressional Committee on Inau-*
25 *gural Ceremonies of 2021” in division E of the Further*

1 *Consolidated Appropriations Act, 2020 (Public Law 116–*
2 *94).*

3 *CAPITOL COMPLEX HEALTH AND SAFETY*

4 *SEC. 212. In addition to the amounts appropriated*
5 *under this Act under the heading “Office of the Attending*
6 *Physician”, there is hereby appropriated to the Office of*
7 *the Attending Physician \$5,000,000, to remain available*
8 *until expended, for response to COVID–19, including test-*
9 *ing, subject to the same terms and conditions as the*
10 *amounts appropriated under such heading.*

11 *GOVERNMENT ACCOUNTABILITY OFFICE SUPPLEMENTAL*

12 *OVERSIGHT*

13 *SEC. 213. For an additional amount for “Salaries and*
14 *Expenses”, \$10,000,000, to remain available until ex-*
15 *pended, to prevent, prepare for, and respond to coronavirus,*
16 *which shall be for audits and investigations, as authorized*
17 *by this title: Provided, That not later than 90 days after*
18 *the date of enactment of this Act, the Government Account-*
19 *ability Office shall submit to the Committees on Appropria-*
20 *tions of the House of Representatives and the Senate a*
21 *spend plan specifying funding estimates and a timeline for*
22 *such audits and investigations: Provided further, That such*
23 *amount is designated by the Congress as being for an emer-*
24 *gency requirement pursuant to section 251(b)(2)(A)(i) of*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *This division may be cited as the “Legislative Branch*
4 *Appropriations Act, 2021”.*

5 ***DIVISION J—MILITARY CONSTRUCTION,***
6 ***VETERANS AFFAIRS, AND RELATED***
7 ***AGENCIES APPROPRIATIONS ACT, 2021***

8 ***TITLE I***

9 ***DEPARTMENT OF DEFENSE***

10 ***MILITARY CONSTRUCTION, ARMY***

11 *For acquisition, construction, installation, and equip-*
12 *ment of temporary or permanent public works, military in-*
13 *stallations, facilities, and real property for the Army as*
14 *currently authorized by law, including personnel in the*
15 *Army Corps of Engineers and other personal services nec-*
16 *essary for the purposes of this appropriation, and for con-*
17 *struction and operation of facilities in support of the func-*
18 *tions of the Commander in Chief, \$628,900,000, to remain*
19 *available until September 30, 2025: Provided, That, of this*
20 *amount, not to exceed \$147,000,000 shall be available for*
21 *study, planning, design, architect and engineer services,*
22 *and host nation support, as authorized by law, unless the*
23 *Secretary of the Army determines that additional obliga-*
24 *tions are necessary for such purposes and notifies the Com-*

1 *mittees on Appropriations of both Houses of Congress of the*
2 *determination and the reasons therefor.*

3 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

4 *For acquisition, construction, installation, and equip-*
5 *ment of temporary or permanent public works, naval in-*
6 *stallations, facilities, and real property for the Navy and*
7 *Marine Corps as currently authorized by law, including*
8 *personnel in the Naval Facilities Engineering Command*
9 *and other personal services necessary for the purposes of this*
10 *appropriation, \$1,716,144,000, to remain available until*
11 *September 30, 2025: Provided, That, of this amount, not*
12 *to exceed \$261,710,000 shall be available for study, plan-*
13 *ning, design, and architect and engineer services, as author-*
14 *ized by law, unless the Secretary of the Navy determines*
15 *that additional obligations are necessary for such purposes*
16 *and notifies the Committees on Appropriations of both*
17 *Houses of Congress of the determination and the reasons*
18 *therefor.*

19 *MILITARY CONSTRUCTION, AIR FORCE*

20 *For acquisition, construction, installation, and equip-*
21 *ment of temporary or permanent public works, military in-*
22 *stallations, facilities, and real property for the Air Force*
23 *as currently authorized by law, \$616,156,000, to remain*
24 *available until September 30, 2025: Provided, That, of this*
25 *amount, not to exceed \$212,556,000 shall be available for*

1 *study, planning, design, and architect and engineer serv-*
2 *ices, as authorized by law, unless the Secretary of the Air*
3 *Force determines that additional obligations are necessary*
4 *for such purposes and notifies the Committees on Appro-*
5 *priations of both Houses of Congress of the determination*
6 *and the reasons therefor.*

7 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For acquisition, construction, installation, and equip-*
10 *ment of temporary or permanent public works, installa-*
11 *tions, facilities, and real property for activities and agen-*
12 *cies of the Department of Defense (other than the military*
13 *departments), as currently authorized by law,*
14 *\$2,041,909,000, to remain available until September 30,*
15 *2025: Provided, That such amounts of this appropriation*
16 *as may be determined by the Secretary of Defense may be*
17 *transferred to such appropriations of the Department of De-*
18 *fense available for military construction or family housing*
19 *as the Secretary may designate, to be merged with and to*
20 *be available for the same purposes, and for the same time*
21 *period, as the appropriation or fund to which transferred:*
22 *Provided further, That, of the amount, not to exceed*
23 *\$162,076,000 shall be available for study, planning, design,*
24 *and architect and engineer services, as authorized by law,*
25 *unless the Secretary of Defense determines that additional*

1 *obligations are necessary for such purposes and notifies the*
2 *Committees on Appropriations of both Houses of Congress*
3 *of the determination and the reasons therefor.*

4 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

5 *For construction, acquisition, expansion, rehabilita-*
6 *tion, and conversion of facilities for the training and ad-*
7 *ministration of the Army National Guard, and contribu-*
8 *tions therefor, as authorized by chapter 1803 of title 10,*
9 *United States Code, and Military Construction Authoriza-*
10 *tion Acts, \$349,437,000, to remain available until Sep-*
11 *tember 30, 2025: Provided, That, of the amount, not to ex-*
12 *ceed \$44,593,000 shall be available for study, planning, de-*
13 *sign, and architect and engineer services, as authorized by*
14 *law, unless the Director of the Army National Guard deter-*
15 *mines that additional obligations are necessary for such*
16 *purposes and notifies the Committees on Appropriations of*
17 *both Houses of Congress of the determination and the rea-*
18 *sons therefor.*

19 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

20 *For construction, acquisition, expansion, rehabilita-*
21 *tion, and conversion of facilities for the training and ad-*
22 *ministration of the Air National Guard, and contributions*
23 *therefor, as authorized by chapter 1803 of title 10, United*
24 *States Code, and Military Construction Authorization Acts,*
25 *\$64,214,000, to remain available until September 30, 2025:*

1 *Provided, That, of the amount, not to exceed \$3,414,000*
2 *shall be available for study, planning, design, and architect*
3 *and engineer services, as authorized by law, unless the Di-*
4 *rector of the Air National Guard determines that additional*
5 *obligations are necessary for such purposes and notifies the*
6 *Committees on Appropriations of both Houses of Congress*
7 *of the determination and the reasons therefor.*

8 *MILITARY CONSTRUCTION, ARMY RESERVE*

9 *For construction, acquisition, expansion, rehabilita-*
10 *tion, and conversion of facilities for the training and ad-*
11 *ministration of the Army Reserve as authorized by chapter*
12 *1803 of title 10, United States Code, and Military Con-*
13 *struction Authorization Acts, \$88,337,000, to remain avail-*
14 *able until September 30, 2025: Provided, That, of the*
15 *amount, not to exceed \$1,218,000 shall be available for*
16 *study, planning, design, and architect and engineer serv-*
17 *ices, as authorized by law, unless the Chief of the Army*
18 *Reserve determines that additional obligations are nec-*
19 *essary for such purposes and notifies the Committees on Ap-*
20 *propriations of both Houses of Congress of the determina-*
21 *tion and the reasons therefor.*

22 *MILITARY CONSTRUCTION, NAVY RESERVE*

23 *For construction, acquisition, expansion, rehabilita-*
24 *tion, and conversion of facilities for the training and ad-*
25 *ministration of the reserve components of the Navy and Ma-*

1 *rine Corps as authorized by chapter 1803 of title 10, United*
2 *States Code, and Military Construction Authorization Acts,*
3 *\$70,995,000, to remain available until September 30, 2025:*
4 *Provided, That, of the amount, not to exceed \$3,485,000*
5 *shall be available for study, planning, design, and architect*
6 *and engineer services, as authorized by law, unless the Sec-*
7 *retary of the Navy determines that additional obligations*
8 *are necessary for such purposes and notifies the Committees*
9 *on Appropriations of both Houses of Congress of the deter-*
10 *mination and the reasons therefor.*

11 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

12 *For construction, acquisition, expansion, rehabilita-*
13 *tion, and conversion of facilities for the training and ad-*
14 *ministration of the Air Force Reserve as authorized by*
15 *chapter 1803 of title 10, United States Code, and Military*
16 *Construction Authorization Acts, \$23,117,000, to remain*
17 *available until September 30, 2025: Provided, That, of the*
18 *amount, not to exceed \$3,270,000 shall be available for*
19 *study, planning, design, and architect and engineer serv-*
20 *ices, as authorized by law, unless the Chief of the Air Force*
21 *Reserve determines that additional obligations are nec-*
22 *essary for such purposes and notifies the Committees on Ap-*
23 *propriations of both Houses of Congress of the determina-*
24 *tion and the reasons therefor.*

1 *NORTH ATLANTIC TREATY ORGANIZATION*2 *SECURITY INVESTMENT PROGRAM*

3 *For the United States share of the cost of the North*
4 *Atlantic Treaty Organization Security Investment Pro-*
5 *gram for the acquisition and construction of military facili-*
6 *ties and installations (including international military*
7 *headquarters) and for related expenses for the collective de-*
8 *fense of the North Atlantic Treaty Area as authorized by*
9 *section 2806 of title 10, United States Code, and Military*
10 *Construction Authorization Acts, \$173,030,000, to remain*
11 *available until expended.*

12 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT*

13 *For deposit into the Department of Defense Base Clo-*
14 *sure Account, established by section 2906(a) of the Defense*
15 *Base Closure and Realignment Act of 1990 (10 U.S.C. 2687*
16 *note), \$480,447,000, to remain available until expended.*

17 *FAMILY HOUSING CONSTRUCTION, ARMY*

18 *For expenses of family housing for the Army for con-*
19 *struction, including acquisition, replacement, addition, ex-*
20 *pansion, extension, and alteration, as authorized by law,*
21 *\$119,400,000, to remain available until September 30,*
22 *2025.*

23 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

24 *For expenses of family housing for the Army for oper-*
25 *ation and maintenance, including debt payment, leasing,*

1 *minor construction, principal and interest charges, and in-*
2 *surance premiums, as authorized by law, \$352,342,000.*

3 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*
4 *CORPS*

5 *For expenses of family housing for the Navy and Ma-*
6 *rine Corps for construction, including acquisition, replace-*
7 *ment, addition, expansion, extension, and alteration, as au-*
8 *thorized by law, \$42,897,000, to remain available until*
9 *September 30, 2025.*

10 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*
11 *AND MARINE CORPS*

12 *For expenses of family housing for the Navy and Ma-*
13 *rine Corps for operation and maintenance, including debt*
14 *payment, leasing, minor construction, principal and inter-*
15 *est charges, and insurance premiums, as authorized by law,*
16 *\$346,493,000.*

17 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

18 *For expenses of family housing for the Air Force for*
19 *construction, including acquisition, replacement, addition,*
20 *expansion, extension, and alteration, as authorized by law,*
21 *\$97,214,000, to remain available until September 30, 2025.*

22 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*
23 *FORCE*

24 *For expenses of family housing for the Air Force for*
25 *operation and maintenance, including debt payment, leas-*

1 *ing, minor construction, principal and interest charges,*
2 *and insurance premiums, as authorized by law,*
3 *\$317,021,000.*

4 *FAMILY HOUSING OPERATION AND MAINTENANCE,*
5 *DEFENSE-WIDE*

6 *For expenses of family housing for the activities and*
7 *agencies of the Department of Defense (other than the mili-*
8 *tary departments) for operation and maintenance, leasing,*
9 *and minor construction, as authorized by law, \$54,728,000.*

10 *DEPARTMENT OF DEFENSE*

11 *FAMILY HOUSING IMPROVEMENT FUND*

12 *For the Department of Defense Family Housing Im-*
13 *provement Fund, \$5,897,000, to remain available until ex-*
14 *pended, for family housing initiatives undertaken pursuant*
15 *to section 2883 of title 10, United States Code, providing*
16 *alternative means of acquiring and improving military*
17 *family housing and supporting facilities.*

18 *DEPARTMENT OF DEFENSE*

19 *MILITARY UNACCOMPANIED HOUSING IMPROVEMENT*
20 *FUND*

21 *For the Department of Defense Military Unaccom-*
22 *panied Housing Improvement Fund, \$600,000, to remain*
23 *available until expended, for unaccompanied housing ini-*
24 *tiatives undertaken pursuant to section 2883 of title 10,*
25 *United States Code, providing alternative means of acquir-*

1 *ing and improving military unaccompanied housing and*
2 *supporting facilities.*

3 *ADMINISTRATIVE PROVISIONS*

4 *SEC. 101. None of the funds made available in this*
5 *title shall be expended for payments under a cost-plus-a-*
6 *fixed-fee contract for construction, where cost estimates ex-*
7 *ceed \$25,000, to be performed within the United States, ex-*
8 *cept Alaska, without the specific approval in writing of the*
9 *Secretary of Defense setting forth the reasons therefor.*

10 *SEC. 102. Funds made available in this title for con-*
11 *struction shall be available for hire of passenger motor vehi-*
12 *cles.*

13 *SEC. 103. Funds made available in this title for con-*
14 *struction may be used for advances to the Federal Highway*
15 *Administration, Department of Transportation, for the con-*
16 *struction of access roads as authorized by section 210 of*
17 *title 23, United States Code, when projects authorized there-*
18 *in are certified as important to the national defense by the*
19 *Secretary of Defense.*

20 *SEC. 104. None of the funds made available in this*
21 *title may be used to begin construction of new bases in the*
22 *United States for which specific appropriations have not*
23 *been made.*

24 *SEC. 105. None of the funds made available in this*
25 *title shall be used for purchase of land or land easements*

1 *in excess of 100 percent of the value as determined by the*
2 *Army Corps of Engineers or the Naval Facilities Engineer-*
3 *ing Command, except: (1) where there is a determination*
4 *of value by a Federal court; (2) purchases negotiated by*
5 *the Attorney General or the designee of the Attorney Gen-*
6 *eral; (3) where the estimated value is less than \$25,000; or*
7 *(4) as otherwise determined by the Secretary of Defense to*
8 *be in the public interest.*

9 *SEC. 106. None of the funds made available in this*
10 *title shall be used to: (1) acquire land; (2) provide for site*
11 *preparation; or (3) install utilities for any family housing,*
12 *except housing for which funds have been made available*
13 *in annual Acts making appropriations for military con-*
14 *struction.*

15 *SEC. 107. None of the funds made available in this*
16 *title for minor construction may be used to transfer or relo-*
17 *cate any activity from one base or installation to another,*
18 *without prior notification to the Committees on Appropria-*
19 *tions of both Houses of Congress.*

20 *SEC. 108. None of the funds made available in this*
21 *title may be used for the procurement of steel for any con-*
22 *struction project or activity for which American steel pro-*
23 *ducers, fabricators, and manufacturers have been denied the*
24 *opportunity to compete for such steel procurement.*

1 *SEC. 109. None of the funds available to the Depart-*
2 *ment of Defense for military construction or family housing*
3 *during the current fiscal year may be used to pay real prop-*
4 *erty taxes in any foreign nation.*

5 *SEC. 110. None of the funds made available in this*
6 *title may be used to initiate a new installation overseas*
7 *without prior notification to the Committees on Appropria-*
8 *tions of both Houses of Congress.*

9 *SEC. 111. None of the funds made available in this*
10 *title may be obligated for architect and engineer contracts*
11 *estimated by the Government to exceed \$500,000 for projects*
12 *to be accomplished in Japan, in any North Atlantic Treaty*
13 *Organization member country, or in countries bordering the*
14 *Arabian Gulf, unless such contracts are awarded to United*
15 *States firms or United States firms in joint venture with*
16 *host nation firms.*

17 *SEC. 112. None of the funds made available in this*
18 *title for military construction in the United States terri-*
19 *tories and possessions in the Pacific and on Kwajalein*
20 *Atoll, or in countries bordering the Arabian Gulf, may be*
21 *used to award any contract estimated by the Government*
22 *to exceed \$1,000,000 to a foreign contractor: Provided, That*
23 *this section shall not be applicable to contract awards for*
24 *which the lowest responsive and responsible bid of a United*
25 *States contractor exceeds the lowest responsive and respon-*

1 *sible bid of a foreign contractor by greater than 20 percent:*
2 *Provided further, That this section shall not apply to con-*
3 *tract awards for military construction on Kwajalein Atoll*
4 *for which the lowest responsive and responsible bid is sub-*
5 *mitted by a Marshallese contractor.*

6 *SEC. 113. The Secretary of Defense shall inform the*
7 *appropriate committees of both Houses of Congress, includ-*
8 *ing the Committees on Appropriations, of plans and scope*
9 *of any proposed military exercise involving United States*
10 *personnel 30 days prior to its occurring, if amounts ex-*
11 *pected for construction, either temporary or permanent,*
12 *are anticipated to exceed \$100,000.*

13 *SEC. 114. Funds appropriated to the Department of*
14 *Defense for construction in prior years shall be available*
15 *for construction authorized for each such military depart-*
16 *ment by the authorizations enacted into law during the cur-*
17 *rent session of Congress.*

18 *SEC. 115. For military construction or family housing*
19 *projects that are being completed with funds otherwise ex-*
20 *pired or lapsed for obligation, expired or lapsed funds may*
21 *be used to pay the cost of associated supervision, inspection,*
22 *overhead, engineering and design on those projects and on*
23 *subsequent claims, if any.*

24 *SEC. 116. Notwithstanding any other provision of law,*
25 *any funds made available to a military department or de-*

1 *fense agency for the construction of military projects may*
2 *be obligated for a military construction project or contract,*
3 *or for any portion of such a project or contract, at any*
4 *time before the end of the fourth fiscal year after the fiscal*
5 *year for which funds for such project were made available,*
6 *if the funds obligated for such project: (1) are obligated from*
7 *funds available for military construction projects; and (2)*
8 *do not exceed the amount appropriated for such project,*
9 *plus any amount by which the cost of such project is in-*
10 *creased pursuant to law.*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 117. Subject to 30 days prior notification, or 14*
13 *days for a notification provided in an electronic medium*
14 *pursuant to sections 480 and 2883 of title 10, United States*
15 *Code, to the Committees on Appropriations of both Houses*
16 *of Congress, such additional amounts as may be determined*
17 *by the Secretary of Defense may be transferred to: (1) the*
18 *Department of Defense Family Housing Improvement Fund*
19 *from amounts appropriated for construction in “Family*
20 *Housing” accounts, to be merged with and to be available*
21 *for the same purposes and for the same period of time as*
22 *amounts appropriated directly to the Fund; or (2) the De-*
23 *partment of Defense Military Unaccompanied Housing Im-*
24 *provement Fund from amounts appropriated for construc-*
25 *tion of military unaccompanied housing in “Military Con-*

1 *struction” accounts, to be merged with and to be available*
2 *for the same purposes and for the same period of time as*
3 *amounts appropriated directly to the Fund: Provided, That*
4 *appropriations made available to the Funds shall be avail-*
5 *able to cover the costs, as defined in section 502(5) of the*
6 *Congressional Budget Act of 1974, of direct loans or loan*
7 *guarantees issued by the Department of Defense pursuant*
8 *to the provisions of subchapter IV of chapter 169 of title*
9 *10, United States Code, pertaining to alternative means of*
10 *acquiring and improving military family housing, military*
11 *unaccompanied housing, and supporting facilities.*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 118. In addition to any other transfer authority*
14 *available to the Department of Defense, amounts may be*
15 *transferred from the Department of Defense Base Closure*
16 *Account to the fund established by section 1013(d) of the*
17 *Demonstration Cities and Metropolitan Development Act of*
18 *1966 (42 U.S.C. 3374) to pay for expenses associated with*
19 *the Homeowners Assistance Program incurred under 42*
20 *U.S.C. 3374(a)(1)(A). Any amounts transferred shall be*
21 *merged with and be available for the same purposes and*
22 *for the same time period as the fund to which transferred.*

23 *SEC. 119. Notwithstanding any other provision of law,*
24 *funds made available in this title for operation and mainte-*
25 *nance of family housing shall be the exclusive source of*

1 *funds for repair and maintenance of all family housing*
2 *units, including general or flag officer quarters: Provided,*
3 *That not more than \$35,000 per unit may be spent annu-*
4 *ally for the maintenance and repair of any general or flag*
5 *officer quarters without 30 days prior notification, or 14*
6 *days for a notification provided in an electronic medium*
7 *pursuant to sections 480 and 2883 of title 10, United States*
8 *Code, to the Committees on Appropriations of both Houses*
9 *of Congress, except that an after-the-fact notification shall*
10 *be submitted if the limitation is exceeded solely due to costs*
11 *associated with environmental remediation that could not*
12 *be reasonably anticipated at the time of the budget submis-*
13 *sion: Provided further, That the Under Secretary of Defense*
14 *(Comptroller) is to report annually to the Committees on*
15 *Appropriations of both Houses of Congress all operation*
16 *and maintenance expenditures for each individual general*
17 *or flag officer quarters for the prior fiscal year.*

18 *SEC. 120. Amounts contained in the Ford Island Im-*
19 *provement Account established by subsection (h) of section*
20 *2814 of title 10, United States Code, are appropriated and*
21 *shall be available until expended for the purposes specified*
22 *in subsection (i)(1) of such section or until transferred pur-*
23 *suant to subsection (i)(3) of such section.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 121. During the 5-year period after appropria-
3 tions available in this Act to the Department of Defense
4 for military construction and family housing operation and
5 maintenance and construction have expired for obligation,
6 upon a determination that such appropriations will not be
7 necessary for the liquidation of obligations or for making
8 authorized adjustments to such appropriations for obliga-
9 tions incurred during the period of availability of such ap-
10 propriations, unobligated balances of such appropriations
11 may be transferred into the appropriation “Foreign Cur-
12 rency Fluctuations, Construction, Defense”, to be merged
13 with and to be available for the same time period and for
14 the same purposes as the appropriation to which trans-
15 ferred.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 122. Amounts appropriated or otherwise made
18 available in an account funded under the headings in this
19 title may be transferred among projects and activities with-
20 in the account in accordance with the reprogramming
21 guidelines for military construction and family housing
22 construction contained in Department of Defense Financial
23 Management Regulation 7000.14–R, Volume 3, Chapter 7,
24 of March 2011, as in effect on the date of enactment of this
25 Act.

1 *SEC. 123. None of the funds made available in this*
2 *title may be obligated or expended for planning and design*
3 *and construction of projects at Arlington National Ceme-*
4 *tery.*

5 *SEC. 124. For an additional amount for the accounts*
6 *and in the amounts specified, to remain available until*
7 *September 30, 2025:*

8 *“Military Construction, Army”, \$233,000,000;*

9 *“Military Construction, Navy and Marine*
10 *Corps”, \$73,100,000;*

11 *“Military Construction, Air Force”, \$60,000,000;*

12 *“Military Construction, Army National Guard”,*
13 *\$49,835,000;*

14 *“Military Construction, Air National Guard”,*
15 *\$29,500,000; and*

16 *“Military Construction, Air Force Reserve”,*
17 *\$25,000,000:*

18 *Provided, That such funds may only be obligated to carry*
19 *out construction projects identified in the respective mili-*
20 *tary department’s unfunded priority list for fiscal year*
21 *2021 submitted to Congress: Provided further, That such*
22 *projects are subject to authorization prior to obligation and*
23 *expenditure of funds to carry out construction: Provided*
24 *further, That not later than 30 days after enactment of this*
25 *Act, the Secretary of the military department concerned, or*

1 *“Department of Defense Base Closure Account”,*
2 \$50,000,000:
3 *Provided, That no amounts may be rescinded from amounts*
4 *that were designated by the Congress for Overseas Contin-*
5 *gency Operations/Global War on Terrorism or as an emer-*
6 *gency requirement pursuant to a concurrent resolution on*
7 *the budget or the Balanced Budget and Emergency Deficit*
8 *Control Act of 1985.*

9 *SEC. 127. For the purposes of this Act, the term “con-*
10 *gressional defense committees” means the Committees on*
11 *Armed Services of the House of Representatives and the*
12 *Senate, the Subcommittee on Military Construction and*
13 *Veterans Affairs of the Committee on Appropriations of the*
14 *Senate, and the Subcommittee on Military Construction*
15 *and Veterans Affairs of the Committee on Appropriations*
16 *of the House of Representatives.*

17 *SEC. 128. For an additional amount for the accounts*
18 *and in the amounts specified, to remain available until*
19 *September 30, 2023:*

20 *“Military Construction, Army”, \$48,000,000;*

21 *“Military Construction, Navy and Marine*
22 *Corps”, \$37,700,000;*

23 *“Military Construction, Air Force”, \$75,700,000;*

24 *and*

1 “*Family Housing Construction, Army*”,
2 \$4,500,000:
3 *Provided, That such funds may only be obligated to carry*
4 *out construction projects identified in the respective mili-*
5 *tary department’s cost to complete projects list of previously*
6 *appropriated projects submitted to Congress: Provided fur-*
7 *ther, That such projects are subject to authorization prior*
8 *to obligation and expenditure of funds to carry out con-*
9 *struction: Provided further, That not later than 30 days*
10 *after enactment of this Act, the Secretary of the military*
11 *department concerned, or his or her designee, shall submit*
12 *to the Committees on Appropriations of both Houses of Con-*
13 *gress an expenditure plan for funds provided under this sec-*
14 *tion.*

15 *SEC. 129. For an additional amount for the accounts*
16 *and in the amounts specified, to remain available until*
17 *September 30, 2023:*

18 “*Family Housing Operation and Maintenance,*
19 *Army*”, \$20,000,000;

20 “*Family Housing Operation and Maintenance,*
21 *Navy and Marine Corps*”, \$20,000,000; and

22 “*Family Housing Operation and Maintenance,*
23 *Air Force*”, \$20,000,000.

24 *SEC. 130. None of the funds made available by this*
25 *Act may be used to carry out the closure or realignment*

1 *of the United States Naval Station, Guantánamo Bay,*
2 *Cuba.*

3 *SEC. 131. Notwithstanding any other provision of law,*
4 *none of the funds appropriated or otherwise made available*
5 *by this or any other Act may be used to consolidate or relo-*
6 *cate any element of a United States Air Force Rapid Engi-*
7 *neer Deployable Heavy Operational Repair Squadron En-*
8 *gineer (RED HORSE) outside of the United States until*
9 *the Secretary of the Air Force: (1) completes an analysis*
10 *and comparison of the cost and infrastructure investment*
11 *required to consolidate or relocate a RED HORSE squad-*
12 *ron outside of the United States versus within the United*
13 *States; (2) provides to the Committees on Appropriations*
14 *of both Houses of Congress (“the Committees”) a report de-*
15 *tailing the findings of the cost analysis; and (3) certifies*
16 *in writing to the Committees that the preferred site for the*
17 *consolidation or relocation yields the greatest savings for*
18 *the Air Force: Provided, That the term “United States” in*
19 *this section does not include any territory or possession of*
20 *the United States.*

21 *SEC. 132. For an additional amount for the accounts*
22 *and in the amounts specified for planning and design, for*
23 *improving military installation resilience, to remain avail-*
24 *able until September 30, 2025:*

25 *“Military Construction, Army”, \$4,000,000;*

1 *“Military Construction, Navy and Marine*
2 *Corps”*, \$7,000,000; and

3 *“Military Construction, Air Force”*, \$4,000,000:

4 *Provided, That not later than 60 days after enactment of*
5 *this Act, the Secretary of the military department con-*
6 *cerned, or his or her designee, shall submit to the Commit-*
7 *tees on Appropriations of both Houses of Congress an ex-*
8 *penditure plan for funds provided under this section: Pro-*
9 *vided further, That the Secretary of the military depart-*
10 *ment concerned may not obligate or expend any funds prior*
11 *to approval by the Committees on Appropriations of both*
12 *Houses of Congress of the expenditure plan required by this*
13 *section.*

14 *SEC. 133. For an additional amount for “Military*
15 *Construction, Navy and Marine Corps”*, \$32,200,000, to re-
16 *main available until September 30, 2025, for child develop-*
17 *ment center construction: Provided, That projects funded*
18 *using amounts available under this section are subject to*
19 *authorization prior to obligation and expenditure of funds*
20 *to carry out construction: Provided further, That amounts*
21 *made available under this section may not be obligated or*
22 *expended until the Secretary of the Navy submits to the*
23 *Committees on Appropriations of both Houses of Congress*
24 *a detailed expenditure plan not later than 30 days after*
25 *enactment of this Act.*

1 *SEC. 134. Of the unobligated balances available from*
2 *prior appropriations Acts under the heading “Department*
3 *of Defense—Military Construction, Defense-Wide”,*
4 *\$131,000,000 is hereby rescinded, and in addition to*
5 *amounts otherwise provided for this fiscal year, an amount*
6 *of additional new budget authority equivalent to the*
7 *amount rescinded pursuant to this section is hereby appro-*
8 *priated, to remain available until September 30, 2025, and*
9 *shall be available for the same purposes and under the same*
10 *authorities as provided under such heading: Provided, That*
11 *no amounts may be rescinded from amounts that were des-*
12 *ignated by the Congress for Overseas Contingency Oper-*
13 *ations/Global War on Terrorism or as an emergency re-*
14 *quirement pursuant to a concurrent resolution on the budg-*
15 *et or the Balanced Budget and Emergency Deficit Control*
16 *Act of 1985: Provided further, That projects funded using*
17 *amounts available under this section are subject to author-*
18 *ization prior to obligation and expenditure of funds to*
19 *carry out construction: Provided further, That amounts*
20 *made available under this section may not be obligated or*
21 *expended until the Secretary of Defense, or his or her des-*
22 *ignee, submits to the Committees on Appropriations of both*
23 *Houses of Congress a detailed expenditure plan not later*
24 *than 30 days after enactment of this Act.*

1 *of the amount made available for fiscal year 2022 under*
2 *this heading shall be reimbursed to “General Operating Ex-*
3 *penses, Veterans Benefits Administration”, and “Informa-*
4 *tion Technology Systems” for necessary expenses in imple-*
5 *menting the provisions of chapters 51, 53, and 55 of title*
6 *38, United States Code, the funding source for which is spe-*
7 *cifically provided as the “Compensation and Pensions” ap-*
8 *propriation: Provided further, That such sums as may be*
9 *earned on an actual qualifying patient basis, shall be reim-*
10 *bursed to “Medical Care Collections Fund” to augment the*
11 *funding of individual medical facilities for nursing home*
12 *care provided to pensioners as authorized: Provided further,*
13 *That funds recovered (including refunds and reimbursable*
14 *activity) from fiscal year 2020 obligations and disburse-*
15 *ments made with funds that became available on October*
16 *1, 2019, as provided under this heading in title II of divi-*
17 *sion C of Public Law 115–244, shall be available until ex-*
18 *pended.*

19

READJUSTMENT BENEFITS

20

For the payment of readjustment and rehabilitation
21 *benefits to or on behalf of veterans as authorized by chapters*
22 *21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of*
23 *title 38, United States Code, \$14,946,618,000, which shall*
24 *become available on October 1, 2021, to remain available*
25 *until expended: Provided, That expenses for rehabilitation*

1 *program services and assistance which the Secretary is au-*
2 *thorized to provide under subsection (a) of section 3104 of*
3 *title 38, United States Code, other than under paragraphs*
4 *(1), (2), (5), and (11) of that subsection, shall be charged*
5 *to this account.*

6 *VETERANS INSURANCE AND INDEMNITIES*

7 *For military and naval insurance, national service life*
8 *insurance, servicemen's indemnities, service-disabled vet-*
9 *erans insurance, and veterans mortgage life insurance as*
10 *authorized by chapters 19 and 21 of title 38, United States*
11 *Code, \$2,148,000, which shall be in addition to funds pre-*
12 *viously appropriated under this heading that became avail-*
13 *able on October 1, 2020, to remain available until expended;*
14 *and, in addition, \$136,950,000, which shall become avail-*
15 *able on October 1, 2021, to remain available until expended.*

16 *VETERANS HOUSING BENEFIT PROGRAM FUND*

17 *For the cost of direct and guaranteed loans, such sums*
18 *as may be necessary to carry out the program, as authorized*
19 *by subchapters I through III of chapter 37 of title 38,*
20 *United States Code: Provided, That such costs, including*
21 *the cost of modifying such loans, shall be as defined in sec-*
22 *tion 502 of the Congressional Budget Act of 1974: Provided*
23 *further, That, during fiscal year 2021, within the resources*
24 *available, not to exceed \$500,000 in gross obligations for*

1 *direct loans are authorized for specially adapted housing*
2 *loans.*

3 *In addition, for administrative expenses to carry out*
4 *the direct and guaranteed loan programs, \$204,400,000.*

5 *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*

6 *For the cost of direct loans, \$33,826, as authorized by*
7 *chapter 31 of title 38, United States Code: Provided, That*
8 *such costs, including the cost of modifying such loans, shall*
9 *be as defined in section 502 of the Congressional Budget*
10 *Act of 1974: Provided further, That funds made available*
11 *under this heading are available to subsidize gross obliga-*
12 *tions for the principal amount of direct loans not to exceed*
13 *\$2,469,522.*

14 *In addition, for administrative expenses necessary to*
15 *carry out the direct loan program, \$424,272, which may*
16 *be paid to the appropriation for “General Operating Ex-*
17 *penses, Veterans Benefits Administration”.*

18 *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*

19 *ACCOUNT*

20 *For administrative expenses to carry out the direct*
21 *loan program authorized by subchapter V of chapter 37 of*
22 *title 38, United States Code, \$1,186,000.*

1 *the jurisdiction of the Department, and including medical*
2 *supplies and equipment, bioengineering services, food serv-*
3 *ices, and salaries and expenses of healthcare employees*
4 *hired under title 38, United States Code, assistance and*
5 *support services for caregivers as authorized by section*
6 *1720G of title 38, United States Code, loan repayments au-*
7 *thorized by section 604 of the Caregivers and Veterans Om-*
8 *nibus Health Services Act of 2010 (Public Law 111–163;*
9 *124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance*
10 *allowances authorized by section 322(d) of title 38, United*
11 *States Code, grants authorized by section 521A of title 38,*
12 *United States Code, and administrative expenses necessary*
13 *to carry out sections 322(d) and 521A of title 38, United*
14 *States Code, and hospital care and medical services author-*
15 *ized by section 1787 of title 38, United States Code;*
16 *\$497,468,000, which shall be in addition to funds pre-*
17 *viously appropriated under this heading that became avail-*
18 *able on October 1, 2020; and, in addition, \$58,897,219,000,*
19 *plus reimbursements, shall become available on October 1,*
20 *2021, and shall remain available until September 30, 2022:*
21 *Provided, That, of the amount made available on October*
22 *1, 2021, under this heading, \$1,500,000,000 shall remain*
23 *available until September 30, 2023: Provided further, That,*
24 *notwithstanding any other provision of law, the Secretary*
25 *of Veterans Affairs shall establish a priority for the provi-*

1 *sion of medical treatment for veterans who have service-con-*
2 *ected disabilities, lower income, or have special needs: Pro-*
3 *vided further, That, notwithstanding any other provision*
4 *of law, the Secretary of Veterans Affairs shall give priority*
5 *funding for the provision of basic medical benefits to vet-*
6 *erans in enrollment priority groups 1 through 6: Provided*
7 *further, That, notwithstanding any other provision of law,*
8 *the Secretary of Veterans Affairs may authorize the dis-*
9 *persing of prescription drugs from Veterans Health Admin-*
10 *istration facilities to enrolled veterans with privately writ-*
11 *ten prescriptions based on requirements established by the*
12 *Secretary: Provided further, That the implementation of the*
13 *program described in the previous proviso shall incur no*
14 *additional cost to the Department of Veterans Affairs: Pro-*
15 *vided further, That the Secretary of Veterans Affairs shall*
16 *ensure that sufficient amounts appropriated under this*
17 *heading for medical supplies and equipment are available*
18 *for the acquisition of prosthetics designed specifically for*
19 *female veterans.*

20 *MEDICAL COMMUNITY CARE*

21 *For necessary expenses for furnishing health care to*
22 *individuals pursuant to chapter 17 of title 38, United*
23 *States Code, at non-Department facilities, \$1,380,800,000,*
24 *which shall be in addition to funds previously appropriated*
25 *under this heading that became available on October 1,*

1 2020; and, in addition, \$20,148,244,000, plus reimburse-
2 ments, shall become available on October 1, 2021, and shall
3 remain available until September 30, 2022: Provided, That,
4 of the amount made available on October 1, 2021, under
5 this heading, \$2,000,000,000 shall remain available until
6 September 30, 2023.

7 *MEDICAL SUPPORT AND COMPLIANCE*

8 *For necessary expenses in the administration of the*
9 *medical, hospital, nursing home, domiciliary, construction,*
10 *supply, and research activities, as authorized by law; ad-*
11 *ministrative expenses in support of capital policy activities;*
12 *and administrative and legal expenses of the Department*
13 *for collecting and recovering amounts owed the Department*
14 *as authorized under chapter 17 of title 38, United States*
15 *Code, and the Federal Medical Care Recovery Act (42*
16 *U.S.C. 2651 et seq.), \$300,000,000, which shall be in addi-*
17 *tion to funds previously appropriated under this heading*
18 *that became available on October 1, 2020; and, in addition,*
19 *\$8,403,117,000, plus reimbursements, shall become avail-*
20 *able on October 1, 2021, and shall remain available until*
21 *September 30, 2022: Provided, That, of the amount made*
22 *available on October 1, 2021, under this heading,*
23 *\$200,000,000 shall remain available until September 30,*
24 *2023.*

MEDICAL FACILITIES

1
2 *For necessary expenses for the maintenance and oper-*
3 *ation of hospitals, nursing homes, domiciliary facilities,*
4 *and other necessary facilities of the Veterans Health Admin-*
5 *istration; for administrative expenses in support of plan-*
6 *ning, design, project management, real property acquisition*
7 *and disposition, construction, and renovation of any facil-*
8 *ity under the jurisdiction or for the use of the Department;*
9 *for oversight, engineering, and architectural activities not*
10 *charged to project costs; for repairing, altering, improving,*
11 *or providing facilities in the several hospitals and homes*
12 *under the jurisdiction of the Department, not otherwise pro-*
13 *vided for, either by contract or by the hire of temporary*
14 *employees and purchase of materials; for leases of facilities;*
15 *and for laundry services; \$150,000,000, which shall be in*
16 *addition to funds previously appropriated under this head-*
17 *ing that became available on October 1, 2020; and, in addi-*
18 *tion, \$6,734,680,000, plus reimbursements, shall become*
19 *available on October 1, 2021, and shall remain available*
20 *until September 30, 2022: Provided, That, of the amount*
21 *made available on October 1, 2021, under this heading,*
22 *\$350,000,000 shall remain available until September 30,*
23 *2023.*

1 *MEDICAL AND PROSTHETIC RESEARCH*

2 *For necessary expenses in carrying out programs of*
3 *medical and prosthetic research and development as author-*
4 *ized by chapter 73 of title 38, United States Code,*
5 *\$815,000,000, plus reimbursements, shall remain available*
6 *until September 30, 2022: Provided, That the Secretary of*
7 *Veterans Affairs shall ensure that sufficient amounts appro-*
8 *priated under this heading are available for prosthetic re-*
9 *search specifically for female veterans, and for toxic expo-*
10 *sure research.*

11 *NATIONAL CEMETERY ADMINISTRATION*

12 *For necessary expenses of the National Cemetery Ad-*
13 *ministration for operations and maintenance, not otherwise*
14 *provided for, including uniforms or allowances therefor;*
15 *cemeterial expenses as authorized by law; purchase of one*
16 *passenger motor vehicle for use in cemeterial operations;*
17 *hire of passenger motor vehicles; and repair, alteration or*
18 *improvement of facilities under the jurisdiction of the Na-*
19 *tional Cemetery Administration, \$352,000,000, of which*
20 *not to exceed 10 percent shall remain available until Sep-*
21 *tember 30, 2022.*

1 *DEPARTMENTAL ADMINISTRATION*2 *GENERAL ADMINISTRATION*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary operating expenses of the Department of*
5 *Veterans Affairs, not otherwise provided for, including ad-*
6 *ministrative expenses in support of Department-wide cap-*
7 *ital planning, management and policy activities, uniforms,*
8 *or allowances therefor; not to exceed \$25,000 for official re-*
9 *ception and representation expenses; hire of passenger*
10 *motor vehicles; and reimbursement of the General Services*
11 *Administration for security guard services, \$365,911,000,*
12 *of which not to exceed 10 percent shall remain available*
13 *until September 30, 2022: Provided, That funds provided*
14 *under this heading may be transferred to “General Oper-*
15 *ating Expenses, Veterans Benefits Administration”.*

16 *BOARD OF VETERANS APPEALS*

17 *For necessary operating expenses of the Board of Vet-*
18 *erans Appeals, \$196,000,000, of which not to exceed 10 per-*
19 *cent shall remain available until September 30, 2022.*

20 *INFORMATION TECHNOLOGY SYSTEMS*21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses for information technology sys-*
23 *tems and telecommunications support, including develop-*
24 *mental information systems and operational information*
25 *systems; for pay and associated costs; and for the capital*

1 *asset acquisition of information technology systems, includ-*
2 *ing management and related contractual costs of said ac-*
3 *quisitions, including contractual costs associated with oper-*
4 *ations authorized by section 3109 of title 5, United States*
5 *Code, \$4,912,000,000, plus reimbursements: Provided, That*
6 *\$1,211,238,000 shall be for pay and associated costs, of*
7 *which not to exceed 3 percent shall remain available until*
8 *September 30, 2022: Provided further, That \$3,205,216,000*
9 *shall be for operations and maintenance, of which not to*
10 *exceed 5 percent shall remain available until September 30,*
11 *2022: Provided further, That \$495,546,000 shall be for in-*
12 *formation technology systems development, and shall re-*
13 *main available until September 30, 2022: Provided further,*
14 *That amounts made available for salaries and expenses, op-*
15 *erations and maintenance, and information technology sys-*
16 *tems development may be transferred among the three sub-*
17 *accounts after the Secretary of Veterans Affairs requests*
18 *from the Committees on Appropriations of both Houses of*
19 *Congress the authority to make the transfer and an ap-*
20 *proval is issued: Provided further, That amounts made*
21 *available for the “Information Technology Systems” ac-*
22 *count for development may be transferred among projects*
23 *or to newly defined projects: Provided further, That no*
24 *project may be increased or decreased by more than*
25 *\$1,000,000 of cost prior to submitting a request to the Com-*

1 *mittees on Appropriations of both Houses of Congress to*
2 *make the transfer and an approval is issued, or absent a*
3 *response, a period of 30 days has elapsed: Provided further,*
4 *That the funds made available under this heading for infor-*
5 *mation technology systems development shall be for the*
6 *projects, and in the amounts, specified under this heading*
7 *in the explanatory statement described in section 4 (in the*
8 *matter preceding division A of this consolidated Act).*

9 *VETERANS ELECTRONIC HEALTH RECORD*

10 *For activities related to implementation, preparation,*
11 *development, interface, management, rollout, and mainte-*
12 *nance of a Veterans Electronic Health Record system, in-*
13 *cluding contractual costs associated with operations author-*
14 *ized by section 3109 of title 5, United States Code, and sala-*
15 *ries and expenses of employees hired under titles 5 and 38,*
16 *United States Code, \$2,627,000,000, to remain available*
17 *until September 30, 2023: Provided, That the Secretary of*
18 *Veterans Affairs shall submit to the Committees on Appro-*
19 *priations of both Houses of Congress quarterly reports de-*
20 *tailing obligations, expenditures, and deployment imple-*
21 *mentation by facility, including any changes from the de-*
22 *ployment plan or schedule: Provided further, That the funds*
23 *provided in this account shall only be available to the Office*
24 *of the Deputy Secretary, to be administered by that Office:*
25 *Provided further, That 25 percent of the funds made avail-*

1 *able under this heading shall not be available until July*
2 *1, 2021, and are contingent upon the Secretary of Veterans*
3 *Affairs providing a certification within 7 days prior to that*
4 *date to the Committees on Appropriations of any changes*
5 *to the deployment schedules.*

6 *OFFICE OF INSPECTOR GENERAL*

7 *For necessary expenses of the Office of Inspector Gen-*
8 *eral, to include information technology, in carrying out the*
9 *provisions of the Inspector General Act of 1978 (5 U.S.C.*
10 *App.), \$228,000,000, of which not to exceed 10 percent shall*
11 *remain available until September 30, 2022.*

12 *CONSTRUCTION, MAJOR PROJECTS*

13 *For constructing, altering, extending, and improving*
14 *any of the facilities, including parking projects, under the*
15 *jurisdiction or for the use of the Department of Veterans*
16 *Affairs, or for any of the purposes set forth in sections 316,*
17 *2404, 2406 and chapter 81 of title 38, United States Code,*
18 *not otherwise provided for, including planning, architec-*
19 *tural and engineering services, construction management*
20 *services, maintenance or guarantee period services costs as-*
21 *sociated with equipment guarantees provided under the*
22 *project, services of claims analysts, offsite utility and storm*
23 *drainage system construction costs, and site acquisition,*
24 *where the estimated cost of a project is more than the*
25 *amount set forth in section 8104(a)(3)(A) of title 38, United*

1 *States Code, or where funds for a project were made avail-*
2 *able in a previous major project appropriation,*
3 *\$1,316,000,000, of which \$980,638,000 shall remain avail-*
4 *able until September 30, 2025, and of which \$335,362,000*
5 *shall remain available until expended, of which*
6 *\$180,198,000 shall be available for seismic improvement*
7 *projects and seismic program management activities, in-*
8 *cluding for projects that would otherwise be funded by the*
9 *Construction, Minor Projects, Medical Facilities or Na-*
10 *tional Cemetery Administration accounts: Provided, That*
11 *except for advance planning activities, including needs as-*
12 *sessments which may or may not lead to capital invest-*
13 *ments, and other capital asset management related activi-*
14 *ties, including portfolio development and management ac-*
15 *tivities, and investment strategy studies funded through the*
16 *advance planning fund and the planning and design activi-*
17 *ties funded through the design fund, including needs assess-*
18 *ments which may or may not lead to capital investments,*
19 *and funds provided for the purchase, security, and mainte-*
20 *nance of land for the National Cemetery Administration*
21 *through the land acquisition line item, none of the funds*
22 *made available under this heading shall be used for any*
23 *project that has not been notified to Congress through the*
24 *budgetary process or that has not been approved by the Con-*
25 *gress through statute, joint resolution, or in the explanatory*

1 *statement accompanying such Act and presented to the*
2 *President at the time of enrollment: Provided further, That*
3 *such sums as may be necessary shall be available to reim-*
4 *burse the “General Administration” account for payment*
5 *of salaries and expenses of all Office of Construction and*
6 *Facilities Management employees to support the full range*
7 *of capital infrastructure services provided, including minor*
8 *construction and leasing services: Provided further, That*
9 *funds made available under this heading for fiscal year*
10 *2021, for each approved project shall be obligated: (1) by*
11 *the awarding of a construction documents contract by Sep-*
12 *tember 30, 2021; and (2) by the awarding of a construction*
13 *contract by September 30, 2022: Provided further, That the*
14 *Secretary of Veterans Affairs shall promptly submit to the*
15 *Committees on Appropriations of both Houses of Congress*
16 *a written report on any approved major construction*
17 *project for which obligations are not incurred within the*
18 *time limitations established above: Provided further, That*
19 *notwithstanding the requirements of section 8104(a) of title*
20 *38, United States Code, amounts made available under this*
21 *heading for seismic improvement projects and seismic pro-*
22 *gram management activities shall be available for the com-*
23 *pletion of both new and existing seismic projects of the De-*
24 *partment.*

1 *CONSTRUCTION, MINOR PROJECTS*

2 *For constructing, altering, extending, and improving*
3 *any of the facilities, including parking projects, under the*
4 *jurisdiction or for the use of the Department of Veterans*
5 *Affairs, including planning and assessments of needs which*
6 *may lead to capital investments, architectural and engi-*
7 *neering services, maintenance or guarantee period services*
8 *costs associated with equipment guarantees provided under*
9 *the project, services of claims analysts, offsite utility and*
10 *storm drainage system construction costs, and site acquisi-*
11 *tion, or for any of the purposes set forth in sections 316,*
12 *2404, 2406 and chapter 81 of title 38, United States Code,*
13 *not otherwise provided for, where the estimated cost of a*
14 *project is equal to or less than the amount set forth in sec-*
15 *tion 8104(a)(3)(A) of title 38, United States Code,*
16 *\$390,000,000, to remain available until September 30,*
17 *2025, along with unobligated balances of previous “Con-*
18 *struction, Minor Projects” appropriations which are hereby*
19 *made available for any project where the estimated cost is*
20 *equal to or less than the amount set forth in such section:*
21 *Provided, That funds made available under this heading*
22 *shall be for: (1) repairs to any of the nonmedical facilities*
23 *under the jurisdiction or for the use of the Department*
24 *which are necessary because of loss or damage caused by*
25 *any natural disaster or catastrophe; and (2) temporary*

1 *measures necessary to prevent or to minimize further loss*
2 *by such causes.*

3 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*
4 *FACILITIES*

5 *For grants to assist States to acquire or construct*
6 *State nursing home and domiciliary facilities and to re-*
7 *model, modify, or alter existing hospital, nursing home, and*
8 *domiciliary facilities in State homes, for furnishing care*
9 *to veterans as authorized by sections 8131 through 8137 of*
10 *title 38, United States Code, \$90,000,000, to remain avail-*
11 *able until expended.*

12 *GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES*

13 *For grants to assist States and tribal organizations*
14 *in establishing, expanding, or improving veterans ceme-*
15 *teries as authorized by section 2408 of title 38, United*
16 *States Code, \$45,000,000, to remain available until ex-*
17 *pended.*

18 *ADMINISTRATIVE PROVISIONS*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 201. Any appropriation for fiscal year 2021 for*
21 *“Compensation and Pensions”, “Readjustment Benefits”,*
22 *and “Veterans Insurance and Indemnities” may be trans-*
23 *ferred as necessary to any other of the mentioned appro-*
24 *priations: Provided, That, before a transfer may take place,*
25 *the Secretary of Veterans Affairs shall request from the*

1 *Committees on Appropriations of both Houses of Congress*
2 *the authority to make the transfer and such Committees*
3 *issue an approval, or absent a response, a period of 30 days*
4 *has elapsed.*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *SEC. 202. Amounts made available for the Department*
7 *of Veterans Affairs for fiscal year 2021, in this or any other*
8 *Act, under the “Medical Services”, “Medical Community*
9 *Care”, “Medical Support and Compliance”, and “Medical*
10 *Facilities” accounts may be transferred among the ac-*
11 *counts: Provided, That any transfers among the “Medical*
12 *Services”, “Medical Community Care”, and “Medical Sup-*
13 *port and Compliance” accounts of 1 percent or less of the*
14 *total amount appropriated to the account in this or any*
15 *other Act may take place subject to notification from the*
16 *Secretary of Veterans Affairs to the Committees on Appro-*
17 *priations of both Houses of Congress of the amount and*
18 *purpose of the transfer: Provided further, That any trans-*
19 *fers among the “Medical Services”, “Medical Community*
20 *Care”, and “Medical Support and Compliance” accounts*
21 *in excess of 1 percent, or exceeding the cumulative 1 percent*
22 *for the fiscal year, may take place only after the Secretary*
23 *requests from the Committees on Appropriations of both*
24 *Houses of Congress the authority to make the transfer and*
25 *an approval is issued: Provided further, That any transfers*

1 to or from the “Medical Facilities” account may take place
2 only after the Secretary requests from the Committees on
3 Appropriations of both Houses of Congress the authority to
4 make the transfer and an approval is issued.

5 *SEC. 203. Appropriations available in this title for sal-*
6 *aries and expenses shall be available for services authorized*
7 *by section 3109 of title 5, United States Code; hire of pas-*
8 *senger motor vehicles; lease of a facility or land or both;*
9 *and uniforms or allowances therefore, as authorized by sec-*
10 *tions 5901 through 5902 of title 5, United States Code.*

11 *SEC. 204. No appropriations in this title (except the*
12 *appropriations for “Construction, Major Projects”, and*
13 *“Construction, Minor Projects”)* shall be available for the
14 purchase of any site for or toward the construction of any
15 new hospital or home.

16 *SEC. 205. No appropriations in this title shall be*
17 *available for hospitalization or examination of any persons*
18 *(except beneficiaries entitled to such hospitalization or ex-*
19 *amination under the laws providing such benefits to vet-*
20 *erans, and persons receiving such treatment under sections*
21 *7901 through 7904 of title 5, United States Code, or the*
22 *Robert T. Stafford Disaster Relief and Emergency Assist-*
23 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*
24 *of the cost of such hospitalization or examination is made*

1 *to the “Medical Services” account at such rates as may be*
2 *fixed by the Secretary of Veterans Affairs.*

3 *SEC. 206. Appropriations available in this title for*
4 *“Compensation and Pensions”, “Readjustment Benefits”,*
5 *and “Veterans Insurance and Indemnities” shall be avail-*
6 *able for payment of prior year accrued obligations required*
7 *to be recorded by law against the corresponding prior year*
8 *accounts within the last quarter of fiscal year 2020.*

9 *SEC. 207. Appropriations available in this title shall*
10 *be available to pay prior year obligations of corresponding*
11 *prior year appropriations accounts resulting from sections*
12 *3328(a), 3334, and 3712(a) of title 31, United States Code,*
13 *except that if such obligations are from trust fund accounts*
14 *they shall be payable only from “Compensation and Pen-*
15 *sions”.*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *SEC. 208. Notwithstanding any other provision of law,*
18 *during fiscal year 2021, the Secretary of Veterans Affairs*
19 *shall, from the National Service Life Insurance Fund under*
20 *section 1920 of title 38, United States Code, the Veterans’*
21 *Special Life Insurance Fund under section 1923 of title 38,*
22 *United States Code, and the United States Government Life*
23 *Insurance Fund under section 1955 of title 38, United*
24 *States Code, reimburse the “General Operating Expenses,*
25 *Veterans Benefits Administration” and “Information Tech-*

1 *nology Systems” accounts for the cost of administration of*
2 *the insurance programs financed through those accounts:*
3 *Provided, That reimbursement shall be made only from the*
4 *surplus earnings accumulated in such an insurance pro-*
5 *gram during fiscal year 2021 that are available for divi-*
6 *dends in that program after claims have been paid and ac-*
7 *tuarily determined reserves have been set aside: Provided*
8 *further, That if the cost of administration of such an insur-*
9 *ance program exceeds the amount of surplus earnings accu-*
10 *mulated in that program, reimbursement shall be made*
11 *only to the extent of such surplus earnings: Provided fur-*
12 *ther, That the Secretary shall determine the cost of adminis-*
13 *tration for fiscal year 2021 which is properly allocable to*
14 *the provision of each such insurance program and to the*
15 *provision of any total disability income insurance included*
16 *in that insurance program.*

17 *SEC. 209. Amounts deducted from enhanced-use lease*
18 *proceeds to reimburse an account for expenses incurred by*
19 *that account during a prior fiscal year for providing en-*
20 *hanced-use lease services, may be obligated during the fiscal*
21 *year in which the proceeds are received.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 210. Funds available in this title or funds for*
24 *salaries and other administrative expenses shall also be*
25 *available to reimburse the Office of Resolution Management,*

1 *the Office of Employment Discrimination Complaint Adju-*
2 *dication, and the Office of Diversity and Inclusion for all*
3 *services provided at rates which will recover actual costs*
4 *but not to exceed \$60,096,000 for the Office of Resolution*
5 *Management, \$6,100,000 for the Office of Employment Dis-*
6 *crimination Complaint Adjudication, and \$5,294,000 for*
7 *the Office of Diversity and Inclusion: Provided, That pay-*
8 *ments may be made in advance for services to be furnished*
9 *based on estimated costs: Provided further, That amounts*
10 *received shall be credited to the “General Administration”*
11 *and “Information Technology Systems” accounts for use by*
12 *the office that provided the service.*

13 *SEC. 211. No funds of the Department of Veterans Af-*
14 *fairs shall be available for hospital care, nursing home care,*
15 *or medical services provided to any person under chapter*
16 *17 of title 38, United States Code, for a non-service-con-*
17 *nected disability described in section 1729(a)(2) of such*
18 *title, unless that person has disclosed to the Secretary of*
19 *Veterans Affairs, in such form as the Secretary may require,*
20 *current, accurate third-party reimbursement information*
21 *for purposes of section 1729 of such title: Provided, That*
22 *the Secretary may recover, in the same manner as any other*
23 *debt due the United States, the reasonable charges for such*
24 *care or services from any person who does not make such*
25 *disclosure as required: Provided further, That any amounts*

1 *so recovered for care or services provided in a prior fiscal*
2 *year may be obligated by the Secretary during the fiscal*
3 *year in which amounts are received.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 212. Notwithstanding any other provision of law,*
6 *proceeds or revenues derived from enhanced-use leasing ac-*
7 *tivities (including disposal) may be deposited into the*
8 *“Construction, Major Projects” and “Construction, Minor*
9 *Projects” accounts and be used for construction (including*
10 *site acquisition and disposition), alterations, and improve-*
11 *ments of any medical facility under the jurisdiction or for*
12 *the use of the Department of Veterans Affairs. Such sums*
13 *as realized are in addition to the amount provided for in*
14 *“Construction, Major Projects” and “Construction, Minor*
15 *Projects”.*

16 *SEC. 213. Amounts made available under “Medical*
17 *Services” are available—*

18 *(1) for furnishing recreational facilities, sup-*
19 *plies, and equipment; and*

20 *(2) for funeral expenses, burial expenses, and*
21 *other expenses incidental to funerals and burials for*
22 *beneficiaries receiving care in the Department.*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 214. Such sums as may be deposited to the Med-*
25 *ical Care Collections Fund pursuant to section 1729A of*

1 *title 38, United States Code, may be transferred to the*
2 *“Medical Services” and “Medical Community Care” ac-*
3 *counts to remain available until expended for the purposes*
4 *of these accounts.*

5 *SEC. 215. The Secretary of Veterans Affairs may enter*
6 *into agreements with Federally Qualified Health Centers in*
7 *the State of Alaska and Indian tribes and tribal organiza-*
8 *tions which are party to the Alaska Native Health Compact*
9 *with the Indian Health Service, to provide healthcare, in-*
10 *cluding behavioral health and dental care, to veterans in*
11 *rural Alaska. The Secretary shall require participating vet-*
12 *erans and facilities to comply with all appropriate rules*
13 *and regulations, as established by the Secretary. The term*
14 *“rural Alaska” shall mean those lands which are not within*
15 *the boundaries of the municipality of Anchorage or the*
16 *Fairbanks North Star Borough.*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 216. Such sums as may be deposited to the De-*
19 *partment of Veterans Affairs Capital Asset Fund pursuant*
20 *to section 8118 of title 38, United States Code, may be*
21 *transferred to the “Construction, Major Projects” and “Con-*
22 *struction, Minor Projects” accounts, to remain available*
23 *until expended for the purposes of these accounts.*

24 *SEC. 217. Not later than 30 days after the end of each*
25 *fiscal quarter, the Secretary of Veterans Affairs shall submit*

1 *to the Committees on Appropriations of both Houses of Con-*
2 *gress a report on the financial status of the Department*
3 *of Veterans Affairs for the preceding quarter: Provided,*
4 *That, at a minimum, the report shall include the direction*
5 *contained in the paragraph entitled “Quarterly reporting”,*
6 *under the heading “General Administration” in the joint*
7 *explanatory statement accompanying Public Law 114–223.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 218. Amounts made available under the “Medical*
10 *Services”, “Medical Community Care”, “Medical Support*
11 *and Compliance”, “Medical Facilities”, “General Oper-*
12 *ating Expenses, Veterans Benefits Administration”, “Board*
13 *of Veterans Appeals”, “General Administration”, and “Na-*
14 *tional Cemetery Administration” accounts for fiscal year*
15 *2021 may be transferred to or from the “Information Tech-*
16 *nology Systems” account: Provided, That such transfers*
17 *may not result in a more than 10 percent aggregate increase*
18 *in the total amount made available by this Act for the “In-*
19 *formation Technology Systems” account: Provided further,*
20 *That, before a transfer may take place, the Secretary of Vet-*
21 *erans Affairs shall request from the Committees on Appro-*
22 *priations of both Houses of Congress the authority to make*
23 *the transfer and an approval is issued.*

1 (INCLUDING TRANSFER OF FUNDS)

2 *SEC. 219. Of the amounts appropriated to the Depart-*
3 *ment of Veterans Affairs for fiscal year 2021 for “Medical*
4 *Services”, “Medical Community Care”, “Medical Support*
5 *and Compliance”, “Medical Facilities”, “Construction,*
6 *Minor Projects”, and “Information Technology Systems”,*
7 *up to \$322,932,000, plus reimbursements, may be trans-*
8 *ferred to the Joint Department of Defense—Department of*
9 *Veterans Affairs Medical Facility Demonstration Fund, es-*
10 *tablished by section 1704 of the National Defense Authoriza-*
11 *tion Act for Fiscal Year 2010 (Public Law 111–84; 123*
12 *Stat. 3571) and may be used for operation of the facilities*
13 *designated as combined Federal medical facilities as de-*
14 *scribed by section 706 of the Duncan Hunter National De-*
15 *fense Authorization Act for Fiscal Year 2009 (Public Law*
16 *110–417; 122 Stat. 4500): Provided, That additional funds*
17 *may be transferred from accounts designated in this section*
18 *to the Joint Department of Defense—Department of Vet-*
19 *erans Affairs Medical Facility Demonstration Fund upon*
20 *written notification by the Secretary of Veterans Affairs to*
21 *the Committees on Appropriations of both Houses of Con-*
22 *gress: Provided further, That section 220 of title II of divi-*
23 *sion F of Public Law 116–94 is repealed.*

1 (INCLUDING TRANSFER OF FUNDS)

2 *SEC. 220. Of the amounts appropriated to the Depart-*
3 *ment of Veterans Affairs which become available on October*
4 *1, 2021, for “Medical Services”, “Medical Community*
5 *Care”, “Medical Support and Compliance”, and “Medical*
6 *Facilities”, up to \$327,126,000, plus reimbursements, may*
7 *be transferred to the Joint Department of Defense—Depart-*
8 *ment of Veterans Affairs Medical Facility Demonstration*
9 *Fund, established by section 1704 of the National Defense*
10 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
11 *84; 123 Stat. 3571) and may be used for operation of the*
12 *facilities designated as combined Federal medical facilities*
13 *as described by section 706 of the Duncan Hunter National*
14 *Defense Authorization Act for Fiscal Year 2009 (Public*
15 *Law 110–417; 122 Stat. 4500): Provided, That additional*
16 *funds may be transferred from accounts designated in this*
17 *section to the Joint Department of Defense—Department*
18 *of Veterans Affairs Medical Facility Demonstration Fund*
19 *upon written notification by the Secretary of Veterans Af-*
20 *airs to the Committees on Appropriations of both Houses*
21 *of Congress.*

22 (INCLUDING TRANSFER OF FUNDS)

23 *SEC. 221. Such sums as may be deposited to the Med-*
24 *ical Care Collections Fund pursuant to section 1729A of*
25 *title 38, United States Code, for healthcare provided at fa-*

1 *cilities designated as combined Federal medical facilities as*
2 *described by section 706 of the Duncan Hunter National*
3 *Defense Authorization Act for Fiscal Year 2009 (Public*
4 *Law 110–417; 122 Stat. 4500) shall also be available: (1)*
5 *for transfer to the Joint Department of Defense—Depart-*
6 *ment of Veterans Affairs Medical Facility Demonstration*
7 *Fund, established by section 1704 of the National Defense*
8 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
9 *84; 123 Stat. 3571); and (2) for operations of the facilities*
10 *designated as combined Federal medical facilities as de-*
11 *scribed by section 706 of the Duncan Hunter National De-*
12 *fense Authorization Act for Fiscal Year 2009 (Public Law*
13 *110–417; 122 Stat. 4500): Provided, That, notwithstanding*
14 *section 1704(b)(3) of the National Defense Authorization*
15 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
16 *2573), amounts transferred to the Joint Department of De-*
17 *fense—Department of Veterans Affairs Medical Facility*
18 *Demonstration Fund shall remain available until expended.*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 222. Of the amounts available in this title for*
21 *“Medical Services”, “Medical Community Care”, “Medical*
22 *Support and Compliance”, and “Medical Facilities”, a*
23 *minimum of \$15,000,000 shall be transferred to the DOD–*
24 *VA Health Care Sharing Incentive Fund, as authorized by*
25 *section 8111(d) of title 38, United States Code, to remain*

1 *available until expended, for any purpose authorized by sec-*
2 *tion 8111 of title 38, United States Code.*

3 *SEC. 223. None of the funds available to the Depart-*
4 *ment of Veterans Affairs, in this or any other Act, may*
5 *be used to replace the current system by which the Veterans*
6 *Integrated Service Networks select and contract for diabetes*
7 *monitoring supplies and equipment.*

8 *SEC. 224. The Secretary of Veterans Affairs shall no-*
9 *tify the Committees on Appropriations of both Houses of*
10 *Congress of all bid savings in a major construction project*
11 *that total at least \$5,000,000, or 5 percent of the pro-*
12 *grammed amount of the project, whichever is less: Provided,*
13 *That such notification shall occur within 14 days of a con-*
14 *tract identifying the programmed amount: Provided fur-*
15 *ther, That the Secretary shall notify the Committees on Ap-*
16 *propriations of both Houses of Congress 14 days prior to*
17 *the obligation of such bid savings and shall describe the an-*
18 *ticipated use of such savings.*

19 *SEC. 225. None of the funds made available for “Con-*
20 *struction, Major Projects” may be used for a project in ex-*
21 *cess of the scope specified for that project in the original*
22 *justification data provided to the Congress as part of the*
23 *request for appropriations unless the Secretary of Veterans*
24 *Affairs receives approval from the Committees on Appro-*
25 *priations of both Houses of Congress.*

1 *SEC. 226. Not later than 30 days after the end of each*
2 *fiscal quarter, the Secretary of Veterans Affairs shall submit*
3 *to the Committees on Appropriations of both Houses of Con-*
4 *gress a quarterly report containing performance measures*
5 *and data from each Veterans Benefits Administration Re-*
6 *gional Office: Provided, That, at a minimum, the report*
7 *shall include the direction contained in the section entitled*
8 *“Disability claims backlog”, under the heading “General*
9 *Operating Expenses, Veterans Benefits Administration” in*
10 *the joint explanatory statement accompanying Public Law*
11 *114–223: Provided further, That the report shall also in-*
12 *clude information on the number of appeals pending at the*
13 *Veterans Benefits Administration as well as the Board of*
14 *Veterans Appeals on a quarterly basis.*

15 *SEC. 227. The Secretary of Veterans Affairs shall pro-*
16 *vide written notification to the Committees on Appropria-*
17 *tions of both Houses of Congress 15 days prior to organiza-*
18 *tional changes which result in the transfer of 25 or more*
19 *full-time equivalents from one organizational unit of the*
20 *Department of Veterans Affairs to another.*

21 *SEC. 228. The Secretary of Veterans Affairs shall pro-*
22 *vide on a quarterly basis to the Committees on Appropria-*
23 *tions of both Houses of Congress notification of any single*
24 *national outreach and awareness marketing campaign in*
25 *which obligations exceed \$1,000,000.*

1 (INCLUDING TRANSFER OF FUNDS)

2 *SEC. 229. The Secretary of Veterans Affairs, upon de-*
3 *termination that such action is necessary to address needs*
4 *of the Veterans Health Administration, may transfer to the*
5 *“Medical Services” account any discretionary appropria-*
6 *tions made available for fiscal year 2021 in this title (except*
7 *appropriations made to the “General Operating Expenses,*
8 *Veterans Benefits Administration” account) or any discre-*
9 *tionary unobligated balances within the Department of Vet-*
10 *erans Affairs, including those appropriated for fiscal year*
11 *2021, that were provided in advance by appropriations*
12 *Acts: Provided, That transfers shall be made only with the*
13 *approval of the Office of Management and Budget: Provided*
14 *further, That the transfer authority provided in this section*
15 *is in addition to any other transfer authority provided by*
16 *law: Provided further, That no amounts may be transferred*
17 *from amounts that were designated by Congress as an emer-*
18 *gency requirement pursuant to a concurrent resolution on*
19 *the budget or the Balanced Budget and Emergency Deficit*
20 *Control Act of 1985: Provided further, That such authority*
21 *to transfer may not be used unless for higher priority items,*
22 *based on emergent healthcare requirements, than those for*
23 *which originally appropriated and in no case where the*
24 *item for which funds are requested has been denied by Con-*
25 *gress: Provided further, That, upon determination that all*

1 *or part of the funds transferred from an appropriation are*
2 *not necessary, such amounts may be transferred back to that*
3 *appropriation and shall be available for the same purposes*
4 *as originally appropriated: Provided further, That before*
5 *a transfer may take place, the Secretary of Veterans Affairs*
6 *shall request from the Committees on Appropriations of*
7 *both Houses of Congress the authority to make the transfer*
8 *and receive approval of that request.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 230. Amounts made available for the Department*
11 *of Veterans Affairs for fiscal year 2021, under the “Board*
12 *of Veterans Appeals” and the “General Operating Expenses,*
13 *Veterans Benefits Administration” accounts may be trans-*
14 *ferred between such accounts: Provided, That before a trans-*
15 *fer may take place, the Secretary of Veterans Affairs shall*
16 *request from the Committees on Appropriations of both*
17 *Houses of Congress the authority to make the transfer and*
18 *receive approval of that request.*

19 *SEC. 231. The Secretary of Veterans Affairs may not*
20 *reprogram funds among major construction projects or pro-*
21 *grams if such instance of reprogramming will exceed*
22 *\$7,000,000, unless such reprogramming is approved by the*
23 *Committees on Appropriations of both Houses of Congress.*

1 *SEC. 232. (a) The Secretary of Veterans Affairs shall*
2 *ensure that the toll-free suicide hotline under section*
3 *1720F(h) of title 38, United States Code—*

4 *(1) provides to individuals who contact the hot-*
5 *line immediate assistance from a trained professional;*
6 *and*

7 *(2) adheres to all requirements of the American*
8 *Association of Suicidology.*

9 *(b)(1) None of the funds made available by this Act*
10 *may be used to enforce or otherwise carry out any Executive*
11 *action that prohibits the Secretary of Veterans Affairs from*
12 *appointing an individual to occupy a vacant civil service*
13 *position, or establishing a new civil service position, at the*
14 *Department of Veterans Affairs with respect to such a posi-*
15 *tion relating to the hotline specified in subsection (a).*

16 *(2) In this subsection—*

17 *(A) the term “civil service” has the meaning*
18 *given such term in section 2101(1) of title 5, United*
19 *States Code; and*

20 *(B) the term “Executive action” includes—*

21 *(i) any Executive order, presidential memo-*
22 *randum, or other action by the President; and*

23 *(ii) any agency policy, order, or other direc-*
24 *tive.*

1 (c)(1) *The Secretary of Veterans Affairs shall conduct*
2 *a study on the effectiveness of the hotline specified in sub-*
3 *section (a) during the 5-year period beginning on January*
4 *1, 2016, based on an analysis of national suicide data and*
5 *data collected from such hotline.*

6 (2) *At a minimum, the study required by paragraph*
7 *(1) shall—*

8 (A) *determine the number of veterans who con-*
9 *tact the hotline specified in subsection (a) and who*
10 *receive follow up services from the hotline or mental*
11 *health services from the Department of Veterans Af-*
12 *fairs thereafter;*

13 (B) *determine the number of veterans who con-*
14 *tact the hotline who are not referred to, or do not con-*
15 *tinue receiving, mental health care who commit sui-*
16 *cide; and*

17 (C) *determine the number of veterans described*
18 *in subparagraph (A) who commit or attempt suicide.*

19 *SEC. 233. Effective during the period beginning on Oc-*
20 *tober 1, 2018 and ending on January 1, 2024, none of the*
21 *funds made available to the Secretary of Veterans Affairs*
22 *by this or any other Act may be obligated or expended in*
23 *contravention of the “Veterans Health Administration Clin-*
24 *ical Preventive Services Guidance Statement on the Vet-*
25 *erans Health Administration’s Screening for Breast Cancer*

1 *Guidance*” published on May 10, 2017, as issued by the Vet-
2 *erans Health Administration National Center for Health*
3 *Promotion and Disease Prevention.*

4 *SEC. 234. (a) Notwithstanding any other provision of*
5 *law, the amounts appropriated or otherwise made available*
6 *to the Department of Veterans Affairs for the “Medical*
7 *Services” account may be used to provide—*

8 *(1) fertility counseling and treatment using as-*
9 *sisted reproductive technology to a covered veteran or*
10 *the spouse of a covered veteran; or*

11 *(2) adoption reimbursement to a covered veteran.*

12 *(b) In this section:*

13 *(1) The term “service-connected” has the mean-*
14 *ing given such term in section 101 of title 38, United*
15 *States Code.*

16 *(2) The term “covered veteran” means a veteran,*
17 *as such term is defined in section 101 of title 38,*
18 *United States Code, who has a service-connected dis-*
19 *ability that results in the inability of the veteran to*
20 *procreate without the use of fertility treatment.*

21 *(3) The term “assisted reproductive technology”*
22 *means benefits relating to reproductive assistance pro-*
23 *vided to a member of the Armed Forces who incurs*
24 *a serious injury or illness on active duty pursuant to*
25 *section 1074(c)(4)(A) of title 10, United States Code,*

1 *as described in the memorandum on the subject of*
2 *“Policy for Assisted Reproductive Services for the*
3 *Benefit of Seriously or Severely Ill/Injured (Category*
4 *II or III) Active Duty Service Members” issued by the*
5 *Assistant Secretary of Defense for Health Affairs on*
6 *April 3, 2012, and the guidance issued to implement*
7 *such policy, including any limitations on the amount*
8 *of such benefits available to such a member except*
9 *that—*

10 *(A) the time periods regarding embryo*
11 *cryopreservation and storage set forth in part*
12 *III(G) and in part IV(H) of such memorandum*
13 *shall not apply; and*

14 *(B) such term includes embryo*
15 *cryopreservation and storage without limitation*
16 *on the duration of such cryopreservation and*
17 *storage.*

18 *(4) The term “adoption reimbursement” means*
19 *reimbursement for the adoption-related expenses for*
20 *an adoption that is finalized after the date of the en-*
21 *actment of this Act under the same terms as apply*
22 *under the adoption reimbursement program of the De-*
23 *partment of Defense, as authorized in Department of*
24 *Defense Instruction 1341.09, including the reimburse-*

1 *ment limits and requirements set forth in such in-*
2 *struction.*

3 *(c) Amounts made available for the purposes specified*
4 *in subsection (a) of this section are subject to the require-*
5 *ments for funds contained in section 508 of division H of*
6 *the Consolidated Appropriations Act, 2018 (Public Law*
7 *115–141).*

8 *SEC. 235. None of the funds appropriated or otherwise*
9 *made available by this Act or any other Act for the Depart-*
10 *ment of Veterans Affairs may be used in a manner that*
11 *is inconsistent with: (1) section 842 of the Transportation,*
12 *Treasury, Housing and Urban Development, the Judiciary,*
13 *the District of Columbia, and Independent Agencies Appro-*
14 *priations Act, 2006 (Public Law 109–115; 119 Stat. 2506);*
15 *or (2) section 8110(a)(5) of title 38, United States Code.*

16 *SEC. 236. Section 842 of Public Law 109–115 shall*
17 *not apply to conversion of an activity or function of the*
18 *Veterans Health Administration, Veterans Benefits Admin-*
19 *istration, or National Cemetery Administration to con-*
20 *tractor performance by a business concern that is at least*
21 *51 percent owned by one or more Indian tribes as defined*
22 *in section 5304(e) of title 25, United States Code, or one*
23 *or more Native Hawaiian Organizations as defined in sec-*
24 *tion 637(a)(15) of title 15, United States Code.*

1 *SEC. 237. (a) Except as provided in subsection (b), the*
2 *Secretary of Veterans Affairs, in consultation with the Sec-*
3 *retary of Defense and the Secretary of Labor, shall dis-*
4 *continue using Social Security account numbers to identify*
5 *individuals in all information systems of the Department*
6 *of Veterans Affairs as follows:*

7 *(1) For all veterans submitting to the Secretary*
8 *of Veterans Affairs new claims for benefits under laws*
9 *administered by the Secretary, not later than March*
10 *23, 2023.*

11 *(2) For all individuals not described in para-*
12 *graph (1), not later than March 23, 2026.*

13 *(b) The Secretary of Veterans Affairs may use a Social*
14 *Security account number to identify an individual in an*
15 *information system of the Department of Veterans Affairs*
16 *if and only if the use of such number is required to obtain*
17 *information the Secretary requires from an information*
18 *system that is not under the jurisdiction of the Secretary.*

19 *(c) The matter in subsections (a) and (b) shall super-*
20 *sede section 238 of Public Law 116–94.*

21 *SEC. 238. For funds provided to the Department of*
22 *Veterans Affairs for each of fiscal year 2021 and 2022 for*
23 *“Medical Services”, section 239 of division A of Public Law*
24 *114–223 shall apply.*

1 *SEC. 239. None of the funds appropriated in this or*
2 *prior appropriations Acts or otherwise made available to*
3 *the Department of Veterans Affairs may be used to transfer*
4 *any amounts from the Filipino Veterans Equity Compensa-*
5 *tion Fund to any other account within the Department of*
6 *Veterans Affairs.*

7 *SEC. 240. Of the funds provided to the Department of*
8 *Veterans Affairs for each of fiscal year 2021 and fiscal year*
9 *2022 for “Medical Services”, funds may be used in each*
10 *year to carry out and expand the child care program au-*
11 *thorized by section 205 of Public Law 111–163, notwith-*
12 *standing subsection (e) of such section.*

13 *SEC. 241. None of the funds appropriated or otherwise*
14 *made available in this title may be used by the Secretary*
15 *of Veterans Affairs to enter into an agreement related to*
16 *resolving a dispute or claim with an individual that would*
17 *restrict in any way the individual from speaking to mem-*
18 *bers of Congress or their staff on any topic not otherwise*
19 *prohibited from disclosure by Federal law or required by*
20 *Executive order to be kept secret in the interest of national*
21 *defense or the conduct of foreign affairs.*

22 *SEC. 242. For funds provided to the Department of*
23 *Veterans Affairs for each of fiscal year 2021 and 2022, sec-*
24 *tion 258 of division A of Public Law 114–223 shall apply.*

1 *SEC. 243. (a) None of the funds appropriated or other-*
2 *wise made available by this Act may be used to deny an*
3 *Inspector General funded under this Act timely access to*
4 *any records, documents, or other materials available to the*
5 *department or agency of the United States Government over*
6 *which such Inspector General has responsibilities under the*
7 *Inspector General Act of 1978 (5 U.S.C. App.), or to prevent*
8 *or impede the access of such Inspector General to such*
9 *records, documents, or other materials, under any provision*
10 *of law, except a provision of law that expressly refers to*
11 *such Inspector General and expressly limits the right of ac-*
12 *cess of such Inspector General.*

13 *(b) A department or agency covered by this section*
14 *shall provide its Inspector General access to all records, doc-*
15 *uments, and other materials in a timely manner.*

16 *(c) Each Inspector General covered by this section shall*
17 *ensure compliance with statutory limitations on disclosure*
18 *relevant to the information provided by the department or*
19 *agency over which that Inspector General has responsibil-*
20 *ities under the Inspector General Act of 1978 (5 U.S.C.*
21 *App.).*

22 *(d) Each Inspector General covered by this section*
23 *shall report to the Committee on Appropriations of the Sen-*
24 *ate and the Committee on Appropriations of the House of*
25 *Representatives within 5 calendar days of any failure by*

1 *any department or agency covered by this section to comply*
2 *with this section.*

3 *SEC. 244. None of the funds made available in this*
4 *Act may be used in a manner that would increase wait*
5 *times for veterans who seek care at medical facilities of the*
6 *Department of Veterans Affairs.*

7 *SEC. 245. None of the funds appropriated or otherwise*
8 *made available by this Act to the Veterans Health Adminis-*
9 *tration may be used in fiscal year 2021 to convert any pro-*
10 *gram which received specific purpose funds in fiscal year*
11 *2020 to a general purpose funded program unless the Sec-*
12 *retary of Veterans Affairs submits written notification of*
13 *any such proposal to the Committees on Appropriations of*
14 *both Houses of Congress at least 30 days prior to any such*
15 *action and an approval is issued by the Committees.*

16 *SEC. 246. For funds provided to the Department of*
17 *Veterans Affairs for each of fiscal year 2021 and 2022, sec-*
18 *tion 248 of division A of Public Law 114–223 shall apply.*

19 *SEC. 247. (a) None of the funds appropriated or other-*
20 *wise made available by this Act may be used to conduct*
21 *research commencing on or after October 1, 2019, that uses*
22 *any canine, feline, or non-human primate unless the Sec-*
23 *retary of Veterans Affairs approves such research specifi-*
24 *cally and in writing pursuant to subsection (b).*

1 **(b)(1)** *The Secretary of Veterans Affairs may approve*
2 *the conduct of research commencing on or after October 1,*
3 *2019, using canines, felines, or non-human primates if the*
4 *Secretary determines that—*

5 **(A)** *the scientific objectives of the research can*
6 *only be met by using such canines, felines, or non-*
7 *human primates;*

8 **(B)** *such scientific objectives are directly related*
9 *to an illness or injury that is combat-related; and*

10 **(C)** *the research is consistent with the revised*
11 *Department of Veterans Affairs canine research policy*
12 *document dated December 15, 2017, including any*
13 *subsequent revisions to such document.*

14 **(2)** *The Secretary may not delegate the authority*
15 *under this subsection.*

16 **(c)** *If the Secretary approves any new research pursu-*
17 *ant to subsection (b), not later than 30 days before the com-*
18 *mencement of such research, the Secretary shall submit to*
19 *the Committees on Appropriations of the Senate and House*
20 *of Representatives a report describing—*

21 **(1)** *the nature of the research to be conducted*
22 *using canines, felines, or non-human primates;*

23 **(2)** *the date on which the Secretary approved the*
24 *research;*

1 (3) *the justification for the determination of the*
2 *Secretary that the scientific objectives of such research*
3 *could only be met using canines, felines, or non-*
4 *human primates;*

5 (4) *the frequency and duration of such research;*
6 *and*

7 (5) *the protocols in place to ensure the necessity,*
8 *safety, and efficacy of the research; and*

9 (d) *Not later than 180 days after the date of the enact-*
10 *ment of this Act, and biannually thereafter, the Secretary*
11 *shall submit to such Committees a report describing—*

12 (1) *any research being conducted by the Depart-*
13 *ment of Veterans Affairs using canines, felines, or*
14 *non-human primates as of the date of the submittal*
15 *of the report;*

16 (2) *the circumstances under which such research*
17 *was conducted using canines, felines, or non-human*
18 *primates;*

19 (3) *the justification for using canines, felines, or*
20 *non-human primates to conduct such research; and*

21 (4) *the protocols in place to ensure the necessity,*
22 *safety, and efficacy of such research.*

23 (e) *Not later than December 31, 2021, the Secretary*
24 *shall submit to such Committees an updated plan under*
25 *which the Secretary will eliminate or reduce the research*

1 *conducted using canines, felines, or non-human primates*
2 *by not later than 5 years after the date of enactment of*
3 *Public Law 116–94.*

4 *SEC. 248. (a) The Secretary of Veterans Affairs may*
5 *use amounts appropriated or otherwise made available in*
6 *this title to ensure that the ratio of veterans to full-time*
7 *employment equivalents within any program of rehabilita-*
8 *tion conducted under chapter 31 of title 38, United States*
9 *Code, does not exceed 125 veterans to one full-time employ-*
10 *ment equivalent.*

11 *(b) Not later than 180 days after the date of the enact-*
12 *ment of this Act, the Secretary shall submit to Congress a*
13 *report on the programs of rehabilitation conducted under*
14 *chapter 31 of title 38, United States Code, including—*

15 *(1) an assessment of the veteran-to-staff ratio for*
16 *each such program; and*

17 *(2) recommendations for such action as the Sec-*
18 *retary considers necessary to reduce the veteran-to-*
19 *staff ratio for each such program.*

20 *SEC. 249. None of the funds made available by this*
21 *Act may be used by the Secretary of Veterans Affairs to*
22 *close the community based outpatient clinic located in*
23 *Bainbridge, New York, until the Secretary of Veterans Af-*
24 *airs submits to the Committees on Appropriations of the*

1 *House of Representatives and the Senate a market area as-*
2 *essment.*

3 *SEC. 250. Amounts made available for the “Veterans*
4 *Health Administration, Medical Community Care” account*
5 *in this or any other Act for fiscal years 2021 and 2022*
6 *may be used for expenses that would otherwise be payable*
7 *from the Veterans Choice Fund established by section 802*
8 *of the Veterans Access, Choice, and Accountability Act, as*
9 *amended (38 U.S.C. 1701 note).*

10 *SEC. 251. Obligations and expenditures applicable to*
11 *the “Medical Services” account in fiscal years 2017 through*
12 *2019 for aid to state homes (as authorized by section 1741*
13 *of title 38, United States Code) shall remain in the “Med-*
14 *ical Community Care” account for such fiscal years.*

15 *SEC. 252. Of the amounts made available for the De-*
16 *partment of Veterans Affairs for fiscal year 2021, in this*
17 *or any other Act, under the “Veterans Health Administra-*
18 *tion—Medical Services”, “Veterans Health Administra-*
19 *tion—Medical Community Care”, “Veterans Health Ad-*
20 *ministration—Medical Support and Compliance”, and*
21 *“Veterans Health Administration—Medical Facilities” ac-*
22 *counts, \$660,691,000 shall be made available for gender-spe-*
23 *cific care for women.*

24 *SEC. 253 (a) PLAN REQUIRED.—Not later than 90*
25 *days after the date of the enactment of this Act, the Sec-*

1 *retary of Veterans Affairs shall submit to the appropriate*
2 *committees of Congress a plan to reduce the chances that*
3 *clinical mistakes by employees of the Department of Vet-*
4 *erans Affairs will result in adverse events that require insti-*
5 *tutional or clinical disclosures and to prevent any unneces-*
6 *sary hardship for patients and families impacted by such*
7 *adverse events.*

8 **(b) ELEMENTS.**—*The plan required by subsection (a)*
9 *shall include the following:*

10 (1) *A description of a process for the timely*
11 *identification of individuals impacted by disclosures*
12 *described in subsection (a) and the process for con-*
13 *tacting those individuals or their next of kin.*

14 (2) *A description of procedures for expediting*
15 *any remedial or follow-up care required for those in-*
16 *dividuals.*

17 (3) *A detailed outline of proposed changes to the*
18 *process of the Department for clinical quality checks*
19 *and oversight.*

20 (4) *A communication plan to ensure all facilities*
21 *of the Department are made aware of any require-*
22 *ments updated pursuant to the plan.*

23 (5) *A timeline detailing the implementation of*
24 *the plan.*

1 *Acts, the following funds are hereby rescinded from the fol-*
2 *lowing accounts in the amounts specified:*

3 *“Veterans Benefits Administration, General Op-*
4 *erating Expenses, Veterans Benefits Administration”,*
5 *\$16,000,000;*

6 *“Veterans Health Administration, Medical Serv-*
7 *ices”, \$100,000,000;*

8 *“Veterans Health Administration, Medical Sup-*
9 *port and Compliance”, \$15,000,000;*

10 *“Veterans Health Administration, Medical and*
11 *Prosthetic Research”, \$20,000,000;*

12 *“Departmental Administration, General Admin-*
13 *istration”, \$12,000,000;*

14 *“Departmental Administration, Information*
15 *Technology Systems”, \$37,500,000;*

16 *“Departmental Administration, Veterans Elec-*
17 *tronic Health Record”, \$20,000,000; and*

18 *“Departmental Administration, Construction,*
19 *Minor Projects”, \$35,700,000:*

20 *Provided, That no amounts may be rescinded from amounts*
21 *that were designated by the Congress as an emergency re-*
22 *quirement pursuant to a concurrent resolution on the budg-*
23 *et or the Balanced Budget and Emergency Deficit Control*
24 *Act of 1985.*

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TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$15,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$84,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

1 *UNITED STATES COURT OF APPEALS FOR VETERANS*
2 *CLAIMS*
3 *SALARIES AND EXPENSES*

4 *For necessary expenses for the operation of the United*
5 *States Court of Appeals for Veterans Claims as authorized*
6 *by sections 7251 through 7298 of title 38, United States*
7 *Code, \$37,100,000: Provided, That \$3,286,509 shall be*
8 *available for the purpose of providing financial assistance*
9 *as described and in accordance with the process and report-*
10 *ing procedures set forth under this heading in Public Law*
11 *102-229.*

12 *DEPARTMENT OF DEFENSE—CIVIL*
13 *CEMETERIAL EXPENSES, ARMY*
14 *SALARIES AND EXPENSES*

15 *For necessary expenses for maintenance, operation,*
16 *and improvement of Arlington National Cemetery and Sol-*
17 *diers' and Airmen's Home National Cemetery, including*
18 *the purchase or lease of passenger motor vehicles for replace-*
19 *ment on a one-for-one basis only, and not to exceed \$2,000*
20 *for official reception and representation expenses,*
21 *\$81,815,000, of which not to exceed \$15,000,000 shall re-*
22 *main available until September 30, 2023. In addition, such*
23 *sums as may be necessary for parking maintenance, repairs*
24 *and replacement, to be derived from the "Lease of Depart-*

1 *ment of Defense Real Property for Defense Agencies” ac-*
2 *count.*

3 *ARMED FORCES RETIREMENT HOME*

4 *TRUST FUND*

5 *For expenses necessary for the Armed Forces Retire-*
6 *ment Home to operate and maintain the Armed Forces Re-*
7 *tirement Home—Washington, District of Columbia, and the*
8 *Armed Forces Retirement Home—Gulfport, Mississippi, to*
9 *be paid from funds available in the Armed Forces Retire-*
10 *ment Home Trust Fund, \$75,300,000, to remain available*
11 *until September 30, 2022, of which \$9,000,000 shall remain*
12 *available until expended for construction and renovation of*
13 *the physical plants at the Armed Forces Retirement*
14 *Home—Washington, District of Columbia, and the Armed*
15 *Forces Retirement Home—Gulfport, Mississippi: Provided,*
16 *That of the amounts made available under this heading*
17 *from funds available in the Armed Forces Retirement Home*
18 *Trust Fund, \$22,000,000 shall be paid from the general*
19 *fund of the Treasury to the Trust Fund.*

20 *ADMINISTRATIVE PROVISION*

21 *SEC. 301. Amounts deposited into the special account*
22 *established under 10 U.S.C. 7727 are appropriated and*
23 *shall be available until expended to support activities at*
24 *the Army National Military Cemeteries.*

1 *TITLE IV*
2 *OVERSEAS CONTINGENCY OPERATIONS*
3 *DEPARTMENT OF DEFENSE*
4 *MILITARY CONSTRUCTION, ARMY*

5 *For an additional amount for “Military Construction,*
6 *Army”, \$16,111,000, to remain available until September*
7 *30, 2025, for projects outside of the United States: Provided,*
8 *That such amount is designated by the Congress for Over-*
9 *seas Contingency Operations/Global War on Terrorism pur-*
10 *suant to section 251(b)(2)(A)(ii) of the Balanced Budget*
11 *and Emergency Deficit Control Act of 1985.*

12 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

13 *For an additional amount for “Military Construction,*
14 *Navy and Marine Corps”, \$70,020,000, to remain available*
15 *until September 30, 2025, for projects outside of the United*
16 *States: Provided, That such amount is designated by the*
17 *Congress for Overseas Contingency Operations/Global War*
18 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
19 *Balanced Budget and Emergency Deficit Control Act of*
20 *1985.*

21 *MILITARY CONSTRUCTION, AIR FORCE*

22 *For an additional amount for “Military Construction,*
23 *Air Force” \$263,869,000, to remain available until Sep-*
24 *tember 30, 2025, for projects outside of the United States:*
25 *Provided, That such amount is designated by the Congress*

1 *for Overseas Contingency Operations/Global War on Ter-*
2 *rorism pursuant to section 251(b)(2)(A)(ii) of the Balanced*
3 *Budget and Emergency Deficit Control Act of 1985.*

4 *ADMINISTRATIVE PROVISION*

5 *SEC. 401. None of the funds appropriated for military*
6 *construction projects outside the United States under this*
7 *title may be obligated or expended for planning and design*
8 *of any project associated with the European Deterrence Ini-*
9 *tiative until the Secretary of Defense develops and submits*
10 *to the congressional defense committees, in a classified and*
11 *unclassified format, a list of all of the military construction*
12 *projects associated with the European Deterrence Initiative*
13 *which the Secretary anticipates will be carried out during*
14 *each of the fiscal years 2022 through 2026.*

15 *TITLE V*

16 *GENERAL PROVISIONS*

17 *SEC. 501. No part of any appropriation contained in*
18 *this Act shall remain available for obligation beyond the*
19 *current fiscal year unless expressly so provided herein.*

20 *SEC. 502. None of the funds made available in this*
21 *Act may be used for any program, project, or activity, when*
22 *it is made known to the Federal entity or official to which*
23 *the funds are made available that the program, project, or*
24 *activity is not in compliance with any Federal law relating*

1 *to risk assessment, the protection of private property rights,*
2 *or unfunded mandates.*

3 *SEC. 503. All departments and agencies funded under*
4 *this Act are encouraged, within the limits of the existing*
5 *statutory authorities and funding, to expand their use of*
6 *“E-Commerce” technologies and procedures in the conduct*
7 *of their business practices and public service activities.*

8 *SEC. 504. Unless stated otherwise, all reports and noti-*
9 *fications required by this Act shall be submitted to the Sub-*
10 *committee on Military Construction and Veterans Affairs,*
11 *and Related Agencies of the Committee on Appropriations*
12 *of the House of Representatives and the Subcommittee on*
13 *Military Construction and Veterans Affairs, and Related*
14 *Agencies of the Committee on Appropriations of the Senate.*

15 *SEC. 505. None of the funds made available in this*
16 *Act may be transferred to any department, agency, or in-*
17 *strumentality of the United States Government except pur-*
18 *suant to a transfer made by, or transfer authority provided*
19 *in, this or any other appropriations Act.*

20 *SEC. 506. None of the funds made available in this*
21 *Act may be used for a project or program named for an*
22 *individual serving as a Member, Delegate, or Resident Com-*
23 *missioner of the United States House of Representatives.*

24 *SEC. 507. (a) Any agency receiving funds made avail-*
25 *able in this Act, shall, subject to subsections (b) and (c),*

1 *post on the public Web site of that agency any report re-*
2 *quired to be submitted by the Congress in this or any other*
3 *Act, upon the determination by the head of the agency that*
4 *it shall serve the national interest.*

5 *(b) Subsection (a) shall not apply to a report if—*

6 *(1) the public posting of the report compromises*
7 *national security; or*

8 *(2) the report contains confidential or propri-*
9 *etary information.*

10 *(c) The head of the agency posting such report shall*
11 *do so only after such report has been made available to the*
12 *requesting Committee or Committees of Congress for no less*
13 *than 45 days.*

14 *SEC. 508. (a) None of the funds made available in this*
15 *Act may be used to maintain or establish a computer net-*
16 *work unless such network blocks the viewing, downloading,*
17 *and exchanging of pornography.*

18 *(b) Nothing in subsection (a) shall limit the use of*
19 *funds necessary for any Federal, State, tribal, or local law*
20 *enforcement agency or any other entity carrying out crimi-*
21 *nal investigations, prosecution, or adjudication activities.*

22 *SEC. 509. None of the funds made available in this*
23 *Act may be used by an agency of the executive branch to*
24 *pay for first-class travel by an employee of the agency in*

1 *contravention of sections 301–10.122 through 301–10.124 of*
2 *title 41, Code of Federal Regulations.*

3 *SEC. 510. None of the funds made available in this*
4 *Act may be used to execute a contract for goods or services,*
5 *including construction services, where the contractor has*
6 *not complied with Executive Order No. 12989.*

7 *SEC. 511. None of the funds made available by this*
8 *Act may be used in contravention of section 101(e)(8) of*
9 *title 10, United States Code.*

10 *SEC. 512. (a) IN GENERAL.—None of the funds appro-*
11 *priated or otherwise made available to the Department of*
12 *Defense in this Act may be used to construct, renovate, or*
13 *expand any facility in the United States, its territories, or*
14 *possessions to house any individual detained at United*
15 *States Naval Station, Guantánamo Bay, Cuba, for the pur-*
16 *poses of detention or imprisonment in the custody or under*
17 *the control of the Department of Defense.*

18 *(b) The prohibition in subsection (a) shall not apply*
19 *to any modification of facilities at United States Naval*
20 *Station, Guantánamo Bay, Cuba.*

21 *(c) An individual described in this subsection is any*
22 *individual who, as of June 24, 2009, is located at United*
23 *States Naval Station, Guantánamo Bay, Cuba, and who—*

24 *(1) is not a citizen of the United States or a*
25 *member of the Armed Forces of the United States; and*

1 (2) is—

2 (A) *in the custody or under the effective*
3 *control of the Department of Defense; or*

4 (B) *otherwise under detention at United*
5 *States Naval Station, Guantánamo Bay, Cuba.*

6 SEC. 513. *Title X of division B of the Coronavirus Aid,*
7 *Relief, and Economic Security Act (Public Law 116–136)*
8 *is amended under the heading “Department of Veterans Af-*
9 *fairs—Departmental Administration—Grants for Con-*
10 *struction of State Extended Care Facilities” by striking*
11 *“including to modify or alter existing hospital, nursing*
12 *home, and domiciliary facilities in State homes: Provided,”*
13 *and inserting in lieu thereof the following: “which shall be*
14 *for modifying or altering existing hospital, nursing home,*
15 *and domiciliary facilities in State homes or for previously*
16 *awarded projects, for covering construction cost increases*
17 *due to the coronavirus: Provided, That the Secretary shall*
18 *conduct a new competition or competitions to award grants*
19 *to States using funds provided under this heading in this*
20 *Act: Provided further, That such grants may be made to*
21 *reimburse States for the costs of modifications or alterations*
22 *that have been initiated or completed before an application*
23 *for a grant under this section is approved by the Secretary:*
24 *Provided further, That such grants may be made to assist*
25 *States with covering increased construction and construc-*

1 *tion administration costs as a result of the coronavirus that*
2 *will or have occurred on previously awarded projects: Pro-*
3 *vided further, That the use of funds provided under this*
4 *heading in this Act shall not be subject to state matching*
5 *fund requirements, application requirements, cost thresh-*
6 *olds, priority lists, deadlines, award dates under sections*
7 *8134 and 8135 of title 38, United States Code, and part*
8 *59 of chapter I of title 38, Code of Federal Regulations,*
9 *and shall not be subject to requirements of section 501(d)*
10 *of title 38, United States Code: Provided further, That the*
11 *Secretary may establish and adjust rolling deadlines for ap-*
12 *plications for such grants and may issue multiple rounds*
13 *of application periods for the award of such grants under*
14 *this section: Provided further,”: Provided, That amounts*
15 *repurposed pursuant to this section that were previously*
16 *designated by the Congress as an emergency requirement*
17 *pursuant to the Balanced Budget and Emergency Deficit*
18 *Control Act of 1985 are designated by the Congress as an*
19 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985.*

22 *SEC. 514. Of the unobligated balances available to the*
23 *Department of Veterans Affairs from title X of division B*
24 *of the Coronavirus Aid, Relief, and Economic Security Act*
25 *(Public Law 116–136) for “Veterans Health Administra-*

1 *tion, Medical Services”, funds may be transferred to the fol-*
2 *lowing accounts in the amounts specified:*

3 *“General Operating Expenses, Veterans Benefits*
4 *Administration”, up to \$140,000,000;*

5 *“National Cemetery Administration”, up to*
6 *\$26,000,000; and*

7 *“Departmental Administration, Board of Vet-*
8 *erans Appeals”, up to \$1,000,000:*

9 *Provided, That the transferred funds shall be used for per-*
10 *sonnel costs and other expenses to prevent, prepare for, and*
11 *respond to coronavirus, domestically or internationally, in-*
12 *cluding the elimination of backlogs that may have occurred:*

13 *Provided further, That the transferred funds shall be in ad-*
14 *dition to any other funds made available for this purpose:*

15 *Provided further, That the transferred funds may not be*
16 *used to increase the number of full-time equivalent posi-*
17 *tions: Provided further, That the amounts transferred in*

18 *this section that were previously designated by the Congress*

19 *as an emergency requirement pursuant to the Balanced*

20 *Budget and Emergency Deficit Control Act of 1985 are des-*

21 *ignated by the Congress as an emergency requirement pur-*

22 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*

23 *Emergency Deficit Control Act of 1985.*

24 *SEC. 515. Of the unobligated balances available to the*

25 *Department of Veterans Affairs from title X of division B*

1 *of the Coronavirus Aid, Relief, and Economic Security Act*
2 *(Public Law 116–136) for “Veterans Health Administra-*
3 *tion, Medical Services”, funds may be transferred to the fol-*
4 *lowing accounts in the amounts specified:*

5 *“General Operating Expenses, Veterans Benefits*
6 *Administration”, up to \$198,000,000; and*

7 *“Departmental Administration, Information*
8 *Technology Systems”, up to \$45,000,000:*

9 *Provided, That the transferred funds shall be used to pre-*
10 *vent, prepare for, and respond to coronavirus, domestically*
11 *or internationally, to improve the Veterans Benefits Admin-*
12 *istration’s education systems, including implementation of*
13 *changes to chapters 30 through 36 of part III of title 38,*
14 *United States Code in the Harry W. Colmery Veterans*
15 *Educational Assistance Act of 2017 (Public Law 115–48),*
16 *in a bill to authorize the Secretary of Veterans Affairs to*
17 *treat certain programs of education converted to distance*
18 *learning by reason of emergencies and health-related situa-*
19 *tions in the same manner as programs of education pursued*
20 *at educational institutions, and for other purposes (Public*
21 *Law 116–128), and in the Student Veteran Coronavirus*
22 *Response Act of 2020 (Public Law 116–140): Provided fur-*
23 *ther, That funds transferred to “Departmental Administra-*
24 *tion, Information Technology Systems” pursuant to this*
25 *section shall be transferred to the information technology*

1 *systems development subaccount: Provided further, That the*
2 *transferred funds shall be in addition to any other funds*
3 *made available for this purpose: Provided further, That the*
4 *amounts transferred in this section that were previously*
5 *designated by the Congress as an emergency requirement*
6 *pursuant to the Balanced Budget and Emergency Deficit*
7 *Control Act of 1985 are designated by the Congress as an*
8 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
9 *of the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *SEC. 516. Section 20013(b) of the Coronavirus Aid,*
12 *Relief, and Economic Security Act (Public Law 116–136)*
13 *is amended—*

14 *(1) by redesignating paragraphs (1) and (2) as*
15 *subparagraphs (A) and (B), respectively;*

16 *(2) in the matter preceding subparagraph (A), as*
17 *so redesignated, by inserting “(1)” before “In the*
18 *case”; and*

19 *(3) by adding at the end the following: “(2) If*
20 *the Secretary waives any limit on grant amounts or*
21 *rates for per diem payments under paragraph (1),*
22 *notwithstanding section 2012(a)(2)(B) of such title,*
23 *the maximum rate for per diem payments described*
24 *in paragraph (1)(B) shall be three times the rate au-*

1 *thorized for State homes for domiciliary care under*
2 *section 1741 of such title.”:*

3 *Provided, That amounts repurposed pursuant to this sec-*
4 *tion that were previously designated by the Congress as an*
5 *emergency requirement pursuant to the Balanced Budget*
6 *and Emergency Deficit Control Act of 1985 are designated*
7 *by the Congress as being for an emergency requirement pur-*
8 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *SEC. 517. Of the unobligated balances available to the*
11 *Department of Veterans Affairs from title X of division B*
12 *of the Coronavirus Aid, Relief, and Economic Security Act*
13 *(Public Law 116–136) for “Veterans Health Administra-*
14 *tion, Medical Services”, up to \$100,000,000 may be trans-*
15 *ferred to “Veterans Health Administration, Medical Com-*
16 *munity Care”: Provided, That funds transferred pursuant*
17 *to this section shall be used to provide a one-time emergency*
18 *payment to existing State Extended Care Facilities for Vet-*
19 *erans to prevent, prepare for, and respond to coronavirus:*
20 *Provided further, That such payments shall be in propor-*
21 *tion to each State’s share of the total resident capacity in*
22 *such facilities as of the date of enactment of this Act where*
23 *such capacity includes only veterans on whose behalf the*
24 *Department pays a per diem payment pursuant to 38*
25 *U.S.C. 1741 or 1745: Provided further, That the amounts*

1 *transferred in this section that were previously designated*
 2 *by the Congress as an emergency requirement pursuant to*
 3 *the Balanced Budget and Emergency Deficit Control Act*
 4 *of 1985 are designated by the Congress as an emergency*
 5 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
 6 *anced Budget and Emergency Deficit Control Act of 1985.*

7 *This division may be cited as the “Military Construc-*
 8 *tion, Veterans Affairs, and Related Agencies Appropria-*
 9 *tions Act, 2021”.*

10 ***DIVISION K—DEPARTMENT OF STATE,***
 11 ***FOREIGN OPERATIONS, AND RELATED***
 12 ***PROGRAMS APPROPRIATIONS ACT,***
 13 ***2021***

14 ***TITLE I***

15 ***DEPARTMENT OF STATE AND RELATED AGENCY***

16 ***DEPARTMENT OF STATE***

17 ***ADMINISTRATION OF FOREIGN AFFAIRS***

18 ***DIPLOMATIC PROGRAMS***

19 *For necessary expenses of the Department of State and*
 20 *the Foreign Service not otherwise provided for,*
 21 *\$9,170,013,000, of which \$757,367,000 may remain avail-*
 22 *able until September 30, 2022, and of which up to*
 23 *\$4,120,899,000 may remain available until expended for*
 24 *Worldwide Security Protection: Provided, That of the*
 25 *amount made available under this heading for Worldwide*

1 *Security Protection, \$2,226,122,000 is designated by the*
2 *Congress for Overseas Contingency Operations/Global War*
3 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
4 *Balanced Budget and Emergency Deficit Control Act of*
5 *1985: Provided further, That funds made available under*
6 *this heading shall be allocated in accordance with para-*
7 *graphs (1) through (4) as follows:*

8 (1) *HUMAN RESOURCES.—For necessary ex-*
9 *penses for training, human resources management,*
10 *and salaries, including employment without regard to*
11 *civil service and classification laws of persons on a*
12 *temporary basis (not to exceed \$700,000), as author-*
13 *ized by section 801 of the United States Information*
14 *and Educational Exchange Act of 1948 (62 Stat. 11;*
15 *Chapter 36), \$2,990,820,000, of which up to*
16 *\$534,782,000 is for Worldwide Security Protection.*

17 (2) *OVERSEAS PROGRAMS.—For necessary ex-*
18 *penses for the regional bureaus of the Department of*
19 *State and overseas activities as authorized by law,*
20 *\$1,808,415,000.*

21 (3) *DIPLOMATIC POLICY AND SUPPORT.—For*
22 *necessary expenses for the functional bureaus of the*
23 *Department of State, including representation to cer-*
24 *tain international organizations in which the United*
25 *States participates pursuant to treaties ratified pur-*

1 *suant to the advice and consent of the Senate or spe-*
2 *cific Acts of Congress, general administration, and*
3 *arms control, nonproliferation, and disarmament ac-*
4 *tivities as authorized, \$763,428,000.*

5 (4) *SECURITY PROGRAMS.—For necessary ex-*
6 *penses for security activities, \$3,607,350,000, of which*
7 *up to \$3,586,117,000 is for Worldwide Security Pro-*
8 *tection.*

9 (5) *FEEES AND PAYMENTS COLLECTED.—In addi-*
10 *tion to amounts otherwise made available under this*
11 *heading—*

12 (A) *as authorized by section 810 of the*
13 *United States Information and Educational Ex-*
14 *change Act, not to exceed \$5,000,000, to remain*
15 *available until expended, may be credited to this*
16 *appropriation from fees or other payments re-*
17 *ceived from English teaching, library, motion*
18 *pictures, and publication programs and from*
19 *fees from educational advising and counseling*
20 *and exchange visitor programs; and*

21 (B) *not to exceed \$15,000, which shall be*
22 *derived from reimbursements, surcharges, and*
23 *fees for use of Blair House facilities.*

24 (6) *TRANSFER OF FUNDS, REPROGRAMMING, AND*
25 *OTHER MATTERS.—*

1 (A) *Notwithstanding any other provision of*
2 *this Act, funds may be reprogrammed within*
3 *and between paragraphs (1) through (4) under*
4 *this heading subject to section 7015 of this Act.*

5 (B) *Of the amount made available under*
6 *this heading for Worldwide Security Protection,*
7 *not to exceed \$50,000,000 may be transferred to,*
8 *and merged with, funds made available by this*
9 *Act under the heading “Emergencies in the Dip-*
10 *lomatic and Consular Service”, to be available*
11 *only for emergency evacuations and rewards, as*
12 *authorized: Provided, That the exercise of the au-*
13 *thority provided by this subparagraph shall be*
14 *subject to prior consultation with the Committees*
15 *on Appropriations.*

16 (C) *Funds appropriated under this heading*
17 *are available for acquisition by exchange or pur-*
18 *chase of passenger motor vehicles as authorized*
19 *by law and, pursuant to section 1108(g) of title*
20 *31, United States Code, for the field examination*
21 *of programs and activities in the United States*
22 *funded from any account contained in this title.*

1 *available until expended, of which not less than*
2 *\$274,000,000 shall be for the Fulbright Program and not*
3 *less than \$113,860,000 shall be for Citizen Exchange Pro-*
4 *gram: Provided, That fees or other payments received from,*
5 *or in connection with, English teaching, educational advis-*
6 *ing and counseling programs, and exchange visitor pro-*
7 *grams as authorized may be credited to this account, to re-*
8 *main available until expended: Provided further, That a*
9 *portion of the Fulbright awards from the Eurasia and Cen-*
10 *tral Asia regions shall be designated as Edmund S. Muskie*
11 *Fellowships, following consultation with the Committees on*
12 *Appropriations: Provided further, That funds appropriated*
13 *under this heading that are made available for the Ben-*
14 *jamin Gilman International Scholarships Program shall*
15 *also be made available for the John S. McCain Scholars*
16 *Program, pursuant to section 7075 of the Department of*
17 *State, Foreign Operations, and Related Programs Appro-*
18 *priations Act, 2019 (division F of Public Law 116–6): Pro-*
19 *vided further, That funds appropriated under this heading*
20 *shall be made available for the Community Engagement*
21 *Exchange Program as described under the heading “Civil*
22 *Society Exchange Program” in Senate Report 116–126:*
23 *Provided further, That any substantive modifications from*
24 *the prior fiscal year to programs funded by this Act under*
25 *this heading shall be subject to prior consultation with, and*

1 *the regular notification procedures of, the Committees on*
2 *Appropriations.*

3 *REPRESENTATION EXPENSES*

4 *For representation expenses as authorized, \$7,415,000.*

5 *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

6 *For necessary expenses, not otherwise provided, to en-*
7 *able the Secretary of State to provide for extraordinary pro-*
8 *tective services, as authorized, \$30,890,000, to remain avail-*
9 *able until September 30, 2022.*

10 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

11 *For necessary expenses for carrying out the Foreign*
12 *Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), pre-*
13 *serving, maintaining, repairing, and planning for real*
14 *property that are owned or leased by the Department of*
15 *State, and renovating, in addition to funds otherwise avail-*
16 *able, the Harry S Truman Building, \$769,055,000, to re-*
17 *main available until September 30, 2025, of which not to*
18 *exceed \$25,000 may be used for overseas representation ex-*
19 *penses as authorized: Provided, That none of the funds ap-*
20 *propriated in this paragraph shall be available for acquisi-*
21 *tion of furniture, furnishings, or generators for other de-*
22 *partments and agencies of the United States Government.*

23 *In addition, for the costs of worldwide security up-*
24 *grades, acquisition, and construction as authorized,*
25 *\$1,181,394,000, to remain available until expended, of*

1 *which \$824,287,000 is designated by the Congress for Over-*
2 *seas Contingency Operations/Global War on Terrorism pur-*
3 *suant to section 251(b)(2)(A)(ii) of the Balanced Budget*
4 *and Emergency Deficit Control Act of 1985.*

5 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*
6 *SERVICE*

7 *For necessary expenses to enable the Secretary of State*
8 *to meet unforeseen emergencies arising in the Diplomatic*
9 *and Consular Service, as authorized, \$7,885,000, to remain*
10 *available until expended, of which not to exceed \$1,000,000*
11 *may be transferred to, and merged with, funds appro-*
12 *priated by this Act under the heading “Repatriation Loans*
13 *Program Account”.*

14 *REPATRIATION LOANS PROGRAM ACCOUNT*

15 *For the cost of direct loans, \$2,500,000, as authorized:*
16 *Provided, That such costs, including the cost of modifying*
17 *such loans, shall be as defined in section 502 of the Congres-*
18 *sional Budget Act of 1974: Provided further, That such*
19 *funds are available to subsidize gross obligations for the*
20 *principal amount of direct loans not to exceed \$6,311,992.*

21 *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

22 *For necessary expenses to carry out the Taiwan Rela-*
23 *tions Act (Public Law 96–8), \$31,963,000.*

1 *Deficit Control Act of 1985: Provided, That the Secretary*
2 *of State shall, at the time of the submission of the Presi-*
3 *dent's budget to Congress under section 1105(a) of title 31,*
4 *United States Code, transmit to the Committees on Appro-*
5 *priations the most recent biennial budget prepared by the*
6 *United Nations for the operations of the United Nations:*
7 *Provided further, That the Secretary of State shall notify*
8 *the Committees on Appropriations at least 15 days in ad-*
9 *vance (or in an emergency, as far in advance as is prac-*
10 *ticable) of any United Nations action to increase funding*
11 *for any United Nations program without identifying an off-*
12 *setting decrease elsewhere in the United Nations budget:*
13 *Provided further, That any payment of arrearages under*
14 *this heading shall be directed to activities that are mutually*
15 *agreed upon by the United States and the respective inter-*
16 *national organization and shall be subject to the regular*
17 *notification procedures of the Committees on Appropria-*
18 *tions: Provided further, That none of the funds appro-*
19 *priated under this heading shall be available for a United*
20 *States contribution to an international organization for the*
21 *United States share of interest costs made known to the*
22 *United States Government by such organization for loans*
23 *incurred on or after October 1, 1984, through external bor-*
24 *rowings.*

1 *priated under this heading may be made available for obli-*
2 *gation unless the Secretary of State certifies and reports*
3 *to the Committees on Appropriations on a peacekeeping*
4 *mission-by-mission basis that the United Nations is imple-*
5 *menting effective policies and procedures to prevent United*
6 *Nations employees, contractor personnel, and peacekeeping*
7 *troops serving in such mission from trafficking in persons,*
8 *exploiting victims of trafficking, or committing acts of sex-*
9 *ual exploitation and abuse or other violations of human*
10 *rights, and to hold accountable individuals who engage in*
11 *such acts while participating in such mission, including*
12 *prosecution in their home countries and making informa-*
13 *tion about such prosecutions publicly available on the*
14 *website of the United Nations: Provided further, That the*
15 *Secretary of State shall work with the United Nations and*
16 *foreign governments contributing peacekeeping troops to*
17 *implement effective vetting procedures to ensure that such*
18 *troops have not violated human rights: Provided further,*
19 *That funds shall be available for peacekeeping expenses un-*
20 *less the Secretary of State determines that United States*
21 *manufacturers and suppliers are not being given opportuni-*
22 *ties to provide equipment, services, and material for United*
23 *Nations peacekeeping activities equal to those being given*
24 *to foreign manufacturers and suppliers: Provided further,*
25 *That none of the funds appropriated or otherwise made*

1 *available under this heading may be used for any United*
2 *Nations peacekeeping mission that will involve United*
3 *States Armed Forces under the command or operational*
4 *control of a foreign national, unless the President's military*
5 *advisors have submitted to the President a recommendation*
6 *that such involvement is in the national interest of the*
7 *United States and the President has submitted to Congress*
8 *such a recommendation: Provided further, That any pay-*
9 *ment of arrearages with funds appropriated by this Act*
10 *shall be subject to the regular notification procedures of the*
11 *Committees on Appropriations.*

12 *INTERNATIONAL COMMISSIONS*

13 *For necessary expenses, not otherwise provided for, to*
14 *meet obligations of the United States arising under treaties,*
15 *or specific Acts of Congress, as follows:*

16 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*

17 *UNITED STATES AND MEXICO*

18 *For necessary expenses for the United States Section*
19 *of the International Boundary and Water Commission,*
20 *United States and Mexico, and to comply with laws appli-*
21 *cable to the United States Section, including not to exceed*
22 *\$6,000 for representation expenses; as follows:*

SALARIES AND EXPENSES

1

2 *For salaries and expenses, not otherwise provided for,*
3 *\$49,770,000, of which \$7,466,000 may remain available*
4 *until September 30, 2022.*

5

CONSTRUCTION

6 *For detailed plan preparation and construction of au-*
7 *thorized projects, \$49,000,000, to remain available until ex-*
8 *pendent, as authorized: Provided, That of the funds appro-*
9 *priated under this heading in this Act and prior Acts mak-*
10 *ing appropriations for the Department of State, foreign op-*
11 *erations, and related programs for the United States Sec-*
12 *tion, except for funds designated by the Congress for Over-*
13 *seas Contingency Operations/Global War on Terrorism or*
14 *as an emergency requirement pursuant to a concurrent res-*
15 *olution on the budget or the Balanced Budget and Emer-*
16 *gency Deficit Control Act of 1985, up to \$5,000,000 may*
17 *be transferred to, and merged with, funds appropriated*
18 *under the heading “Salaries and Expenses” to carry out*
19 *the purposes of the United States Section, which shall be*
20 *subject to prior consultation with, and the regular notifica-*
21 *tion procedures of, the Committees on Appropriations: Pro-*
22 *vided further, That such transfer authority is in addition*
23 *to any other transfer authority provided in this Act.*

1 *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

2 *For necessary expenses, not otherwise provided, for the*
3 *International Joint Commission and the International*
4 *Boundary Commission, United States and Canada, as au-*
5 *thorized by treaties between the United States and Canada*
6 *or Great Britain, and for technical assistance grants and*
7 *the Community Assistance Program of the North American*
8 *Development Bank, \$15,008,000: Provided, That of the*
9 *amount provided under this heading for the International*
10 *Joint Commission, up to \$1,250,000 may remain available*
11 *until September 30, 2022, and up to \$9,000 may be made*
12 *available for representation expenses: Provided further,*
13 *That of the amount provided under this heading for the*
14 *International Boundary Commission, up to \$1,000 may be*
15 *made available for representation expenses.*

16 *INTERNATIONAL FISHERIES COMMISSIONS*

17 *For necessary expenses for international fisheries com-*
18 *missions, not otherwise provided for, as authorized by law,*
19 *\$62,846,000: Provided, That the United States share of such*
20 *expenses may be advanced to the respective commissions*
21 *pursuant to section 3324 of title 31, United States Code.*

*RELATED AGENCY**UNITED STATES AGENCY FOR GLOBAL MEDIA**INTERNATIONAL BROADCASTING OPERATIONS*

For necessary expenses to enable the United States Agency for Global Media (USAGM), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, \$793,257,000: Provided, That in addition to amounts otherwise available for such purposes, up to \$40,708,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than \$20,000,000 shall be for Internet freedom programs: Provided further, That of the total amount appropriated under this heading, not to exceed \$35,000 may be used for representation expenses, of which \$10,000 may be used for such expenses within the United States as authorized, and not to exceed \$30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: Provided further, That funds appropriated under this heading shall be allocated in accordance with the table included under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided further, That notwithstanding the previous proviso, funds may be reprogrammed within and

1 *between amounts designated in such table, subject to the reg-*
2 *ular notification procedures of the Committees on Appro-*
3 *priations, except that no such reprogramming may reduce*
4 *a designated amount by more than 5 percent: Provided fur-*
5 *ther, That funds appropriated under this heading shall be*
6 *made available in accordance with the principles and*
7 *standards set forth in section 303(a) and (b) of the United*
8 *States International Broadcasting Act of 1994 (22 U.S.C.*
9 *6202) and section 305(b) of such Act (22 U.S.C. 6204): Pro-*
10 *vided further, That the USAGM Chief Executive Officer*
11 *shall notify the Committees on Appropriations within 15*
12 *days of any determination by the USAGM that any of its*
13 *broadcast entities, including its grantee organizations, pro-*
14 *vides an open platform for international terrorists or those*
15 *who support international terrorism, or is in violation of*
16 *the principles and standards set forth in section 303(a) and*
17 *(b) of such Act or the entity's journalistic code of ethics:*
18 *Provided further, That in addition to funds made available*
19 *under this heading, and notwithstanding any other provi-*
20 *sion of law, up to \$5,000,000 in receipts from advertising*
21 *and revenue from business ventures, up to \$500,000 in re-*
22 *ceipts from cooperating international organizations, and*
23 *up to \$1,000,000 in receipts from privatization efforts of*
24 *the Voice of America and the International Broadcasting*
25 *Bureau, shall remain available until expended for carrying*

1 out authorized purposes: Provided further, That significant
2 modifications to USAGM broadcast hours previously justi-
3 fied to Congress, including changes to transmission plat-
4 forms (shortwave, medium wave, satellite, Internet, and tel-
5 evision), for all USAGM language services shall be subject
6 to the regular notification procedures of the Committees on
7 Appropriations: Provided further, That up to \$7,000,000
8 from the USAGM Buying Power Maintenance account may
9 be transferred to, and merged with, funds appropriated by
10 this Act under the heading “International Broadcasting
11 Operations”, which shall remain available until expended:
12 Provided further, That such transfer authority is in addi-
13 tion to any transfer authority otherwise available under
14 any other provision of law and shall be subject to prior con-
15 sultation with, and the regular notification procedures of,
16 the Committees on Appropriations.

17 *BROADCASTING CAPITAL IMPROVEMENTS*

18 *For the purchase, rent, construction, repair, preserva-*
19 *tion, and improvement of facilities for radio, television, and*
20 *digital transmission and reception; the purchase, rent, and*
21 *installation of necessary equipment for radio, television,*
22 *and digital transmission and reception, including to Cuba,*
23 *as authorized; and physical security worldwide, in addition*
24 *to amounts otherwise available for such purposes,*

1 \$9,700,000, to remain available until expended, as author-
2 ized.

3 *RELATED PROGRAMS*

4 *THE ASIA FOUNDATION*

5 *For a grant to The Asia Foundation, as authorized*
6 *by The Asia Foundation Act (22 U.S.C. 4402), \$20,000,000,*
7 *to remain available until expended: Provided, That funds*
8 *appropriated under this heading shall be apportioned and*
9 *obligated to the Foundation not later than 60 days after*
10 *enactment of this Act.*

11 *UNITED STATES INSTITUTE OF PEACE*

12 *For necessary expenses of the United States Institute*
13 *of Peace, as authorized by the United States Institute of*
14 *Peace Act (22 U.S.C. 4601 et seq.), \$45,000,000, to remain*
15 *available until September 30, 2022, which shall not be used*
16 *for construction activities.*

17 *CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE*

18 *TRUST FUND*

19 *For necessary expenses of the Center for Middle East-*
20 *ern-Western Dialogue Trust Fund, as authorized by section*
21 *633 of the Departments of Commerce, Justice, and State,*
22 *the Judiciary, and Related Agencies Appropriations Act,*
23 *2004 (22 U.S.C. 2078), the total amount of the interest and*
24 *earnings accruing to such Fund on or before September 30,*
25 *2021, to remain available until expended.*

1 *EISENHOWER EXCHANGE FELLOWSHIP PROGRAM*

2 *For necessary expenses of Eisenhower Exchange Fel-*
3 *lowships, Incorporated, as authorized by sections 4 and 5*
4 *of the Eisenhower Exchange Fellowship Act of 1990 (20*
5 *U.S.C. 5204–5205), all interest and earnings accruing to*
6 *the Eisenhower Exchange Fellowship Program Trust Fund*
7 *on or before September 30, 2021, to remain available until*
8 *expended: Provided, That none of the funds appropriated*
9 *herein shall be used to pay any salary or other compensa-*
10 *tion, or to enter into any contract providing for the pay-*
11 *ment thereof, in excess of the rate authorized by section 5376*
12 *of title 5, United States Code; or for purposes which are*
13 *not in accordance with section 200 of title 2 of the Code*
14 *of Federal Regulations, including the restrictions on com-*
15 *pensation for personal services.*

16 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

17 *For necessary expenses of the Israeli Arab Scholarship*
18 *Program, as authorized by section 214 of the Foreign Rela-*
19 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*
20 *U.S.C. 2452 note), all interest and earnings accruing to the*
21 *Israeli Arab Scholarship Fund on or before September 30,*
22 *2021, to remain available until expended.*

23 *EAST-WEST CENTER*

24 *To enable the Secretary of State to provide for car-*
25 *rying out the provisions of the Center for Cultural and*

1 *Technical Interchange Between East and West Act of 1960,*
2 *by grant to the Center for Cultural and Technical Inter-*
3 *change Between East and West in the State of Hawaii,*
4 *\$19,700,000: Provided, That funds appropriated under this*
5 *heading shall be apportioned and obligated to the Center*
6 *not later than 60 days after enactment of this Act.*

7 *NATIONAL ENDOWMENT FOR DEMOCRACY*

8 *For grants made by the Department of State to the*
9 *National Endowment for Democracy, as authorized by the*
10 *National Endowment for Democracy Act (22 U.S.C. 4412),*
11 *\$300,000,000, to remain available until expended, of which*
12 *\$195,840,000 shall be allocated in the traditional and cus-*
13 *tomary manner, including for the core institutes, and*
14 *\$104,160,000 shall be for democracy programs: Provided,*
15 *That the requirements of section 7061(a) of this Act shall*
16 *not apply to funds made available under this heading: Pro-*
17 *vided further, That funds appropriated under this heading*
18 *shall be apportioned and obligated to the Endowment not*
19 *later than 60 days after enactment of this Act.*

20 *OTHER COMMISSIONS*

21 *COMMISSION FOR THE PRESERVATION OF AMERICA'S*

22 *HERITAGE ABROAD*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses for the Commission for the*
25 *Preservation of America's Heritage Abroad, \$642,000, as*

1 *authorized by chapter 3123 of title 54, United States Code:*
2 *Provided, That the Commission may procure temporary,*
3 *intermittent, and other services notwithstanding paragraph*
4 *(3) of section 312304(b) of such chapter: Provided further,*
5 *That such authority shall terminate on October 1, 2021:*
6 *Provided further, That the Commission shall notify the*
7 *Committees on Appropriations prior to exercising such au-*
8 *thority.*

9 *UNITED STATES COMMISSION ON INTERNATIONAL*

10 *RELIGIOUS FREEDOM*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses for the United States Commis-*
13 *sion on International Religious Freedom, as authorized by*
14 *title II of the International Religious Freedom Act of 1998*
15 *(22 U.S.C. 6431 et seq.), \$4,500,000, to remain available*
16 *until September 30, 2022, including not more than \$4,000*
17 *for representation expenses.*

18 *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Commission on Security*
21 *and Cooperation in Europe, as authorized by Public Law*
22 *94–304 (22 U.S.C. 3001 et seq.), \$2,908,000, including not*
23 *more than \$4,000 for representation expenses, to remain*
24 *available until September 30, 2022.*

1 *CONGRESSIONAL-EXECUTIVE COMMISSION ON THE*
2 *PEOPLE'S REPUBLIC OF CHINA*
3 *SALARIES AND EXPENSES*

4 *For necessary expenses of the Congressional-Executive*
5 *Commission on the People's Republic of China, as author-*
6 *ized by title III of the U.S.-China Relations Act of 2000*
7 *(22 U.S.C. 6911 et seq.), \$2,250,000, including not more*
8 *than \$3,000 for representation expenses, to remain avail-*
9 *able until September 30, 2022.*

10 *UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW*
11 *COMMISSION*
12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the United States-China*
14 *Economic and Security Review Commission, as authorized*
15 *by section 1238 of the Floyd D. Spence National Defense*
16 *Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),*
17 *\$4,000,000, including not more than \$4,000 for representa-*
18 *tion expenses, to remain available until September 30,*
19 *2022: Provided, That the authorities, requirements, limita-*
20 *tions, and conditions contained in the second through sixth*
21 *provisos under this heading in the Department of State,*
22 *Foreign Operations, and Related Programs Appropriations*
23 *Act, 2010 (division F of Public Law 111–117) shall con-*
24 *tinue in effect during fiscal year 2021 and shall apply to*
25 *funds appropriated under this heading.*

1 *Act to “Operating Expenses” in accordance with the provi-*
2 *sions of those sections: Provided further, That of the funds*
3 *appropriated or made available under this heading, not to*
4 *exceed \$250,000 may be available for representation and*
5 *entertainment expenses, of which not to exceed \$5,000 may*
6 *be available for entertainment expenses, and not to exceed*
7 *\$100,500 shall be for official residence expenses, for USAID*
8 *during the current fiscal year: Provided further, That the*
9 *USAID Administrator shall submit a report to the Commit-*
10 *tees on Appropriations not later than 60 days after enact-*
11 *ment of this Act on changes to the account structure as de-*
12 *scribed in the explanatory statement described in section*
13 *4 (in the matter preceding division A of this consolidated*
14 *Act).*

15 *CAPITAL INVESTMENT FUND*

16 *For necessary expenses for overseas construction and*
17 *related costs, and for the procurement and enhancement of*
18 *information technology and related capital investments,*
19 *pursuant to section 667 of the Foreign Assistance Act of*
20 *1961, \$258,200,000, to remain available until expended:*
21 *Provided, That this amount is in addition to funds other-*
22 *wise available for such purposes: Provided further, That*
23 *funds appropriated under this heading shall be available*
24 *subject to the regular notification procedures of the Commit-*
25 *tees on Appropriations.*

1 *tivities as: (1) child survival and maternal health pro-*
2 *grams; (2) immunization and oral rehydration programs;*
3 *(3) other health, nutrition, water and sanitation programs*
4 *which directly address the needs of mothers and children,*
5 *and related education programs; (4) assistance for children*
6 *displaced or orphaned by causes other than AIDS; (5) pro-*
7 *grams for the prevention, treatment, control of, and research*
8 *on HIV/AIDS, tuberculosis, polio, malaria, and other infec-*
9 *tious diseases including neglected tropical diseases, and for*
10 *assistance to communities severely affected by HIV/AIDS,*
11 *including children infected or affected by AIDS; (6) disaster*
12 *preparedness training for health crises; (7) programs to pre-*
13 *vent, prepare for, and respond to, unanticipated and emerg-*
14 *ing global health threats, including zoonotic diseases; and*
15 *(8) family planning/reproductive health: Provided further,*
16 *That funds appropriated under this paragraph may be*
17 *made available for a United States contribution to The*
18 *GAVI Alliance: Provided further, That none of the funds*
19 *made available in this Act nor any unobligated balances*
20 *from prior appropriations Acts may be made available to*
21 *any organization or program which, as determined by the*
22 *President of the United States, supports or participates in*
23 *the management of a program of coercive abortion or invol-*
24 *untary sterilization: Provided further, That any determina-*
25 *tion made under the previous proviso must be made not*

1 *later than 6 months after the date of enactment of this Act,*
2 *and must be accompanied by the evidence and criteria uti-*
3 *lized to make the determination: Provided further, That*
4 *none of the funds made available under this Act may be*
5 *used to pay for the performance of abortion as a method*
6 *of family planning or to motivate or coerce any person to*
7 *practice abortions: Provided further, That nothing in this*
8 *paragraph shall be construed to alter any existing statutory*
9 *prohibitions against abortion under section 104 of the For-*
10 *eign Assistance Act of 1961: Provided further, That none*
11 *of the funds made available under this Act may be used*
12 *to lobby for or against abortion: Provided further, That in*
13 *order to reduce reliance on abortion in developing nations,*
14 *funds shall be available only to voluntary family planning*
15 *projects which offer, either directly or through referral to,*
16 *or information about access to, a broad range of family*
17 *planning methods and services, and that any such vol-*
18 *untary family planning project shall meet the following re-*
19 *quirements: (1) service providers or referral agents in the*
20 *project shall not implement or be subject to quotas, or other*
21 *numerical targets, of total number of births, number of fam-*
22 *ily planning acceptors, or acceptors of a particular method*
23 *of family planning (this provision shall not be construed*
24 *to include the use of quantitative estimates or indicators*
25 *for budgeting and planning purposes); (2) the project shall*

1 *not include payment of incentives, bribes, gratuities, or fi-*
2 *nancial reward to: (A) an individual in exchange for be-*
3 *coming a family planning acceptor; or (B) program per-*
4 *sonnel for achieving a numerical target or quota of total*
5 *number of births, number of family planning acceptors, or*
6 *acceptors of a particular method of family planning; (3)*
7 *the project shall not deny any right or benefit, including*
8 *the right of access to participate in any program of general*
9 *welfare or the right of access to health care, as a consequence*
10 *of any individual's decision not to accept family planning*
11 *services; (4) the project shall provide family planning ac-*
12 *ceptors comprehensible information on the health benefits*
13 *and risks of the method chosen, including those conditions*
14 *that might render the use of the method inadvisable and*
15 *those adverse side effects known to be consequent to the use*
16 *of the method; and (5) the project shall ensure that experi-*
17 *mental contraceptive drugs and devices and medical proce-*
18 *dures are provided only in the context of a scientific study*
19 *in which participants are advised of potential risks and*
20 *benefits; and, not less than 60 days after the date on which*
21 *the USAID Administrator determines that there has been*
22 *a violation of the requirements contained in paragraph (1),*
23 *(2), (3), or (5) of this proviso, or a pattern or practice of*
24 *violations of the requirements contained in paragraph (4)*
25 *of this proviso, the Administrator shall submit to the Com-*

1 *mittees on Appropriations a report containing a descrip-*
2 *tion of such violation and the corrective action taken by*
3 *the Agency: Provided further, That in awarding grants for*
4 *natural family planning under section 104 of the Foreign*
5 *Assistance Act of 1961 no applicant shall be discriminated*
6 *against because of such applicant's religious or conscien-*
7 *tious commitment to offer only natural family planning;*
8 *and, additionally, all such applicants shall comply with the*
9 *requirements of the previous proviso: Provided further, That*
10 *for purposes of this or any other Act authorizing or appro-*
11 *priating funds for the Department of State, foreign oper-*
12 *ations, and related programs, the term "motivate", as it*
13 *relates to family planning assistance, shall not be construed*
14 *to prohibit the provision, consistent with local law, of infor-*
15 *mation or counseling about all pregnancy options: Provided*
16 *further, That information provided about the use of*
17 *condoms as part of projects or activities that are funded*
18 *from amounts appropriated by this Act shall be medically*
19 *accurate and shall include the public health benefits and*
20 *failure rates of such use.*

21 *In addition, for necessary expenses to carry out the*
22 *provisions of the Foreign Assistance Act of 1961 for the pre-*
23 *vention, treatment, and control of, and research on, HIV/*
24 *AIDS, \$5,930,000,000, to remain available until September*
25 *30, 2025, which shall be apportioned directly to the Depart-*

1 *ment of State not later than 60 days after enactment of*
2 *this Act: Provided, That funds appropriated under this*
3 *paragraph may be made available, notwithstanding any*
4 *other provision of law, except for the United States Leader-*
5 *ship Against HIV/AIDS, Tuberculosis, and Malaria Act of*
6 *2003 (Public Law 108–25), for a United States contribu-*
7 *tion to the Global Fund to Fight AIDS, Tuberculosis and*
8 *Malaria (Global Fund): Provided further, That the amount*
9 *of such contribution shall be \$1,560,000,000 and shall be*
10 *for the second installment of the sixth replenishment: Pro-*
11 *vided further, That up to 5 percent of the aggregate amount*
12 *of funds made available to the Global Fund in fiscal year*
13 *2021 may be made available to USAID for technical assist-*
14 *ance related to the activities of the Global Fund, subject*
15 *to the regular notification procedures of the Committees on*
16 *Appropriations: Provided further, That of the funds appro-*
17 *priated under this paragraph, up to \$17,000,000 may be*
18 *made available, in addition to amounts otherwise available*
19 *for such purposes, for administrative expenses of the Office*
20 *of the United States Global AIDS Coordinator.*

21 *DEVELOPMENT ASSISTANCE*

22 *For necessary expenses to carry out the provisions of*
23 *sections 103, 105, 106, 214, and sections 251 through 255,*
24 *and chapter 10 of part I of the Foreign Assistance Act of*
25 *1961, \$3,500,000,000, to remain available until September*

1 30, 2022: *Provided, That funds made available under this*
2 *heading shall be apportioned directly to the United States*
3 *Agency for International Development not later than 60*
4 *days after enactment of this Act.*

5 *INTERNATIONAL DISASTER ASSISTANCE*

6 *For necessary expenses to carry out the provisions of*
7 *section 491 of the Foreign Assistance Act of 1961 for inter-*
8 *national disaster relief, rehabilitation, and reconstruction*
9 *assistance, \$4,395,362,000, to remain available until ex-*
10 *pended, of which \$1,914,041,000 is designated by the Con-*
11 *gress for Overseas Contingency Operations/Global War on*
12 *Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-*
13 *anced Budget and Emergency Deficit Control Act of 1985:*
14 *Provided, That funds made available under this heading*
15 *shall be apportioned to the United States Agency for Inter-*
16 *national Development not later than 60 days after enact-*
17 *ment of this Act.*

18 *TRANSITION INITIATIVES*

19 *For necessary expenses for international disaster reha-*
20 *bilitation and reconstruction assistance administered by the*
21 *Office of Transition Initiatives, United States Agency for*
22 *International Development, pursuant to section 491 of the*
23 *Foreign Assistance Act of 1961, and to support transition*
24 *to democracy and long-term development of countries in cri-*
25 *sis, \$92,043,000, to remain available until expended: Pro-*

1 *vided, That such support may include assistance to develop,*
2 *strengthen, or preserve democratic institutions and proc-*
3 *esses, revitalize basic infrastructure, and foster the peaceful*
4 *resolution of conflict: Provided further, That the USAID*
5 *Administrator shall submit a report to the Committees on*
6 *Appropriations at least 5 days prior to beginning a new,*
7 *or terminating a, program of assistance: Provided further,*
8 *That if the Secretary of State determines that it is impor-*
9 *tant to the national interest of the United States to provide*
10 *transition assistance in excess of the amount appropriated*
11 *under this heading, up to \$15,000,000 of the funds appro-*
12 *priated by this Act to carry out the provisions of part I*
13 *of the Foreign Assistance Act of 1961 may be used for pur-*
14 *poses of this heading and under the authorities applicable*
15 *to funds appropriated under this heading: Provided further,*
16 *That funds made available pursuant to the previous proviso*
17 *shall be made available subject to prior consultation with*
18 *the Committees on Appropriations.*

19 *COMPLEX CRISES FUND*

20 *For necessary expenses to carry out the provisions of*
21 *section 509(b) of the Global Fragility Act of 2019 (title V*
22 *of division J of Public Law 116–94), \$30,000,000, to re-*
23 *main available until expended: Provided, That funds ap-*
24 *propriated under this heading may be made available not-*
25 *withstanding any other provision of law, except sections*

1 7007, 7008, and 7018 of this Act and section 620M of the
2 Foreign Assistance Act of 1961: Provided further, That
3 funds appropriated under this heading shall be apportioned
4 to the United States Agency for International Development
5 not later than 60 days after enactment of this Act.

6 *ECONOMIC SUPPORT FUND*

7 *For necessary expenses to carry out the provisions of*
8 *chapter 4 of part II of the Foreign Assistance Act of 1961,*
9 *\$3,151,963,000, to remain available until September 30,*
10 *2022.*

11 *DEMOCRACY FUND*

12 *For necessary expenses to carry out the provisions of*
13 *the Foreign Assistance Act of 1961 for the promotion of de-*
14 *mocracy globally, including to carry out the purposes of sec-*
15 *tion 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C.*
16 *4411), \$190,450,000, to remain available until September*
17 *30, 2022, which shall be made available for the Human*
18 *Rights and Democracy Fund of the Bureau of Democracy,*
19 *Human Rights, and Labor, Department of State, and shall*
20 *be apportioned to such Bureau not later than 60 days after*
21 *enactment of this Act: Provided, That funds appropriated*
22 *under this heading that are made available to the National*
23 *Endowment for Democracy and its core institutes are in*
24 *addition to amounts otherwise available by this Act for such*
25 *purposes: Provided further, That the Assistant Secretary for*

1 *Democracy, Human Rights, and Labor, Department of*
2 *State, shall consult with the Committees on Appropriations*
3 *prior to the initial obligation of funds appropriated under*
4 *this paragraph.*

5 *For an additional amount for such purposes,*
6 *\$100,250,000, to remain available until September 30,*
7 *2022, which shall be made available for the Bureau for De-*
8 *velopment, Democracy, and Innovation, United States*
9 *Agency for International Development, and shall be appor-*
10 *tioned to such Bureau not later than 60 days after enact-*
11 *ment of this Act.*

12 *ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA*

13 *For necessary expenses to carry out the provisions of*
14 *the Foreign Assistance Act of 1961, the FREEDOM Sup-*
15 *port Act (Public Law 102–511), and the Support for East-*
16 *ern European Democracy (SEED) Act of 1989 (Public Law*
17 *101–179), \$770,334,000, to remain available until Sep-*
18 *tember 30, 2022, which shall be available, notwithstanding*
19 *any other provision of law, except section 7047 of this Act,*
20 *for assistance and related programs for countries identified*
21 *in section 3 of the FREEDOM Support Act (22 U.S.C.*
22 *5801) and section 3(c) of the SEED Act of 1989 (22 U.S.C.*
23 *5402), in addition to funds otherwise available for such*
24 *purposes: Provided, That funds appropriated by this Act*
25 *under the headings “Global Health Programs”, “Economic*

1 *Support Fund*”, and “*International Narcotics Control and*
2 *Law Enforcement*” that are made available for assistance
3 for such countries shall be administered in accordance with
4 the responsibilities of the coordinator designated pursuant
5 to section 102 of the *FREEDOM Support Act* and section
6 601 of the *SEED Act* of 1989: *Provided further, That funds*
7 *appropriated under this heading shall be considered to be*
8 *economic assistance under the Foreign Assistance Act of*
9 *1961 for purposes of making available the administrative*
10 *authorities contained in that Act for the use of economic*
11 *assistance: Provided further, That funds appropriated*
12 *under this heading may be made available for contributions*
13 *to multilateral initiatives to counter hybrid threats: Pro-*
14 *vided further, That any notification of funds made avail-*
15 *able under this heading in this Act or prior Acts making*
16 *appropriations for the Department of State, foreign oper-*
17 *ations, and related programs shall include information (if*
18 *known on the date of transmittal of such notification) on*
19 *the use of notwithstanding authority: Provided further,*
20 *That if subsequent to the notification of assistance it be-*
21 *comes necessary to rely on notwithstanding authority, the*
22 *Committees on Appropriations should be informed at the*
23 *earliest opportunity and to the extent practicable: Provided*
24 *further, That of the funds appropriated under this heading,*
25 *not less than \$2,000,000, to remain available until ex-*

1 *pended, shall be transferred to, and merged with, funds ap-*
2 *propriated by this Act under the heading “Economic Sup-*
3 *port Fund” for joint dialogues in support of the Eastern*
4 *Mediterranean Partnership in the manner specified under*
5 *this heading in House Report 116–444: Provided further,*
6 *That such funds shall be administered by, and under the*
7 *policy direction of, the coordinator designated pursuant to*
8 *section 102 of the FREEDOM Support Act and section 601*
9 *of the SEED Act of 1989.*

10 *DEPARTMENT OF STATE*

11 *MIGRATION AND REFUGEE ASSISTANCE*

12 *For necessary expenses not otherwise provided for, to*
13 *enable the Secretary of State to carry out the provisions*
14 *of section 2(a) and (b) of the Migration and Refugee Assist-*
15 *ance Act of 1962 (22 U.S.C. 2601), and other activities to*
16 *meet refugee and migration needs; salaries and expenses of*
17 *personnel and dependents as authorized by the Foreign*
18 *Service Act of 1980 (22 U.S.C. 3901 et seq.); allowances*
19 *as authorized by sections 5921 through 5925 of title 5,*
20 *United States Code; purchase and hire of passenger motor*
21 *vehicles; and services as authorized by section 3109 of title*
22 *5, United States Code, \$3,432,000,000, to remain available*
23 *until expended, of which: \$1,701,417,000 is designated by*
24 *the Congress for Overseas Contingency Operations/Global*
25 *War on Terrorism pursuant to section 251(b)(2)(A)(ii) of*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985; not less than \$35,000,000 shall be made available*
3 *to respond to small-scale emergency humanitarian require-*
4 *ments; and \$5,000,000 shall be made available for refugees*
5 *resettling in Israel.*

6 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*
7 *ASSISTANCE FUND*

8 *For necessary expenses to carry out the provisions of*
9 *section 2(c) of the Migration and Refugee Assistance Act*
10 *of 1962 (22 U.S.C. 2601(c)), \$100,000, to remain available*
11 *until expended: Provided, That amounts in excess of the*
12 *limitation contained in paragraph (2) of such section shall*
13 *be transferred to, and merged with, funds made available*
14 *by this Act under the heading “Migration and Refugee As-*
15 *sistance”.*

16 *INDEPENDENT AGENCIES*

17 *PEACE CORPS*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses to carry out the provisions of*
20 *the Peace Corps Act (22 U.S.C. 2501 et seq.), including the*
21 *purchase of not to exceed five passenger motor vehicles for*
22 *administrative purposes for use outside of the United*
23 *States, \$410,500,000, of which \$6,330,000 is for the Office*
24 *of Inspector General, to remain available until September*
25 *30, 2022: Provided, That the Director of the Peace Corps*

1 *may transfer to the Foreign Currency Fluctuations Ac-*
2 *count, as authorized by section 16 of the Peace Corps Act*
3 *(22 U.S.C. 2515), an amount not to exceed \$5,000,000: Pro-*
4 *vided further, That funds transferred pursuant to the pre-*
5 *vious proviso may not be derived from amounts made avail-*
6 *able for Peace Corps overseas operations: Provided further,*
7 *That of the funds appropriated under this heading, not to*
8 *exceed \$104,000 may be available for representation ex-*
9 *penses, of which not to exceed \$4,000 may be made available*
10 *for entertainment expenses: Provided further, That in addi-*
11 *tion to the requirements under section 7015(a) of this Act,*
12 *the Peace Corps shall consult with the Committees on Ap-*
13 *propriations prior to any decision to open, close, or suspend*
14 *a domestic or overseas office or a country program unless*
15 *there is a substantial risk to volunteers or other Peace Corps*
16 *personnel: Provided further, That none of the funds appro-*
17 *priated under this heading shall be used to pay for abor-*
18 *tions: Provided further, That notwithstanding the previous*
19 *proviso, section 614 of division E of Public Law 113-76*
20 *shall apply to funds appropriated under this heading.*

21 *MILLENNIUM CHALLENGE CORPORATION*

22 *For necessary expenses to carry out the provisions of*
23 *the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et*
24 *seq.) (MCA), \$912,000,000, to remain available until ex-*
25 *pended: Provided, That of the funds appropriated under*

1 *this heading, up to \$112,000,000 may be available for ad-*
2 *ministrative expenses of the Millennium Challenge Corpora-*
3 *tion: Provided further, That section 605(e) of the MCA (22*
4 *U.S.C. 7704(e)) shall apply to funds appropriated under*
5 *this heading: Provided further, That funds appropriated*
6 *under this heading may be made available for a Millen-*
7 *ium Challenge Compact entered into pursuant to section*
8 *609 of the MCA (22 U.S.C. 7708) only if such Compact*
9 *obligates, or contains a commitment to obligate subject to*
10 *the availability of funds and the mutual agreement of the*
11 *parties to the Compact to proceed, the entire amount of the*
12 *United States Government funding anticipated for the du-*
13 *ration of the Compact: Provided further, That no country*
14 *should be eligible for a threshold program after such country*
15 *has completed a country compact: Provided further, That*
16 *of the funds appropriated under this heading, not to exceed*
17 *\$100,000 may be available for representation and enter-*
18 *tainment expenses, of which not to exceed \$5,000 may be*
19 *available for entertainment expenses.*

20 *INTER-AMERICAN FOUNDATION*

21 *For necessary expenses to carry out the functions of*
22 *the Inter-American Foundation in accordance with the pro-*
23 *visions of section 401 of the Foreign Assistance Act of 1969,*
24 *\$38,000,000, to remain available until September 30, 2022:*
25 *Provided, That of the funds appropriated under this head-*

1 *ing, not to exceed \$2,000 may be available for representa-*
2 *tion expenses.*

3 *UNITED STATES AFRICAN DEVELOPMENT FOUNDATION*

4 *For necessary expenses to carry out the African Devel-*
5 *opment Foundation Act (title V of Public Law 96–533; 22*
6 *U.S.C. 290h et seq.), \$33,000,000, to remain available until*
7 *September 30, 2022, of which not to exceed \$2,000 may be*
8 *available for representation expenses: Provided, That funds*
9 *made available to grantees may be invested pending expend-*
10 *iture for project purposes when authorized by the Board of*
11 *Directors of the United States African Development Foun-*
12 *dation (USADF): Provided further, That interest earned*
13 *shall be used only for the purposes for which the grant was*
14 *made: Provided further, That notwithstanding section*
15 *505(a)(2) of the African Development Foundation Act (22*
16 *U.S.C. 290h–3(a)(2)), in exceptional circumstances the*
17 *Board of Directors of the USADF may waive the \$250,000*
18 *limitation contained in that section with respect to a*
19 *project and a project may exceed the limitation by up to*
20 *10 percent if the increase is due solely to foreign currency*
21 *fluctuation: Provided further, That the USADF shall sub-*
22 *mit a report to the appropriate congressional committees*
23 *after each time such waiver authority is exercised: Provided*
24 *further, That the USADF may make rent or lease payments*
25 *in advance from appropriations available for such purpose*

1 *for offices, buildings, grounds, and quarters in Africa as*
2 *may be necessary to carry out its functions: Provided fur-*
3 *ther, That the USADF may maintain bank accounts out-*
4 *side the United States Treasury and retain any interest*
5 *earned on such accounts, in furtherance of the purposes of*
6 *the African Development Foundation Act: Provided further,*
7 *That the USADF may not withdraw any appropriation*
8 *from the Treasury prior to the need of spending such funds*
9 *for program purposes.*

10 *DEPARTMENT OF THE TREASURY*

11 *INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE*

12 *For necessary expenses to carry out the provisions of*
13 *section 129 of the Foreign Assistance Act of 1961,*
14 *\$33,000,000, to remain available until expended, of which*
15 *not more than \$6,600,000 may be used for administrative*
16 *expenses: Provided, That amounts made available under*
17 *this heading may be made available to contract for services*
18 *as described in section 129(d)(3)(A) of the Foreign Assist-*
19 *ance Act of 1961, without regard to the location in which*
20 *such services are performed.*

21 *DEBT RESTRUCTURING*

22 *For the costs, as defined in section 502 of the Congres-*
23 *sional Budget Act of 1974, of modifying loans and loan*
24 *guarantees, as the President may determine, for which*
25 *funds have been appropriated or otherwise made available*

1 *for programs within the International Affairs Budget Func-*
2 *tion 150, including the cost of selling, reducing, or canceling*
3 *amounts owed to the United States as a result of*
4 *concessional loans made to eligible countries, pursuant to*
5 *part V of the Foreign Assistance Act of 1961, \$15,000,000,*
6 *to remain available until September 30, 2023.*

7 *In addition, for the costs, as defined in section 502*
8 *of the Congressional Budget Act of 1974, of modifying loans*
9 *and loan guarantees for Somalia or credits extended to So-*
10 *malia, as the President may determine, including the cost*
11 *of selling, reducing, or cancelling amounts owed to the*
12 *United States, in the event that Somalia has met the domes-*
13 *tic and internationally-agreed conditions and such modi-*
14 *fication is consistent with United States law and foreign*
15 *policy considerations, \$78,000,000, to remain available*
16 *until expended, which may be used notwithstanding any*
17 *other provision of law: Provided, That funds made available*
18 *by this paragraph shall be subject to prior consultation with*
19 *the appropriate congressional committees and subject to the*
20 *regular notification procedures of the Committees on Appro-*
21 *priations.*

22 *In addition, for the costs, as defined in section 502*
23 *of the Congressional Budget Act of 1974, of modifying loans*
24 *and loan guarantees for or credits extended to Sudan,*
25 *\$111,000,000, to remain available until expended, which*

1 *may be used notwithstanding any other provision of law,*
2 *in the event Sudan meets the domestic and internationally*
3 *agreed conditions and the modifications are consistent with*
4 *United States law and foreign policy considerations.*

5 *TITLE IV*

6 *INTERNATIONAL SECURITY ASSISTANCE*

7 *DEPARTMENT OF STATE*

8 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

9 *ENFORCEMENT*

10 *For necessary expenses to carry out section 481 of the*
11 *Foreign Assistance Act of 1961, \$1,385,573,000, to remain*
12 *available until September 30, 2022: Provided, That the De-*
13 *partment of State may use the authority of section 608 of*
14 *the Foreign Assistance Act of 1961, without regard to its*
15 *restrictions, to receive excess property from an agency of*
16 *the United States Government for the purpose of providing*
17 *such property to a foreign country or international organi-*
18 *zation under chapter 8 of part I of such Act, subject to the*
19 *regular notification procedures of the Committees on Appro-*
20 *priations: Provided further, That section 482(b) of the For-*
21 *ign Assistance Act of 1961 shall not apply to funds appro-*
22 *priated under this heading, except that any funds made*
23 *available notwithstanding such section shall be subject to*
24 *the regular notification procedures of the Committees on*
25 *Appropriations: Provided further, That funds appropriated*

1 *under this heading shall be made available to support train-*
2 *ing and technical assistance for foreign law enforcement,*
3 *corrections, judges, and other judicial authorities, utilizing*
4 *regional partners: Provided further, That funds made avail-*
5 *able under this heading that are transferred to another de-*
6 *partment, agency, or instrumentality of the United States*
7 *Government pursuant to section 632(b) of the Foreign As-*
8 *sistance Act of 1961 valued in excess of \$5,000,000, and*
9 *any agreement made pursuant to section 632(a) of such Act,*
10 *shall be subject to the regular notification procedures of the*
11 *Committees on Appropriations: Provided further, That*
12 *funds made available under this heading for Program De-*
13 *velopment and Support may be made available notwith-*
14 *standing pre-obligation requirements contained in this Act,*
15 *except for the notification requirements of section 7015.*

16 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
17 *RELATED PROGRAMS*

18 *For necessary expenses for nonproliferation, anti-ter-*
19 *rorism, demining and related programs and activities,*
20 *\$889,247,000, to remain available until September 30,*
21 *2022, to carry out the provisions of chapter 8 of part II*
22 *of the Foreign Assistance Act of 1961 for anti-terrorism as-*
23 *sistance, chapter 9 of part II of the Foreign Assistance Act*
24 *of 1961, section 504 of the FREEDOM Support Act (22*
25 *U.S.C. 5854), section 23 of the Arms Export Control Act*

1 *(22 U.S.C. 2763), or the Foreign Assistance Act of 1961*
2 *for demining activities, the clearance of unexploded ord-*
3 *nance, the destruction of small arms, and related activities,*
4 *notwithstanding any other provision of law, including ac-*
5 *tivities implemented through nongovernmental and inter-*
6 *national organizations, and section 301 of the Foreign As-*
7 *sistance Act of 1961 for a United States contribution to*
8 *the Comprehensive Nuclear Test Ban Treaty Preparatory*
9 *Commission, and for a voluntary contribution to the Inter-*
10 *national Atomic Energy Agency (IAEA): Provided, That*
11 *funds made available under this heading for the Non-*
12 *proliferation and Disarmament Fund shall be made avail-*
13 *able, notwithstanding any other provision of law and sub-*
14 *ject to prior consultation with, and the regular notification*
15 *procedures of, the Committees on Appropriations, to pro-*
16 *mote bilateral and multilateral activities relating to non-*
17 *proliferation, disarmament, and weapons destruction, and*
18 *shall remain available until expended: Provided further,*
19 *That such funds may also be used for such countries other*
20 *than the Independent States of the former Soviet Union and*
21 *international organizations when it is in the national secu-*
22 *rity interest of the United States to do so: Provided further,*
23 *That funds appropriated under this heading may be made*
24 *available for the IAEA unless the Secretary of State deter-*
25 *mines that Israel is being denied its right to participate*

1 *in the activities of that Agency: Provided further, That*
2 *funds made available for conventional weapons destruction*
3 *programs, including demining and related activities, in ad-*
4 *dition to funds otherwise available for such purposes, may*
5 *be used for administrative expenses related to the operation*
6 *and management of such programs and activities, subject*
7 *to the regular notification procedures of the Committees on*
8 *Appropriations.*

9 *PEACEKEEPING OPERATIONS*

10 *For necessary expenses to carry out the provisions of*
11 *section 551 of the Foreign Assistance Act of 1961,*
12 *\$440,759,000, of which \$325,213,000, to remain available*
13 *until September 30, 2022, is designated by the Congress for*
14 *Overseas Contingency Operations/Global War on Terrorism*
15 *pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget*
16 *and Emergency Deficit Control Act of 1985: Provided, That*
17 *funds appropriated under this heading may be used, not-*
18 *withstanding section 660 of the Foreign Assistance Act of*
19 *1961, to provide assistance to enhance the capacity of for-*
20 *eign civilian security forces, including gendarmes, to par-*
21 *ticipate in peacekeeping operations: Provided further, That*
22 *of the funds appropriated under this heading, not less than*
23 *\$25,000,000 shall be made available for a United States*
24 *contribution to the Multinational Force and Observers mis-*
25 *sion in the Sinai and not less than \$71,000,000 shall be*

1 *made available for the Global Peace Operations Initiative:*
2 *Provided further, That funds appropriated under this head-*
3 *ing may be made available to pay assessed expenses of*
4 *international peacekeeping activities in Somalia under the*
5 *same terms and conditions, as applicable, as funds appro-*
6 *priated by this Act under the heading “Contributions for*
7 *International Peacekeeping Activities”:* *Provided further,*
8 *That none of the funds appropriated under this heading*
9 *shall be obligated except as provided through the regular*
10 *notification procedures of the Committees on Appropria-*
11 *tions.*

12 *FUNDS APPROPRIATED TO THE PRESIDENT*

13 *INTERNATIONAL MILITARY EDUCATION AND TRAINING*

14 *For necessary expenses to carry out the provisions of*
15 *section 541 of the Foreign Assistance Act of 1961,*
16 *\$112,925,000, of which up to \$56,463,000 may remain*
17 *available until September 30, 2022:* *Provided, That the ci-*
18 *vilian personnel for whom military education and training*
19 *may be provided under this heading may include civilians*
20 *who are not members of a government whose participation*
21 *would contribute to improved civil-military relations, civil-*
22 *ian control of the military, or respect for human rights:*
23 *Provided further, That of the funds appropriated under this*
24 *heading, up to \$3,000,000 may remain available until ex-*
25 *pendent to increase the participation of women in programs*

1 *and activities funded under this heading, following con-*
2 *sultation with, and the regular notification procedures of,*
3 *the Committees on Appropriations: Provided further, That*
4 *of the funds appropriated under this heading, not to exceed*
5 *\$50,000 may be available for entertainment expenses.*

6 *FOREIGN MILITARY FINANCING PROGRAM*

7 *For necessary expenses for grants to enable the Presi-*
8 *dent to carry out the provisions of section 23 of the Arms*
9 *Export Control Act (22 U.S.C. 2763), \$6,175,524,000, of*
10 *which \$576,909,000, to remain available until September*
11 *30, 2022, is designated by the Congress for Overseas Contin-*
12 *gency Operations/Global War on Terrorism pursuant to sec-*
13 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
14 *gency Deficit Control Act of 1985: Provided, That to expe-*
15 *dite the provision of assistance to foreign countries and*
16 *international organizations, the Secretary of State, fol-*
17 *lowing consultation with the Committees on Appropriations*
18 *and subject to the regular notification procedures of such*
19 *Committees, may use the funds appropriated under this*
20 *heading to procure defense articles and services to enhance*
21 *the capacity of foreign security forces: Provided further,*
22 *That of the funds appropriated under this heading, not less*
23 *than \$3,300,000,000 shall be available for grants only for*
24 *Israel which shall be disbursed within 30 days of enactment*
25 *of this Act: Provided further, That to the extent that the*

1 *Government of Israel requests that funds be used for such*
2 *purposes, grants made available for Israel under this head-*
3 *ing shall, as agreed by the United States and Israel, be*
4 *available for advanced weapons systems, of which not less*
5 *than \$795,300,000 shall be available for the procurement*
6 *in Israel of defense articles and defense services, including*
7 *research and development: Provided further, That funds ap-*
8 *propriated or otherwise made available under this heading*
9 *shall be nonrepayable notwithstanding any requirement in*
10 *section 23 of the Arms Export Control Act: Provided fur-*
11 *ther, That funds made available under this heading shall*
12 *be obligated upon apportionment in accordance with para-*
13 *graph (5)(C) of section 1501(a) of title 31, United States*
14 *Code.*

15 *None of the funds made available under this heading*
16 *shall be available to finance the procurement of defense arti-*
17 *cles, defense services, or design and construction services*
18 *that are not sold by the United States Government under*
19 *the Arms Export Control Act unless the foreign country pro-*
20 *posing to make such procurement has first signed an agree-*
21 *ment with the United States Government specifying the*
22 *conditions under which such procurement may be financed*
23 *with such funds: Provided, That all country and funding*
24 *level increases in allocations shall be submitted through the*
25 *regular notification procedures of section 7015 of this Act:*

1 *Provided further, That funds made available under this*
2 *heading may be used, notwithstanding any other provision*
3 *of law, for demining, the clearance of unexploded ordnance,*
4 *and related activities, and may include activities imple-*
5 *mented through nongovernmental and international organi-*
6 *zations: Provided further, That only those countries for*
7 *which assistance was justified for the “Foreign Military*
8 *Sales Financing Program” in the fiscal year 1989 congres-*
9 *sional presentation for security assistance programs may*
10 *utilize funds made available under this heading for procure-*
11 *ment of defense articles, defense services, or design and con-*
12 *struction services that are not sold by the United States*
13 *Government under the Arms Export Control Act: Provided*
14 *further, That funds appropriated under this heading shall*
15 *be expended at the minimum rate necessary to make timely*
16 *payment for defense articles and services: Provided further,*
17 *That not more than \$70,000,000 of the funds appropriated*
18 *under this heading may be obligated for necessary expenses,*
19 *including the purchase of passenger motor vehicles for re-*
20 *placement only for use outside of the United States, for the*
21 *general costs of administering military assistance and sales,*
22 *except that this limitation may be exceeded only through*
23 *the regular notification procedures of the Committees on*
24 *Appropriations: Provided further, That of the funds made*
25 *available under this heading for general costs of admin-*

1 *istering military assistance and sales, not to exceed \$4,000*
2 *may be available for entertainment expenses and not to ex-*
3 *ceed \$130,000 may be available for representation expenses:*
4 *Provided further, That not more than \$1,137,000,000 of*
5 *funds realized pursuant to section 21(e)(1)(A) of the Arms*
6 *Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be obli-*
7 *gated for expenses incurred by the Department of Defense*
8 *during fiscal year 2021 pursuant to section 43(b) of the*
9 *Arms Export Control Act (22 U.S.C. 2792(b)), except that*
10 *this limitation may be exceeded only through the regular*
11 *notification procedures of the Committees on Appropria-*
12 *tions.*

13 *TITLE V*

14 *MULTILATERAL ASSISTANCE*

15 *FUNDS APPROPRIATED TO THE PRESIDENT*

16 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

17 *For necessary expenses to carry out the provisions of*
18 *section 301 of the Foreign Assistance Act of 1961,*
19 *\$387,500,000: Provided, That section 307(a) of the Foreign*
20 *Assistance Act of 1961 shall not apply to contributions to*
21 *the United Nations Democracy Fund: Provided further,*
22 *That not later than 60 days after enactment of this Act,*
23 *such funds shall be made available for core contributions*
24 *for each entity listed in the table under this heading in the*
25 *explanatory statement described in section 4 (in the matter*

1 *preceding division A of this consolidated Act) unless other-*
2 *wise provided for in this Act, or if the Secretary of State*
3 *has justified to the Committees on Appropriations the pro-*
4 *posed uses of funds other than for core contributions fol-*
5 *lowing prior consultation with, and subject to the regular*
6 *notification procedures of, such Committees.*

7 *INTERNATIONAL FINANCIAL INSTITUTIONS*

8 *GLOBAL ENVIRONMENT FACILITY*

9 *For payment to the International Bank for Recon-*
10 *struction and Development as trustee for the Global Envi-*
11 *ronment Facility by the Secretary of the Treasury,*
12 *\$139,575,000, to remain available until, and to be fully dis-*
13 *bursed not later than, September 30, 2022: Provided, That*
14 *of such amount, \$136,563,000, which shall remain available*
15 *until September 30, 2021, is only available for the third*
16 *installment of the seventh replenishment of the Global Envi-*
17 *ronment Facility, and shall be obligated and disbursed not*
18 *later than 90 days after enactment of this Act: Provided*
19 *further, That the Secretary shall report to the Committees*
20 *on Appropriations on the status of funds provided under*
21 *this heading not less than quarterly until fully disbursed:*
22 *Provided further, That in such report the Secretary shall*
23 *provide a timeline for the obligation and disbursement of*
24 *any funds that have not yet been obligated or disbursed.*

1 *CONTRIBUTION TO THE INTERNATIONAL BANK FOR*
2 *RECONSTRUCTION AND DEVELOPMENT*

3 *For payment to the International Bank for Recon-*
4 *struction and Development by the Secretary of the Treasury*
5 *for the United States share of the paid-in portion of the*
6 *increases in capital stock, \$206,500,000, to remain avail-*
7 *able until expended.*

8 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

9 *The United States Governor of the International Bank*
10 *for Reconstruction and Development may subscribe without*
11 *fiscal year limitation to the callable capital portion of the*
12 *United States share of increases in capital stock in an*
13 *amount not to exceed \$1,421,275,728.70.*

14 *CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT*
15 *ASSOCIATION*

16 *For payment to the International Development Asso-*
17 *ciation by the Secretary of the Treasury, \$1,001,400,000,*
18 *to remain available until expended.*

19 *CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND*

20 *For payment to the Asian Development Bank's Asian*
21 *Development Fund by the Secretary of the Treasury,*
22 *\$47,395,000, to remain available until expended.*

23 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK*

24 *For payment to the African Development Bank by the*
25 *Secretary of the Treasury for the United States share of*

1 *the paid-in portion of the increases in capital stock,*
2 *\$54,648,752, to remain available until expended.*

3 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

4 *The United States Governor of the African Develop-*
5 *ment Bank may subscribe without fiscal year limitation to*
6 *the callable capital portion of the United States share of*
7 *increases in capital stock in an amount not to exceed*
8 *\$856,174,624.*

9 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND*

10 *For payment to the African Development Fund by the*
11 *Secretary of the Treasury, \$171,300,000, to remain avail-*
12 *able until expended.*

13 *CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT*

14 *BANK*

15 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

16 *The Secretary of the Treasury may subscribe without*
17 *fiscal year limitation to the callable capital portion of the*
18 *United States share of capital stock in an amount not to*
19 *exceed \$1,020,000,000: Provided, That such authority is in*
20 *addition to any other authority otherwise available in this*
21 *Act and under any other provision of law.*

22 *CONTRIBUTION TO THE INTERNATIONAL FUND FOR*

23 *AGRICULTURAL DEVELOPMENT*

24 *For payment to the International Fund for Agricul-*
25 *tural Development by the Secretary of the Treasury,*

1 \$32,500,000, to remain available until, and to be fully dis-
2 bursed not later than, September 30, 2022, for the third
3 installment of the eleventh replenishment of the Inter-
4 national Fund for Agricultural Development: Provided,
5 That the Secretary of the Treasury shall report to the Com-
6 mittees on Appropriations on the status of such payment
7 not less than quarterly until fully disbursed: Provided fur-
8 ther, That in such report the Secretary shall provide a
9 timeline for the obligation and disbursement of any funds
10 that have not yet been obligated or disbursed.

11

TITLE VI

12

EXPORT AND INVESTMENT ASSISTANCE

13

EXPORT-IMPORT BANK OF THE UNITED STATES

14

INSPECTOR GENERAL

15

*For necessary expenses of the Office of Inspector Gen-*16 *eral in carrying out the provisions of the Inspector General*17 *Act of 1978 (5 U.S.C. App.), \$6,500,000, of which up to*18 *\$975,000 may remain available until September 30, 2022.*

19

PROGRAM ACCOUNT

20

*The Export-Import Bank of the United States is au-*21 *thorized to make such expenditures within the limits of*22 *funds and borrowing authority available to such corpora-*23 *tion, and in accordance with law, and to make such con-*24 *tracts and commitments without regard to fiscal year limi-*25 *tations, as provided by section 9104 of title 31, United*

1 *States Code, as may be necessary in carrying out the pro-*
2 *gram for the current fiscal year for such corporation: Pro-*
3 *vided, That none of the funds available during the current*
4 *fiscal year may be used to make expenditures, contracts,*
5 *or commitments for the export of nuclear equipment, fuel,*
6 *or technology to any country, other than a nuclear-weapon*
7 *state as defined in Article IX of the Treaty on the Non-*
8 *Proliferation of Nuclear Weapons eligible to receive eco-*
9 *nomie or military assistance under this Act, that has deto-*
10 *nated a nuclear explosive after the date of enactment of this*
11 *Act.*

12 *ADMINISTRATIVE EXPENSES*

13 *For administrative expenses to carry out the direct*
14 *and guaranteed loan and insurance programs, including*
15 *hire of passenger motor vehicles and services as authorized*
16 *by section 3109 of title 5, United States Code, and not to*
17 *exceed \$30,000 for official reception and representation ex-*
18 *penses for members of the Board of Directors, not to exceed*
19 *\$110,000,000, of which up to \$16,500,000 may remain*
20 *available until September 30, 2022: Provided, That the Ex-*
21 *port-Import Bank (the Bank) may accept, and use, pay-*
22 *ment or services provided by transaction participants for*
23 *legal, financial, or technical services in connection with any*
24 *transaction for which an application for a loan, guarantee*
25 *or insurance commitment has been made: Provided further,*

1 *That notwithstanding subsection (b) of section 117 of the*
2 *Export Enhancement Act of 1992, subsection (a) of such*
3 *section shall remain in effect until September 30, 2021:*
4 *Provided further, That the Bank shall charge fees for nec-*
5 *essary expenses (including special services performed on a*
6 *contract or fee basis, but not including other personal serv-*
7 *ices) in connection with the collection of moneys owed the*
8 *Bank, repossession or sale of pledged collateral or other as-*
9 *sets acquired by the Bank in satisfaction of moneys owed*
10 *the Bank, or the investigation or appraisal of any property,*
11 *or the evaluation of the legal, financial, or technical aspects*
12 *of any transaction for which an application for a loan,*
13 *guarantee or insurance commitment has been made, or sys-*
14 *tems infrastructure directly supporting transactions: Pro-*
15 *vided further, That in addition to other funds appropriated*
16 *for administrative expenses, such fees shall be credited to*
17 *this account for such purposes, to remain available until*
18 *expended.*

19 *RECEIPTS COLLECTED*

20 *Receipts collected pursuant to the Export-Import Bank*
21 *Act of 1945 (Public Law 79–173) and the Federal Credit*
22 *Reform Act of 1990, in an amount not to exceed the amount*
23 *appropriated herein, shall be credited as offsetting collec-*
24 *tions to this account: Provided, That the sums herein appro-*
25 *priated from the General Fund shall be reduced on a dollar-*

1 *for-dollar basis by such offsetting collections so as to result*
2 *in a final fiscal year appropriation from the General Fund*
3 *estimated at \$0.*

4 *UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE*
5 *CORPORATION*
6 *INSPECTOR GENERAL*

7 *For necessary expenses of the Office of Inspector Gen-*
8 *eral in carrying out the provisions of the Inspector General*
9 *Act of 1978 (5 U.S.C. App.), \$2,000,000, to remain avail-*
10 *able until September 30, 2022.*

11 *CORPORATE CAPITAL ACCOUNT*

12 *The United States International Development Finance*
13 *Corporation (the Corporation) is authorized to make such*
14 *expenditures and commitments within the limits of funds*
15 *and borrowing authority available to the Corporation, and*
16 *in accordance with the law, and to make such expenditures*
17 *and commitments without regard to fiscal year limitations,*
18 *as provided by section 9104 of title 31, United States Code,*
19 *as may be necessary in carrying out the programs for the*
20 *current fiscal year for the Corporation: Provided, That for*
21 *necessary expenses of the activities described in subsections*
22 *(b), (c), (e), (f), and (g) of section 1421 of the BUILD Act*
23 *of 2018 (division F of Public Law 115–254) and for admin-*
24 *istrative expenses to carry out authorized activities and*
25 *project-specific transaction costs described in section*

1 1434(d) of such Act, \$569,000,000: Provided further, That
2 of the amount provided—

3 (1) \$119,000,000 shall remain available until
4 September 30, 2023, for administrative expenses to
5 carry out authorized activities (including an amount
6 for official reception and representation expenses
7 which shall not exceed \$25,000) and project-specific
8 transaction costs as described in section 1434(k) of
9 such Act, of which \$1,000,000 shall remain available
10 until September 30, 2025;

11 (2) \$450,000,000 shall remain available until
12 September 30, 2023, for the activities described in
13 subsections (b), (c), (e), (f), and (g) of section 1421
14 of the BUILD Act of 2018, except such amounts obli-
15 gated in a fiscal year for activities described in sec-
16 tion 1421(c) of such Act shall remain available for
17 disbursement for the term of the underlying project:
18 Provided further, That if the term of the project ex-
19 tends longer than 10 fiscal years, the Chief Executive
20 Officer of the Corporation shall inform the appro-
21 priate congressional committees prior to the obliga-
22 tion or disbursement of funds, as applicable: Provided
23 further, That amounts made available under this
24 paragraph may be paid to the “United States Inter-
25 national Development Finance Corporation—Pro-

1 *gram Account” for programs authorized by sub-*
2 *sections (b), (e), (f), and (g) of section 1421 of the*
3 *BUILD Act of 2018:*

4 *Provided further, That funds may only be obligated pursu-*
5 *ant to section 1421(g) of the BUILD Act of 2018 subject*
6 *to prior consultation with the appropriate congressional*
7 *committees and the regular notification procedures of the*
8 *Committees on Appropriations: Provided further, That in*
9 *fiscal year 2021 collections of amounts described in section*
10 *1434(h) of the BUILD Act of 2018 shall be credited as off-*
11 *setting collections to this appropriation: Provided further,*
12 *That such collections collected in fiscal year 2021 in excess*
13 *of \$569,000,000 shall be credited to this account and shall*
14 *be available in future fiscal years only to the extent pro-*
15 *vided in advance in appropriations Acts: Provided further,*
16 *That in fiscal year 2021, if such collections are less than*
17 *\$569,000,000, receipts collected pursuant to the BUILD Act*
18 *of 2018 and the Federal Credit Reform Act of 1990, in an*
19 *amount equal to such shortfall, shall be credited as offsetting*
20 *collections to this appropriation: Provided further, That*
21 *funds appropriated or otherwise made available under this*
22 *heading may not be used to provide any type of assistance*
23 *that is otherwise prohibited by any other provision of law*
24 *or to provide assistance to any foreign country that is other-*
25 *wise prohibited by any other provision of law: Provided fur-*

1 *ther, That the sums herein appropriated from the General*
2 *Fund shall be reduced on a dollar-for-dollar basis by the*
3 *offsetting collections described under this heading so as to*
4 *result in a final fiscal year appropriation from the General*
5 *Fund estimated at \$191,000,000.*

6 *PROGRAM ACCOUNT*

7 *Amounts paid from “United States International De-*
8 *velopment Finance Corporation—Corporate Capital Ac-*
9 *count” (CCA) shall remain available until September 30,*
10 *2023: Provided, That up to \$500,000,000 of amounts paid*
11 *to this account from CCA or transferred to this account pur-*
12 *suant to section 1434(j) of the BUILD Act of 2018 (division*
13 *F of Public Law 115–254) shall be available for the costs*
14 *of direct and guaranteed loans provided by the Corporation*
15 *pursuant to section 1421(b) of such Act: Provided further,*
16 *That such costs, including the cost of modifying such loans,*
17 *shall be as defined in section 502 of the Congressional Budg-*
18 *et Act of 1974: Provided further, That such amounts obli-*
19 *gated in a fiscal year shall remain available for disburse-*
20 *ment for the following 8 fiscal years: Provided further, That*
21 *funds transferred to carry out the Foreign Assistance Act*
22 *of 1961 pursuant to section 1434(j) of the BUILD Act of*
23 *2018 may remain available for obligation for 1 additional*
24 *fiscal year: Provided further, That the total loan principal*

1 *or guaranteed principal amount shall not exceed*
2 *\$8,000,000,000.*

3 *TRADE AND DEVELOPMENT AGENCY*

4 *For necessary expenses to carry out the provisions of*
5 *section 661 of the Foreign Assistance Act of 1961,*
6 *\$79,500,000, to remain available until September 30, 2022,*
7 *of which no more than \$19,000,000 may be used for admin-*
8 *istrative expenses: Provided, That of the funds appropriated*
9 *under this heading, not more than \$5,000 may be available*
10 *for representation and entertainment expenses.*

11 *TITLE VII*

12 *GENERAL PROVISIONS*

13 *ALLOWANCES AND DIFFERENTIALS*

14 *SEC. 7001. Funds appropriated under title I of this*
15 *Act shall be available, except as otherwise provided, for al-*
16 *lowances and differentials as authorized by subchapter 59*
17 *of title 5, United States Code; for services as authorized by*
18 *section 3109 of such title and for hire of passenger transpor-*
19 *tation pursuant to section 1343(b) of title 31, United States*
20 *Code.*

21 *UNOBLIGATED BALANCES REPORT*

22 *SEC. 7002. Any department or agency of the United*
23 *States Government to which funds are appropriated or oth-*
24 *erwise made available by this Act shall provide to the Com-*
25 *mittees on Appropriations a quarterly accounting of cumu-*

1 *lative unobligated balances and obligated, but unexpended,*
2 *balances by program, project, and activity, and Treasury*
3 *Account Fund Symbol of all funds received by such depart-*
4 *ment or agency in fiscal year 2021 or any previous fiscal*
5 *year, disaggregated by fiscal year: Provided, That the report*
6 *required by this section shall be submitted not later than*
7 *30 days after the end of each fiscal quarter and should*
8 *specify by account the amount of funds obligated pursuant*
9 *to bilateral agreements which have not been further sub-obli-*
10 *gated.*

11 *CONSULTING SERVICES*

12 *SEC. 7003. The expenditure of any appropriation*
13 *under title I of this Act for any consulting service through*
14 *procurement contract, pursuant to section 3109 of title 5,*
15 *United States Code, shall be limited to those contracts where*
16 *such expenditures are a matter of public record and avail-*
17 *able for public inspection, except where otherwise provided*
18 *under existing law, or under existing Executive order issued*
19 *pursuant to existing law.*

20 *DIPLOMATIC FACILITIES*

21 *SEC. 7004. (a) CAPITAL SECURITY COST SHARING EX-*
22 *CEPTION.—Notwithstanding paragraph (2) of section*
23 *604(e) of the Secure Embassy Construction and Counterter-*
24 *rorism Act of 1999 (title VI of division A of H.R. 3427,*
25 *as enacted into law by section 1000(a)(7) of Public Law*

1 106–113 and contained in appendix G of that Act), as
2 amended by section 111 of the Department of State Authori-
3 ties Act, Fiscal Year 2017 (Public Law 114–323), a project
4 to construct a facility of the United States may include of-
5 fice space or other accommodations for members of the
6 United States Marine Corps.

7 (b) *NEW DIPLOMATIC FACILITIES.*—For the purposes
8 of calculating the fiscal year 2021 costs of providing new
9 United States diplomatic facilities in accordance with sec-
10 tion 604(e) of the Secure Embassy Construction and
11 Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the
12 Secretary of State, in consultation with the Director of the
13 Office of Management and Budget, shall determine the an-
14 nual program level and agency shares in a manner that
15 is proportional to the contribution of the Department of
16 State for this purpose.

17 (c) *CONSULTATION AND NOTIFICATION.*—Funds ap-
18 propriated by this Act and prior Acts making appropria-
19 tions for the Department of State, foreign operations, and
20 related programs, which may be made available for the ac-
21 quisition of property or award of construction contracts for
22 overseas United States diplomatic facilities during fiscal
23 year 2021, shall be subject to prior consultation with, and
24 the regular notification procedures of, the Committees on
25 Appropriations: Provided, That notifications pursuant to

1 *this subsection shall include the information enumerated*
2 *under the heading “Embassy Security, Construction, and*
3 *Maintenance” in House Report 116–444.*

4 *(d) INTERIM AND TEMPORARY FACILITIES ABROAD.—*

5 *(1) SECURITY VULNERABILITIES.—Funds appro-*
6 *priated by this Act under the heading “Embassy Se-*
7 *curity, Construction, and Maintenance” may be made*
8 *available, following consultation with the appropriate*
9 *congressional committees, to address security*
10 *vulnerabilities at interim and temporary United*
11 *States diplomatic facilities abroad, including physical*
12 *security upgrades and local guard staffing, except*
13 *that the amount of funds made available for such*
14 *purposes from this Act and prior Acts making appro-*
15 *priations for the Department of State, foreign oper-*
16 *ations, and related programs shall be a minimum of*
17 *\$25,000,000.*

18 *(2) CONSULTATION.—Notwithstanding any other*
19 *provision of law, the opening, closure, or any signifi-*
20 *cant modification to an interim or temporary United*
21 *States diplomatic facility shall be subject to prior*
22 *consultation with the appropriate congressional com-*
23 *mittees and the regular notification procedures of the*
24 *Committees on Appropriations, except that such con-*

1 *may be made available to carry out the provisions of section*
2 *316 of the International Security and Development Co-*
3 *operation Act of 1980 (Public Law 96-533; 22 U.S.C.*
4 *2151a note).*

5 *PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN*
6 *COUNTRIES*

7 *SEC. 7007. None of the funds appropriated or other-*
8 *wise made available pursuant to titles III through VI of*
9 *this Act shall be obligated or expended to finance directly*
10 *any assistance or reparations for the governments of Cuba,*
11 *North Korea, Iran, or Syria: Provided, That for purposes*
12 *of this section, the prohibition on obligations or expendi-*
13 *tures shall include direct loans, credits, insurance, and*
14 *guarantees of the Export-Import Bank or its agents.*

15 *COUPS D'ÉTAT*

16 *SEC. 7008. None of the funds appropriated or other-*
17 *wise made available pursuant to titles III through VI of*
18 *this Act shall be obligated or expended to finance directly*
19 *any assistance to the government of any country whose duly*
20 *elected head of government is deposed by military coup*
21 *d'état or decree or, after the date of enactment of this Act,*
22 *a coup d'état or decree in which the military plays a deci-*
23 *sive role: Provided, That assistance may be resumed to such*
24 *government if the Secretary of State certifies and reports*
25 *to the appropriate congressional committees that subsequent*

1 *to the termination of assistance a democratically elected*
2 *government has taken office: Provided further, That the pro-*
3 *visions of this section shall not apply to assistance to pro-*
4 *mote democratic elections or public participation in demo-*
5 *cratic processes: Provided further, That funds made avail-*
6 *able pursuant to the previous provisos shall be subject to*
7 *the regular notification procedures of the Committees on*
8 *Appropriations.*

9 *TRANSFER OF FUNDS AUTHORITY*

10 *SEC. 7009. (a) DEPARTMENT OF STATE AND UNITED*
11 *STATES AGENCY FOR GLOBAL MEDIA.—*

12 *(1) DEPARTMENT OF STATE.—*

13 *(A) IN GENERAL.—Not to exceed 5 percent*
14 *of any appropriation made available for the cur-*
15 *rent fiscal year for the Department of State*
16 *under title I of this Act may be transferred be-*
17 *tween, and merged with, such appropriations,*
18 *but no such appropriation, except as otherwise*
19 *specifically provided, shall be increased by more*
20 *than 10 percent by any such transfers, and no*
21 *such transfer may be made to increase the ap-*
22 *propriation under the heading “Representation*
23 *Expenses”.*

24 *(B) EMBASSY SECURITY.—Funds appro-*
25 *priated under the headings “Diplomatic Pro-*

1 grams”, including for Worldwide Security Pro-
2 tection, “Embassy Security, Construction, and
3 Maintenance”, and “Emergencies in the Diplo-
4 matic and Consular Service” in this Act may be
5 transferred to, and merged with, funds appro-
6 priated under such headings if the Secretary of
7 State determines and reports to the Committees
8 on Appropriations that to do so is necessary to
9 implement the recommendations of the Benghazi
10 Accountability Review Board, for emergency
11 evacuations, or to prevent or respond to security
12 situations and requirements, following consulta-
13 tion with, and subject to the regular notification
14 procedures of, such Committees: Provided, That
15 such transfer authority is in addition to any
16 transfer authority otherwise available in this Act
17 and under any other provision of law.

18 (2) UNITED STATES AGENCY FOR GLOBAL
19 MEDIA.—Not to exceed 5 percent of any appropria-
20 tion made available for the current fiscal year for the
21 United States Agency for Global Media under title I
22 of this Act may be transferred between, and merged
23 with, such appropriations, but no such appropriation,
24 except as otherwise specifically provided, shall be in-

1 *creased by more than 10 percent by any such trans-*
2 *fers.*

3 (3) *TREATMENT AS REPROGRAMMING.*—*Any*
4 *transfer pursuant to this subsection shall be treated as*
5 *a reprogramming of funds under section 7015 of this*
6 *Act and shall not be available for obligation or ex-*
7 *penditure except in compliance with the procedures*
8 *set forth in that section.*

9 (b) *LIMITATION ON TRANSFERS OF FUNDS BETWEEN*
10 *AGENCIES.*—

11 (1) *IN GENERAL.*—*None of the funds made avail-*
12 *able under titles II through V of this Act may be*
13 *transferred to any department, agency, or instrumen-*
14 *tality of the United States Government, except pursu-*
15 *ant to a transfer made by, or transfer authority pro-*
16 *vided in, this Act or any other appropriations Act.*

17 (2) *ALLOCATION AND TRANSFERS.*—*Notwith-*
18 *standing paragraph (1), in addition to transfers*
19 *made by, or authorized elsewhere in, this Act, funds*
20 *appropriated by this Act to carry out the purposes of*
21 *the Foreign Assistance Act of 1961 may be allocated*
22 *or transferred to agencies of the United States Gov-*
23 *ernment pursuant to the provisions of sections 109,*
24 *610, and 632 of the Foreign Assistance Act of 1961,*

1 *and section 1434(j) of the BUILD Act of 2018 (divi-*
2 *sion F of Public Law 115–254).*

3 (3) *NOTIFICATION.—Any agreement entered into*
4 *by the United States Agency for International Devel-*
5 *opment or the Department of State with any depart-*
6 *ment, agency, or instrumentality of the United States*
7 *Government pursuant to section 632(b) of the Foreign*
8 *Assistance Act of 1961 valued in excess of \$1,000,000*
9 *and any agreement made pursuant to section 632(a)*
10 *of such Act, with funds appropriated by this Act or*
11 *prior Acts making appropriations for the Department*
12 *of State, foreign operations, and related programs*
13 *under the headings “Global Health Programs”, “De-*
14 *velopment Assistance”, “Economic Support Fund”,*
15 *and “Assistance for Europe, Eurasia and Central*
16 *Asia” shall be subject to the regular notification pro-*
17 *cedures of the Committees on Appropriations: Pro-*
18 *vided, That the requirement in the previous sentence*
19 *shall not apply to agreements entered into between*
20 *USAID and the Department of State.*

21 (c) *LIMITATION ON UNITED STATES INTERNATIONAL*
22 *DEVELOPMENT FINANCE CORPORATION.—Amounts trans-*
23 *ferred pursuant to section 1434(j) of the BUILD Act of 2018*
24 *(division F of Public Law 115–254) may only be trans-*
25 *ferred from funds made available under title III of this Act,*

1 *and such amounts shall not exceed \$50,000,000: Provided,*
2 *That any such transfers shall be subject to prior consulta-*
3 *tion with, and the regular notification procedures of, the*
4 *Committees on Appropriations: Provided further, That the*
5 *Secretary of State, the Administrator of the United States*
6 *Agency for International Development, and the Chief Exec-*
7 *utive Officer of the United States International Develop-*
8 *ment Finance Corporation (the Corporation), as appro-*
9 *priate, shall ensure that the programs funded by such trans-*
10 *fers are coordinated with, and complement, foreign assist-*
11 *ance programs implemented by the Department of State*
12 *and USAID: Provided further, That no funds transferred*
13 *pursuant to such authority may be used by the Corporation*
14 *to post personnel abroad or for activities described in sec-*
15 *tion 1421(c) of the BUILD Act of 2018.*

16 *(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—*
17 *None of the funds made available under titles II through*
18 *V of this Act may be obligated under an appropriations*
19 *account to which such funds were not appropriated, except*
20 *for transfers specifically provided for in this Act, unless the*
21 *President, not less than 5 days prior to the exercise of any*
22 *authority contained in the Foreign Assistance Act of 1961*
23 *to transfer funds, consults with and provides a written pol-*
24 *icy justification to the Committees on Appropriations.*

1 (e) *AUDIT OF INTER-AGENCY TRANSFERS OF*
2 *FUNDS.—Any agreement for the transfer or allocation of*
3 *funds appropriated by this Act or prior Acts making appro-*
4 *priations for the Department of State, foreign operations,*
5 *and related programs entered into between the Department*
6 *of State or USAID and another agency of the United States*
7 *Government under the authority of section 632(a) of the*
8 *Foreign Assistance Act of 1961, or any comparable provi-*
9 *sion of law, shall expressly provide that the Inspector Gen-*
10 *eral (IG) for the agency receiving the transfer or allocation*
11 *of such funds, or other entity with audit responsibility if*
12 *the receiving agency does not have an IG, shall perform*
13 *periodic program and financial audits of the use of such*
14 *funds and report to the Department of State or USAID,*
15 *as appropriate, upon completion of such audits: Provided,*
16 *That such audits shall be transmitted to the Committees*
17 *on Appropriations by the Department of State or USAID,*
18 *as appropriate: Provided further, That funds transferred*
19 *under such authority may be made available for the cost*
20 *of such audits.*

21 (f) *TRANSFER OF OVERSEAS CONTINGENCY OPER-*
22 *ATIONS/GLOBAL WAR ON TERRORISM FUNDS.—Funds ap-*
23 *propriated by this Act under the headings “Peacekeeping*
24 *Operations” and “Foreign Military Financing Program”*
25 *that are designated by the Congress for Overseas Contin-*

1 *gency Operations/Global War on Terrorism pursuant to sec-*
2 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
3 *gency Deficit Control Act of 1985 may be transferred to,*
4 *and merged with, such funds appropriated under such*
5 *headings: Provided, That such transfer authority may only*
6 *be exercised to address contingencies: Provided further, That*
7 *such transfer authority is in addition to any transfer au-*
8 *thority otherwise available under any other provision of*
9 *law, including section 610 of the Foreign Assistance Act*
10 *of 1961: Provided further, That such transfer authority*
11 *shall be subject to prior consultation with, and the regular*
12 *notification procedures of, the Committees on Appropria-*
13 *tions.*

14 *PROHIBITION AND LIMITATION ON CERTAIN EXPENSES*

15 *SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the*
16 *funds made available by this Act may be used for first-class*
17 *travel by employees of United States Government depart-*
18 *ments and agencies funded by this Act in contravention of*
19 *section 301–10.122 through 301–10.124 of title 41, Code of*
20 *Federal Regulations.*

21 *(b) COMPUTER NETWORKS.—None of the funds made*
22 *available by this Act for the operating expenses of any*
23 *United States Government department or agency may be*
24 *used to establish or maintain a computer network for use*
25 *by such department or agency unless such network has fil-*

1 *ters designed to block access to sexually explicit websites:*
2 *Provided, That nothing in this subsection shall limit the*
3 *use of funds necessary for any Federal, State, tribal, or local*
4 *law enforcement agency, or any other entity carrying out*
5 *the following activities: criminal investigations, prosecu-*
6 *tions, and adjudications; administrative discipline; and the*
7 *monitoring of such websites undertaken as part of official*
8 *business.*

9 (c) *PROHIBITION ON PROMOTION OF TOBACCO.—None*
10 *of the funds made available by this Act shall be available*
11 *to promote the sale or export of tobacco or tobacco products*
12 *(including electronic nicotine delivery systems), or to seek*
13 *the reduction or removal by any foreign country of restric-*
14 *tions on the marketing of tobacco or tobacco products (in-*
15 *cluding electronic nicotine delivery systems), except for re-*
16 *strictions which are not applied equally to all tobacco or*
17 *tobacco products (including electronic nicotine delivery sys-*
18 *tems) of the same type.*

19 (d) *EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—*
20 *None of the funds appropriated by this Act under the head-*
21 *ings “Diplomatic Programs” and “Capital Investment*
22 *Fund” in title I, and “Operating Expenses” and “Capital*
23 *Investment Fund” in title II that are made available to*
24 *the Department of State and the United States Agency for*
25 *International Development may be made available to sup-*

1 *port the use or establishment of email accounts or email*
2 *servers created outside the .gov domain or not fitted for*
3 *automated records management as part of a Federal gov-*
4 *ernment records management program in contravention of*
5 *the Presidential and Federal Records Act Amendments of*
6 *2014 (Public Law 113–187).*

7 *(e) REPRESENTATION AND ENTERTAINMENT EX-*
8 *PENSES.—Each Federal department, agency, or entity*
9 *funded in titles I or II of this Act, and the Department*
10 *of the Treasury and independent agencies funded in titles*
11 *III or VI of this Act, shall take steps to ensure that domestic*
12 *and overseas representation and entertainment expenses*
13 *further official agency business and United States foreign*
14 *policy interests, and—*

15 *(1) are primarily for fostering relations outside*
16 *of the Executive Branch;*

17 *(2) are principally for meals and events of a*
18 *protocol nature;*

19 *(3) are not for employee-only events; and*

20 *(4) do not include activities that are substan-*
21 *tially of a recreational character.*

22 *(f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—*
23 *None of the funds appropriated or otherwise made available*
24 *by this Act under the headings “International Military*
25 *Education and Training” or “Foreign Military Financing*

1 *Program” for Informational Program activities or under*
2 *the headings “Global Health Programs”, “Development As-*
3 *sistance”, “Economic Support Fund”, and “Assistance for*
4 *Europe, Eurasia and Central Asia” may be obligated or*
5 *expended to pay for—*

6 *(1) alcoholic beverages; or*

7 *(2) entertainment expenses for activities that are*
8 *substantially of a recreational character, including*
9 *entrance fees at sporting events, theatrical and musi-*
10 *cal productions, and amusement parks.*

11 *AVAILABILITY OF FUNDS*

12 *SEC. 7011. No part of any appropriation contained*
13 *in this Act shall remain available for obligation after the*
14 *expiration of the current fiscal year unless expressly so pro-*
15 *vided by this Act: Provided, That funds appropriated for*
16 *the purposes of chapters 1 and 8 of part I, section 661,*
17 *chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assist-*
18 *ance Act of 1961, section 23 of the Arms Export Control*
19 *Act (22 U.S.C. 2763), and funds made available for*
20 *“United States International Development Finance Cor-*
21 *poration” and under the heading “Assistance for Europe,*
22 *Eurasia and Central Asia” shall remain available for an*
23 *additional 4 years from the date on which the availability*
24 *of such funds would otherwise have expired, if such funds*
25 *are initially obligated before the expiration of their respec-*

1 *tive periods of availability contained in this Act: Provided*
2 *further, That notwithstanding any other provision of this*
3 *Act, any funds made available for the purposes of chapter*
4 *1 of part I and chapter 4 of part II of the Foreign Assist-*
5 *ance Act of 1961 which are allocated or obligated for cash*
6 *disbursements in order to address balance of payments or*
7 *economic policy reform objectives, shall remain available for*
8 *an additional 4 years from the date on which the avail-*
9 *ability of such funds would otherwise have expired, if such*
10 *funds are initially allocated or obligated before the expira-*
11 *tion of their respective periods of availability contained in*
12 *this Act: Provided further, That the Secretary of State and*
13 *the Administrator of the United States Agency for Inter-*
14 *national Development shall provide a report to the Commit-*
15 *tees on Appropriations not later than October 31, 2021, de-*
16 *tailing by account and source year, the use of this authority*
17 *during the previous fiscal year.*

18 *LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT*

19 *SEC. 7012. No part of any appropriation provided*
20 *under titles III through VI in this Act shall be used to fur-*
21 *nish assistance to the government of any country which is*
22 *in default during a period in excess of 1 calendar year in*
23 *payment to the United States of principal or interest on*
24 *any loan made to the government of such country by the*
25 *United States pursuant to a program for which funds are*

1 *appropriated under this Act unless the President deter-*
2 *mines, following consultation with the Committees on Ap-*
3 *propriations, that assistance for such country is in the na-*
4 *tional interest of the United States.*

5 *PROHIBITION ON TAXATION OF UNITED STATES*

6 *ASSISTANCE*

7 *SEC. 7013. (a) PROHIBITION ON TAXATION.—None of*
8 *the funds appropriated under titles III through VI of this*
9 *Act may be made available to provide assistance for a for-*
10 *ign country under a new bilateral agreement governing the*
11 *terms and conditions under which such assistance is to be*
12 *provided unless such agreement includes a provision stating*
13 *that assistance provided by the United States shall be ex-*
14 *empt from taxation, or reimbursed, by the foreign govern-*
15 *ment, and the Secretary of State and the Administrator of*
16 *the United States Agency for International Development*
17 *shall expeditiously seek to negotiate amendments to existing*
18 *bilateral agreements, as necessary, to conform with this re-*
19 *quirement.*

20 *(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN*
21 *TAXES.—An amount equivalent to 200 percent of the total*
22 *taxes assessed during fiscal year 2021 on funds appro-*
23 *priated by this Act and prior Acts making appropriations*
24 *for the Department of State, foreign operations, and related*
25 *programs by a foreign government or entity against United*

1 *States assistance programs, either directly or through*
2 *grantees, contractors, and subcontractors, shall be withheld*
3 *from obligation from funds appropriated for assistance for*
4 *fiscal year 2022 and for prior fiscal years and allocated*
5 *for the central government of such country or for the West*
6 *Bank and Gaza program, as applicable, if, not later than*
7 *September 30, 2022, such taxes have not been reimbursed:*
8 *Provided, That the Secretary of State shall report to the*
9 *Committees on Appropriations not later than 30 days after*
10 *enactment of this Act and then quarterly thereafter until*
11 *September 30, 2021, on the foreign governments and entities*
12 *that have not reimbursed such taxes, including any amount*
13 *of funds withheld pursuant to this subsection.*

14 *(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de*
15 *minimis nature shall not be subject to the provisions of sub-*
16 *section (b).*

17 *(d) REPROGRAMMING OF FUNDS.—Funds withheld*
18 *from obligation for each foreign government or entity pur-*
19 *suant to subsection (b) shall be reprogrammed for assistance*
20 *for countries which do not assess taxes on United States*
21 *assistance or which have an effective arrangement that is*
22 *providing substantial reimbursement of such taxes, and that*
23 *can reasonably accommodate such assistance in a program-*
24 *matically responsible manner.*

25 *(e) DETERMINATIONS.—*

1 (1) *IN GENERAL.*—*The provisions of this section*
2 *shall not apply to any foreign government or entity*
3 *that assesses such taxes if the Secretary of State re-*
4 *ports to the Committees on Appropriations that—*

5 (A) *such foreign government or entity has*
6 *an effective arrangement that is providing sub-*
7 *stantial reimbursement of such taxes; or*

8 (B) *the foreign policy interests of the United*
9 *States outweigh the purpose of this section to en-*
10 *sure that United States assistance is not subject*
11 *to taxation.*

12 (2) *CONSULTATION.*—*The Secretary of State*
13 *shall consult with the Committees on Appropriations*
14 *at least 15 days prior to exercising the authority of*
15 *this subsection with regard to any foreign government*
16 *or entity.*

17 (f) *IMPLEMENTATION.*—*The Secretary of State shall*
18 *issue and update rules, regulations, or policy guidance, as*
19 *appropriate, to implement the prohibition against the tax-*
20 *ation of assistance contained in this section.*

21 (g) *DEFINITIONS.*—*As used in this section:*

22 (1) *BILATERAL AGREEMENT.*—*The term “bilat-*
23 *eral agreement” refers to a framework bilateral agree-*
24 *ment between the Government of the United States*
25 *and the government of the country receiving assist-*

1 *ance that describes the privileges and immunities ap-*
2 *plicable to United States foreign assistance for such*
3 *country generally, or an individual agreement be-*
4 *tween the Government of the United States and such*
5 *government that describes, among other things, the*
6 *treatment for tax purposes that will be accorded the*
7 *United States assistance provided under that agree-*
8 *ment.*

9 (2) *TAXES AND TAXATION.*—*The term “taxes and*
10 *taxation” shall include value added taxes and cus-*
11 *toms duties but shall not include individual income*
12 *taxes assessed to local staff.*

13 *RESERVATIONS OF FUNDS*

14 *SEC. 7014. (a) REPROGRAMMING.*—*Funds appro-*
15 *priated under titles III through VI of this Act which are*
16 *specifically designated may be reprogrammed for other pro-*
17 *grams within the same account notwithstanding the des-*
18 *ignation if compliance with the designation is made impos-*
19 *sible by operation of any provision of this or any other Act:*
20 *Provided, That any such reprogramming shall be subject*
21 *to the regular notification procedures of the Committees on*
22 *Appropriations: Provided further, That assistance that is*
23 *reprogrammed pursuant to this subsection shall be made*
24 *available under the same terms and conditions as originally*
25 *provided.*

1 **(b) EXTENSION OF AVAILABILITY.**—*In addition to the*
2 *authority contained in subsection (a), the original period*
3 *of availability of funds appropriated by this Act and ad-*
4 *ministered by the Department of State or the United States*
5 *Agency for International Development that are specifically*
6 *designated for particular programs or activities by this or*
7 *any other Act may be extended for an additional fiscal year*
8 *if the Secretary of State or the USAID Administrator, as*
9 *appropriate, determines and reports promptly to the Com-*
10 *mittees on Appropriations that the termination of assist-*
11 *ance to a country or a significant change in circumstances*
12 *makes it unlikely that such designated funds can be obli-*
13 *gated during the original period of availability: Provided,*
14 *That such designated funds that continue to be available*
15 *for an additional fiscal year shall be obligated only for the*
16 *purpose of such designation.*

17 **(c) OTHER ACTS.**—*Ceilings and specifically des-*
18 *ignated funding levels contained in this Act shall not be*
19 *applicable to funds or authorities appropriated or otherwise*
20 *made available by any subsequent Act unless such Act spe-*
21 *cifically so directs: Provided, That specifically designated*
22 *funding levels or minimum funding requirements contained*
23 *in any other Act shall not be applicable to funds appro-*
24 *riated by this Act.*

1 *unless previously justified to the Committees on Appropria-*
2 *tions or such Committees are notified 15 days in advance*
3 *of such obligation.*

4 **(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—**
5 *None of the funds provided under titles I, II, and VI of*
6 *this Act or prior Acts making appropriations for the De-*
7 *partment of State, foreign operations, and related pro-*
8 *grams, to the departments and agencies funded under such*
9 *titles that remain available for obligation in fiscal year*
10 *2021, or provided from any accounts in the Treasury of*
11 *the United States derived by the collection of fees available*
12 *to the department and agency funded under title I of this*
13 *Act, shall be available for obligation or expenditure for pro-*
14 *grams, projects, or activities through a reprogramming of*
15 *funds in excess of \$1,000,000 or 10 percent, whichever is*
16 *less, that—*

17 (1) *augments or changes existing programs,*
18 *projects, or activities;*

19 (2) *relocates an existing office or employees;*

20 (3) *reduces by 10 percent funding for any exist-*
21 *ing program, project, or activity, or numbers of per-*
22 *sonnel by 10 percent as approved by Congress; or*

23 (4) *results from any general savings, including*
24 *savings from a reduction in personnel, which would*

1 *result in a change in existing programs, projects, or*
2 *activities as approved by Congress;*

3 *unless the Committees on Appropriations are notified 15*
4 *days in advance of such reprogramming of funds.*

5 (c) *NOTIFICATION REQUIREMENT.*—None of the funds
6 *made available by this Act under the headings “Global*
7 *Health Programs”, “Development Assistance”, “Inter-*
8 *national Organizations and Programs”, “Trade and Devel-*
9 *opment Agency”, “International Narcotics Control and*
10 *Law Enforcement”, “Economic Support Fund”, “Democ-*
11 *racy Fund”, “Assistance for Europe, Eurasia and Central*
12 *Asia”, “Peacekeeping Operations”, “Nonproliferation,*
13 *Anti-terrorism, Demining and Related Programs”, “Millen-*
14 *nium Challenge Corporation”, “Foreign Military Financ-*
15 *ing Program”, “International Military Education and*
16 *Training”, “United States International Development Fi-*
17 *nance Corporation”, and “Peace Corps”, shall be available*
18 *for obligation for programs, projects, activities, type of ma-*
19 *teriel assistance, countries, or other operations not justified*
20 *or in excess of the amount justified to the Committees on*
21 *Appropriations for obligation under any of these specific*
22 *headings unless the Committees on Appropriations are noti-*
23 *fied 15 days in advance of such obligation: Provided, That*
24 *the President shall not enter into any commitment of funds*
25 *appropriated for the purposes of section 23 of the Arms Ex-*

1 *port Control Act for the provision of major defense equip-*
2 *ment, other than conventional ammunition, or other major*
3 *defense items defined to be aircraft, ships, missiles, or com-*
4 *bat vehicles, not previously justified to Congress or 20 per-*
5 *cent in excess of the quantities justified to Congress unless*
6 *the Committees on Appropriations are notified 15 days in*
7 *advance of such commitment: Provided further, That re-*
8 *quirements of this subsection or any similar provision of*
9 *this or any other Act shall not apply to any reprogramming*
10 *for a program, project, or activity for which funds are ap-*
11 *propriated under titles III through VI of this Act of less*
12 *than 10 percent of the amount previously justified to Con-*
13 *gress for obligation for such program, project, or activity*
14 *for the current fiscal year: Provided further, That any noti-*
15 *fication submitted pursuant to subsection (f) of this section*
16 *shall include information (if known on the date of trans-*
17 *mittal of such notification) on the use of notwithstanding*
18 *authority.*

19 *(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUND-*
20 *ING NOTIFICATIONS.—*

21 *(1) PROGRAMS.—None of the funds appropriated*
22 *by this Act or prior Acts making appropriations for*
23 *the Department of State, foreign operations, and re-*
24 *lated programs may be made available to support or*
25 *continue any program initially funded under any au-*

1 *thority of title 10, United States Code, or any Act*
2 *making or authorizing appropriations for the Depart-*
3 *ment of Defense, unless the Secretary of State, in con-*
4 *sultation with the Secretary of Defense and in accord-*
5 *ance with the regular notification procedures of the*
6 *Committees on Appropriations, submits a justifica-*
7 *tion to such Committees that includes a description*
8 *of, and the estimated costs associated with, the sup-*
9 *port or continuation of such program.*

10 (2) *FUNDING.*—*Notwithstanding any other pro-*
11 *vision of law, funds transferred by the Department of*
12 *Defense to the Department of State and the United*
13 *States Agency for International Development for as-*
14 *sistance for foreign countries and international orga-*
15 *nizations shall be subject to the regular notification*
16 *procedures of the Committees on Appropriations.*

17 (3) *NOTIFICATION ON EXCESS DEFENSE ARTI-*
18 *CLES.*—*Prior to providing excess Department of De-*
19 *fense articles in accordance with section 516(a) of the*
20 *Foreign Assistance Act of 1961, the Department of*
21 *Defense shall notify the Committees on Appropria-*
22 *tions to the same extent and under the same condi-*
23 *tions as other committees pursuant to subsection (f)*
24 *of that section: Provided, That before issuing a letter*
25 *of offer to sell excess defense articles under the Arms*

1 *Export Control Act, the Department of Defense shall*
2 *notify the Committees on Appropriations in accord-*
3 *ance with the regular notification procedures of such*
4 *Committees if such defense articles are significant*
5 *military equipment (as defined in section 47(9) of the*
6 *Arms Export Control Act) or are valued (in terms of*
7 *original acquisition cost) at \$7,000,000 or more, or if*
8 *notification is required elsewhere in this Act for the*
9 *use of appropriated funds for specific countries that*
10 *would receive such excess defense articles: Provided*
11 *further, That such Committees shall also be informed*
12 *of the original acquisition cost of such defense articles.*

13 *(e) WAIVER.—The requirements of this section or any*
14 *similar provision of this Act or any other Act, including*
15 *any prior Act requiring notification in accordance with the*
16 *regular notification procedures of the Committees on Appro-*
17 *priations, may be waived if failure to do so would pose a*
18 *substantial risk to human health or welfare: Provided, That*
19 *in case of any such waiver, notification to the Committees*
20 *on Appropriations shall be provided as early as practicable,*
21 *but in no event later than 3 days after taking the action*
22 *to which such notification requirement was applicable, in*
23 *the context of the circumstances necessitating such waiver:*
24 *Provided further, That any notification provided pursuant*

1 *to such a waiver shall contain an explanation of the emer-*
2 *gency circumstances.*

3 (f) *COUNTRY NOTIFICATION REQUIREMENTS.*—None of
4 *the funds appropriated under titles III through VI of this*
5 *Act may be obligated or expended for assistance for Afghan-*
6 *istan, Bahrain, Burma, Cambodia, Colombia, Cuba, Egypt,*
7 *El Salvador, Ethiopia, Greenland, Guatemala, Haiti, Hon-*
8 *duras, Iran, Iraq, Lebanon, Libya, Mexico, Nicaragua,*
9 *Pakistan, Philippines, the Russian Federation, Somalia,*
10 *South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Ven-*
11 *ezuela, Yemen, and Zimbabwe except as provided through*
12 *the regular notification procedures of the Committees on*
13 *Appropriations.*

14 (g) *TRUST FUNDS.*—Funds appropriated or otherwise
15 *made available in title III of this Act and prior Acts mak-*
16 *ing funds available for the Department of State, foreign op-*
17 *erations, and related programs that are made available for*
18 *a trust fund held by an international financial institution*
19 *shall be subject to the regular notification procedures of the*
20 *Committees on Appropriations and such notification shall*
21 *include the information specified under this section in*
22 *House Report 116-444.*

23 (h) *OTHER PROGRAM NOTIFICATION REQUIREMENT.*—

24 (1) *DIPLOMATIC PROGRAMS.*—Funds appro-
25 *priated under title I of this Act under the heading*

1 *“Diplomatic Programs” that are made available for*
2 *lateral entry into the Foreign Service shall be subject*
3 *to prior consultation with, and the regular notifica-*
4 *tion procedures of, the Committees on Appropriations.*

5 (2) *OTHER PROGRAMS.—Funds appropriated by*
6 *this Act that are made available for the following pro-*
7 *grams and activities shall be subject to the regular no-*
8 *tification procedures of the Committees on Appropria-*
9 *tions:*

10 (A) *the Global Engagement Center, except*
11 *that the Secretary of State shall consult with the*
12 *Committees on Appropriations prior to submit-*
13 *ting such notification;*

14 (B) *the Power Africa and Prosper Africa*
15 *initiatives;*

16 (C) *community-based police assistance con-*
17 *ducted pursuant to the authority of section*
18 *7035(a)(1) of this Act;*

19 (D) *the Prevention and Stabilization Fund*
20 *and the Multi-Donor Global Fragility Fund;*

21 (E) *the Indo-Pacific Strategy;*

22 (F) *the Global Security Contingency Fund;*

23 (G) *the Countering Chinese Influence Fund*
24 *and the Countering Russian Influence Fund;*

1 (H) *the Program to End Modern Slavery;*
2 *and*

3 (I) *the Women’s Global Development and*
4 *Prosperity Fund.*

5 (3) *DEMOCRACY PROGRAM POLICY AND PROCE-*
6 *DURES.—Modifications to democracy program policy*
7 *and procedures, including relating to the use of con-*
8 *sortia, by the Department of State and USAID shall*
9 *be subject to prior consultation with, and the regular*
10 *notification procedures of, the Committees on Appro-*
11 *priations.*

12 (4) *ARMS SALES.—The reports, notifications,*
13 *and certifications, and any other documents, required*
14 *to be submitted pursuant to section 36(a) of the Arms*
15 *Export Control Act (22 U.S.C. 2776), and such docu-*
16 *ments submitted pursuant to section 36(b) through*
17 *(d) of such Act with respect to countries that have re-*
18 *ceived assistance provided with funds appropriated by*
19 *this Act or prior Acts making appropriations for the*
20 *Department of State, foreign operations, and related*
21 *programs, shall be concurrently submitted to the Com-*
22 *mittees on Appropriations and shall include informa-*
23 *tion about the source of funds for any sale or transfer,*
24 *as applicable, if known at the time of submission.*

1 (i) *WITHHOLDING OF FUNDS.*—Funds appropriated
2 by this Act under titles III and IV that are withheld from
3 obligation or otherwise not programmed as a result of ap-
4 plication of a provision of law in this or any other Act
5 shall, if reprogrammed, be subject to the regular notification
6 procedures of the Committees on Appropriations.

7 (j) *FOREIGN ASSISTANCE AND GLOBAL HEALTH SECU-*
8 *RITY REVIEWS.*—Funds appropriated by this Act that are
9 made available to make programmatic, funding, and orga-
10 nizational changes resulting from implementation of any
11 foreign assistance review or realignment shall be subject to
12 prior consultation with, and the regular notification proce-
13 dures of, the Committees on Appropriations: Provided, That
14 such notifications may be submitted in classified form, if
15 necessary: Provided further, That the consultation require-
16 ment of this subsection shall apply to global health security
17 programs, to include the Global Health Security Agenda
18 and emergency health responses.

19 (k) *PRIOR CONSULTATION REQUIREMENT.*—The Sec-
20 retary of State, the Administrator of the United States
21 Agency for International Development, the Chief Executive
22 Officer of the United States International Development Fi-
23 nance Corporation, and the Chief Executive Officer of the
24 Millennium Challenge Corporation shall consult with the
25 Committees on Appropriations at least 7 days prior to in-

1 *forming a government of, or publically announcing a deci-*
2 *sion on, the suspension or early termination of assistance*
3 *to a country or a territory, including as a result of an inter-*
4 *agency review of such assistance, from funds appropriated*
5 *by this Act or prior Acts making appropriations for the*
6 *Department of State, foreign operations, and related pro-*
7 *grams: Provided, That such consultation shall include a de-*
8 *tailed justification for such suspension, including a descrip-*
9 *tion of the assistance being suspended.*

10 *(l) REPORT ON FUNDS RECEIVED FROM FOREIGN*
11 *GOVERNMENTS.—The Secretary of State and the USAID*
12 *Administrator, as appropriate, shall report to the Commit-*
13 *tees on Appropriations on a quarterly basis until Sep-*
14 *tember 30, 2021, on funds received from foreign govern-*
15 *ments pursuant to sections 607 and 635(d) of the Foreign*
16 *Assistance Act of 1961, other than from countries that are*
17 *North Atlantic Treaty Organization (NATO) or major non-*
18 *NATO allies designated pursuant to section 517(b) of such*
19 *Act: Provided, That such report shall include the require-*
20 *ments described under this heading in the explanatory*
21 *statement described in section 4 (in the matter preceding*
22 *division A of this consolidated Act).*

1 *DOCUMENT REQUESTS, RECORDS MANAGEMENT, AND*
2 *RELATED CYBERSECURITY PROTECTIONS*

3 *SEC. 7016. (a) DOCUMENT REQUESTS.—None of the*
4 *funds appropriated or made available pursuant to titles III*
5 *through VI of this Act shall be available to a nongovern-*
6 *mental organization, including any contractor, which fails*
7 *to provide upon timely request any document, file, or record*
8 *necessary to the auditing requirements of the Department*
9 *of State and the United States Agency for International*
10 *Development.*

11 *(b) RECORDS MANAGEMENT AND RELATED CYBERSE-*
12 *CURITY PROTECTIONS.—The Secretary of State and USAID*
13 *Administrator shall—*

14 *(1) regularly review and update the policies, di-*
15 *rectives, and oversight necessary to comply with Fed-*
16 *eral statutes, regulations, and presidential executive*
17 *orders and memoranda concerning the preservation of*
18 *all records made or received in the conduct of official*
19 *business, including record emails, instant messaging,*
20 *and other online tools;*

21 *(2) use funds appropriated by this Act under the*
22 *headings “Diplomatic Programs” and “Capital In-*
23 *vestment Fund” in title I, and “Operating Expenses”*
24 *and “Capital Investment Fund” in title II, as appro-*
25 *priate, to improve Federal records management pur-*

1 *suant to the Federal Records Act (44 U.S.C. Chapters*
2 *21, 29, 31, and 33) and other applicable Federal*
3 *records management statutes, regulations, or policies*
4 *for the Department of State and USAID;*

5 *(3) direct departing employees, including senior*
6 *officials, that all Federal records generated by such*
7 *employees belong to the Federal Government;*

8 *(4) substantially reduce, compared to the pre-*
9 *vious fiscal year, the response time for identifying*
10 *and retrieving Federal records, including requests*
11 *made pursuant to section 552 of title 5, United States*
12 *Code (commonly known as the “Freedom of Informa-*
13 *tion Act”); and*

14 *(5) strengthen cybersecurity measures to mitigate*
15 *vulnerabilities, including those resulting from the use*
16 *of personal email accounts or servers outside the .gov*
17 *domain, improve the process to identify and remove*
18 *inactive user accounts, update and enforce guidance*
19 *related to the control of national security informa-*
20 *tion, and implement the recommendations of the ap-*
21 *plicable reports of the cognizant Office of Inspector*
22 *General.*

23 *USE OF FUNDS IN CONTRAVENTION OF THIS ACT*

24 *SEC. 7017. If the President makes a determination not*
25 *to comply with any provision of this Act on constitutional*

1 *grounds, the head of the relevant Federal agency shall notify*
2 *the Committees on Appropriations in writing within 5 days*
3 *of such determination, the basis for such determination and*
4 *any resulting changes to program or policy.*

5 *PROHIBITION ON FUNDING FOR ABORTIONS AND*
6 *INVOLUNTARY STERILIZATION*

7 *SEC. 7018. None of the funds made available to carry*
8 *out part I of the Foreign Assistance Act of 1961, as amend-*
9 *ed, may be used to pay for the performance of abortions*
10 *as a method of family planning or to motivate or coerce*
11 *any person to practice abortions. None of the funds made*
12 *available to carry out part I of the Foreign Assistance Act*
13 *of 1961, as amended, may be used to pay for the perform-*
14 *ance of involuntary sterilization as a method of family*
15 *planning or to coerce or provide any financial incentive*
16 *to any person to undergo sterilizations. None of the funds*
17 *made available to carry out part I of the Foreign Assistance*
18 *Act of 1961, as amended, may be used to pay for any bio-*
19 *medical research which relates in whole or in part, to meth-*
20 *ods of, or the performance of, abortions or involuntary steri-*
21 *lization as a means of family planning. None of the funds*
22 *made available to carry out part I of the Foreign Assistance*
23 *Act of 1961, as amended, may be obligated or expended for*
24 *any country or organization if the President certifies that*
25 *the use of these funds by any such country or organization*

1 *would violate any of the above provisions related to abor-*
2 *tions and involuntary sterilizations.*

3 *ALLOCATIONS AND REPORTS*

4 *SEC. 7019. (a) ALLOCATION TABLES.—Subject to sub-*
5 *section (b), funds appropriated by this Act under titles III*
6 *through V shall be made available at not less than the*
7 *amounts specifically designated in the respective tables in-*
8 *cluded in the explanatory statement described in section 4*
9 *(in the matter preceding division A of this consolidated*
10 *Act): Provided, That such designated amounts for foreign*
11 *countries and international organizations shall serve as the*
12 *amounts for such countries and international organizations*
13 *transmitted to Congress in the report required by section*
14 *653(a) of the Foreign Assistance Act of 1961, and shall be*
15 *made available for such foreign countries and international*
16 *organizations notwithstanding the date of the transmission*
17 *of such report.*

18 *(b) AUTHORIZED DEVIATIONS BELOW MINIMUM LEV-*
19 *ELS.—Unless otherwise provided for by this Act, the Sec-*
20 *retary of State and the Administrator of the United States*
21 *Agency for International Development, as applicable, may*
22 *deviate by not more than 10 percent below the minimum*
23 *amounts specifically designated in the respective tables in*
24 *the explanatory statement described in section 4 (in the*
25 *matter preceding division A of this consolidated Act): Pro-*

1 *vided, That deviations pursuant to this subsection shall be*
2 *subject to prior consultation with the Committees on Appro-*
3 *priations.*

4 *(c) LIMITATION.—For specifically designated amounts*
5 *that are included, pursuant to subsection (a), in the report*
6 *required by section 653(a) of the Foreign Assistance Act of*
7 *1961, deviations authorized by subsection (b) may only take*
8 *place after submission of such report.*

9 *(d) EXCEPTIONS.—*

10 *(1) Subsections (a) and (b) shall not apply to—*

11 *(A) amounts designated for “International*
12 *Military Education and Training” in the respec-*
13 *tive tables included in the explanatory statement*
14 *described in section 4 (in the matter preceding*
15 *division A of this consolidated Act);*

16 *(B) funds for which the initial period of*
17 *availability has expired; and*

18 *(C) amounts designated by this Act as min-*
19 *imum funding requirements.*

20 *(2) The authority in subsection (b) to deviate*
21 *below amounts designated in the respective tables in-*
22 *cluded in the explanatory statement described in sec-*
23 *tion 4 (in the matter preceding division A of this con-*
24 *solidated Act) shall not apply to the table included*

1 *under the heading “Global Health Programs” in such*
2 *statement.*

3 (3) *With respect to the amounts designated for*
4 *“Global Programs” in the table under the heading*
5 *“Economic Support Fund” included in the explana-*
6 *tory statement described in section 4 (in the matter*
7 *preceding division A of this consolidated Act), sub-*
8 *section (b) shall be applied by substituting “5 per-*
9 *cent” for “10 percent”.*

10 (e) *REPORTS.—The Secretary of State, USAID Ad-*
11 *ministrator, and other designated officials, as appropriate,*
12 *shall submit the reports required, in the manner described,*
13 *in House Report 116–444 and the explanatory statement*
14 *described in section 4 (in the matter preceding division A*
15 *of this consolidated Act), unless directed otherwise in such*
16 *explanatory statement.*

17 (f) *CLARIFICATION.—Funds appropriated by this Act*
18 *under the headings “International Disaster Assistance” and*
19 *“Migration and Refugee Assistance” shall not be included*
20 *for purposes of meeting amounts designated for countries*
21 *in this Act or the explanatory statement described in section*
22 *4 (in the matter preceding division A of this consolidated*
23 *Act), unless such headings are specifically designated as the*
24 *source of funds.*

MULTI-YEAR PLEDGES

1
2 *SEC. 7020. None of the funds appropriated or other-*
3 *wise made available by this Act may be used to make any*
4 *pledge for future year funding for any multilateral or bilat-*
5 *eral program funded in titles III through VI of this Act*
6 *unless such pledge meets one or more of the requirements*
7 *enumerated under section 7066 of the Department of State,*
8 *Foreign Operations, and Related Programs Appropriations*
9 *Act, 2019 (division F of Public Law 116–6).*

10 *PROHIBITION ON ASSISTANCE TO GOVERNMENTS*11 *SUPPORTING INTERNATIONAL TERRORISM*

12 *SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-*
13 *PORTS.—*

14 (1) *PROHIBITION.—None of the funds appro-*
15 *priated or otherwise made available under titles III*
16 *through VI of this Act may be made available to any*
17 *foreign government which provides lethal military*
18 *equipment to a country the government of which the*
19 *Secretary of State has determined supports inter-*
20 *national terrorism for purposes of section 1754(c) of*
21 *the Export Reform Control Act of 2018 (50 U.S.C.*
22 *4813(c)): Provided, That the prohibition under this*
23 *section with respect to a foreign government shall ter-*
24 *minate 12 months after that government ceases to*
25 *provide such military equipment: Provided further,*

1 *That this section applies with respect to lethal mili-*
2 *tary equipment provided under a contract entered*
3 *into after October 1, 1997.*

4 (2) *DETERMINATION.*—*Assistance restricted by*
5 *paragraph (1) or any other similar provision of law,*
6 *may be furnished if the President determines that to*
7 *do so is important to the national interest of the*
8 *United States.*

9 (3) *REPORT.*—*Whenever the President makes a*
10 *determination pursuant to paragraph (2), the Presi-*
11 *dent shall submit to the Committees on Appropria-*
12 *tions a report with respect to the furnishing of such*
13 *assistance, including a detailed explanation of the as-*
14 *sistance to be provided, the estimated dollar amount*
15 *of such assistance, and an explanation of how the as-*
16 *sistance furthers United States national interest.*

17 (b) *BILATERAL ASSISTANCE.*—

18 (1) *LIMITATIONS.*—*Funds appropriated for bi-*
19 *lateral assistance in titles III through VI of this Act*
20 *and funds appropriated under any such title in prior*
21 *Acts making appropriations for the Department of*
22 *State, foreign operations, and related programs, shall*
23 *not be made available to any foreign government*
24 *which the President determines—*

1 (A) grants sanctuary from prosecution to
2 any individual or group which has committed
3 an act of international terrorism;

4 (B) otherwise supports international ter-
5 rorism; or

6 (C) is controlled by an organization des-
7 ignated as a terrorist organization under section
8 219 of the Immigration and Nationality Act (8
9 U.S.C. 1189).

10 (2) *WAIVER.*—*The President may waive the ap-*
11 *plication of paragraph (1) to a government if the*
12 *President determines that national security or hu-*
13 *manitarian reasons justify such waiver: Provided,*
14 *That the President shall publish each such waiver in*
15 *the Federal Register and, at least 15 days before the*
16 *waiver takes effect, shall notify the Committees on Ap-*
17 *propriations of the waiver (including the justification*
18 *for the waiver) in accordance with the regular notifi-*
19 *cation procedures of the Committees on Appropria-*
20 *tions.*

21 *AUTHORIZATION REQUIREMENTS*

22 *SEC. 7022. Funds appropriated by this Act, except*
23 *funds appropriated under the heading “Trade and Develop-*
24 *ment Agency”, may be obligated and expended notwith-*
25 *standing section 10 of Public Law 91–672 (22 U.S.C.*

1 2412), section 15 of the State Department Basic Authorities
2 Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign
3 Relations Authorization Act, Fiscal Years 1994 and 1995
4 (22 U.S.C. 6212), and section 504(a)(1) of the National Se-
5 curity Act of 1947 (50 U.S.C. 3094(a)(1)).

6 *DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY*

7 *SEC. 7023. For the purpose of titles II through VI of*
8 *this Act “program, project, and activity” shall be defined*
9 *at the appropriations Act account level and shall include*
10 *all appropriations and authorizations Acts funding direc-*
11 *tives, ceilings, and limitations with the exception that for*
12 *the “Economic Support Fund”, “Assistance for Europe,*
13 *Eurasia and Central Asia”, and “Foreign Military Financ-*
14 *ing Program” accounts, “program, project, and activity”*
15 *shall also be considered to include country, regional, and*
16 *central program level funding within each such account,*
17 *and for the development assistance accounts of the United*
18 *States Agency for International Development, “program,*
19 *project, and activity” shall also be considered to include*
20 *central, country, regional, and program level funding, ei-*
21 *ther as—*

22 *(1) justified to Congress; or*

23 *(2) allocated by the Executive Branch in accord-*
24 *ance with the report required by section 653(a) of the*

1 *Foreign Assistance Act of 1961 or as modified pursu-*
2 *ant to section 7019 of this Act.*

3 *AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN*
4 *FOUNDATION, AND UNITED STATES AFRICAN DEVELOP-*
5 *MENT FOUNDATION*

6 *SEC. 7024. Unless expressly provided to the contrary,*
7 *provisions of this or any other Act, including provisions*
8 *contained in prior Acts authorizing or making appropria-*
9 *tions for the Department of State, foreign operations, and*
10 *related programs, shall not be construed to prohibit activi-*
11 *ties authorized by or conducted under the Peace Corps Act,*
12 *the Inter-American Foundation Act, or the African Devel-*
13 *opment Foundation Act: Provided, That prior to con-*
14 *ducting activities in a country for which assistance is pro-*
15 *hibited, the agency shall consult with the Committees on*
16 *Appropriations and report to such Committees within 15*
17 *days of taking such action.*

18 *COMMERCE, TRADE AND SURPLUS COMMODITIES*

19 *SEC. 7025. (a) WORLD MARKETS.—None of the funds*
20 *appropriated or made available pursuant to titles III*
21 *through VI of this Act for direct assistance and none of the*
22 *funds otherwise made available to the Export-Import Bank*
23 *and the United States International Development Finance*
24 *Corporation shall be obligated or expended to finance any*
25 *loan, any assistance, or any other financial commitments*

1 *for establishing or expanding production of any commodity*
2 *for export by any country other than the United States,*
3 *if the commodity is likely to be in surplus on world markets*
4 *at the time the resulting productive capacity is expected to*
5 *become operative and if the assistance will cause substantial*
6 *injury to United States producers of the same, similar, or*
7 *competing commodity: Provided, That such prohibition*
8 *shall not apply to the Export-Import Bank if in the judg-*
9 *ment of its Board of Directors the benefits to industry and*
10 *employment in the United States are likely to outweigh the*
11 *injury to United States producers of the same, similar, or*
12 *competing commodity, and the Chairman of the Board so*
13 *notifies the Committees on Appropriations: Provided fur-*
14 *ther, That this subsection shall not prohibit—*

15 (1) *activities in a country that is eligible for as-*
16 *sistance from the International Development Associa-*
17 *tion, is not eligible for assistance from the Inter-*
18 *national Bank for Reconstruction and Development,*
19 *and does not export on a consistent basis the agricul-*
20 *tural commodity with respect to which assistance is*
21 *furnished; or*

22 (2) *activities in a country the President deter-*
23 *mines is recovering from widespread conflict, a hu-*
24 *manitarian crisis, or a complex emergency.*

1 (b) *EXPORTS.*—None of the funds appropriated by this
2 or any other Act to carry out chapter 1 of part I of the
3 *Foreign Assistance Act of 1961* shall be available for any
4 testing or breeding feasibility study, variety improvement
5 or introduction, consultancy, publication, conference, or
6 training in connection with the growth or production in
7 a foreign country of an agricultural commodity for export
8 which would compete with a similar commodity grown or
9 produced in the United States: Provided, That this sub-
10 section shall not prohibit—

11 (1) activities designed to increase food security
12 in developing countries where such activities will not
13 have a significant impact on the export of agricul-
14 tural commodities of the United States;

15 (2) research activities intended primarily to ben-
16 efit United States producers;

17 (3) activities in a country that is eligible for as-
18 sistance from the *International Development Associa-*
19 *tion*, is not eligible for assistance from the *Inter-*
20 *national Bank for Reconstruction and Development*,
21 and does not export on a consistent basis the agricul-
22 tural commodity with respect to which assistance is
23 furnished; or

1 (A) *require that local currencies be depos-*
2 *ited in a separate account established by that*
3 *government;*

4 (B) *enter into an agreement with that gov-*
5 *ernment which sets forth—*

6 (i) *the amount of the local currencies*
7 *to be generated; and*

8 (ii) *the terms and conditions under*
9 *which the currencies so deposited may be*
10 *utilized, consistent with this section; and*

11 (C) *establish by agreement with that gov-*
12 *ernment the responsibilities of USAID and that*
13 *government to monitor and account for deposits*
14 *into and disbursements from the separate ac-*
15 *count.*

16 (2) *USES OF LOCAL CURRENCIES.—As may be*
17 *agreed upon with the foreign government, local cur-*
18 *rencies deposited in a separate account pursuant to*
19 *subsection (a), or an equivalent amount of local cur-*
20 *rencies, shall be used only—*

21 (A) *to carry out chapter 1 or 10 of part I*
22 *or chapter 4 of part II of the Foreign Assistance*
23 *Act of 1961 (as the case may be), for such pur-*
24 *poses as—*

1 (i) *project and sector assistance activi-*
2 *ties; or*

3 (ii) *debt and deficit financing; or*

4 (B) *for the administrative requirements of*
5 *the United States Government.*

6 (3) *PROGRAMMING ACCOUNTABILITY.—USAID*
7 *shall take all necessary steps to ensure that the equiv-*
8 *alent of the local currencies disbursed pursuant to*
9 *subsection (a)(2)(A) from the separate account estab-*
10 *lished pursuant to subsection (a)(1) are used for the*
11 *purposes agreed upon pursuant to subsection (a)(2).*

12 (4) *TERMINATION OF ASSISTANCE PROGRAMS.—*
13 *Upon termination of assistance to a country under*
14 *chapter 1 or 10 of part I or chapter 4 of part II of*
15 *the Foreign Assistance Act of 1961 (as the case may*
16 *be), any unencumbered balances of funds which re-*
17 *main in a separate account established pursuant to*
18 *subsection (a) shall be disposed of for such purposes*
19 *as may be agreed to by the government of that coun-*
20 *try and the United States Government.*

21 (b) *SEPARATE ACCOUNTS FOR CASH TRANSFERS.—*

22 (1) *IN GENERAL.—If assistance is made avail-*
23 *able to the government of a foreign country, under*
24 *chapter 1 or 10 of part I or chapter 4 of part II of*
25 *the Foreign Assistance Act of 1961, as cash transfer*

1 *assistance or as nonproject sector assistance, that*
2 *country shall be required to maintain such funds in*
3 *a separate account and not commingle with any other*
4 *funds.*

5 (2) *APPLICABILITY OF OTHER PROVISIONS OF*
6 *LAW.—Such funds may be obligated and expended*
7 *notwithstanding provisions of law which are incon-*
8 *sistent with the nature of this assistance including*
9 *provisions which are referenced in the Joint Explana-*
10 *tory Statement of the Committee of Conference accom-*
11 *panying House Joint Resolution 648 (House Report*
12 *No. 98–1159).*

13 (3) *NOTIFICATION.—At least 15 days prior to ob-*
14 *ligating any such cash transfer or nonproject sector*
15 *assistance, the President shall submit a notification*
16 *through the regular notification procedures of the*
17 *Committees on Appropriations, which shall include a*
18 *detailed description of how the funds proposed to be*
19 *made available will be used, with a discussion of the*
20 *United States interests that will be served by such as-*
21 *sistance (including, as appropriate, a description of*
22 *the economic policy reforms that will be promoted by*
23 *such assistance).*

24 (4) *EXEMPTION.—Nonproject sector assistance*
25 *funds may be exempt from the requirements of para-*

1 *graph (1) only through the regular notification proce-*
2 *dures of the Committees on Appropriations.*

3 *ELIGIBILITY FOR ASSISTANCE*

4 *SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-*
5 *MENTAL ORGANIZATIONS.—Restrictions contained in this*
6 *or any other Act with respect to assistance for a country*
7 *shall not be construed to restrict assistance in support of*
8 *programs of nongovernmental organizations from funds ap-*
9 *propriated by this Act to carry out the provisions of chap-*
10 *ters 1, 10, 11, and 12 of part I and chapter 4 of part II*
11 *of the Foreign Assistance Act of 1961 and from funds ap-*
12 *propriated under the heading “Assistance for Europe, Eur-*
13 *asia and Central Asia”: Provided, That before using the au-*
14 *thority of this subsection to furnish assistance in support*
15 *of programs of nongovernmental organizations, the Presi-*
16 *dent shall notify the Committees on Appropriations pursu-*
17 *ant to the regular notification procedures, including a de-*
18 *scription of the program to be assisted, the assistance to*
19 *be provided, and the reasons for furnishing such assistance:*
20 *Provided further, That nothing in this subsection shall be*
21 *construed to alter any existing statutory prohibitions*
22 *against abortion or involuntary sterilizations contained in*
23 *this or any other Act.*

24 *(b) PUBLIC LAW 480.—During fiscal year 2021, re-*
25 *strictions contained in this or any other Act with respect*

1 *to assistance for a country shall not be construed to restrict*
2 *assistance under the Food for Peace Act (Public Law 83–*
3 *480; 7 U.S.C. 1721 et seq.): Provided, That none of the*
4 *funds appropriated to carry out title I of such Act and*
5 *made available pursuant to this subsection may be obligated*
6 *or expended except as provided through the regular notifica-*
7 *tion procedures of the Committees on Appropriations.*

8 *(c) EXCEPTION.—This section shall not apply—*

9 *(1) with respect to section 620A of the Foreign*
10 *Assistance Act of 1961 or any comparable provision*
11 *of law prohibiting assistance to countries that support*
12 *international terrorism; or*

13 *(2) with respect to section 116 of the Foreign As-*
14 *sistance Act of 1961 or any comparable provision of*
15 *law prohibiting assistance to the government of a*
16 *country that violates internationally recognized*
17 *human rights.*

18 *LOCAL COMPETITION*

19 *SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO*
20 *COMPETITION FOR LOCAL ENTITIES.—Funds appropriated*
21 *by this Act that are made available to the United States*
22 *Agency for International Development may only be made*
23 *available for limited competitions through local entities if—*

24 *(1) prior to the determination to limit competi-*
25 *tion to local entities, USAID has—*

1 (A) assessed the level of local capacity to ef-
2 fectively implement, manage, and account for
3 programs included in such competition; and

4 (B) documented the written results of the
5 assessment and decisions made; and

6 (2) prior to making an award after limiting
7 competition to local entities—

8 (A) each successful local entity has been de-
9 termined to be responsible in accordance with
10 USAID guidelines; and

11 (B) effective monitoring and evaluation sys-
12 tems are in place to ensure that award funding
13 is used for its intended purposes; and

14 (3) no level of acceptable fraud is assumed.

15 (b) *EXTENSION OF PROCUREMENT AUTHORITY.*—Sec-
16 tion 7077 of the Department of State, Foreign Operations,
17 and Related Programs Appropriations Act, 2012 (division
18 I of Public Law 112–74) shall continue in effect during fis-
19 cal year 2021.

20 INTERNATIONAL FINANCIAL INSTITUTIONS

21 SEC. 7029. (a) *EVALUATIONS AND REPORT.*—The Sec-
22 retary of the Treasury shall instruct the United States exec-
23 utive director of each international financial institution to
24 use the voice of the United States to encourage such institu-
25 tion to adopt and implement a publicly available policy,

1 *including the strategic use of peer reviews and external ex-*
2 *perts, to conduct independent, in-depth evaluations of the*
3 *effectiveness of at least 35 percent of all loans, grants, pro-*
4 *grams, and significant analytical non-lending activities in*
5 *advancing the institution's goals of reducing poverty and*
6 *promoting equitable economic growth, consistent with rel-*
7 *evant safeguards, to ensure that decisions to support such*
8 *loans, grants, programs, and activities are based on accu-*
9 *rate data and objective analysis: Provided, That not later*
10 *than 45 days after enactment of this Act, the Secretary shall*
11 *submit a report to the Committees on Appropriations on*
12 *steps taken in fiscal year 2020 by the United States execu-*
13 *tive directors and the international financial institutions*
14 *consistent with this subsection compared to the previous fis-*
15 *cal year.*

16 *(b) SAFEGUARDS.—*

17 *(1) STANDARD.—The Secretary of the Treasury*
18 *shall instruct the United States Executive Director of*
19 *the International Bank for Reconstruction and Devel-*
20 *opment and the International Development Associa-*
21 *tion to use the voice and vote of the United States to*
22 *oppose any loan, grant, policy, or strategy if such in-*
23 *stitution has adopted and is implementing any social*
24 *or environmental safeguard relevant to such loan,*
25 *grant, policy, or strategy that provides less protection*

1 *than World Bank safeguards in effect on September*
2 *30, 2015.*

3 (2) *ACCOUNTABILITY, STANDARDS, AND BEST*
4 *PRACTICES.—The Secretary of the Treasury shall in-*
5 *struct the United States executive director of each*
6 *international financial institution to use the voice*
7 *and vote of the United States to oppose loans or other*
8 *financing for projects unless such projects—*

9 (A) *provide for accountability and trans-*
10 *parency, including the collection, verification,*
11 *and publication of beneficial ownership informa-*
12 *tion related to extractive industries and on-site*
13 *monitoring during the life of the project;*

14 (B) *will be developed and carried out in ac-*
15 *cordance with best practices regarding environ-*
16 *mental conservation, cultural protection, and*
17 *empowerment of local populations, including*
18 *free, prior and informed consent of affected in-*
19 *igenous communities;*

20 (C) *do not provide incentives for, or facili-*
21 *tate, forced displacement or other violations of*
22 *human rights; and*

23 (D) *do not partner with or otherwise in-*
24 *volve enterprises owned or controlled by the*
25 *armed forces.*

1 (c) *COMPENSATION.*—None of the funds appropriated
2 under title V of this Act may be made as payment to any
3 international financial institution while the United States
4 executive director to such institution is compensated by the
5 institution at a rate which, together with whatever com-
6 pensation such executive director receives from the United
7 States, is in excess of the rate provided for an individual
8 occupying a position at level IV of the Executive Schedule
9 under section 5315 of title 5, United States Code, or while
10 any alternate United States executive director to such insti-
11 tution is compensated by the institution at a rate in excess
12 of the rate provided for an individual occupying a position
13 at level V of the Executive Schedule under section 5316 of
14 title 5, United States Code.

15 (d) *HUMAN RIGHTS.*—The Secretary of the Treasury
16 shall instruct the United States executive director of each
17 international financial institution to use the voice and vote
18 of the United States to promote human rights due diligence
19 and risk management, as appropriate, in connection with
20 any loan, grant, policy, or strategy of such institution in
21 accordance with the requirements specified under this sub-
22 section in House Report 116–444: Provided, That prior to
23 voting on any such loan, grant, policy, or strategy the exec-
24 utive director shall consult with the Assistant Secretary for
25 Democracy, Human Rights, and Labor, Department of

1 *State, if the executive director has reason to believe that*
2 *such loan, grant, policy, or strategy could result in forced*
3 *displacement or other violations of human rights.*

4 *(e) FRAUD AND CORRUPTION.—The Secretary of the*
5 *Treasury shall instruct the United States executive director*
6 *of each international financial institution to use the voice*
7 *of the United States to include in loan, grant, and other*
8 *financing agreements improvements in borrowing countries’*
9 *financial management and judicial capacity to investigate,*
10 *prosecute, and punish fraud and corruption.*

11 *(f) BENEFICIAL OWNERSHIP INFORMATION.—The Sec-*
12 *retary of the Treasury shall instruct the United States exec-*
13 *utive director of each international financial institution to*
14 *use the voice of the United States to encourage such institu-*
15 *tion to collect, verify, and publish, to the maximum extent*
16 *practicable, beneficial ownership information (excluding*
17 *proprietary information) for any corporation or limited li-*
18 *ability company, other than a publicly listed company, that*
19 *receives funds from any such financial institution: Pro-*
20 *vided, That not later than 45 days after enactment of this*
21 *Act, the Secretary shall submit a report to the Committees*
22 *on Appropriations on steps taken in fiscal year 2020 by*
23 *the United States executive directors and the international*
24 *financial institutions consistent with this subsection com-*
25 *pared to the previous fiscal year.*

1 (g) *WHISTLEBLOWER PROTECTIONS.*—*The Secretary*
2 *of the Treasury shall instruct the United States executive*
3 *director of each international financial institution to use*
4 *the voice of the United States to encourage each such insti-*
5 *tution to effectively implement and enforce policies and pro-*
6 *cedures which meet or exceed best practices in the United*
7 *States for the protection of whistleblowers from retaliation,*
8 *including—*

9 (1) *protection against retaliation for internal*
10 *and lawful public disclosure;*

11 (2) *legal burdens of proof;*

12 (3) *statutes of limitation for reporting retalia-*
13 *tion;*

14 (4) *access to binding independent adjudicative*
15 *bodies, including shared cost and selection external*
16 *arbitration; and*

17 (5) *results that eliminate the effects of proven re-*
18 *taliation, including provision for the restoration of*
19 *prior employment.*

20 *INSECURE COMMUNICATIONS NETWORKS*

21 *SEC. 7030. Funds appropriated by this Act shall be*
22 *made available for programs, including through the Digital*
23 *Connectivity and Cybersecurity Partnership, to—*

24 (1) *advance the adoption of secure, next-genera-*
25 *tion communications networks and services, including*

1 5G, and cybersecurity policies, in countries receiving
2 assistance under this Act and prior Acts making ap-
3 propriations for the Department of State, foreign op-
4 erations, and related programs;

5 (2) counter the establishment of insecure commu-
6 nications networks and services, including 5G, pro-
7 moted by the People’s Republic of China and other
8 state-backed enterprises that are subject to undue or
9 extrajudicial control by their country of origin; and

10 (3) provide policy and technical training on de-
11 ploying open, interoperable, reliable, and secure net-
12 works to information communication technology pro-
13 fessionals in countries receiving assistance under this
14 Act, as appropriate:

15 *Provided, That such funds may be used to support the par-*
16 *ticipation of foreign military officials in programs designed*
17 *to strengthen civilian cybersecurity capacity, following con-*
18 *sultation with the Committees on Appropriations.*

19 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

20 SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-
21 TO-GOVERNMENT ASSISTANCE.—

22 (1) REQUIREMENTS.—Funds appropriated by
23 this Act may be made available for direct govern-
24 ment-to-government assistance only if the require-
25 ments included in section 7031(a)(1)(A) through (E)

1 *of the Department of State, Foreign Operations, and*
2 *Related Programs Appropriations Act, 2019 (division*
3 *F of Public Law 116–6) are fully met.*

4 (2) *CONSULTATION AND NOTIFICATION.—In ad-*
5 *dition to the requirements in paragraph (1), funds*
6 *may only be made available for direct government-to-*
7 *government assistance subject to prior consultation*
8 *with, and the regular notification procedures of, the*
9 *Committees on Appropriations: Provided, That such*
10 *notification shall contain an explanation of how the*
11 *proposed activity meets the requirements of para-*
12 *graph (1): Provided further, That the requirements of*
13 *this paragraph shall only apply to direct government-*
14 *to-government assistance in excess of \$10,000,000 and*
15 *all funds available for cash transfer, budget support,*
16 *and cash payments to individuals.*

17 (3) *SUSPENSION OF ASSISTANCE.—The Adminis-*
18 *trator of the United States Agency for International*
19 *Development or the Secretary of State, as appro-*
20 *priate, shall suspend any direct government-to-gov-*
21 *ernment assistance if the Administrator or the Sec-*
22 *retary has credible information of material misuse of*
23 *such assistance, unless the Administrator or the Sec-*
24 *retary reports to the Committees on Appropriations*
25 *that it is in the national interest of the United States*

1 *to continue such assistance, including a justification,*
2 *or that such misuse has been appropriately addressed.*

3 (4) *SUBMISSION OF INFORMATION.—The Sec-*
4 *retary of State shall submit to the Committees on Ap-*
5 *propriations, concurrent with the fiscal year 2022*
6 *congressional budget justification materials, amounts*
7 *planned for assistance described in paragraph (1) by*
8 *country, proposed funding amount, source of funds,*
9 *and type of assistance.*

10 (5) *DEBT SERVICE PAYMENT PROHIBITION.—*
11 *None of the funds made available by this Act may be*
12 *used by the government of any foreign country for*
13 *debt service payments owed by any country to any*
14 *international financial institution.*

15 (b) *NATIONAL BUDGET AND CONTRACT TRANS-*
16 *PARENCY.—*

17 (1) *MINIMUM REQUIREMENTS OF FISCAL TRANS-*
18 *PARENCY.—The Secretary of State shall continue to*
19 *update and strengthen the “minimum requirements of*
20 *fiscal transparency” for each government receiving*
21 *assistance appropriated by this Act, as identified in*
22 *the report required by section 7031(b) of the Depart-*
23 *ment of State, Foreign Operations, and Related Pro-*
24 *grams Appropriations Act, 2014 (division K of Public*
25 *Law 113–76).*

1 (2) *DETERMINATION AND REPORT.*—*For each*
2 *government identified pursuant to paragraph (1), the*
3 *Secretary of State, not later than 180 days after en-*
4 *actment of this Act, shall make or update any deter-*
5 *mination of “significant progress” or “no significant*
6 *progress” in meeting the minimum requirements of*
7 *fiscal transparency, and make such determinations*
8 *publicly available in an annual “Fiscal Trans-*
9 *parency Report” to be posted on the Department of*
10 *State website: Provided, That such report shall in-*
11 *clude the elements included under this section in the*
12 *explanatory statement described in section 4 in the*
13 *matter preceding division A of Public Law 116–94.*

14 (3) *ASSISTANCE.*—*Not less than \$7,000,000 of*
15 *the funds appropriated by this Act under the heading*
16 *“Economic Support Fund” shall be made available*
17 *for programs and activities to assist governments*
18 *identified pursuant to paragraph (1) to improve*
19 *budget transparency and to support civil society or-*
20 *ganizations in such countries that promote budget*
21 *transparency.*

22 (c) *ANTI-KLEPTOCRACY AND HUMAN RIGHTS.*—

23 (1) *INELIGIBILITY.*—

24 (A) *Officials of foreign governments and*
25 *their immediate family members about whom the*

1 *Secretary of State has credible information have*
2 *been involved, directly or indirectly, in signifi-*
3 *cant corruption, including corruption related to*
4 *the extraction of natural resources, or a gross*
5 *violation of human rights, including the wrong-*
6 *ful detention of locally employed staff of a*
7 *United States diplomatic mission or a United*
8 *States citizen or national, shall be ineligible for*
9 *entry into the United States.*

10 *(B) The Secretary shall also publicly or pri-*
11 *vately designate or identify the officials of for-*
12 *oreign governments and their immediate family*
13 *members about whom the Secretary has such*
14 *credible information without regard to whether*
15 *the individual has applied for a visa.*

16 *(2) EXCEPTION.—Individuals shall not be ineli-*
17 *gible for entry into the United States pursuant to*
18 *paragraph (1) if such entry would further important*
19 *United States law enforcement objectives or is nec-*
20 *essary to permit the United States to fulfill its obliga-*
21 *tions under the United Nations Headquarters Agree-*
22 *ment: Provided, That nothing in paragraph (1) shall*
23 *be construed to derogate from United States Govern-*
24 *ment obligations under applicable international*
25 *agreements.*

1 (3) *WAIVER.*—*The Secretary may waive the ap-*
2 *plication of paragraph (1) if the Secretary determines*
3 *that the waiver would serve a compelling national in-*
4 *terest or that the circumstances which caused the in-*
5 *dividual to be ineligible have changed sufficiently.*

6 (4) *REPORT.*—*Not later than 30 days after en-*
7 *actment of this Act, and every 90 days thereafter*
8 *until September 30, 2021, the Secretary of State shall*
9 *submit a report, including a classified annex if nec-*
10 *essary, to the appropriate congressional committees*
11 *and the Committees on the Judiciary describing the*
12 *information related to corruption or violation of*
13 *human rights concerning each of the individuals*
14 *found ineligible in the previous 12 months pursuant*
15 *to paragraph (1)(A) as well as the individuals who*
16 *the Secretary designated or identified pursuant to*
17 *paragraph (1)(B), or who would be ineligible but for*
18 *the application of paragraph (2), a list of any waiv-*
19 *ers provided under paragraph (3), and the justifica-*
20 *tion for each waiver.*

21 (5) *POSTING OF REPORT.*—*Any unclassified por-*
22 *tion of the report required under paragraph (4) shall*
23 *be posted on the Department of State website.*

24 (6) *CLARIFICATION.*—*For purposes of para-*
25 *graphs (1), (4), and (5), the records of the Depart-*

1 *ment of State and of diplomatic and consular offices*
2 *of the United States pertaining to the issuance or re-*
3 *usal of visas or permits to enter the United States*
4 *shall not be considered confidential.*

5 *(d) EXTRACTION OF NATURAL RESOURCES.—*

6 *(1) ASSISTANCE.—Funds appropriated by this*
7 *Act shall be made available to promote and support*
8 *transparency and accountability of expenditures and*
9 *revenues related to the extraction of natural resources,*
10 *including by strengthening implementation and mon-*
11 *itoring of the Extractive Industries Transparency*
12 *Initiative, implementing and enforcing section 8204*
13 *of the Food, Conservation, and Energy Act of 2008*
14 *(Public Law 110–246; 122 Stat. 2052) and the*
15 *amendments made by such section, and to prevent the*
16 *sale of conflict diamonds, and provide technical as-*
17 *sistance to promote independent audit mechanisms*
18 *and support civil society participation in natural re-*
19 *source management.*

20 *(2) PUBLIC DISCLOSURE AND INDEPENDENT AU-*

21 *DITS.—(A) The Secretary of the Treasury shall in-*
22 *struct the executive director of each international fi-*
23 *nancial institution that it is the policy of the United*
24 *States to use the voice and vote of the United States*
25 *to oppose any assistance by such institutions (includ-*

1 *ing any loan, credit, grant, or guarantee) to any*
2 *country for the extraction and export of a natural re-*
3 *source if the government of such country has in place*
4 *laws, regulations, or procedures to prevent or limit*
5 *the public disclosure of company payments as re-*
6 *quired by United States law, and unless such govern-*
7 *ment has adopted laws, regulations, or procedures in*
8 *the sector in which assistance is being considered to*
9 *meet the standards included under this section in the*
10 *explanatory statement described in section 4 in the*
11 *matter preceding division A of Public Law 116–94.*

12 *(B) The requirements of subparagraph (A) shall*
13 *not apply to assistance for the purpose of building the*
14 *capacity of such government to meet the requirements*
15 *of such subparagraph.*

16 *(e) FOREIGN ASSISTANCE WEBSITE.—Funds appro-*
17 *priated by this Act under titles I and II, and funds made*
18 *available for any independent agency in title III, as appro-*
19 *priate, shall be made available to support the provision of*
20 *additional information on United States Government for-*
21 *ign assistance on the “ForeignAssistance.gov” website: Pro-*
22 *vided, That all Federal agencies funded under this Act shall*
23 *provide such information on foreign assistance, upon re-*
24 *quest and in a timely manner, to the Department of State*
25 *and USAID.*

DEMOCRACY PROGRAMS

1
2 *SEC. 7032. (a) FUNDING.—*

3 *(1) IN GENERAL.—Of the funds appropriated by*
4 *this Act under the headings “Development Assist-*
5 *ance”, “Economic Support Fund”, “Democracy*
6 *Fund”, “Assistance for Europe, Eurasia and Central*
7 *Asia”, and “International Narcotics Control and Law*
8 *Enforcement”, not less than \$2,417,000,000 shall be*
9 *made available for democracy programs.*

10 *(2) PROGRAMS.—Of the funds made available for*
11 *democracy programs under the headings “Economic*
12 *Support Fund” and “Assistance for Europe, Eurasia*
13 *and Central Asia” pursuant to paragraph (1), not*
14 *less than \$102,040,000 shall be made available to the*
15 *Bureau of Democracy, Human Rights, and Labor,*
16 *Department of State, at not less than the amounts*
17 *specified for certain countries and regional programs*
18 *designated in the table under this section in the ex-*
19 *planatory statement described in section 4 (in the*
20 *matter preceding division A of this consolidated Act).*

21 *(b) AUTHORITIES.—*

22 *(1) AVAILABILITY.—Funds made available by*
23 *this Act for democracy programs pursuant to sub-*
24 *section (a) and under the heading “National Endow-*
25 *ment for Democracy” may be made available notwith-*

1 *standing any other provision of law, and with regard*
2 *to the National Endowment for Democracy (NED),*
3 *any regulation.*

4 (2) *BENEFICIARIES.—Funds made available by*
5 *this Act for the NED are made available pursuant to*
6 *the authority of the National Endowment for Democ-*
7 *racy Act (title V of Public Law 98–164), including*
8 *all decisions regarding the selection of beneficiaries.*

9 (c) *DEFINITION OF DEMOCRACY PROGRAMS.—For*
10 *purposes of funds appropriated by this Act, the term “de-*
11 *mocracy programs” means programs that support good gov-*
12 *ernance, credible and competitive elections, freedom of ex-*
13 *pression, association, assembly, and religion, human rights,*
14 *labor rights, independent media, and the rule of law, and*
15 *that otherwise strengthen the capacity of democratic polit-*
16 *ical parties, governments, nongovernmental organizations*
17 *and institutions, and citizens to support the development*
18 *of democratic states and institutions that are responsive*
19 *and accountable to citizens.*

20 (d) *PROGRAM PRIORITIZATION.—Funds made avail-*
21 *able pursuant to this section that are made available for*
22 *programs to strengthen government institutions shall be*
23 *prioritized for those institutions that demonstrate a com-*
24 *mitment to democracy and the rule of law.*

1 (e) *RESTRICTION ON PRIOR APPROVAL.*—*With respect*
2 *to the provision of assistance for democracy programs in*
3 *this Act, the organizations implementing such assistance,*
4 *the specific nature of that assistance, and the participants*
5 *in such programs shall not be subject to the prior approval*
6 *by the government of any foreign country: Provided, That*
7 *the Secretary of State, in coordination with the Adminis-*
8 *trator of the United States Agency for International Devel-*
9 *opment, shall report to the Committees on Appropriations,*
10 *not later than 120 days after enactment of this Act, detail-*
11 *ing steps taken by the Department of State and USAID*
12 *to comply with the requirements of this subsection.*

13 (f) *CONTINUATION OF CURRENT PRACTICES.*—*USAID*
14 *shall continue to implement civil society and political com-*
15 *petition and consensus building programs abroad with*
16 *funds appropriated by this Act in a manner that recognizes*
17 *the unique benefits of grants and cooperative agreements in*
18 *implementing such programs.*

19 (g) *INFORMING THE NATIONAL ENDOWMENT FOR DE-*
20 *MOCRACY.*—*The Assistant Secretary for Democracy,*
21 *Human Rights, and Labor, Department of State, and the*
22 *Assistant Administrator for Democracy, Conflict, and Hu-*
23 *manitarian Assistance, USAID, shall regularly inform the*
24 *NED of democracy programs that are planned and sup-*
25 *ported by funds made available by this Act and prior Acts*

1 *making appropriations for the Department of State, foreign*
2 *operations, and related programs.*

3 (h) *PROTECTION OF CIVIL SOCIETY ACTIVISTS AND*
4 *JOURNALISTS.—Of the funds appropriated by this Act*
5 *under the headings “Economic Support Fund” and “De-*
6 *mocracy Fund”, not less than \$25,000,000 shall be made*
7 *available to support and protect civil society activists and*
8 *journalists who have been threatened, harassed, or attacked,*
9 *including journalists affiliated with the United States*
10 *Agency for Global Media, consistent with the action plan*
11 *required under this section in the explanatory statement de-*
12 *scribed in section 4 (in the matter preceding division A of*
13 *this consolidated Act), and on the same terms and condi-*
14 *tions of section 7032(i) of the Department of State, Foreign*
15 *Operations, and Related Programs Appropriations Act,*
16 *2018 (division K of Public Law 115–141).*

17 (i) *INTERNATIONAL FREEDOM OF EXPRESSION.—*

18 (1) *OPERATIONS.—Funds appropriated by this*
19 *Act under the heading “Diplomatic Programs” shall*
20 *be made available for the Bureau of Democracy,*
21 *Human Rights, and Labor, Department of State, for*
22 *the costs of administering programs designed to pro-*
23 *mote and defend freedom of expression and the inde-*
24 *pendence of the media in countries where such free-*
25 *dom and independence are restricted or denied.*

1 (2) *ASSISTANCE.*—*Of the funds appropriated by*
2 *this Act under the heading “Economic Support*
3 *Fund”, not less than \$15,000,000 shall be made avail-*
4 *able for programs that promote and defend freedom of*
5 *expression and the independence of the media abroad:*
6 *Provided, That such funds are in addition to funds*
7 *otherwise made available by this Act for such pur-*
8 *poses, and are intended to complement emergency and*
9 *safety programs for civil society, including journalists*
10 *and media outlets at risk: Provided further, That such*
11 *funds shall be subject to prior consultation with, and*
12 *the regular notification procedures of, the Committees*
13 *on Appropriations.*

14 *INTERNATIONAL RELIGIOUS FREEDOM*

15 *SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM*
16 *OFFICE.*—*Funds appropriated by this Act under the head-*
17 *ing “Diplomatic Programs” shall be made available for the*
18 *Office of International Religious Freedom, Department of*
19 *State, including for support staff, at not less than the*
20 *amounts specified for such office in the table under such*
21 *heading in the explanatory statement described in section*
22 *4 (in the matter preceding division A of this consolidated*
23 *Act).*

24 *(b) ASSISTANCE.*—*Funds appropriated by this Act*
25 *under the headings “Economic Support Fund”, “Democ-*

1 *racy Fund*”, and “*International Broadcasting Operations*”
2 *shall be made available for international religious freedom*
3 *programs and funds appropriated by this Act under the*
4 *headings “International Disaster Assistance” and “Migra-*
5 *tion and Refugee Assistance” shall be made available for*
6 *humanitarian assistance for vulnerable and persecuted reli-*
7 *gious minorities: Provided, That funds made available by*
8 *this Act under the headings “Economic Support Fund” and*
9 *“Democracy Fund” pursuant to this section shall be the re-*
10 *sponsibility of the Ambassador-at-Large for International*
11 *Religious Freedom, in consultation with other relevant*
12 *United States Government officials, and shall be subject to*
13 *prior consultation with the Committees on Appropriations.*

14 (c) *AUTHORITY.—Funds appropriated by this Act and*
15 *prior Acts making appropriations for the Department of*
16 *State, foreign operations, and related programs under the*
17 *heading “Economic Support Fund” may be made available*
18 *notwithstanding any other provision of law for assistance*
19 *for ethnic and religious minorities in Iraq and Syria.*

20 (d) *DESIGNATION OF NON-STATE ACTORS.—Section*
21 *7033(e) of the Department of State, Foreign Operations,*
22 *and Related Programs Appropriations Act, 2017 (division*
23 *J of Public Law 115–31) shall continue in effect during*
24 *fiscal year 2021.*

SPECIAL PROVISIONS

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SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in title III of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

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(b) FORENSIC ASSISTANCE.—

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(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$15,500,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, including in Central America, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: Provided, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

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(2) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement”, not less than \$10,000,000 shall be

1 *made available for DNA forensic technology programs*
2 *to combat human trafficking in Central America and*
3 *Mexico.*

4 *(c) ATROCITIES PREVENTION.—Of the funds appro-*
5 *priated by this Act under the headings “Economic Support*
6 *Fund” and “International Narcotics Control and Law En-*
7 *forcement”, not less than \$5,000,000 shall be made available*
8 *for programs to prevent atrocities, including to implement*
9 *recommendations of the Atrocities Prevention Board: Pro-*
10 *vided, That funds made available pursuant to this sub-*
11 *section are in addition to amounts otherwise made avail-*
12 *able for such purposes: Provided further, That such funds*
13 *shall be subject to the regular notification procedures of the*
14 *Committees on Appropriations.*

15 *(d) WORLD FOOD PROGRAMME.—Funds managed by*
16 *the Bureau for Humanitarian Assistance, United States*
17 *Agency for International Development, from this or any*
18 *other Act, may be made available as a general contribution*
19 *to the World Food Programme, notwithstanding any other*
20 *provision of law.*

21 *(e) DIRECTIVES AND AUTHORITIES.—*

22 *(1) RESEARCH AND TRAINING.—Funds appro-*
23 *priated by this Act under the heading “Assistance for*
24 *Europe, Eurasia and Central Asia” shall be made*
25 *available to carry out the Program for Research and*

1 *Training on Eastern Europe and the Independent*
2 *States of the Former Soviet Union as authorized by*
3 *the Soviet-Eastern European Research and Training*
4 *Act of 1983 (22 U.S.C. 4501 et seq.).*

5 (2) *GENOCIDE VICTIMS MEMORIAL SITES.—*
6 *Funds appropriated by this Act and prior Acts mak-*
7 *ing appropriations for the Department of State, for-*
8 *foreign operations, and related programs under the*
9 *headings “Economic Support Fund” and “Assistance*
10 *for Europe, Eurasia and Central Asia” may be made*
11 *available as contributions to establish and maintain*
12 *memorial sites of genocide, subject to the regular noti-*
13 *fication procedures of the Committees on Appropria-*
14 *tions.*

15 (3) *PRIVATE SECTOR PARTNERSHIPS.—Of the*
16 *funds appropriated by this Act under the headings*
17 *“Development Assistance” and “Economic Support*
18 *Fund” that are made available for private sector*
19 *partnerships, up to \$50,000,000 may remain avail-*
20 *able until September 30, 2023: Provided, That funds*
21 *made available pursuant to this paragraph may only*
22 *be made available following prior consultation with*
23 *the appropriate congressional committees, and the*
24 *regular notification procedures of the Committees on*
25 *Appropriations.*

1 (4) *ADDITIONAL AUTHORITIES.*—*Of the amounts*
2 *made available by title I of this Act under the head-*
3 *ing “Diplomatic Programs”, up to \$500,000 may be*
4 *made available for grants pursuant to section 504 of*
5 *the Foreign Relations Authorization Act, Fiscal Year*
6 *1979 (22 U.S.C. 2656d), including to facilitate col-*
7 *laboration with indigenous communities, and up to*
8 *\$1,000,000 may be made available for grants to carry*
9 *out the activities of the Cultural Antiquities Task*
10 *Force.*

11 (5) *INNOVATION.*—*The USAID Administrator*
12 *may use funds appropriated by this Act under title*
13 *III to make innovation incentive awards in accord-*
14 *ance with the terms and conditions of section*
15 *7034(e)(4) of the Department of State, Foreign Oper-*
16 *ations, and Related Programs Appropriations Act,*
17 *2019 (division F of Public Law 116–6): Provided,*
18 *That each individual award may not exceed*
19 *\$100,000: Provided further, That no more than 15*
20 *such awards may be made during fiscal year 2021.*

21 (6) *EXCHANGE VISITOR PROGRAM.*—*None of the*
22 *funds made available by this Act may be used to mod-*
23 *ify the Exchange Visitor Program administered by*
24 *the Department of State to implement the Mutual*
25 *Educational and Cultural Exchange Act of 1961*

1 *(Public Law 87–256; 22 U.S.C. 2451 et seq.), except*
2 *through the formal rulemaking process pursuant to*
3 *the Administrative Procedure Act (5 U.S.C. 551 et*
4 *seq.) and notwithstanding the exceptions to such rule-*
5 *making process in such Act: Provided, That funds*
6 *made available for such purpose shall only be made*
7 *available after consultation with, and subject to the*
8 *regular notification procedures of, the Committees on*
9 *Appropriations, regarding how any proposed modi-*
10 *fication would affect the public diplomacy goals of,*
11 *and the estimated economic impact on, the United*
12 *States: Provided further, That such consultation shall*
13 *take place not later than 30 days prior to the publica-*
14 *tion in the Federal Register of any regulatory action*
15 *modifying the Exchange Visitor Program.*

16 *(f) PARTNER VETTING.—Prior to initiating a partner*
17 *vetting program, or making a significant change to the*
18 *scope of an existing partner vetting program, the Secretary*
19 *of State and USAID Administrator, as appropriate, shall*
20 *consult with the Committees on Appropriations: Provided,*
21 *That the Secretary and the Administrator shall provide a*
22 *direct vetting option for prime awardees in any partner*
23 *vetting program initiated or significantly modified after*
24 *the date of enactment of this Act, unless the Secretary of*
25 *State or USAID Administrator, as applicable, informs the*

1 *Committees on Appropriations on a case-by-case basis that*
2 *a direct vetting option is not feasible for such program.*

3 (g) *CONTINGENCIES.*—*During fiscal year 2021, the*
4 *President may use up to \$125,000,000 under the authority*
5 *of section 451 of the Foreign Assistance Act of 1961, not-*
6 *withstanding any other provision of law.*

7 (h) *INTERNATIONAL CHILD ABDUCTIONS.*—*The Sec-*
8 *retary of State should withhold funds appropriated under*
9 *title III of this Act for assistance for the central government*
10 *of any country that is not taking appropriate steps to com-*
11 *ply with the Convention on the Civil Aspects of Inter-*
12 *national Child Abductions, done at the Hague on October*
13 *25, 1980: Provided, That the Secretary shall report to the*
14 *Committees on Appropriations within 15 days of with-*
15 *holding funds under this subsection.*

16 (i) *TRANSFER OF FUNDS FOR EXTRAORDINARY PRO-*
17 *TECTION.*—*The Secretary of State may transfer to, and*
18 *merge with, funds under the heading “Protection of Foreign*
19 *Missions and Officials” unobligated balances of expired*
20 *funds appropriated under the heading “Diplomatic Pro-*
21 *grams” for fiscal year 2021, except for funds designated for*
22 *Overseas Contingency Operations/Global War on Terrorism*
23 *pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget*
24 *and Emergency Deficit Control Act of 1985, at no later*
25 *than the end of the fifth fiscal year after the last fiscal year*

1 *for which such funds are available for the purposes for*
2 *which appropriated: Provided, That not more than*
3 *\$50,000,000 may be transferred.*

4 *(j) AUTHORITY.—Funds made available by this Act*
5 *under the heading “Economic Support Fund” to counter*
6 *extremism may be made available notwithstanding any*
7 *other provision of law restricting assistance to foreign coun-*
8 *tries, except sections 502B, 620A, and 620M of the Foreign*
9 *Assistance Act of 1961: Provided, That the use of the author-*
10 *ity of this subsection shall be subject to prior consultation*
11 *with the appropriate congressional committees and the reg-*
12 *ular notification procedures of the Committees on Appro-*
13 *priations.*

14 *(k) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF*
15 *DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZA-*
16 *TIONS.—The terms and conditions of section 7034(k) of the*
17 *Department of State, Foreign Operations, and Related Pro-*
18 *grams Appropriations Act, 2020 (division G of Public Law*
19 *116–94) shall continue in effect during fiscal year 2021.*

20 *(l) EXTENSION OF AUTHORITIES.—*

21 *(1) PASSPORT FEES.—Section 1(b)(2) of the*
22 *Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2))*
23 *shall be applied by substituting “September 30, 2021”*
24 *for “September 30, 2010”.*

1 (2) *INCENTIVES FOR CRITICAL POSTS.*—*The au-*
2 *thority contained in section 1115(d) of the Supple-*
3 *mental Appropriations Act, 2009 (Public Law 111-*
4 *32) shall remain in effect through September 30,*
5 *2021.*

6 (3) *USAID CIVIL SERVICE ANNUITANT WAIV-*
7 *ER.*—*Section 625(j)(1) of the Foreign Assistance Act*
8 *of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by*
9 *substituting “September 30, 2021” for “October 1,*
10 *2010” in subparagraph (B).*

11 (4) *OVERSEAS PAY COMPARABILITY AND LIMITA-*
12 *TION.*—*(A) Subject to the limitation described in sub-*
13 *paragraph (B), the authority provided by section*
14 *1113 of the Supplemental Appropriations Act, 2009*
15 *(Public Law 111–32) shall remain in effect through*
16 *September 30, 2021.*

17 *(B) The authority described in subparagraph (A)*
18 *may not be used to pay an eligible member of the*
19 *Foreign Service (as defined in section 1113(b) of the*
20 *Supplemental Appropriations Act, 2009 (Public Law*
21 *111–32)) a locality-based comparability payment*
22 *(stated as a percentage) that exceeds two-thirds of the*
23 *amount of the locality-based comparability payment*
24 *(stated as a percentage) that would be payable to such*
25 *member under section 5304 of title 5, United States*

1 *Code, if such member's official duty station were in*
2 *the District of Columbia.*

3 (5) *CATEGORICAL ELIGIBILITY.—The Foreign*
4 *Operations, Export Financing, and Related Programs*
5 *Appropriations Act, 1990 (Public Law 101–167) is*
6 *amended—*

7 (A) *in section 599D (8 U.S.C. 1157 note)—*

8 (i) *in subsection (b)(3), by striking*
9 *“and 2020” and inserting “2020, and*
10 *2021”;* and

11 (ii) *in subsection (e), by striking*
12 *“2020” each place it appears and inserting*
13 *“2021”;* and

14 (B) *in section 599E(b)(2) (8 U.S.C. 1255*
15 *note), by striking “2020” and inserting “2021”.*

16 (6) *INSPECTOR GENERAL ANNUITANT WAIVER.—*
17 *The authorities provided in section 1015(b) of the*
18 *Supplemental Appropriations Act, 2010 (Public Law*
19 *111–212) shall remain in effect through September*
20 *30, 2021, and may be used to facilitate the assign-*
21 *ment of persons for oversight of programs in Syria,*
22 *South Sudan, Yemen, Somalia, and Venezuela.*

23 (7) *ACCOUNTABILITY REVIEW BOARDS.—The au-*
24 *thority provided by section 301(a)(3) of the Omnibus*
25 *Diplomatic Security and Antiterrorism Act of 1986*

1 *(22 U.S.C. 4831(a)(3)) shall remain in effect for fa-*
2 *cilities in Afghanistan through September 30, 2021,*
3 *except that the notification and reporting require-*
4 *ments contained in such section shall include the*
5 *Committees on Appropriations.*

6 *(8) SPECIAL INSPECTOR GENERAL FOR AFGHANI-*
7 *STAN RECONSTRUCTION COMPETITIVE STATUS.—Not-*
8 *withstanding any other provision of law, any em-*
9 *ployee of the Special Inspector General for Afghani-*
10 *stan Reconstruction (SIGAR) who completes at least*
11 *12 months of continuous service after enactment of*
12 *this Act or who is employed on the date on which*
13 *SIGAR terminates, whichever occurs first, shall ac-*
14 *quire competitive status for appointment to any posi-*
15 *tion in the competitive service for which the employee*
16 *possesses the required qualifications.*

17 *(9) TRANSFER OF BALANCES.—Section 7081(h)*
18 *of the Department of State, Foreign Operations, and*
19 *Related Programs Appropriations Act, 2017 (division*
20 *J of Public Law 115–31) shall continue in effect dur-*
21 *ing fiscal year 2021.*

22 *(10) DEPARTMENT OF STATE INSPECTOR GEN-*
23 *ERAL WAIVER AUTHORITY.—The Inspector General of*
24 *the Department of State may waive the provisions of*
25 *subsections (a) through (d) of section 824 of the For-*

1 *ign Service Act of 1980 (22 U.S.C. 4064) on a case-*
2 *by-case basis for an annuitant reemployed by the In-*
3 *pector General on a temporary basis, subject to the*
4 *same constraints and in the same manner by which*
5 *the Secretary of State may exercise such waiver au-*
6 *thority pursuant to subsection (g) of such section.*

7 (11) *AFGHAN ALLIES.*—Section 602(b)(3)(F) of
8 *the Afghan Allies Protection Act of 2009 (8 U.S.C.*
9 *1101 note) is amended—*

10 (A) *in the heading, by striking “2015*
11 *THROUGH 2020” and inserting “2015 THROUGH*
12 *2021”;*

13 (B) *in the matter preceding clause (i), in*
14 *the first sentence, by striking “shall” and all*
15 *that follows through the period at the end, and*
16 *inserting “shall not exceed 26,500.”; and*

17 (C) *in clauses (i) and (ii), by striking “De-*
18 *cember 31, 2021” and inserting “December 31,*
19 *2022”.*

20 (m) *MONITORING AND EVALUATION.*—

21 (1) *BENEFICIARY FEEDBACK.*—*Funds appro-*
22 *priated by this Act that are made available for moni-*
23 *toring and evaluation of assistance under the head-*
24 *ings “Development Assistance”, “International Dis-*
25 *aster Assistance”, and “Migration and Refugee Assist-*

1 *ance” shall be made available for the regular and sys-*
2 *tematic collection of feedback obtained directly from*
3 *beneficiaries to enhance the quality and relevance of*
4 *such assistance: Provided, That the Department of*
5 *State and USAID shall establish, and post on their*
6 *respective websites, updated procedures for imple-*
7 *menting partners that receive funds under such head-*
8 *ings for regularly and systematically collecting and*
9 *responding to such feedback, including guidelines for*
10 *the reporting on actions taken in response to the feed-*
11 *back received: Provided further, That the Department*
12 *of State and USAID shall regularly conduct oversight*
13 *to ensure that such feedback is regularly collected and*
14 *used by implementing partners to maximize the cost-*
15 *effectiveness and utility of such assistance.*

16 (2) *EX-POST EVALUATIONS.—Of the funds appro-*
17 *priated by this Act under titles III and IV, not less*
18 *than \$10,000,000 shall be made available for ex-post*
19 *evaluations consistent with the requirements under*
20 *this heading in the explanatory statement described*
21 *in section 4 (in the matter preceding division A of*
22 *this consolidated Act).*

23 (n) *HIV/AIDS WORKING CAPITAL FUND.—Funds*
24 *available in the HIV/AIDS Working Capital Fund estab-*
25 *lished pursuant to section 525(b)(1) of the Foreign Oper-*

1 ations, *Export Financing, and Related Programs Appro-*
2 *priations Act, 2005 (Public Law 108–447) may be made*
3 *available for pharmaceuticals and other products for child*
4 *survival, malaria, tuberculosis, and emerging infectious*
5 *diseases to the same extent as HIV/AIDS pharmaceuticals*
6 *and other products, subject to the terms and conditions in*
7 *such section: Provided, That the authority in section*
8 *525(b)(5) of the Foreign Operations, Export Financing,*
9 *and Related Programs Appropriation Act, 2005 (Public*
10 *Law 108–447) shall be exercised by the Assistant Adminis-*
11 *trator for Global Health, USAID, with respect to funds de-*
12 *posited for such non-HIV/AIDS pharmaceuticals and other*
13 *products, and shall be subject to the regular notification*
14 *procedures of the Committees on Appropriations: Provided*
15 *further, That the Secretary of State shall include in the con-*
16 *gressional budget justification an accounting of budgetary*
17 *resources, disbursements, balances, and reimbursements re-*
18 *lated to such fund.*

19 (o) *LOANS, CONSULTATION, AND NOTIFICATION.—*

20 (1) *LOAN GUARANTEES.—Funds appropriated*
21 *under the headings “Economic Support Fund” and*
22 *“Assistance for Europe, Eurasia and Central Asia”*
23 *by this Act and prior Acts making appropriations for*
24 *the Department of State, foreign operations, and re-*
25 *lated programs may be made available for the costs,*

1 *as defined in section 502 of the Congressional Budget*
2 *Act of 1974, of loan guarantees for Egypt, Jordan,*
3 *Tunisia, and Ukraine, which are authorized to be*
4 *provided: Provided, That amounts made available*
5 *under this paragraph for the costs of such guarantees*
6 *shall not be considered assistance for the purposes of*
7 *provisions of law limiting assistance to a country.*

8 (2) *FOREIGN MILITARY FINANCING DIRECT*
9 *LOANS.—During fiscal year 2021, direct loans under*
10 *section 23 of the Arms Export Control Act may be*
11 *made available for Jordan, notwithstanding section*
12 *23(c)(1) of the Arms Export Control Act, gross obliga-*
13 *tions for the principal amounts of which shall not ex-*
14 *ceed \$4,000,000,000: Provided, That funds appro-*
15 *priated under the heading “Foreign Military Financ-*
16 *ing Program” in this Act and prior Acts making ap-*
17 *propriations for the Department of State, foreign op-*
18 *erations, and related programs may be made avail-*
19 *able for the costs, as defined in section 502 of the Con-*
20 *gressional Budget Act of 1974, of such loans: Provided*
21 *further, That such costs, including the cost of modi-*
22 *fying such loans, shall be as defined in section 502 of*
23 *the Congressional Budget Act of 1974 and may in-*
24 *clude the costs of selling, reducing, or cancelling any*
25 *amounts owed to the United States or any agency of*

1 *the United States: Provided further, That the Govern-*
2 *ment of the United States may charge fees for such*
3 *loans, which shall be collected from borrowers in ac-*
4 *cordance with section 502(7) of the Congressional*
5 *Budget Act of 1974: Provided further, That no funds*
6 *made available to the North Atlantic Treaty Organi-*
7 *zation (NATO) or major non-NATO allies by this or*
8 *any other appropriations Act for this fiscal year or*
9 *prior fiscal years may be used for payment of any*
10 *fees associated with such loans: Provided further,*
11 *That such loans shall be repaid in not more than 12*
12 *years, including a grace period of up to one year on*
13 *repayment of principal: Provided further, That not-*
14 *withstanding section 23(c)(1) of the Arms Export*
15 *Control Act, interest for such loans may be charged*
16 *at a rate determined by the Secretary of State, except*
17 *that such rate may not be less than the prevailing in-*
18 *terest rate on marketable Treasury securities of simi-*
19 *lar maturity: Provided further, That amounts made*
20 *available under this paragraph for such costs shall*
21 *not be considered assistance for the purposes of provi-*
22 *sions of law limiting assistance to a country.*

23 (3) *FOREIGN MILITARY FINANCING LOAN GUAR-*
24 *ANTEES.—Funds appropriated under the heading*
25 *“Foreign Military Financing Program” in this Act*

1 *and prior Acts making appropriations for the De-*
2 *partment of State, foreign operations, and related*
3 *programs may be made available, notwithstanding*
4 *the third proviso under such heading, for the costs of*
5 *loan guarantees under section 24 of the Arms Export*
6 *Control Act for Jordan, which are authorized to be*
7 *provided: Provided, That such funds are available to*
8 *subsidize gross obligations for the principal amount of*
9 *commercial loans, and total loan principal, any part*
10 *of which is to be guaranteed, not to exceed*
11 *\$4,000,000,000: Provided further, That no loan guar-*
12 *antee with respect to any one borrower may exceed 80*
13 *percent of the loan principal: Provided further, That*
14 *any loan guaranteed under this paragraph may not*
15 *be subordinated to another debt contracted by the bor-*
16 *rower or to any other claims against the borrower in*
17 *the case of default: Provided further, That repayment*
18 *in United States dollars of any loan guaranteed*
19 *under this paragraph shall be required within a pe-*
20 *riod not to exceed 12 years after the loan agreement*
21 *is signed: Provided further, That the Government of*
22 *the United States may charge fees for such loan guar-*
23 *antees, as may be determined, notwithstanding sec-*
24 *tion 24 of the Arms Export Control Act, which shall*
25 *be collected from borrowers or third parties on behalf*

1 *of such borrowers in accordance with section 502(7)*
2 *of the Congressional Budget Act of 1974: Provided*
3 *further, That amounts made available under this*
4 *paragraph for the costs of such guarantees shall not*
5 *be considered assistance for the purposes of provisions*
6 *of law limiting assistance to a country.*

7 (4) *DESIGNATION REQUIREMENT.—Funds made*
8 *available pursuant to paragraphs (1) through (3)*
9 *from prior Acts making appropriations for the De-*
10 *partment of State, foreign operations, and related*
11 *programs that were previously designated by the Con-*
12 *gress for Overseas Contingency Operations/Global*
13 *War on Terrorism pursuant to section*
14 *251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985 are designated by*
16 *the Congress for Overseas Contingency Operations/*
17 *Global War on Terrorism pursuant to section*
18 *251(b)(2)(A)(ii) of such Act.*

19 (5) *CONSULTATION AND NOTIFICATION.—Funds*
20 *made available pursuant to the authorities of this*
21 *subsection shall be subject to prior consultation with*
22 *the appropriate congressional committees and the reg-*
23 *ular notification procedures of the Committees on Ap-*
24 *propriations.*

25 (p) *LOCAL WORKS.—*

1 (1) *FUNDING.*—*Of the funds appropriated by*
2 *this Act under the headings “Development Assistance”*
3 *and “Economic Support Fund”, not less than*
4 *\$55,000,000 shall be made available for Local Works*
5 *pursuant to section 7080 of the Department of State,*
6 *Foreign Operations, and Related Programs Approp-*
7 *riations Act, 2015 (division J of Public Law 113–*
8 *235), which may remain available until September*
9 *30, 2025.*

10 (2) *ELIGIBLE ENTITIES.*—*For the purposes of*
11 *section 7080 of the Department of State, Foreign Op-*
12 *erations, and Related Programs Appropriations Act,*
13 *2015 (division J of Public Law 113–235), “eligible*
14 *entities” shall be defined as small local, international,*
15 *and United States-based nongovernmental organiza-*
16 *tions, educational institutions, and other small enti-*
17 *ties that have received less than a total of \$5,000,000*
18 *from USAID over the previous 5 fiscal years: Pro-*
19 *vided, That departments or centers of such edu-*
20 *cational institutions may be considered individually*
21 *in determining such eligibility.*

22 *(q) DEFINITIONS.*—

23 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
24 *TEES.*—*Unless otherwise defined in this Act, for pur-*
25 *poses of this Act the term “appropriate congressional*

1 *committees” means the Committees on Appropriations*
2 *and Foreign Relations of the Senate and the Commit-*
3 *tees on Appropriations and Foreign Affairs of the*
4 *House of Representatives.*

5 (2) *FUNDS APPROPRIATED BY THIS ACT AND*
6 *PRIOR ACTS.—Unless otherwise defined in this Act,*
7 *for purposes of this Act the term “funds appropriated*
8 *by this Act and prior Acts making appropriations for*
9 *the Department of State, foreign operations, and re-*
10 *lated programs” means funds that remain available*
11 *for obligation, and have not expired.*

12 (3) *INTERNATIONAL FINANCIAL INSTITUTIONS.—*
13 *In this Act “international financial institutions”*
14 *means the International Bank for Reconstruction and*
15 *Development, the International Development Associa-*
16 *tion, the International Finance Corporation, the*
17 *Inter-American Development Bank, the International*
18 *Monetary Fund, the International Fund for Agricul-*
19 *tural Development, the Asian Development Bank, the*
20 *Asian Development Fund, the Inter-American Invest-*
21 *ment Corporation, the North American Development*
22 *Bank, the European Bank for Reconstruction and De-*
23 *velopment, the African Development Bank, the Afri-*
24 *can Development Fund, and the Multilateral Invest-*
25 *ment Guarantee Agency.*

1 (4) *SPEND PLAN.*—*In this Act, the term “spend*
2 *plan” means a plan for the uses of funds appro-*
3 *priated for a particular entity, country, program,*
4 *purpose, or account and which shall include, at a*
5 *minimum, a description of—*

6 (A) *realistic and sustainable goals, criteria*
7 *for measuring progress, and a timeline for*
8 *achieving such goals;*

9 (B) *amounts and sources of funds by ac-*
10 *count;*

11 (C) *how such funds will complement other*
12 *ongoing or planned programs; and*

13 (D) *implementing partners, to the max-*
14 *imum extent practicable.*

15 (5) *SUCCESSOR OPERATING UNIT.*—*Any ref-*
16 *erence to a particular USAID operating unit or office*
17 *in this or prior Acts making appropriations for the*
18 *Department of State, foreign operations, and related*
19 *programs shall be deemed to include any successor op-*
20 *erating unit or office performing the same or similar*
21 *functions.*

22 (6) *USAID.*—*In this Act, the term “USAID”*
23 *means the United States Agency for International De-*
24 *velopment.*

1 (7) *THIS ACT*.—*Except as expressly provided*
2 *otherwise, any reference to “this Act” contained in ti-*
3 *ties I through VII shall be treated as referring only*
4 *to the provisions of such titles.*

5 *LAW ENFORCEMENT AND SECURITY*

6 *SEC. 7035. (a) ASSISTANCE.*—

7 (1) *COMMUNITY-BASED POLICE ASSISTANCE.*—
8 *Funds made available under titles III and IV of this*
9 *Act to carry out the provisions of chapter 1 of part*
10 *I and chapters 4 and 6 of part II of the Foreign As-*
11 *istance Act of 1961, may be used, notwithstanding*
12 *section 660 of that Act, to enhance the effectiveness*
13 *and accountability of civilian police authority*
14 *through training and technical assistance in human*
15 *rights, the rule of law, anti-corruption, strategic plan-*
16 *ning, and through assistance to foster civilian police*
17 *roles that support democratic governance, including*
18 *assistance for programs to prevent conflict, respond to*
19 *disasters, address gender-based violence, and foster*
20 *improved police relations with the communities they*
21 *serve.*

22 (2) *COUNTERTERRORISM PARTNERSHIPS*
23 *FUND.*—*Funds appropriated by this Act under the*
24 *heading “Nonproliferation, Anti-terrorism, Demining*
25 *and Related Programs” shall be made available for*

1 *the Counterterrorism Partnerships Fund for programs*
2 *in areas liberated from, under the influence of, or ad-*
3 *versely affected by, the Islamic State of Iraq and*
4 *Syria or other terrorist organizations: Provided, That*
5 *such areas shall include the Kurdistan Region of*
6 *Iraq: Provided further, That prior to the obligation of*
7 *funds made available pursuant to this paragraph, the*
8 *Secretary of State shall take all practicable steps to*
9 *ensure that mechanisms are in place for monitoring,*
10 *oversight, and control of such funds: Provided further,*
11 *That funds made available pursuant to this para-*
12 *graph shall be subject to prior consultation with, and*
13 *the regular notification procedures of, the Committees*
14 *on Appropriations.*

15 (3) *COMBAT CASUALTY CARE.—*

16 (A) *Consistent with the objectives of the*
17 *Foreign Assistance Act of 1961 and the Arms*
18 *Export Control Act, funds appropriated by this*
19 *Act under the headings “Peacekeeping Oper-*
20 *ations” and “Foreign Military Financing Pro-*
21 *gram” shall be made available for combat cas-*
22 *ualty training and equipment consistent with*
23 *prior fiscal years.*

24 (B) *The Secretary of State shall offer com-*
25 *bat casualty care training and equipment as a*

1 *component of any package of lethal assistance*
2 *funded by this Act with funds appropriated*
3 *under the headings “Peacekeeping Operations”*
4 *and “Foreign Military Financing Program”:*
5 *Provided, That the requirement of this subpara-*
6 *graph shall apply to a country in conflict, unless*
7 *the Secretary determines that such country has*
8 *in place, to the maximum extent practicable,*
9 *functioning combat casualty care treatment and*
10 *equipment that meets or exceeds the standards*
11 *recommended by the Committee on Tactical*
12 *Combat Casualty Care: Provided further, That*
13 *any such training and equipment for combat*
14 *casualty care shall be made available through an*
15 *open and competitive process.*

16 (4) *TRAINING RELATED TO INTERNATIONAL HU-*
17 *MANITARIAN LAW.—The Secretary of State shall offer*
18 *training related to the requirements of international*
19 *humanitarian law as a component of any package of*
20 *lethal assistance funded by this Act with funds appro-*
21 *priated under the headings “Peacekeeping Oper-*
22 *ations” and “Foreign Military Financing Program”:*
23 *Provided, That the requirement of this paragraph*
24 *shall not apply to a country that is a member of the*
25 *North Atlantic Treaty Organization (NATO), is a*

1 *major non-NATO ally designated by section 517(b) of*
2 *the Foreign Assistance Act of 1961, or is complying*
3 *with international humanitarian law: Provided fur-*
4 *ther, That any such training shall be made available*
5 *through an open and competitive process.*

6 (5) *SECURITY FORCE PROFESSIONALIZATION.—*
7 *Funds appropriated by this Act under the headings*
8 *“International Narcotics Control and Law Enforce-*
9 *ment” and “Peacekeeping Operations” shall be made*
10 *available to increase the capacity of foreign military*
11 *and law enforcement personnel to operate in accord-*
12 *ance with appropriate standards relating to human*
13 *rights and the protection of civilians in the manner*
14 *specified under this section in Senate Report 116–*
15 *126, following consultation with the Committees on*
16 *Appropriations: Provided, That funds made available*
17 *pursuant to this paragraph shall be made available*
18 *through an open and competitive process.*

19 (6) *GLOBAL SECURITY CONTINGENCY FUND.—*
20 *Notwithstanding any other provision of this Act, up*
21 *to \$7,500,000 from funds appropriated by this Act*
22 *under the headings “Peacekeeping Operations” and*
23 *“Foreign Military Financing Program” may be*
24 *transferred to, and merged with, funds previously*
25 *made available under the heading “Global Security*

1 *Contingency Fund*”, subject to the regular notification
2 procedures of the Committees on Appropriations.

3 (7) *INTERNATIONAL PRISON CONDITIONS.*—Of the
4 funds appropriated by this Act under the headings
5 “Development Assistance”, “Economic Support
6 Fund”, and “International Narcotics Control and
7 Law Enforcement”, not less than \$7,500,000 shall be
8 made available for assistance to eliminate inhumane
9 conditions in foreign prisons and other detention fa-
10 cilities, notwithstanding section 660 of the Foreign
11 Assistance Act of 1961: Provided, That the Secretary
12 of State and the USAID Administrator shall consult
13 with the Committees on Appropriations on the pro-
14 posed uses of such funds prior to obligation and not
15 later than 60 days after enactment of this Act: Pro-
16 vided further, That such funds shall be in addition to
17 funds otherwise made available by this Act for such
18 purpose.

19 (b) *AUTHORITIES.*—

20 (1) *RECONSTITUTING CIVILIAN POLICE AUTHOR-*
21 *ITY.*—In providing assistance with funds appro-
22 priated by this Act under section 660(b)(6) of the
23 Foreign Assistance Act of 1961, support for a nation
24 emerging from instability may be deemed to mean
25 support for regional, district, municipal, or other sub-

1 *national entity emerging from instability, as well as*
2 *a nation emerging from instability.*

3 (2) *DISARMAMENT, DEMOBILIZATION, AND RE-*
4 *INTEGRATION.*—Section 7034(d) of the Department of
5 *State, Foreign Operations, and Related Programs Ap-*
6 *propriations Act, 2015 (division J of Public Law*
7 *113–235) shall continue in effect during fiscal year*
8 *2021.*

9 (3) *EXTENSION OF WAR RESERVES STOCKPILE*
10 *AUTHORITY.*—

11 (A) *Section 12001(d) of the Department of*
12 *Defense Appropriations Act, 2005 (Public Law*
13 *108–287; 118 Stat. 1011) is amended by striking*
14 *“of this section” and all that follows through the*
15 *period at the end and inserting “of this section*
16 *after September 30, 2023.”.*

17 (B) *Section 514(b)(2)(A) of the Foreign As-*
18 *sistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A))*
19 *is amended by striking “and 2021” and insert-*
20 *ing “2021, 2022, and 2023”.*

21 (4) *COMMERCIAL LEASING OF DEFENSE ARTI-*
22 *CLES.*—Notwithstanding any other provision of law,
23 *and subject to the regular notification procedures of*
24 *the Committees on Appropriations, the authority of*
25 *section 23(a) of the Arms Export Control Act (22*

1 *U.S.C. 2763) may be used to provide financing to*
2 *Israel, Egypt, the North Atlantic Treaty Organization*
3 *(NATO), and major non-NATO allies for the procure-*
4 *ment by leasing (including leasing with an option to*
5 *purchase) of defense articles from United States com-*
6 *mercial suppliers, not including Major Defense*
7 *Equipment (other than helicopters and other types of*
8 *aircraft having possible civilian application), if the*
9 *President determines that there are compelling foreign*
10 *policy or national security reasons for those defense*
11 *articles being provided by commercial lease rather*
12 *than by government-to-government sale under such*
13 *Act.*

14 (5) *SPECIAL DEFENSE ACQUISITION FUND.*—*Not*
15 *to exceed \$900,000,000 may be obligated pursuant to*
16 *section 51(c)(2) of the Arms Export Control Act (22*
17 *U.S.C. 2795(c)(2)) for the purposes of the Special De-*
18 *fense Acquisition Fund (the Fund), to remain avail-*
19 *able for obligation until September 30, 2023: Pro-*
20 *vided, That the provision of defense articles and de-*
21 *fense services to foreign countries or international or-*
22 *ganizations from the Fund shall be subject to the con-*
23 *currence of the Secretary of State.*

24 (6) *PUBLIC DISCLOSURE.*—*For the purposes of*
25 *funds appropriated by this Act and prior Acts mak-*

1 *ing appropriations for the Department of State, for-*
2 *ign operations, and related programs that are made*
3 *available for assistance for units of foreign security*
4 *forces, the term “to the maximum extent practicable”*
5 *in section 620M(d)(7) of the Foreign Assistance Act*
6 *of 1961 (22 U.S.C. 2378d) means that the identity of*
7 *such units shall be made publicly available unless the*
8 *Secretary of State, on a case-by-case basis, determines*
9 *and reports to the appropriate congressional commit-*
10 *tees that non-disclosure is in the national security in-*
11 *terest of the United States: Provided, That any such*
12 *determination shall include a detailed justification,*
13 *and may be submitted in classified form.*

14 *(7) DUTY TO INFORM.—*

15 *(A) COMPLIANCE.—If assistance to a for-*
16 *ign security force is provided in a manner in*
17 *which the recipient unit or units cannot be iden-*
18 *tified prior to the transfer of assistance, the Sec-*
19 *retary of State shall regularly provide a list of*
20 *units prohibited from receiving such assistance*
21 *pursuant to section 620M of the Foreign Assist-*
22 *ance Act of 1961 to the recipient government,*
23 *and such assistance shall be made available sub-*
24 *ject to a written agreement that the recipient*
25 *government will comply with such prohibition:*

1 *Provided, That such requirement regarding a*
2 *written agreement shall take effect not later than*
3 *December 31, 2021.*

4 *(B) IMPLEMENTATION PLAN.—Not later*
5 *than 120 days after enactment of this Act, the*
6 *Secretary of State shall submit an implementa-*
7 *tion plan to the Committees on Appropriations*
8 *including a timeline and mechanisms for exe-*
9 *cuting such agreements by December 31, 2021:*
10 *Provided, That the Secretary of State shall con-*
11 *sult with the Committees on Appropriations*
12 *prior to submitting such plan.*

13 *(c) LIMITATIONS.—*

14 *(1) CHILD SOLDIERS.—Funds appropriated by*
15 *this Act should not be used to support any military*
16 *training or operations that include child soldiers.*

17 *(2) LANDMINES AND CLUSTER MUNITIONS.—*

18 *(A) LANDMINES.—Notwithstanding any*
19 *other provision of law, demining equipment*
20 *available to the United States Agency for Inter-*
21 *national Development and the Department of*
22 *State and used in support of the clearance of*
23 *landmines and unexploded ordnance for humani-*
24 *tarian purposes may be disposed of on a grant*
25 *basis in foreign countries, subject to such terms*

1 *and conditions as the Secretary of State may*
2 *prescribe.*

3 *(B) CLUSTER MUNITIONS.—No military as-*
4 *stance shall be furnished for cluster munitions,*
5 *no defense export license for cluster munitions*
6 *may be issued, and no cluster munitions or clus-*
7 *ter munitions technology shall be sold or trans-*
8 *ferred, unless—*

9 *(i) the submunitions of the cluster mu-*
10 *nitions, after arming, do not result in more*
11 *than 1 percent unexploded ordnance across*
12 *the range of intended operational environ-*
13 *ments, and the agreement applicable to the*
14 *assistance, transfer, or sale of such cluster*
15 *munitions or cluster munitions technology*
16 *specifies that the cluster munitions will*
17 *only be used against clearly defined mili-*
18 *tary targets and will not be used where ci-*
19 *vilians are known to be present or in areas*
20 *normally inhabited by civilians; or*

21 *(ii) such assistance, license, sale, or*
22 *transfer is for the purpose of demilitarizing*
23 *or permanently disposing of such cluster*
24 *munitions.*

1 (3) *CONGRESSIONAL BUDGET JUSTIFICATIONS.*—
2 *Of the funds realized pursuant to section 21(e)(1)(A)*
3 *of the Arms Export Control Act and made available*
4 *for obligation for expenses incurred by the Depart-*
5 *ment of Defense, Defense Security Cooperation Agency*
6 *(DSCA) during fiscal year 2021 pursuant to section*
7 *43(b) of the Arms Export Control Act (22 U.S.C.*
8 *2792(b)), \$25,000,000 shall be withheld from obliga-*
9 *tion until the DSCA, jointly with the Department of*
10 *State, submits to the Committees on Appropriations*
11 *the congressional budget justification for funds re-*
12 *quested under the heading “Foreign Military Financ-*
13 *ing Program” for fiscal years 2021 and 2022, includ-*
14 *ing the accompanying classified appendices.*

15 (4) *CROWD CONTROL ITEMS.*—*Funds appro-*
16 *priated by this Act should not be used for tear gas,*
17 *small arms, light weapons, ammunition, or other*
18 *items for crowd control purposes for foreign security*
19 *forces that use excessive force to repress peaceful ex-*
20 *pression, association, or assembly in countries that*
21 *the Secretary of State determines are undemocratic or*
22 *are undergoing democratic transitions.*

23 (d) *REPORTS.*—

24 (1) *SECURITY ASSISTANCE REPORT.*—*Not later*
25 *than 120 days after enactment of this Act, the Sec-*

1 *retary of State shall submit to the Committees on Ap-*
2 *propriations a report on funds obligated and ex-*
3 *pende d during fiscal year 2020, by country and pur-*
4 *pose of assistance, under the headings “Peacekeeping*
5 *Operations”, “International Military Education and*
6 *Training”, and “Foreign Military Financing Pro-*
7 *gram”.*

8 (2) *ANNUAL FOREIGN MILITARY TRAINING RE-*
9 *PORT.—For the purposes of implementing section 656*
10 *of the Foreign Assistance Act of 1961, the term “mili-*
11 *tary training provided to foreign military personnel*
12 *by the Department of Defense and the Department of*
13 *State” shall be deemed to include all military train-*
14 *ing provided by foreign governments with funds ap-*
15 *propriated to the Department of Defense or the De-*
16 *partment of State, except for training provided by the*
17 *government of a country designated by section 517(b)*
18 *of such Act (22 U.S.C. 2321k(b)) as a major non-*
19 *North Atlantic Treaty Organization ally: Provided,*
20 *That such third-country training shall be clearly*
21 *identified in the report submitted pursuant to section*
22 *656 of such Act.*

23 *ARAB LEAGUE BOYCOTT OF ISRAEL*

24 *SEC. 7036. It is the sense of the Congress that—*

1 (1) *the Arab League boycott of Israel, and the*
2 *secondary boycott of American firms that have com-*
3 *mercial ties with Israel, is an impediment to peace*
4 *in the region and to United States investment and*
5 *trade in the Middle East and North Africa;*

6 (2) *the Arab League boycott, which was regret-*
7 *tably reinstated in 1997, should be immediately and*
8 *publicly terminated, and the Central Office for the*
9 *Boycott of Israel immediately disbanded;*

10 (3) *all Arab League states should normalize rela-*
11 *tions with their neighbor Israel;*

12 (4) *the President and the Secretary of State*
13 *should continue to vigorously oppose the Arab League*
14 *boycott of Israel and find concrete steps to dem-*
15 *onstrate that opposition by, for example, taking into*
16 *consideration the participation of any recipient coun-*
17 *try in the boycott when determining to sell weapons*
18 *to said country; and*

19 (5) *the President should report to Congress an-*
20 *nually on specific steps being taken by the United*
21 *States to encourage Arab League states to normalize*
22 *their relations with Israel to bring about the termi-*
23 *nation of the Arab League boycott of Israel, including*
24 *those to encourage allies and trading partners of the*
25 *United States to enact laws prohibiting businesses*

1 *from complying with the boycott and penalizing busi-*
2 *nesses that do comply.*

3 *PALESTINIAN STATEHOOD*

4 *SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None of*
5 *the funds appropriated under titles III through VI of this*
6 *Act may be provided to support a Palestinian state unless*
7 *the Secretary of State determines and certifies to the appro-*
8 *priate congressional committees that—*

9 *(1) the governing entity of a new Palestinian*
10 *state—*

11 *(A) has demonstrated a firm commitment to*
12 *peaceful co-existence with the State of Israel; and*

13 *(B) is taking appropriate measures to*
14 *counter terrorism and terrorist financing in the*
15 *West Bank and Gaza, including the dismantling*
16 *of terrorist infrastructures, and is cooperating*
17 *with appropriate Israeli and other appropriate*
18 *security organizations; and*

19 *(2) the Palestinian Authority (or the governing*
20 *entity of a new Palestinian state) is working with*
21 *other countries in the region to vigorously pursue ef-*
22 *forts to establish a just, lasting, and comprehensive*
23 *peace in the Middle East that will enable Israel and*
24 *an independent Palestinian state to exist within the*

1 *context of full and normal relationships, which should*
2 *include—*

3 *(A) termination of all claims or states of*
4 *belligerency;*

5 *(B) respect for and acknowledgment of the*
6 *sovereignty, territorial integrity, and political*
7 *independence of every state in the area through*
8 *measures including the establishment of demili-*
9 *tarized zones;*

10 *(C) their right to live in peace within secure*
11 *and recognized boundaries free from threats or*
12 *acts of force;*

13 *(D) freedom of navigation through inter-*
14 *national waterways in the area; and*

15 *(E) a framework for achieving a just settle-*
16 *ment of the refugee problem.*

17 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
18 *that the governing entity should enact a constitution assur-*
19 *ing the rule of law, an independent judiciary, and respect*
20 *for human rights for its citizens, and should enact other*
21 *laws and regulations assuring transparent and accountable*
22 *governance.*

23 *(c) WAIVER.—The President may waive subsection (a)*
24 *if the President determines that it is important to the na-*
25 *tional security interest of the United States to do so.*

1 (d) *EXEMPTION.*—*The restriction in subsection (a)*
2 *shall not apply to assistance intended to help reform the*
3 *Palestinian Authority and affiliated institutions, or the*
4 *governing entity, in order to help meet the requirements of*
5 *subsection (a), consistent with the provisions of section 7040*
6 *of this Act (“Limitation on Assistance for the Palestinian*
7 *Authority”).*

8 *PROHIBITION ON ASSISTANCE TO THE PALESTINIAN*
9 *BROADCASTING CORPORATION*

10 *SEC. 7038. None of the funds appropriated or other-*
11 *wise made available by this Act may be used to provide*
12 *equipment, technical support, consulting services, or any*
13 *other form of assistance to the Palestinian Broadcasting*
14 *Corporation.*

15 *ASSISTANCE FOR THE WEST BANK AND GAZA*

16 *SEC. 7039. (a) OVERSIGHT.*—*For fiscal year 2021, 30*
17 *days prior to the initial obligation of funds for the bilateral*
18 *West Bank and Gaza Program, the Secretary of State shall*
19 *certify to the Committees on Appropriations that proce-*
20 *dures have been established to assure the Comptroller Gen-*
21 *eral of the United States will have access to appropriate*
22 *United States financial information in order to review the*
23 *uses of United States assistance for the Program funded*
24 *under the heading “Economic Support Fund” for the West*
25 *Bank and Gaza.*

1 (b) *VETTING.*—Prior to the obligation of funds appro-
2 priated by this Act under the heading “Economic Support
3 Fund” for assistance for the West Bank and Gaza, the Sec-
4 retary of State shall take all appropriate steps to ensure
5 that such assistance is not provided to or through any indi-
6 vidual, private or government entity, or educational insti-
7 tution that the Secretary knows or has reason to believe ad-
8 vocates, plans, sponsors, engages in, or has engaged in, ter-
9 rorist activity nor, with respect to private entities or edu-
10 cational institutions, those that have as a principal officer
11 of the entity’s governing board or governing board of trust-
12 ees any individual that has been determined to be involved
13 in, or advocating terrorist activity or determined to be a
14 member of a designated foreign terrorist organization: Pro-
15 vided, That the Secretary of State shall, as appropriate, es-
16 tablish procedures specifying the steps to be taken in car-
17 rying out this subsection and shall terminate assistance to
18 any individual, entity, or educational institution which the
19 Secretary has determined to be involved in or advocating
20 terrorist activity.

21 (c) *PROHIBITION.*—

22 (1) *RECOGNITION OF ACTS OF TERRORISM.*—
23 None of the funds appropriated under titles III
24 through VI of this Act for assistance under the West

1 *Bank and Gaza Program may be made available*
2 *for—*

3 *(A) the purpose of recognizing or otherwise*
4 *honoring individuals who commit, or have com-*
5 *mitted acts of terrorism; and*

6 *(B) any educational institution located in*
7 *the West Bank or Gaza that is named after an*
8 *individual who the Secretary of State determines*
9 *has committed an act of terrorism.*

10 *(2) SECURITY ASSISTANCE AND REPORTING RE-*
11 *QUIREMENT.—Notwithstanding any other provision of*
12 *law, none of the funds made available by this or prior*
13 *appropriations Acts, including funds made available*
14 *by transfer, may be made available for obligation for*
15 *security assistance for the West Bank and Gaza until*
16 *the Secretary of State reports to the Committees on*
17 *Appropriations on the benchmarks that have been es-*
18 *tablished for security assistance for the West Bank*
19 *and Gaza and reports on the extent of Palestinian*
20 *compliance with such benchmarks.*

21 *(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR*
22 *INTERNATIONAL DEVELOPMENT.—*

23 *(1) The Administrator of the United States*
24 *Agency for International Development shall ensure*
25 *that Federal or non-Federal audits of all contractors*

1 *and grantees, and significant subcontractors and sub-*
2 *grantees, under the West Bank and Gaza Program,*
3 *are conducted at least on an annual basis to ensure,*
4 *among other things, compliance with this section.*

5 *(2) Of the funds appropriated by this Act, up to*
6 *\$1,000,000 may be used by the Office of Inspector*
7 *General of the United States Agency for International*
8 *Development for audits, investigations, and other ac-*
9 *tivities in furtherance of the requirements of this sub-*
10 *section: Provided, That such funds are in addition to*
11 *funds otherwise available for such purposes.*

12 *(e) COMPTROLLER GENERAL OF THE UNITED STATES*
13 *AUDIT.—Subsequent to the certification specified in sub-*
14 *section (a), the Comptroller General of the United States*
15 *shall conduct an audit and an investigation of the treat-*
16 *ment, handling, and uses of all funds for the bilateral West*
17 *Bank and Gaza Program, including all funds provided as*
18 *cash transfer assistance, in fiscal year 2021 under the head-*
19 *ing “Economic Support Fund”, and such audit shall ad-*
20 *dress—*

21 *(1) the extent to which such Program complies*
22 *with the requirements of subsections (b) and (c); and*

23 *(2) an examination of all programs, projects,*
24 *and activities carried out under such Program, in-*
25 *cluding both obligations and expenditures.*

1 *will be spent, and the accounting procedures in place to*
2 *ensure that the funds are properly disbursed: Provided,*
3 *That the report shall also detail the steps the Palestinian*
4 *Authority has taken to arrest terrorists, confiscate weapons*
5 *and dismantle the terrorist infrastructure.*

6 (e) *CERTIFICATION.—If the President exercises the*
7 *waiver authority under subsection (b), the Secretary of*
8 *State must certify and report to the Committees on Appro-*
9 *priations prior to the obligation of funds that the Pales-*
10 *tinian Authority has established a single treasury account*
11 *for all Palestinian Authority financing and all financing*
12 *mechanisms flow through this account, no parallel financ-*
13 *ing mechanisms exist outside of the Palestinian Authority*
14 *treasury account, and there is a single comprehensive civil*
15 *service roster and payroll, and the Palestinian Authority*
16 *is acting to counter incitement of violence against Israelis*
17 *and is supporting activities aimed at promoting peace, co-*
18 *existence, and security cooperation with Israel.*

19 (f) *PROHIBITION TO HAMAS AND THE PALESTINE LIB-*
20 *ERATION ORGANIZATION.—*

21 (1) *None of the funds appropriated in titles III*
22 *through VI of this Act may be obligated for salaries*
23 *of personnel of the Palestinian Authority located in*
24 *Gaza or may be obligated or expended for assistance*
25 *to Hamas or any entity effectively controlled by*

1 *Hamas, any power-sharing government of which*
2 *Hamas is a member, or that results from an agree-*
3 *ment with Hamas and over which Hamas exercises*
4 *undue influence.*

5 *(2) Notwithstanding the limitation of paragraph*
6 *(1), assistance may be provided to a power-sharing*
7 *government only if the President certifies and reports*
8 *to the Committees on Appropriations that such gov-*
9 *ernment, including all of its ministers or such equiva-*
10 *lent, has publicly accepted and is complying with the*
11 *principles contained in section 620K(b)(1) (A) and*
12 *(B) of the Foreign Assistance Act of 1961, as amend-*
13 *ed.*

14 *(3) The President may exercise the authority in*
15 *section 620K(e) of the Foreign Assistance Act of 1961,*
16 *as added by the Palestinian Anti-Terrorism Act of*
17 *2006 (Public Law 109–446) with respect to this sub-*
18 *section.*

19 *(4) Whenever the certification pursuant to para-*
20 *graph (2) is exercised, the Secretary of State shall*
21 *submit a report to the Committees on Appropriations*
22 *within 120 days of the certification and every quarter*
23 *thereafter on whether such government, including all*
24 *of its ministers or such equivalent are continuing to*
25 *comply with the principles contained in section*

1 620K(b)(1) (A) and (B) of the Foreign Assistance Act
2 of 1961, as amended: Provided, That the report shall
3 also detail the amount, purposes and delivery mecha-
4 nisms for any assistance provided pursuant to the
5 abovementioned certification and a full accounting of
6 any direct support of such government.

7 (5) None of the funds appropriated under titles
8 III through VI of this Act may be obligated for assist-
9 ance for the Palestine Liberation Organization.

10 MIDDLE EAST AND NORTH AFRICA

11 SEC. 7041. (a) EGYPT.—

12 (1) CERTIFICATION AND REPORT.—Funds appro-
13 priated by this Act that are available for assistance
14 for Egypt may be made available notwithstanding
15 any other provision of law restricting assistance for
16 Egypt, except for this subsection and section 620M of
17 the Foreign Assistance Act of 1961, and may only be
18 made available for assistance for the Government of
19 Egypt if the Secretary of State certifies and reports
20 to the Committees on Appropriations that such gov-
21 ernment is—

22 (A) sustaining the strategic relationship
23 with the United States; and

24 (B) meeting its obligations under the 1979
25 Egypt-Israel Peace Treaty.

1 (2) *ECONOMIC SUPPORT FUND.*—*Of the funds*
2 *appropriated by this Act under the heading “Eco-*
3 *nomics Support Fund”, not less than \$125,000,000*
4 *shall be made available for assistance for Egypt, of*
5 *which \$40,000,000 should be made available for high-*
6 *er education programs, including not less than*
7 *\$15,000,000 for scholarships for Egyptian students*
8 *with high financial need to attend not-for-profit insti-*
9 *tutions of higher education in Egypt that are cur-*
10 *rently accredited by a regional accrediting agency*
11 *recognized by the United States Department of Edu-*
12 *cation, or meets standards equivalent to those re-*
13 *quired for United States institutional accreditation*
14 *by a regional accrediting agency recognized by such*
15 *Department: Provided, That such funds shall be made*
16 *available for democracy programs, and for develop-*
17 *ment programs in the Sinai: Provided further, That*
18 *such funds may not be made available for cash trans-*
19 *fer assistance or budget support unless the Secretary*
20 *of State certifies and reports to the appropriate con-*
21 *gressional committees that the Government of Egypt*
22 *is taking consistent and effective steps to stabilize the*
23 *economy and implement market-based economic re-*
24 *forms.*

25 (3) *FOREIGN MILITARY FINANCING PROGRAM.*—

1 (A) *CERTIFICATION.*—*Of the funds appro-*
2 *priated by this Act under the heading “Foreign*
3 *Military Financing Program”, \$1,300,000,000,*
4 *to remain available until September 30, 2022,*
5 *should be made available for assistance for*
6 *Egypt: Provided, That such funds may be trans-*
7 *ferred to an interest bearing account in the Fed-*
8 *eral Reserve Bank of New York, following con-*
9 *sultation with the Committees on Appropria-*
10 *tions, and the uses of any interest earned on*
11 *such funds shall be subject to the regular notifi-*
12 *cation procedures of the Committees on Appro-*
13 *priations: Provided further, That \$225,000,000*
14 *of such funds shall be withheld from obligation*
15 *until the Secretary of State certifies and reports*
16 *to the Committees on Appropriations that the*
17 *Government of Egypt is taking sustained and ef-*
18 *fective steps to—*

19 (i) *strengthen the rule of law, demo-*
20 *cratic institutions, and human rights in*
21 *Egypt, including to protect religious mi-*
22 *norities and the rights of women, which are*
23 *in addition to steps taken during the pre-*
24 *vious calendar year for such purposes;*

1 (ii) implement reforms that protect
2 freedoms of expression, association, and
3 peaceful assembly, including the ability of
4 civil society organizations, human rights
5 defenders, and the media to function with-
6 out interference;

7 (iii) hold Egyptian security forces ac-
8 countable, including officers credibly alleged
9 to have violated human rights;

10 (iv) investigate and prosecute cases of
11 extrajudicial killings and forced disappear-
12 ances; and

13 (v) provide regular access for United
14 States officials to monitor such assistance
15 in areas where the assistance is used:

16 *Provided further, That the certification require-*
17 *ment of this paragraph shall not apply to funds*
18 *appropriated by this Act under such heading for*
19 *counterterrorism, border security, and non-*
20 *proliferation programs for Egypt.*

21 (B) WAIVER.—*The Secretary of State may*
22 *waive the certification requirement in subpara-*
23 *graph (A) if the Secretary determines and re-*
24 *ports to the Committees on Appropriations that*
25 *to do so is important to the national security in-*

1 *terest of the United States, and submits a report*
2 *to such Committees containing a detailed jus-*
3 *tification for the use of such waiver and the rea-*
4 *sons why any of the requirements of subpara-*
5 *graph (A) cannot be met: Provided, That the re-*
6 *port required by this paragraph shall be sub-*
7 *mitted in unclassified form, but may be accom-*
8 *panied by a classified annex.*

9 *(C) In addition to the funds withheld pur-*
10 *suant to subparagraph (A), \$75,000,000 of the*
11 *funds made available pursuant to this para-*
12 *graph shall be withheld from obligation until the*
13 *Secretary of State determines and reports to the*
14 *Committees on Appropriations that the Govern-*
15 *ment of Egypt is making clear and consistent*
16 *progress in releasing political prisoners and pro-*
17 *viding detainees with due process of law.*

18 *(4) SEPTEMBER 13, 2015, ATTACK.—The Sec-*
19 *retary of State shall encourage good faith negotiations*
20 *between the relevant parties regarding the September*
21 *13, 2015, attack against a tour group by the Egyp-*
22 *tian military during which American April Corley*
23 *was injured: Provided, That in lieu of the reporting*
24 *requirement under section 7041(a)(4) of the Depart-*
25 *ment of State, Foreign Operations, and Related Pro-*

1 *grams Appropriations Act, 2020 (division G of Public*
2 *Law 116–94), the Secretary of State shall report to*
3 *the Committees on Appropriations on the status of*
4 *such negotiations not later than 60 days after enact-*
5 *ment of this Act and every 90 days thereafter until*
6 *September 30, 2021.*

7 *(b) IRAN.—*

8 *(1) FUNDING.—Funds appropriated by this Act*
9 *under the headings “Diplomatic Programs”, “Eco-*
10 *nomics Support Fund”, and “Nonproliferation, Anti-*
11 *terrorism, Demining and Related Programs” shall be*
12 *made available for the programs and activities de-*
13 *scribed under this section in House Report 116–444.*

14 *(2) REPORTS.—*

15 *(A) SEMI-ANNUAL REPORT.—The Secretary*
16 *of State shall submit to the Committees on Ap-*
17 *propriations the semi-annual report required by*
18 *section 135(d)(4) of the Atomic Energy Act of*
19 *1954 (42 U.S.C. 2160e(d)(4)), as added by sec-*
20 *tion 2 of the Iran Nuclear Agreement Review Act*
21 *of 2015 (Public Law 114–17).*

22 *(B) SANCTIONS REPORT.—Not later than*
23 *180 days after the date of enactment of this Act,*
24 *the Secretary of State, in consultation with the*
25 *Secretary of the Treasury, shall submit to the*

1 *appropriate congressional committees a report*
2 *on—*

3 *(i) the status of United States bilateral*
4 *sanctions on Iran;*

5 *(ii) the reimposition and renewed en-*
6 *forcement of secondary sanctions; and*

7 *(iii) the impact such sanctions have*
8 *had on Iran’s destabilizing activities*
9 *throughout the Middle East.*

10 *(c) IRAQ.—*

11 *(1) PURPOSES.—Funds appropriated under ti-*
12 *tles III and IV of this Act shall be made available for*
13 *assistance for Iraq for—*

14 *(A) bilateral economic assistance and inter-*
15 *national security assistance, including in the*
16 *Kurdistan Region of Iraq;*

17 *(B) stabilization assistance, including in*
18 *Anbar Province;*

19 *(C) justice sector strengthening;*

20 *(D) humanitarian assistance, including in*
21 *the Kurdistan Region of Iraq; and*

22 *(E) programs to protect and assist religious*
23 *and ethnic minority populations in Iraq, includ-*
24 *ing as described under this section in House Re-*
25 *port 116–444.*

1 (2) *UNITED STATES CONSULATE GENERAL*
2 *BASRAH.*—*Any change in the status of operations at*
3 *United States Consulate General Basrah, including*
4 *the return of Consulate property located adjacent to*
5 *the Basrah International Airport to the Government*
6 *of Iraq, shall be subject to prior consultation with the*
7 *appropriate congressional committees and the regular*
8 *notification procedures of the Committees on Appro-*
9 *priations.*

10 (3) *BASING RIGHTS AGREEMENT.*—*None of the*
11 *funds appropriated or otherwise made available by*
12 *this Act may be used by the Government of the United*
13 *States to enter into a permanent basing rights agree-*
14 *ment between the United States and Iraq.*

15 (d) *JORDAN.*—*Of the funds appropriated by this Act*
16 *under titles III and IV, not less than \$1,650,000,000 shall*
17 *be made available for assistance for Jordan, of which: not*
18 *less than \$845,100,000 shall be made available for budget*
19 *support for the Government of Jordan; not less than*
20 *\$10,000,000 shall be made available for programs and ac-*
21 *tivities for which policy justifications and decisions shall*
22 *be the responsibility of the United States Chief of Mission*
23 *in Jordan; and not less than \$425,000,000 shall be made*
24 *available under the heading “Foreign Military Financing*
25 *Program”.*

1 (e) *LEBANON*.—

2 (1) *ASSISTANCE*.—*Funds appropriated under ti-*
3 *ties III and IV of this Act shall be made available for*
4 *assistance for Lebanon: Provided, That such funds*
5 *made available under the heading “Economic Sup-*
6 *port Fund” may be made available notwithstanding*
7 *section 1224 of the Foreign Relations Authorization*
8 *Act, Fiscal Year 2003 (Public Law 107–228; 22*
9 *U.S.C. 2346 note).*

10 (2) *SECURITY ASSISTANCE*.—

11 (A) *Funds appropriated by this Act under*
12 *the headings “International Narcotics Control*
13 *and Law Enforcement” and “Foreign Military*
14 *Financing Program” that are made available for*
15 *assistance for Lebanon may be made available*
16 *for programs and equipment for the Lebanese In-*
17 *ternal Security Forces (ISF) and the Lebanese*
18 *Armed Forces (LAF) to address security and sta-*
19 *bility requirements in areas affected by conflict*
20 *in Syria, following consultation with the appro-*
21 *priate congressional committees.*

22 (B) *Funds appropriated by this Act under*
23 *the heading “Foreign Military Financing Pro-*
24 *gram” that are made available for assistance for*

1 *Lebanon may only be made available for pro-*
2 *grams to—*

3 *(i) professionalize the LAF to mitigate*
4 *internal and external threats from non-state*
5 *actors, including Hizballah;*

6 *(ii) strengthen border security and*
7 *combat terrorism, including training and*
8 *equipping the LAF to secure the borders of*
9 *Lebanon and address security and stability*
10 *requirements in areas affected by conflict in*
11 *Syria, interdicting arms shipments, and*
12 *preventing the use of Lebanon as a safe*
13 *haven for terrorist groups; and*

14 *(iii) implement United Nations Secu-*
15 *rity Council Resolution 1701:*

16 *Provided, That prior to obligating funds made*
17 *available by this subparagraph for assistance for*
18 *the LAF, the Secretary of State shall submit to*
19 *the Committees on Appropriations a spend plan,*
20 *including actions to be taken to ensure equip-*
21 *ment provided to the LAF is used only for the*
22 *intended purposes, except such plan may not be*
23 *considered as meeting the notification require-*
24 *ments under section 7015 of this Act or under*
25 *section 634A of the Foreign Assistance Act of*

1 1961, and shall be submitted not later than June
2 1, 2021: Provided further, That any notification
3 submitted pursuant to such section shall include
4 any funds specifically intended for lethal mili-
5 tary equipment.

6 (3) *LIMITATION.*—None of the funds appro-
7 priated by this Act may be made available for the
8 ISF or the LAF if the ISF or the LAF is controlled
9 by a foreign terrorist organization, as designated pur-
10 suant to section 219 of the Immigration and Nation-
11 ality Act (8 U.S.C. 1189).

12 (f) *LIBYA.*—

13 (1) *ASSISTANCE.*—Funds appropriated under ti-
14 tles III and IV of this Act shall be made available for
15 stabilization assistance for Libya, including support
16 for a United Nations-facilitated political process and
17 border security: Provided, That the limitation on the
18 uses of funds for certain infrastructure projects in sec-
19 tion 7041(f)(2) of the Department of State, Foreign
20 Operations, and Related Programs Appropriations
21 Act, 2014 (division K of Public Law 113–76) shall
22 apply to such funds.

23 (2) *CERTIFICATION.*—Prior to the initial obliga-
24 tion of funds made available by this Act for assistance
25 for Libya, the Secretary of State shall certify and re-

1 *port to the Committees on Appropriations that all*
2 *practicable steps have been taken to ensure that mech-*
3 *anisms are in place for monitoring, oversight, and*
4 *control of such funds.*

5 *(g) MOROCCO.—*

6 *(1) AVAILABILITY AND CONSULTATION REQUIRE-*
7 *MENT.—Funds appropriated under title III of this*
8 *Act shall be made available for assistance for the*
9 *Western Sahara: Provided, That not later than 90*
10 *days after enactment of this Act and prior to the obli-*
11 *gation of such funds, the Secretary of State, in con-*
12 *sultation with the Administrator of the United States*
13 *Agency for International Development, shall consult*
14 *with the Committees on Appropriations on the pro-*
15 *posed uses of such funds.*

16 *(2) FOREIGN MILITARY FINANCING PROGRAM.—*
17 *Funds appropriated by this Act under the heading*
18 *“Foreign Military Financing Program” that are*
19 *available for assistance for Morocco may only be used*
20 *for the purposes requested in the Congressional Budg-*
21 *et Justification, Foreign Operations, Fiscal Year*
22 *2017.*

23 *(h) SAUDI ARABIA.—*

24 *(1) INTERNATIONAL MILITARY EDUCATION AND*
25 *TRAINING.—None of the funds appropriated by this*

1 *Act under the heading “International Military Edu-*
2 *cation and Training” may be made available for as-*
3 *sistance for the Government of Saudi Arabia.*

4 (2) *EXPORT-IMPORT BANK.—None of the funds*
5 *appropriated or otherwise made available by this Act*
6 *and prior Acts making appropriations for the De-*
7 *partment of State, foreign operations, and related*
8 *programs should be obligated or expended by the Ex-*
9 *port-Import Bank of the United States to guarantee,*
10 *insure, or extend (or participate in the extension of)*
11 *credit in connection with the export of nuclear tech-*
12 *nology, equipment, fuel, materials, or other nuclear*
13 *technology-related goods or services to Saudi Arabia*
14 *unless the Government of Saudi Arabia—*

15 (A) *has in effect a nuclear cooperation*
16 *agreement pursuant to section 123 of the Atomic*
17 *Energy Act of 1954 (42 U.S.C. 2153);*

18 (B) *has committed to renounce uranium en-*
19 *richment and reprocessing on its territory under*
20 *that agreement; and*

21 (C) *has signed and implemented an Addi-*
22 *tional Protocol to its Comprehensive Safeguards*
23 *Agreement with the International Atomic Energy*
24 *Agency.*

25 (i) *SYRIA.—*

1 (1) *NON-LETHAL ASSISTANCE.*—*Of the funds ap-*
2 *propriated by this Act under the headings “Economic*
3 *Support Fund”, “International Narcotics Control and*
4 *Law Enforcement”, and “Peacekeeping Operations”,*
5 *not less than \$40,000,000 shall be made available,*
6 *notwithstanding any other provision of law, for non-*
7 *lethal stabilization assistance for Syria, of which not*
8 *less than \$7,000,000 shall be made available for emer-*
9 *gency medical and rescue response and chemical*
10 *weapons use investigations.*

11 (2) *LIMITATIONS.*—*Funds made available pursu-*
12 *ant to paragraph (1) of this subsection—*

13 (A) *may not be made available for a project*
14 *or activity that supports or otherwise legitimizes*
15 *the Government of Iran, foreign terrorist organi-*
16 *zations (as designated pursuant to section 219 of*
17 *the Immigration and Nationality Act (8 U.S.C.*
18 *1189)), or a proxy of Iran in Syria;*

19 (B) *may not be made available for activities*
20 *that further the strategic objectives of the Govern-*
21 *ment of the Russian Federation that the Sec-*
22 *retary of State determines may threaten or un-*
23 *dermine United States national security inter-*
24 *ests; and*

1 (C) *should not be used in areas of Syria*
2 *controlled by a government led by Bashar al-*
3 *Assad or associated forces.*

4 (3) *MONITORING AND OVERSIGHT.—Prior to the*
5 *obligation of any funds appropriated by this Act and*
6 *made available for assistance for Syria, the Secretary*
7 *of State shall take all practicable steps to ensure that*
8 *mechanisms are in place for monitoring, oversight,*
9 *and control of such assistance inside Syria.*

10 (4) *CONSULTATION AND NOTIFICATION.—Funds*
11 *made available pursuant to this subsection may only*
12 *be made available following consultation with the ap-*
13 *propriate congressional committees, and shall be sub-*
14 *ject to the regular notification procedures of the Com-*
15 *mittees on Appropriations.*

16 (j) *TUNISIA.—Of the funds appropriated under titles*
17 *III and IV of this Act and prior Acts making appropria-*
18 *tions for the Department of State, foreign operations, and*
19 *related programs, not less than \$241,400,000 shall be made*
20 *available for assistance for Tunisia.*

21 (k) *WEST BANK AND GAZA.—*

22 (1) *REPORT ON ASSISTANCE.—Prior to the ini-*
23 *tial obligation of funds made available by this Act*
24 *under the heading “Economic Support Fund” for as-*
25 *istance for the West Bank and Gaza, the Secretary*

1 *of State shall report to the Committees on Appropria-*
2 *tions that the purpose of such assistance is to—*

3 *(A) advance Middle East peace;*

4 *(B) improve security in the region;*

5 *(C) continue support for transparent and*
6 *accountable government institutions;*

7 *(D) promote a private sector economy; or*

8 *(E) address urgent humanitarian needs.*

9 *(2) LIMITATIONS.—*

10 *(A)(i) None of the funds appropriated under*
11 *the heading “Economic Support Fund” in this*
12 *Act may be made available for assistance for the*
13 *Palestinian Authority, if after the date of enact-*
14 *ment of this Act—*

15 *(I) the Palestinians obtain the*
16 *same standing as member states or full*
17 *membership as a state in the United*
18 *Nations or any specialized agency*
19 *thereof outside an agreement negotiated*
20 *between Israel and the Palestinians; or*

21 *(II) the Palestinians initiate an*
22 *International Criminal Court (ICC)*
23 *judicially authorized investigation, or*
24 *actively support such an investigation,*
25 *that subjects Israeli nationals to an in-*

1 *vestigation for alleged crimes against*
2 *Palestinians.*

3 *(ii) The Secretary of State may waive*
4 *the restriction in clause (i) of this subpara-*
5 *graph resulting from the application of sub-*
6 *clause (I) of such clause if the Secretary cer-*
7 *tifies to the Committees on Appropriations*
8 *that to do so is in the national security in-*
9 *terest of the United States, and submits a*
10 *report to such Committees detailing how the*
11 *waiver and the continuation of assistance*
12 *would assist in furthering Middle East*
13 *peace.*

14 *(B)(i) The President may waive the provi-*
15 *sions of section 1003 of the Foreign Relations*
16 *Authorization Act, Fiscal Years 1988 and 1989*
17 *(Public Law 100–204) if the President deter-*
18 *mines and certifies in writing to the Speaker of*
19 *the House of Representatives, the President pro*
20 *tempore of the Senate, and the appropriate con-*
21 *gressional committees that the Palestinians have*
22 *not, after the date of enactment of this Act—*

23 *(I) obtained in the United Na-*
24 *tions or any specialized agency thereof*
25 *the same standing as member states or*

1 *full membership as a state outside an*
2 *agreement negotiated between Israel*
3 *and the Palestinians; and*

4 *(II) initiated or actively sup-*
5 *ported an ICC investigation against*
6 *Israeli nationals for alleged crimes*
7 *against Palestinians.*

8 *(ii) Not less than 90 days after the*
9 *President is unable to make the certification*
10 *pursuant to clause (i) of this subparagraph,*
11 *the President may waive section 1003 of*
12 *Public Law 100–204 if the President deter-*
13 *mines and certifies in writing to the Speak-*
14 *er of the House of Representatives, the*
15 *President pro tempore of the Senate, and*
16 *the Committees on Appropriations that the*
17 *Palestinians have entered into direct and*
18 *meaningful negotiations with Israel: Pro-*
19 *vided, That any waiver of the provisions of*
20 *section 1003 of Public Law 100–204 under*
21 *clause (i) of this subparagraph or under*
22 *previous provisions of law must expire be-*
23 *fore the waiver under the preceding sentence*
24 *may be exercised.*

1 (iii) *Any waiver pursuant to this sub-*
2 *paragraph shall be effective for no more*
3 *than a period of 6 months at a time and*
4 *shall not apply beyond 12 months after the*
5 *enactment of this Act.*

6 (3) *APPLICATION OF TAYLOR FORCE ACT.—*
7 *Funds appropriated by this Act under the heading*
8 *“Economic Support Fund” that are made available*
9 *for assistance for the West Bank and Gaza shall be*
10 *made available consistent with section 1004(a) of the*
11 *Taylor Force Act (title X of division S of Public Law*
12 *115–141).*

13 (4) *SECURITY REPORT.—The reporting require-*
14 *ments in section 1404 of the Supplemental Appro-*
15 *priations Act, 2008 (Public Law 110–252) shall*
16 *apply to funds made available by this Act, including*
17 *a description of modifications, if any, to the security*
18 *strategy of the Palestinian Authority.*

19 (5) *INCITEMENT REPORT.—Not later than 90*
20 *days after enactment of this Act, the Secretary of*
21 *State shall submit a report to the appropriate con-*
22 *gressional committees detailing steps taken by the*
23 *Palestinian Authority to counter incitement of vio-*
24 *lence against Israelis and to promote peace and coex-*
25 *istence with Israel.*

1 *gional terrorism, including Boko Haram and other Islamic*
2 *State affiliates, participate in international peacekeeping*
3 *operations, and for military education and maritime secu-*
4 *rity programs.*

5 (c) *CENTRAL AFRICAN REPUBLIC.*—Of the funds ap-
6 *propriated by this Act under the heading “Economic Sup-*
7 *port Fund”, not less than \$3,000,000 shall be made avail-*
8 *able for a contribution to the Special Criminal Court in*
9 *Central African Republic.*

10 (d) *COUNTER ILLICIT ARMED GROUPS.*—Funds ap-
11 *propriated by this Act shall be made available for programs*
12 *and activities in areas affected by the Lord’s Resistance*
13 *Army (LRA) or other illicit armed groups in Eastern*
14 *Democratic Republic of the Congo and the Central African*
15 *Republic, including to improve physical access, tele-*
16 *communications infrastructure, and early-warning mecha-*
17 *nisms and to support the disarmament, demobilization, and*
18 *reintegration of former LRA combatants, especially child*
19 *soldiers.*

20 (e) *DEMOCRATIC REPUBLIC OF THE CONGO.*—Of the
21 *funds appropriated under titles III and IV of this Act, not*
22 *less than \$325,000,000 shall be made available for assist-*
23 *ance for the Democratic Republic of the Congo (DRC) for*
24 *stabilization, global health, and bilateral economic assist-*
25 *ance, including in areas affected by, and at risk from, the*

1 *Ebola virus disease: Provided, That such funds shall also*
2 *be made available to support security, stabilization, devel-*
3 *opment, and democracy in Eastern DRC: Provided further,*
4 *That funds appropriated by this Act under the headings*
5 *“Peacekeeping Operations” and “International Military*
6 *Education and Training” that are made available for such*
7 *purposes may be made available notwithstanding any other*
8 *provision of law, except section 620M of the Foreign Assist-*
9 *ance Act of 1961.*

10 (f) *LAKE CHAD BASIN COUNTRIES.—Funds appro-*
11 *priated under titles III and IV of this Act shall be made*
12 *available for assistance for Cameroon, Chad, Niger, and Ni-*
13 *geria for—*

14 (1) *democracy, development, and health pro-*
15 *grams;*

16 (2) *assistance for individuals targeted by foreign*
17 *terrorist and other extremist organizations, including*
18 *Boko Haram, consistent with the provisions of section*
19 *7059 of this Act;*

20 (3) *assistance for individuals displaced by vio-*
21 *lent conflict; and*

22 (4) *counterterrorism programs.*

23 (g) *MALAWI.—Of the funds appropriated by this Act*
24 *under the heading “Development Assistance”, not less than*
25 *\$60,000,000 shall be made available for assistance for Ma-*

1 *lawi, of which up to \$10,000,000 shall be made available*
2 *for higher education programs.*

3 (h) *SAHEL STABILIZATION AND SECURITY.—Funds*
4 *appropriated under titles III and IV of this Act shall be*
5 *made available for stabilization, health, development, and*
6 *security programs in the countries of the Sahel region.*

7 (i) *SOUTH SUDAN.—*

8 (1) *ASSISTANCE.—Of the funds appropriated*
9 *under title III of this Act that are made available for*
10 *assistance for South Sudan, not less than \$15,000,000*
11 *shall be made available for democracy programs and*
12 *not less than \$8,000,000 shall be made available for*
13 *conflict mitigation and reconciliation programs.*

14 (2) *LIMITATION ON ASSISTANCE FOR THE CEN-*
15 *TRAL GOVERNMENT.—Funds appropriated by this Act*
16 *that are made available for assistance for the central*
17 *Government of South Sudan may only be made avail-*
18 *able, following consultation with the Committees on*
19 *Appropriations, for—*

20 (A) *humanitarian assistance;*

21 (B) *health programs, including to prevent,*
22 *detect, and respond to infectious diseases;*

23 (C) *assistance to support South Sudan*
24 *peace negotiations or to advance or implement a*
25 *peace agreement; and*

1 (D) assistance to support implementation of
2 outstanding issues of the Comprehensive Peace
3 Agreement and mutual arrangements related to
4 such agreement:

5 *Provided, That prior to the initial obligation of funds*
6 *made available pursuant to subparagraphs (C) and*
7 *(D), the Secretary of State shall consult with the*
8 *Committees on Appropriations on the intended uses of*
9 *such funds and steps taken by such government to ad-*
10 *vance or implement a peace agreement.*

11 (j) SUDAN.—

12 (1) ASSISTANCE.—

13 (A) *Of the funds appropriated under title*
14 *III of this Act and prior Acts making appro-*
15 *priations for the Department of State, foreign*
16 *operations, and related programs, except for*
17 *funds designated by the Congress as an emer-*
18 *gency requirement pursuant to a concurrent res-*
19 *olution on the budget or the Balanced Budget*
20 *and Emergency Deficit Control Act of 1985, not*
21 *less than \$60,000,000 shall be made available for*
22 *assistance for Sudan, following consultation with*
23 *the Committees on Appropriations: Provided,*
24 *That amounts repurposed pursuant to this sub-*
25 *paragraph that were previously designated by*

1 *the Congress for Overseas Contingency Oper-*
2 *ations/Global War on Terrorism pursuant to sec-*
3 *tion 251(b)(2)(A)(ii) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985 are des-*
5 *ignated by the Congress for Overseas Contin-*
6 *gency Operations/Global War on Terrorism pur-*
7 *suant to section 251(b)(2)(A)(ii) of such Act:*
8 *Provided further, That notwithstanding any*
9 *other provision of law, such funds may be made*
10 *available for agriculture and economic growth*
11 *programs, and economic assistance for*
12 *marginalized areas in Sudan and Abyei.*

13 *(B) None of the funds appropriated under*
14 *title IV of this Act may be made available for as-*
15 *sistance for the Government of Sudan, except as-*
16 *sistance to support implementation of out-*
17 *standing issues of the Comprehensive Peace*
18 *Agreement, mutual arrangements related to post-*
19 *referendum issues associated with such Agree-*
20 *ment, or any other viable peace agreement in*
21 *Sudan.*

22 *(2) EXTENSION OF AUTHORIZATION.—Section*
23 *501(i) of title V of H.R. 3425 of the 106th Congress,*
24 *as enacted into law by section 1000(a)(5) of Public*
25 *Law 106–113 (113 Stat. 1501, 1535–36), and set*

1 *forth in Appendix E thereof (113 Stat. 1501A–289,–*
2 *313), as most recently amended by section 904(b) of*
3 *the Further Consolidated Appropriations Act, 2020*
4 *(Public Law 116–94, 113 Stat. 2534, 3086), is further*
5 *amended by striking “2000–2021” and inserting*
6 *“2000–2025”.*

7 (3) *CONSULTATION.—Funds appropriated by*
8 *this Act and prior Acts making appropriations for*
9 *the Department of State, foreign operations, and re-*
10 *lated programs that are made available for any new*
11 *program, project, or activity in Sudan shall be subject*
12 *to prior consultation with the appropriate congress-*
13 *sional committees.*

14 (k) *ZIMBABWE.—*

15 (1) *INSTRUCTION.—The Secretary of the Treas-*
16 *ury shall instruct the United States executive director*
17 *of each international financial institution to vote*
18 *against any extension by the respective institution of*
19 *any loan or grant to the Government of Zimbabwe,*
20 *except to meet basic human needs or to promote de-*
21 *mocracy, unless the Secretary of State certifies and*
22 *reports to the Committees on Appropriations that the*
23 *rule of law has been restored, including respect for*
24 *ownership and title to property, and freedoms of ex-*
25 *pression, association, and assembly.*

1 (2) *LIMITATION.*—None of the funds appro-
2 priated by this Act shall be made available for assist-
3 ance for the central Government of Zimbabwe, except
4 for health and education, unless the Secretary of State
5 certifies and reports as required in paragraph (1).

6 *EAST ASIA AND THE PACIFIC*

7 *SEC. 7043. (a) BURMA.*—

8 (1) *BILATERAL ECONOMIC ASSISTANCE.*—

9 (A) *Of the funds appropriated under title*
10 *III and under the heading “International Nar-*
11 *cotics Control and Law Enforcement” of this*
12 *Act, not less than \$134,950,000 shall be made*
13 *available for assistance for Burma: Provided,*
14 *That such funds may be made available notwith-*
15 *standing any other provision of law and fol-*
16 *lowing consultation with the appropriate con-*
17 *gressional committees: Provided further, That*
18 *such funds shall be made available for programs*
19 *to promote ethnic and religious tolerance and to*
20 *combat gender-based violence, including in*
21 *Kachin, Karen, Rakhine, and Shan states: Pro-*
22 *vided further, That such funds shall be made*
23 *available for programs to strengthen media and*
24 *civil society organizations: Provided further,*
25 *That such funds may be made available for eth-*

1 *nic groups and civil society in Burma to help*
2 *sustain ceasefire agreements and further pros-*
3 *pects for reconciliation and peace, which may*
4 *include support to representatives of ethnic*
5 *armed groups for this purpose.*

6 *(B) Funds appropriated under title III of*
7 *this Act for assistance for Burma shall be made*
8 *available for community-based organizations op-*
9 *erating in Thailand to provide food, medical,*
10 *and other humanitarian assistance to internally*
11 *displaced persons in eastern Burma, in addition*
12 *to assistance for Burmese refugees from funds*
13 *appropriated by this Act under the heading “Mi-*
14 *gration and Refugee Assistance”: Provided, That*
15 *such funds may be available for programs to*
16 *support the return of Kachin, Karen, Rohingya,*
17 *Shan, and other refugees and internally dis-*
18 *placed persons to their locations of origin or*
19 *preference in Burma only if such returns are*
20 *voluntary and consistent with international law.*

21 *(C) Funds appropriated under title III of*
22 *this Act for assistance for Burma that are made*
23 *available for assistance for the Government of*
24 *Burma to support the implementation of Nation-*
25 *wide Ceasefire Agreement conferences, commit-*

1 *tees, and other procedures may only be made*
2 *available if the Secretary of State reports to the*
3 *Committees on Appropriations that such con-*
4 *ferences, committees, and procedures are directed*
5 *toward a sustainable peace and the Government*
6 *of Burma is implementing its commitments*
7 *under such Agreement.*

8 (2) *INTERNATIONAL SECURITY ASSISTANCE.—*
9 *None of the funds appropriated by this Act under the*
10 *headings “International Military Education and*
11 *Training” and “Foreign Military Financing Pro-*
12 *gram” may be made available for assistance for*
13 *Burma: Provided, That the Department of State may*
14 *continue consultations with the armed forces of*
15 *Burma only on human rights and disaster response*
16 *in a manner consistent with the prior fiscal year, and*
17 *following consultation with the appropriate congres-*
18 *sional committees.*

19 (3) *LIMITATIONS.—None of the funds appro-*
20 *priated under title III of this Act for assistance for*
21 *Burma may be made available to any organization or*
22 *entity controlled by the armed forces of Burma, or to*
23 *any individual or organization that has committed a*
24 *gross violation of human rights or advocates violence*
25 *against ethnic or religious groups or individuals in*

1 *Burma, as determined by the Secretary of State for*
2 *programs administered by the Department of State*
3 *and USAID or the President of the National Endow-*
4 *ment for Democracy (NED) for programs adminis-*
5 *tered by NED.*

6 (4) *CONSULTATION.*—*Any new program or activ-*
7 *ity in Burma initiated in fiscal year 2021 shall be*
8 *subject to prior consultation with the appropriate*
9 *congressional committees.*

10 (b) *CAMBODIA.*—

11 (1) *ASSISTANCE.*—*Of the funds appropriated*
12 *under title III of this Act, not less than \$85,505,000*
13 *shall be made available for assistance for Cambodia.*

14 (2) *CERTIFICATION AND EXCEPTIONS.*—

15 (A) *CERTIFICATION.*—*None of the funds ap-*
16 *propriated by this Act that are made available*
17 *for assistance for the Government of Cambodia*
18 *may be obligated or expended unless the Sec-*
19 *retary of State certifies and reports to the Com-*
20 *mittees on Appropriations that such Government*
21 *is taking effective steps to—*

22 (i) *strengthen regional security and*
23 *stability, particularly regarding territorial*
24 *disputes in the South China Sea and the*

1 *enforcement of international sanctions with*
2 *respect to North Korea;*

3 *(ii) assert its sovereignty against inter-*
4 *ference by the People's Republic of China,*
5 *including by verifiably maintaining the*
6 *neutrality of Ream Naval Base, other mili-*
7 *tary installations in Cambodia, and dual*
8 *use facilities such as the Dara Sakor devel-*
9 *opment project;*

10 *(iii) cease violence and harassment*
11 *against civil society and the political oppo-*
12 *sition in Cambodia, and dismiss any politi-*
13 *cally motivated criminal charges against*
14 *those who criticize the government; and*

15 *(iv) respect the rights, freedoms, and*
16 *responsibilities enshrined in the Constitu-*
17 *tion of the Kingdom of Cambodia as en-*
18 *acted in 1993.*

19 *(B) EXCEPTIONS.—The certification re-*
20 *quired by subparagraph (A) shall not apply to*
21 *funds appropriated by this Act and made avail-*
22 *able for democracy, health, education, and envi-*
23 *ronment programs, programs to strengthen the*
24 *sovereignty of Cambodia, and programs to edu-*
25 *cate and inform the people of Cambodia of the*

1 *influence activities of the People’s Republic of*
2 *China in Cambodia.*

3 (3) *USES OF FUNDS.—Funds appropriated*
4 *under title III of this Act for assistance for Cambodia*
5 *shall be made available for—*

6 (A) *research and education programs asso-*
7 *ciated with the Khmer Rouge in Cambodia; and*

8 (B) *programs in the Khmer language to*
9 *monitor, map, and publicize the efforts by the*
10 *People’s Republic of China to expand its influ-*
11 *ence in Cambodia.*

12 (c) *INDO-PACIFIC STRATEGY AND THE ASIA REASSUR-*
13 *ANCE INITIATIVE ACT OF 2018.—*

14 (1) *ASSISTANCE.—Of the funds appropriated*
15 *under titles III and IV of this Act, not less than*
16 *\$1,482,000,000 shall be made available to support im-*
17 *plementation of the Indo-Pacific Strategy and the*
18 *Asia Reassurance Initiative Act of 2018 (Public Law*
19 *115–409).*

20 (2) *COUNTERING CHINESE INFLUENCE FUND.—*
21 *Of the funds appropriated by this Act under the head-*
22 *ings “Development Assistance”, “Economic Support*
23 *Fund”, “International Narcotics Control and Law*
24 *Enforcement”, “Nonproliferation, Anti-terrorism,*
25 *Demining and Related Programs”, and “Foreign*

1 *Military Financing Program*”, not less than
2 \$300,000,000 shall be made available for a Coun-
3 tering Chinese Influence Fund to counter the malign
4 influence of the Government of the People’s Republic
5 of China and the Chinese Communist Party and enti-
6 ties acting on their behalf globally, which shall be sub-
7 ject to prior consultation with the Committees on Ap-
8 propriations: Provided, That such funds are in addi-
9 tion to amounts otherwise made available for such
10 purposes: Provided further, That such funds appro-
11 priated under such headings may be transferred to,
12 and merged with, funds appropriated under such
13 headings: Provided further, That such transfer au-
14 thority is in addition to any other transfer authority
15 provided by this Act or any other Act, and is subject
16 to the regular notification procedures of the Commit-
17 tees on Appropriations.

18 (3) *RESTRICTION ON USES OF FUNDS.*—None of
19 the funds appropriated by this Act and prior Acts
20 making appropriations for the Department of State,
21 foreign operations, and related programs may be
22 made available for any project or activity that di-
23 rectly supports or promotes—

1 (A) *the Belt and Road Initiative or any*
2 *dual-use infrastructure projects of the People’s*
3 *Republic of China; and*

4 (B) *the use of technology, including bio-*
5 *technology, digital, telecommunications, and*
6 *cyber, developed by the People’s Republic of*
7 *China unless the Secretary of State, in consulta-*
8 *tion with the USAID Administrator and the*
9 *heads of other Federal agencies, as appropriate,*
10 *determines that such use does not adversely im-*
11 *pect the national security of the United States.*

12 (d) *LAOS.—Of the funds appropriated under titles III*
13 *and IV of this Act, not less than \$80,930,000 shall be made*
14 *available for assistance for Laos.*

15 (e) *NORTH KOREA.—*

16 (1) *CYBERSECURITY.—None of the funds appro-*
17 *priated by this Act or prior Acts making appropria-*
18 *tions for the Department of State, foreign operations,*
19 *and related programs may be made available for as-*
20 *sistance for the central government of a country the*
21 *Secretary of State determines and reports to the ap-*
22 *propriate congressional committees engages in signifi-*
23 *cant transactions contributing materially to the mali-*
24 *cious cyber-intrusion capabilities of the Government*
25 *of North Korea: Provided, That the Secretary of State*

1 *shall submit the report required by section 209 of the*
2 *North Korea Sanctions and Policy Enhancement Act*
3 *of 2016 (Public Law 114–122; 22 U.S.C. 9229) to the*
4 *Committees on Appropriations: Provided further,*
5 *That the Secretary of State may waive the applica-*
6 *tion of the restriction in this paragraph with respect*
7 *to assistance for the central government of a country*
8 *if the Secretary determines and reports to the appro-*
9 *priate congressional committees that to do so is im-*
10 *portant to the national security interest of the United*
11 *States, including a description of such interest served.*

12 (2) *BROADCASTS.—Funds appropriated by this*
13 *Act under the heading “International Broadcasting*
14 *Operations” shall be made available to maintain*
15 *broadcasting hours into North Korea at levels not less*
16 *than the prior fiscal year.*

17 (3) *HUMAN RIGHTS.—Funds appropriated by*
18 *this Act under the headings “Economic Support*
19 *Fund” and “Democracy Fund” shall be made avail-*
20 *able for the promotion of human rights in North*
21 *Korea: Provided, That the authority of section*
22 *7032(b)(1) of this Act shall apply to such funds.*

23 (4) *LIMITATION ON USE OF FUNDS.—None of the*
24 *funds made available by this Act under the heading*

1 *“Economic Support Fund” may be made available*
2 *for assistance for the Government of North Korea.*

3 *(f) PEOPLE’S REPUBLIC OF CHINA.—*

4 *(1) LIMITATION ON USE OF FUNDS.—None of the*
5 *funds appropriated under the heading “Diplomatic*
6 *Programs” in this Act may be obligated or expended*
7 *for processing licenses for the export of satellites of*
8 *United States origin (including commercial satellites*
9 *and satellite components) to the People’s Republic of*
10 *China (PRC) unless, at least 15 days in advance, the*
11 *Committees on Appropriations are notified of such*
12 *proposed action.*

13 *(2) PEOPLE’S LIBERATION ARMY.—The terms*
14 *and requirements of section 620(h) of the Foreign As-*
15 *sistance Act of 1961 shall apply to foreign assistance*
16 *projects or activities of the People’s Liberation Army*
17 *(PLA) of the PRC, to include such projects or activi-*
18 *ties by any entity that is owned or controlled by, or*
19 *an affiliate of, the PLA: Provided, That none of the*
20 *funds appropriated or otherwise made available pur-*
21 *suant to this Act may be used to finance any grant,*
22 *contract, or cooperative agreement with the PLA, or*
23 *any entity that the Secretary of State has reason to*
24 *believe is owned or controlled by, or an affiliate of,*
25 *the PLA.*

1 (3) *HONG KONG.*—

2 (A) *DEMOCRACY PROGRAMS.*—*Of the funds*
3 *appropriated by this Act under the first para-*
4 *graph under the heading “Democracy Fund”,*
5 *not less than \$3,000,000 shall be made available*
6 *for democracy and Internet freedom programs*
7 *for Hong Kong, including legal and other sup-*
8 *port for democracy activists.*

9 (B) *RESTRICTIONS ON ASSISTANCE.*—*None*
10 *of the funds appropriated by this Act or prior*
11 *Acts making appropriations for the Department*
12 *of State, foreign operations, and related pro-*
13 *grams that are made available for assistance for*
14 *Hong Kong should be obligated for assistance for*
15 *the Government of the People’s Republic of*
16 *China and the Chinese Communist Party or any*
17 *entity acting on their behalf in Hong Kong.*

18 (C) *REPORT.*—*Funds appropriated under*
19 *title I of this Act shall be made available to pre-*
20 *pare and submit to Congress the report required*
21 *by section 301 of the United States-Hong Kong*
22 *Policy Act of 1992 (22 U.S.C. 5731), which shall*
23 *include the information described in section*
24 *7043(f)(4)(B) of the Department of State, For-*
25 *oreign Operations, and Related Programs Appro-*

1 *priations Act, 2020 (division G of Public Law*
2 *116–94) and under this paragraph in the ex-*
3 *planatory statement described in section 4 (in*
4 *the matter preceding division A of this consoli-*
5 *dated Act).*

6 (4) *UYGHURS AND OTHER MUSLIM MINORI-*
7 *TIES.—The determination described under this head-*
8 *ing in the explanatory statement described in section*
9 *4 (in the matter preceding division A of this consoli-*
10 *dated Act) shall be submitted to the appropriate con-*
11 *gressional committees not later than 90 days after en-*
12 *actment of this Act.*

13 (5) *CLARIFICATION.—Funds appropriated by*
14 *this Act and prior Acts making appropriations for*
15 *the Department of State, foreign operations, and re-*
16 *lated programs that are made available for programs*
17 *in the People’s Republic of China may be used to*
18 *counter the impact of Chinese influence and invest-*
19 *ments in the Greater Mekong Subregion, following*
20 *consultation with the Committees on Appropriations.*

21 (g) *PHILIPPINES.—None of the funds appropriated by*
22 *this Act may be made available for counternarcotics assist-*
23 *ance for the Philippines, except for drug demand reduction,*
24 *maritime law enforcement, or transnational interdiction.*

25 (h) *TIBET.—*

1 (1) *FINANCING OF PROJECTS IN TIBET.*—*The*
2 *Secretary of the Treasury should instruct the United*
3 *States executive director of each international finan-*
4 *cial institution to use the voice and vote of the United*
5 *States to support financing of projects in Tibet if*
6 *such projects do not provide incentives for the migra-*
7 *tion and settlement of non-Tibetans into Tibet or fa-*
8 *cilitate the transfer of ownership of Tibetan land and*
9 *natural resources to non-Tibetans, are based on a*
10 *thorough needs-assessment, foster self-sufficiency of the*
11 *Tibetan people and respect Tibetan culture and tradi-*
12 *tions, and are subject to effective monitoring.*

13 (2) *PROGRAMS FOR TIBETAN COMMUNITIES.*—*(A)*
14 *Notwithstanding any other provision of law, of the*
15 *funds appropriated by this Act under the heading*
16 *“Economic Support Fund”, not less than \$8,000,000*
17 *shall be made available to nongovernmental organiza-*
18 *tions to support activities which preserve cultural tra-*
19 *ditions and promote sustainable development, edu-*
20 *cation, and environmental conservation in Tibetan*
21 *communities in the Tibet Autonomous Region and in*
22 *other Tibetan communities in China.*

23 *(B) Of the funds appropriated by this Act under*
24 *the heading “Economic Support Fund”, not less than*
25 *\$6,000,000 shall be made available for programs to*

1 *promote and preserve Tibetan culture and language*
2 *in the refugee and diaspora Tibetan communities, de-*
3 *velopment, and the resilience of Tibetan communities*
4 *and the Central Tibetan Administration in India and*
5 *Nepal, and to assist in the education and development*
6 *of the next generation of Tibetan leaders from such*
7 *communities: Provided, That such funds are in addi-*
8 *tion to amounts made available in subparagraph (A)*
9 *for programs inside Tibet.*

10 *(C) Of the funds appropriated by this Act under*
11 *the heading “Economic Support Fund”, not less than*
12 *\$3,000,000 shall be made available for programs to*
13 *strengthen the capacity of the Central Tibetan Ad-*
14 *ministration: Provided, That such funds shall be ad-*
15 *ministered by the United States Agency for Inter-*
16 *national Development.*

17 *(i) VIETNAM.—Of the funds appropriated under titles*
18 *III and IV of this Act, not less than \$169,739,000 shall be*
19 *made available for assistance for Vietnam, of which not less*
20 *than—*

21 *(1) \$14,500,000 shall be made available for*
22 *health and disability programs in areas sprayed with*
23 *Agent Orange and contaminated with dioxin, to as-*
24 *assist individuals with severe upper or lower body mo-*

1 *bility impairment or cognitive or developmental dis-*
2 *abilities;*

3 (2) \$19,000,000 shall be made available, notwith-
4 standing any other provision of law, for activities re-
5 lated to the remediation of dioxin contaminated sites
6 in Vietnam and may be made available for assistance
7 for the Government of Vietnam, including the mili-
8 tary, for such purposes; and

9 (3) \$2,500,000 shall be made available for a war
10 legacy reconciliation program.

11 SOUTH AND CENTRAL ASIA

12 SEC. 7044. (a) AFGHANISTAN.—

13 (1) FUNDING AND LIMITATIONS.—Funds appro-
14 priated by this Act under the headings “Economic
15 Support Fund” and “International Narcotics Control
16 and Law Enforcement” that are made available for
17 assistance for Afghanistan—

18 (A) shall be made available to implement
19 the South Asia Strategy, the Revised Strategy for
20 United States Engagement in Afghanistan, and
21 the United States Agency for International De-
22 velopment Country Development Cooperation
23 Strategy for Afghanistan;

24 (B) shall be made available for programs
25 that implement and support comprehensive

1 *strategies to combat corruption in Afghanistan,*
2 *with an emphasis on public disclosure of govern-*
3 *ment receipts and expenditures and prosecution*
4 *and punishment of corrupt officials;*

5 *(C) shall be made available to continue sup-*
6 *port for not-for-profit institutions of higher edu-*
7 *cation in Kabul, Afghanistan that are accessible*
8 *to both women and men in a coeducational envi-*
9 *ronment, including for the costs for operations*
10 *and security for such institutions;*

11 *(D) shall be made available for programs*
12 *that protect and strengthen the rights of Afghan*
13 *women and girls and promote the political and*
14 *economic empowerment of women including their*
15 *meaningful inclusion in political processes: Pro-*
16 *vided, That such assistance to promote the eco-*
17 *nomie empowerment of women shall be made*
18 *available as grants to Afghan organizations, to*
19 *the maximum extent practicable;*

20 *(E) shall prioritize, unless the Secretary of*
21 *State or the Administrator of the United States*
22 *Agency for International Development, as appro-*
23 *priate, determines that security conditions do*
24 *not permit or risk deterioration, assistance to*
25 *support long-term development in areas pre-*

1 *viously under the control of the Taliban or other*
2 *violent extremist groups: Provided, That such*
3 *funds may be made available notwithstanding*
4 *any other provision of law and following con-*
5 *sultation with the Committees on Appropriation;*

6 *(F) may not be made available for any pro-*
7 *gram, project, or activity pursuant to section*
8 *7044(a)(1)(C) of the Department of State, For-*
9 *ign Operations, and Related Programs Appro-*
10 *priations Act, 2019 (division F of Public Law*
11 *116–6); and*

12 *(G) may be made available, notwith-*
13 *standing any other provision of law, for pro-*
14 *grams and activities to address the needs of the*
15 *people of Afghanistan in support of peace and*
16 *reconciliation, including reintegration of former*
17 *Taliban and other extremists.*

18 *(2) AFGHAN WOMEN.—*

19 *(A) IN GENERAL.—The Secretary of State*
20 *shall promote and ensure the meaningful partici-*
21 *pation of Afghan women in any discussions be-*
22 *tween the Government of Afghanistan and the*
23 *Taliban related to the future of Afghanistan in*
24 *a manner consistent with the Women, Peace, and*
25 *Security Act of 2017 (Public Law 115–68) and*

1 *the 2019 United States Strategy on Women,*
2 *Peace, and Security, including through—*

3 *(i) advocacy by the United States Gov-*
4 *ernment for the inclusion of Afghan women*
5 *representatives, particularly from civil soci-*
6 *ety and rural provinces, in ongoing and fu-*
7 *ture discussion;*

8 *(ii) the leveraging of assistance for the*
9 *protection of women and girls and their*
10 *rights; and*

11 *(iii) efforts to ensure that any agree-*
12 *ment protects women’s and girl’s rights and*
13 *ensures their freedom of movement, rights to*
14 *education and work, and access to*
15 *healthcare and legal representation.*

16 *(B) ASSISTANCE.—Funds appropriated by*
17 *this Act and prior Acts making appropriations*
18 *for the Department of State, foreign operations,*
19 *and related programs under the heading “Eco-*
20 *nomie Support Fund” shall be made available*
21 *for an endowment pursuant to paragraph*
22 *(3)(A)(iv) of this subsection for a not-for-profit*
23 *institution of higher education in Kabul, Af-*
24 *ghanistan that is accessible to both women and*
25 *men in a coeducational environment: Provided,*

1 *That such endowment shall be established in*
2 *partnership with a United States-based Amer-*
3 *ican higher education institution that will serve*
4 *on its board of trustees: Provided further, That*
5 *prior to the obligation of funds for such an en-*
6 *dowment, the Administrator of the United States*
7 *Agency for International Development shall sub-*
8 *mit a report to the Committees on Appropria-*
9 *tions describing the governance structure, includ-*
10 *ing a proposed board of trustees, and financial*
11 *safeguards, including regular audit and report-*
12 *ing requirements, in any endowment agreement:*
13 *Provided further, That the USAID Adminis-*
14 *trator shall provide a report on the expenditure*
15 *of funds generated from such an endowment to*
16 *the Committees on Appropriations on an annual*
17 *basis.*

18 (3) *AUTHORITIES.*—

19 (A) *Funds appropriated by this Act under*
20 *titles III through VI that are made available for*
21 *assistance for Afghanistan may be made avail-*
22 *able—*

23 (i) *notwithstanding section 7012 of*
24 *this Act or any similar provision of law*

1 *and section 660 of the Foreign Assistance*
2 *Act of 1961;*

3 *(ii) for reconciliation programs and*
4 *disarmament, demobilization, and re-*
5 *integration activities for former combatants*
6 *who have renounced violence against the*
7 *Government of Afghanistan, including in*
8 *accordance with section 7046(a)(2)(B)(ii) of*
9 *the Department of State, Foreign Oper-*
10 *ations, and Related Programs Appropria-*
11 *tions Act, 2012 (division I of Public Law*
12 *112–74);*

13 *(iii) for an endowment to empower*
14 *women and girls; and*

15 *(iv) for an endowment for higher edu-*
16 *cation.*

17 *(B) Section 7046(a)(2)(A) of the Depart-*
18 *ment of State, Foreign Operations, and Related*
19 *Programs Appropriations Act, 2012 (division I*
20 *of Public Law 112–74) shall apply to funds ap-*
21 *propriated by this Act for assistance for Afghani-*
22 *stan.*

23 *(C) Of the funds appropriated by this Act*
24 *under the heading “Diplomatic Programs”, up*
25 *to \$3,000,000 may be transferred to any other*

1 *appropriation of any department or agency of*
2 *the United States Government, upon the concur-*
3 *rence of the head of such department or agency,*
4 *to support operations in, and assistance for, Af-*
5 *ghanistan and to carry out the provisions of the*
6 *Foreign Assistance Act of 1961: Provided, That*
7 *any such transfer shall be subject to the regular*
8 *notification procedures of the Committees on Ap-*
9 *propriations.*

10 (4) *AGREEMENT, REPORT, AND CERTIFI-*
11 *CATION.—Funds appropriated by this Act shall be*
12 *made available for the following purposes—*

13 (A) *the submission to the appropriate con-*
14 *gressional committees by the President of a copy*
15 *of any agreement or arrangement between the*
16 *Government of the United States and the*
17 *Taliban relating to the United States presence in*
18 *Afghanistan or Taliban commitments on the fu-*
19 *ture of Afghanistan, which shall be submitted not*
20 *later than 30 days after finalizing or amending*
21 *such an agreement or arrangement: Provided,*
22 *That not later than 30 days after enactment of*
23 *this Act and every 60 days thereafter until Sep-*
24 *tember 30, 2021, the Secretary of State shall sub-*
25 *mit to such committees a report detailing and*

1 *assessing the activities of the Taliban to abide by*
2 *their commitments in such agreement or ar-*
3 *rangement; and*

4 *(B) the submission to the appropriate con-*
5 *gressional committees of a joint certification by*
6 *the Secretary of State and Secretary of Defense*
7 *that such agreement or arrangement, or any*
8 *amendment to such agreement or arrangement,*
9 *will further the objective of setting conditions for*
10 *the long-term defeat of al Qaeda and Islamic*
11 *State and will not make the United States more*
12 *vulnerable to terrorist attacks originating from*
13 *Afghanistan or supported by terrorist elements*
14 *in Afghanistan: Provided, That the initial joint*
15 *certification to such committees shall be sub-*
16 *mitted upon enactment of this Act, and addi-*
17 *tional joint certifications, as appropriate, shall*
18 *be submitted to such committees not later than*
19 *30 days after any amendment to such agreement*
20 *or arrangement.*

21 *(5) UPDATED STRATEGY.—Not less than 90 days*
22 *after enactment of this Act, the Secretary of State, in*
23 *consultation with the heads of other relevant Federal*
24 *agencies, shall submit to the appropriate congres-*
25 *sional committees a comprehensive, multi-year strat-*

1 *egy for diplomatic and development engagement with*
2 *the Government of Afghanistan that reflects the agree-*
3 *ment between the United States and the Taliban, as*
4 *well as intra-Afghan negotiations: Provided, That*
5 *such strategy shall include a component to protect*
6 *and strengthen women and girl's welfare and rights,*
7 *including in any intra-Afghan negotiation and dur-*
8 *ing the implementation of any peace agreement: Pro-*
9 *vided further, That such strategy shall describe the*
10 *anticipated United States diplomatic and military*
11 *presence in Afghanistan over a multi-year period and*
12 *related strategy for mitigating and countering ongo-*
13 *ing terrorist threats and violent extremism: Provided*
14 *further, That the Secretary of State shall consult with*
15 *such committees on the parameters of such strategy:*
16 *Provided further, That the strategy required by this*
17 *paragraph shall be submitted in unclassified form,*
18 *but may be accompanied by a classified annex.*

19 *(6) BASING RIGHTS AGREEMENT.—None of the*
20 *funds made available by this Act may be used by the*
21 *United States Government to enter into a permanent*
22 *basing rights agreement between the United States*
23 *and Afghanistan.*

24 *(b) BANGLADESH.—Of the funds appropriated under*
25 *titles III and IV of this Act, not less than \$198,323,000*

1 *shall be made available for assistance for Bangladesh, of*
2 *which—*

3 (1) *not less than \$23,500,000 shall be made*
4 *available to address the needs of communities im-*
5 *acted by refugees from Burma;*

6 (2) *not less than \$10,000,000 shall be made*
7 *available for programs to protect freedom of expres-*
8 *sion and due process of law; and*

9 (3) *not less than \$23,300,000 shall be made*
10 *available for democracy programs, of which not less*
11 *than \$2,000,000 shall be made available for such pro-*
12 *grams for the Rohingya community in Bangladesh.*

13 *(c) NEPAL.—*

14 (1) *ASSISTANCE.—Of the funds appropriated*
15 *under titles III and IV of this Act, not less than*
16 *\$130,265,000 shall be made available for assistance*
17 *for Nepal, including for development and democracy*
18 *programs.*

19 (2) *FOREIGN MILITARY FINANCING PROGRAM.—*
20 *Funds appropriated by this Act under the heading*
21 *“Foreign Military Financing Program” shall only be*
22 *made available for humanitarian and disaster relief*
23 *and reconstruction activities in Nepal, and in sup-*
24 *port of international peacekeeping operations: Pro-*
25 *vided, That such funds may only be made available*

1 *for any additional uses if the Secretary of State cer-*
2 *tifies and reports to the Committees on Appropria-*
3 *tions that the Government of Nepal is investigating*
4 *and prosecuting violations of human rights and the*
5 *laws of war, and the Nepal Army is cooperating fully*
6 *with civilian judicial authorities in such cases.*

7 *(d) PAKISTAN.—*

8 *(1) TERMS AND CONDITIONS.—The terms and*
9 *conditions of section 7044(c) of the Department of*
10 *State, Foreign Operations, and Related Programs Ap-*
11 *propriations Act, 2019 (division F of Public Law*
12 *116–6) shall continue in effect during fiscal year*
13 *2021.*

14 *(2) ASSISTANCE.—Of the funds appropriated*
15 *under title III of this Act that are made available for*
16 *assistance for Pakistan, not less than \$15,000,000*
17 *shall be made available for democracy programs and*
18 *not less than \$10,000,000 shall be made available for*
19 *gender programs.*

20 *(3) CLARIFICATION.—Notwithstanding para-*
21 *graph (1), section 7044(d)(4)(A) of the Department of*
22 *State, Foreign Operations, and Related Programs Ap-*
23 *propriations Act, 2015 (division J of Public Law*
24 *113–235) is amended by striking “shall” and insert-*
25 *ing in lieu thereof “may”.*

1 (e) *SRI LANKA.*—

2 (1) *ASSISTANCE.*—*Funds appropriated under*
3 *title III of this Act shall be made available for assist-*
4 *ance for Sri Lanka for democracy and economic de-*
5 *velopment programs, particularly in areas recovering*
6 *from ethnic and religious conflict: Provided, That*
7 *such funds shall be made available for programs to*
8 *assist in the identification and resolution of cases of*
9 *missing persons.*

10 (2) *CERTIFICATION.*—*Funds appropriated by*
11 *this Act for assistance for the central Government of*
12 *Sri Lanka may be made available only if the Sec-*
13 *retary of State certifies and reports to the Committees*
14 *on Appropriations that such Government is taking ef-*
15 *fective and consistent steps to—*

16 (A) *respect and uphold the rights and free-*
17 *doms of the people of Sri Lanka regardless of*
18 *ethnicity and religious belief, including by inves-*
19 *tigating violations of human rights and holding*
20 *perpetrators of such violations accountable;*

21 (B) *increase transparency and account-*
22 *ability in governance;*

23 (C) *assert its sovereignty against influence*
24 *by the People's Republic of China; and*

1 (D) promote reconciliation between ethnic
2 and religious groups, particularly arising from
3 past conflict in Sri Lanka, including by—

4 (i) addressing land confiscation and
5 ownership issues;

6 (ii) resolving cases of missing persons,
7 including by maintaining a functioning of-
8 fice of missing persons;

9 (iii) reducing the presence of the armed
10 forces in former conflict zones and restruc-
11 turing the armed forces for a peacetime role
12 that contributes to post-conflict reconcili-
13 ation and regional security;

14 (iv) repealing or amending laws on ar-
15 rest and detention by security forces to com-
16 ply with international standards; and

17 (v) investigating allegations of arbi-
18 trary arrest and torture, and supporting a
19 credible justice mechanism:

20 *Provided, That the limitations of this paragraph*
21 *shall not apply to funds made available for hu-*
22 *manitarian assistance and disaster relief; to pro-*
23 *tect human rights, locate and identify missing*
24 *persons, and assist victims of torture and trau-*
25 *ma; to promote justice, accountability, and rec-*

1 *conciliation; to enhance maritime security and*
2 *domain awareness; to promote fiscal trans-*
3 *parency and sovereignty; and for International*
4 *Military Education and Training.*

5 (3) *INTERNATIONAL SECURITY ASSISTANCE.*—*Of*
6 *the funds appropriated by this Act and prior Acts*
7 *making appropriations for the Department of State,*
8 *foreign operations, and related programs under the*
9 *heading “Foreign Military Financing Program”, up*
10 *to \$15,000,000 may be made available for assistance*
11 *for Sri Lanka for the refurbishing of a high endur-*
12 *ance cutter: Provided, That in addition to such funds,*
13 *up to \$500,000 may be made available only for pro-*
14 *grams to support humanitarian assistance, disaster*
15 *relief, instruction in human rights and related cur-*
16 *ricula development, and maritime security and do-*
17 *main awareness, including professionalization and*
18 *training for the navy and coast guard: Provided fur-*
19 *ther, That amounts repurposed pursuant to this para-*
20 *graph that were previously designated by the Con-*
21 *gress, respectively, as an emergency requirement or*
22 *for Overseas Contingency Operations/Global War on*
23 *Terrorism pursuant to the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985 are designated*
25 *by the Congress as being for an emergency require-*

1 *ment pursuant to section 251(b)(2)(A)(i) of such Act*
2 *or for Overseas Contingency Operations/Global War*
3 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of*
4 *such Act.*

5 *(f) REGIONAL PROGRAMS.—Funds appropriated by*
6 *this Act shall be made available for assistance for Afghani-*
7 *stan, Pakistan, and other countries in South and Central*
8 *Asia to significantly increase the recruitment, training,*
9 *and retention of women in the judiciary, police, and other*
10 *security forces, and to train judicial and security personnel*
11 *in such countries to prevent and address gender-based vio-*
12 *lence, human trafficking, and other practices that dis-*
13 *proportionately harm women and girls.*

14 *LATIN AMERICA AND THE CARIBBEAN*

15 *SEC. 7045. (a) CENTRAL AMERICA.—*

16 *(1) ASSISTANCE.—Of the funds appropriated by*
17 *this Act under titles III and IV, \$505,925,000 should*
18 *be made available for assistance for Belize, Costa*
19 *Rica, El Salvador, Guatemala, Honduras, Nicaragua,*
20 *and Panama, including through the Central America*
21 *Regional Security Initiative: Provided, That such as-*
22 *sistance shall be prioritized for programs and activi-*
23 *ties that address the key factors that contribute to the*
24 *migration of unaccompanied, undocumented minors*
25 *to the United States and such funds shall be made*

1 available for global health, humanitarian, develop-
2 ment, democracy, border security, and law enforce-
3 ment programs for such countries, including for pro-
4 grams to reduce violence against women and girls
5 and to combat corruption, and for support of commis-
6 sions against corruption and impunity, as appro-
7 priate: Provided further, That not less than
8 \$45,000,000 shall be made available for support of of-
9 fices of Attorneys General and of other entities and
10 activities to combat corruption and impunity in such
11 countries.

12 (2) NORTHERN TRIANGLE.—

13 (A) LIMITATION ON ASSISTANCE TO CER-
14 TAIN CENTRAL GOVERNMENTS.—Of the funds
15 made available pursuant to paragraph (1) under
16 the heading “Economic Support Fund” and
17 under title IV of this Act that are made available
18 for assistance for each of the central governments
19 of El Salvador, Guatemala, and Honduras, 50
20 percent may only be obligated after the Secretary
21 of State certifies and reports to the Committees
22 on Appropriations that such government is—

23 (i) combating corruption and impu-
24 nity, including prosecuting corrupt govern-
25 ment officials;

- 1 (ii) *implementing reforms, policies,*
2 *and programs to increase transparency and*
3 *strengthen public institutions;*
- 4 (iii) *protecting the rights of civil soci-*
5 *ety, opposition political parties, and the*
6 *independence of the media;*
- 7 (iv) *providing effective and accountable*
8 *law enforcement and security for its citi-*
9 *zens, and upholding due process of law;*
- 10 (v) *implementing policies to reduce*
11 *poverty and promote equitable economic*
12 *growth and opportunity;*
- 13 (vi) *upholding the independence of the*
14 *judiciary and of electoral institutions;*
- 15 (vii) *improving border security;*
- 16 (viii) *combating human smuggling and*
17 *trafficking and countering the activities of*
18 *criminal gangs, drug traffickers, and*
19 *transnational criminal organizations;*
- 20 (ix) *informing its citizens of the dan-*
21 *gers of the journey to the southwest border*
22 *of the United States; and*
- 23 (x) *resolving disputes involving the*
24 *confiscation of real property of United*
25 *States entities.*

1 (B) *REPROGRAMMING.*—*If the Secretary is*
2 *unable to make the certification required by sub-*
3 *paragraph (A) for one or more of the govern-*
4 *ments, such assistance for such central govern-*
5 *ment shall be reprogrammed for assistance for*
6 *other countries in Latin America and the Carib-*
7 *bean, notwithstanding the minimum funding re-*
8 *quirements of this subsection and of section 7019*
9 *of this Act: Provided, That any such reprogram-*
10 *ming shall be subject to the regular notification*
11 *procedures of the Committees on Appropriations.*

12 (C) *EXCEPTIONS.*—*The limitation of sub-*
13 *paragraph (A) shall not apply to funds appro-*
14 *priated by this Act that are made available for—*

15 (i) *offices of Attorneys General and*
16 *other judicial entities and activities related*
17 *to combating corruption and impunity;*

18 (ii) *programs to combat gender-based*
19 *violence;*

20 (iii) *humanitarian assistance; and*

21 (iv) *food security programs.*

22 (D) *FOREIGN MILITARY FINANCING PRO-*
23 *GRAM.*—*None of the funds appropriated by this*
24 *Act under the heading “Foreign Military Fi-*
25 *nancing Program” may be made available for*

1 *assistance for El Salvador, Guatemala, or Hon-*
2 *duras.*

3 **(b) COLOMBIA.—**

4 **(1) ASSISTANCE.—***Of the funds appropriated by*
5 *this Act under titles III and IV, not less than*
6 *\$461,375,000 shall be made available for assistance*
7 *for Colombia: Provided, That such funds shall be*
8 *made available for the programs and activities de-*
9 *scribed under this section in House Report 116–444.*

10 **(2) WITHHOLDING OF FUNDS.—**

11 **(A) COUNTERNARCOTICS.—***Of the funds ap-*
12 *propriated by this Act under the heading “Inter-*
13 *national Narcotics Control and Law Enforce-*
14 *ment” and made available for assistance for Co-*
15 *lombia, 20 percent may be obligated only after*
16 *the Secretary of State certifies and reports to the*
17 *Committees on Appropriations that the Govern-*
18 *ment of Colombia is continuing to implement a*
19 *national whole-of-government counternarcotics*
20 *strategy designed to reduce by 50 percent cocaine*
21 *production and coca cultivation levels in Colom-*
22 *bia by 2023 and such strategy is not in violation*
23 *of the 2016 peace accord between the Government*
24 *of Colombia and the Revolutionary Armed*
25 *Forces of Colombia.*

1 (B) *HUMAN RIGHTS*.—Of the funds appro-
2 priated by this Act under the heading “Foreign
3 Military Financing Program” and made avail-
4 able for assistance for Colombia, 20 percent may
5 be obligated only after the Secretary of State cer-
6 tifies and reports to the Committees on Appro-
7 priations that—

8 (i) *the Special Jurisdiction for Peace*
9 *and other judicial authorities are taking ef-*
10 *fective steps to hold accountable perpetrators*
11 *of gross violations of human rights in a*
12 *manner consistent with international law,*
13 *including for command responsibility, and*
14 *sentence them to deprivation of liberty;*

15 (ii) *the Government of Colombia is*
16 *taking effective steps to prevent attacks*
17 *against human rights defenders and other*
18 *civil society activists, trade unionists, and*
19 *journalists, and judicial authorities are*
20 *prosecuting those responsible for such at-*
21 *tacks;*

22 (iii) *the Government of Colombia is*
23 *taking effective steps to protect Afro-Colom-*
24 *bian and indigenous communities and is re-*
25 *specting their rights and territory;*

1 (iv) senior military officers responsible
2 for ordering, committing, and covering up
3 cases of false positives are being held ac-
4 countable, including removal from active
5 duty if found guilty through criminal or
6 disciplinary proceedings; and

7 (v) the Government of Colombia has
8 investigated and is taking steps to hold ac-
9 countable Government officials credibly al-
10 leged to have directed, authorized, or con-
11 ducted illegal surveillance of political oppo-
12 nents, government officials, journalists, and
13 human rights defenders, including through
14 the use of assets provided by the United
15 States for combating counterterrorism and
16 counternarcotics for such purposes.

17 (3) *EXCEPTIONS.*—The limitations of paragraph
18 (2) shall not apply to funds made available for avia-
19 tion instruction and maintenance, and maritime and
20 riverine security programs.

21 (4) *AUTHORITY.*—Aircraft supported by funds
22 appropriated by this Act and prior Acts making ap-
23 propriations for the Department of State, foreign op-
24 erations, and related programs and made available
25 for assistance for Colombia may be used to transport

1 *personnel and supplies involved in drug eradication*
2 *and interdiction, including security for such activi-*
3 *ties, and to provide transport in support of alter-*
4 *native development programs and investigations by*
5 *civilian judicial authorities.*

6 (5) *LIMITATION.—None of the funds appro-*
7 *propriated by this Act or prior Acts making appropria-*
8 *tions for the Department of State, foreign operations,*
9 *and related programs that are made available for as-*
10 *sistance for Colombia may be made available for pay-*
11 *ment of reparations to conflict victims or compensa-*
12 *tion to demobilized combatants associated with a*
13 *peace agreement between the Government of Colombia*
14 *and illegal armed groups.*

15 (c) *HAITI.—*

16 (1) *CERTIFICATION.—The certification require-*
17 *ment contained in section 7045(c)(1) of the Depart-*
18 *ment of State, Foreign Operations, and Related Pro-*
19 *grams Appropriations Act, 2020 (division G of Public*
20 *Law 116–94) shall continue in effect during fiscal*
21 *year 2021 and shall also apply to funds appropriated*
22 *by this Act under the heading “Development Assist-*
23 *ance” that are made available for assistance for*
24 *Haiti.*

1 (2) *HAITIAN COAST GUARD.*—*The Government of*
2 *Haiti shall be eligible to purchase defense articles and*
3 *services under the Arms Export Control Act (22*
4 *U.S.C. 2751 et seq.) for the Coast Guard.*

5 (3) *LIMITATION.*—*None of the funds made avail-*
6 *able by this Act may be used to provide assistance to*
7 *the armed forces of Haiti.*

8 (d) *THE CARIBBEAN.*—*Of the funds appropriated by*
9 *this Act under titles III and IV, not less than \$74,800,000*
10 *shall be made available for the Caribbean Basin Security*
11 *Initiative.*

12 (e) *VENEZUELA.*—

13 (1) *Of the funds appropriated by this Act under*
14 *the heading “Economic Support Fund”, not less than*
15 *\$33,000,000 shall be made available for democracy*
16 *programs for Venezuela.*

17 (2) *Funds appropriated under title III of this*
18 *Act and prior Acts making appropriations for the De-*
19 *partment of State, foreign operations, and related*
20 *programs shall be made available for assistance for*
21 *communities in countries supporting or otherwise im-*
22 *acted by refugees from Venezuela, including Colom-*
23 *bia, Peru, Ecuador, Curacao, and Trinidad and To-*
24 *bago: Provided, That such amounts are in addition to*
25 *funds otherwise made available for assistance for such*

1 *countries, subject to prior consultation with, and the*
2 *regular notification procedures of, the Committees on*
3 *Appropriations.*

4 *EUROPE AND EURASIA*

5 *SEC. 7046. (a) ASSISTANCE.—*

6 *(1) GEORGIA.—Of the funds appropriated by*
7 *this Act under titles III and IV, not less than*
8 *\$132,025,000 shall be made available for assistance*
9 *for Georgia: Provided, That not later than 90 days*
10 *after enactment of this Act, the Secretary of State*
11 *shall submit to the Committees on Appropriations a*
12 *report on the rule of law and accountable institutions*
13 *in Georgia as described under this heading in the ex-*
14 *planatory statement described in section 4 (in the*
15 *matter preceding division A of this consolidated Act).*

16 *(2) UKRAINE.—Of the funds appropriated by*
17 *this Act under titles III and IV, not less than*
18 *\$453,000,000 shall be made available for assistance*
19 *for Ukraine.*

20 *(b) TERRITORIAL INTEGRITY.—None of the funds ap-*
21 *propriated by this Act may be made available for assistance*
22 *for a government of an Independent State of the former So-*
23 *viet Union if such government directs any action in viola-*
24 *tion of the territorial integrity or national sovereignty of*
25 *any other Independent State of the former Soviet Union,*

1 *such as those violations included in the Helsinki Final Act:*
2 *Provided, That except as otherwise provided in section*
3 *7047(a) of this Act, funds may be made available without*
4 *regard to the restriction in this subsection if the President*
5 *determines that to do so is in the national security interest*
6 *of the United States: Provided further, That prior to exe-*
7 *cuting the authority contained in the previous proviso, the*
8 *Secretary of State shall consult with the Committees on Ap-*
9 *propriations on how such assistance supports the national*
10 *security interest of the United States.*

11 *(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—*
12 *Section 907 of the FREEDOM Support Act (22 U.S.C.*
13 *5812 note) shall not apply to—*

14 *(1) activities to support democracy or assistance*
15 *under title V of the FREEDOM Support Act (22*
16 *U.S.C. 5851 et seq.) and section 1424 of the Defense*
17 *Against Weapons of Mass Destruction Act of 1996 (50*
18 *U.S.C. 2333) or non-proliferation assistance;*

19 *(2) any assistance provided by the Trade and*
20 *Development Agency under section 661 of the Foreign*
21 *Assistance Act of 1961;*

22 *(3) any activity carried out by a member of the*
23 *United States and Foreign Commercial Service while*
24 *acting within his or her official capacity;*

1 (4) *any insurance, reinsurance, guarantee, or*
2 *other assistance provided by the United States Inter-*
3 *national Development Finance Corporation as au-*
4 *thorized by the BUILD Act of 2018 (division F of*
5 *Public Law 115–254);*

6 (5) *any financing provided under the Export-*
7 *Import Bank Act of 1945 (Public Law 79–173); or*

8 (6) *humanitarian assistance.*

9 (d) *TURKEY.—None of the funds made available by*
10 *this Act may be used to facilitate or support the sale of*
11 *defense articles or defense services to the Turkish Presi-*
12 *dential Protection Directorate (TPPD) under Chapter 2 of*
13 *the Arms Export Control Act (22 U.S.C. 2761 et seq.) unless*
14 *the Secretary of State determines and reports to the appro-*
15 *priate congressional committees that members of the TPPD*
16 *who are named in the July 17, 2017, indictment by the*
17 *Superior Court of the District of Columbia, and against*
18 *whom there are pending charges, have returned to the*
19 *United States to stand trial in connection with the offenses*
20 *contained in such indictment or have otherwise been*
21 *brought to justice: Provided, That the limitation in this*
22 *paragraph shall not apply to the use of funds made avail-*
23 *able by this Act for border security purposes, for North At-*
24 *lantic Treaty Organization or coalition operations, or to*

1 *enhance the protection of United States officials and facili-*
2 *ties in Turkey.*

3 *COUNTERING RUSSIAN INFLUENCE AND AGGRESSION*

4 *SEC. 7047. (a) LIMITATION.—None of the funds appro-*
5 *priated by this Act may be made available for assistance*
6 *for the central Government of the Russian Federation.*

7 *(b) ANNEXATION OF CRIMEA.—*

8 *(1) PROHIBITION.—None of the funds appro-*
9 *priated by this Act may be made available for assist-*
10 *ance for the central government of a country that the*
11 *Secretary of State determines and reports to the Com-*
12 *mittees on Appropriations has taken affirmative steps*
13 *intended to support or be supportive of the Russian*
14 *Federation annexation of Crimea or other territory in*
15 *Ukraine: Provided, That except as otherwise provided*
16 *in subsection (a), the Secretary may waive the re-*
17 *striction on assistance required by this paragraph if*
18 *the Secretary determines and reports to such Commit-*
19 *tees that to do so is in the national interest of the*
20 *United States, and includes a justification for such*
21 *interest.*

22 *(2) LIMITATION.—None of the funds appro-*
23 *priated by this Act may be made available for—*

24 *(A) the implementation of any action or*
25 *policy that recognizes the sovereignty of the Rus-*

1 *sian Federation over Crimea or other territory*
2 *in Ukraine;*

3 *(B) the facilitation, financing, or guarantee*
4 *of United States Government investments in Cri-*
5 *mea or other territory in Ukraine under the con-*
6 *trol of Russian-backed separatists, if such activ-*
7 *ity includes the participation of Russian Gov-*
8 *ernment officials, or other Russian owned or con-*
9 *trolled financial entities; or*

10 *(C) assistance for Crimea or other territory*
11 *in Ukraine under the control of Russian-backed*
12 *separatists, if such assistance includes the par-*
13 *ticipation of Russian Government officials, or*
14 *other Russian owned or controlled financial enti-*
15 *ties.*

16 *(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—*
17 *The Secretary of the Treasury shall instruct the*
18 *United States executive directors of each international*
19 *financial institution to use the voice and vote of the*
20 *United States to oppose any assistance by such insti-*
21 *tution (including any loan, credit, or guarantee) for*
22 *any program that violates the sovereignty or terri-*
23 *torial integrity of Ukraine.*

24 *(4) DURATION.—The requirements and limita-*
25 *tions of this subsection shall cease to be in effect if the*

1 *Secretary of State determines and reports to the Com-*
2 *mittees on Appropriations that the Government of*
3 *Ukraine has reestablished sovereignty over Crimea*
4 *and other territory in Ukraine under the control of*
5 *Russian-backed separatists.*

6 (c) *OCCUPATION OF THE GEORGIAN TERRITORIES OF*
7 *ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—*

8 (1) *PROHIBITION.—None of the funds appro-*
9 *priated by this Act may be made available for assist-*
10 *ance for the central government of a country that the*
11 *Secretary of State determines and reports to the Com-*
12 *mittees on Appropriations has recognized the inde-*
13 *pendence of, or has established diplomatic relations*
14 *with, the Russian Federation occupied Georgian terri-*
15 *tories of Abkhazia and Tskhinvali Region/South*
16 *Ossetia: Provided, That the Secretary shall publish on*
17 *the Department of State website a list of any such*
18 *central governments in a timely manner: Provided*
19 *further, That the Secretary may waive the restriction*
20 *on assistance required by this paragraph if the Sec-*
21 *retary determines and reports to the Committees on*
22 *Appropriations that to do so is in the national inter-*
23 *est of the United States, and includes a justification*
24 *for such interest.*

1 (2) *LIMITATION.*—None of the funds appro-
2 priated by this Act may be made available to support
3 the Russian Federation occupation of the Georgian
4 territories of Abkhazia and Tskhinvali Region/South
5 Ossetia.

6 (3) *INTERNATIONAL FINANCIAL INSTITUTIONS.*—
7 The Secretary of the Treasury shall instruct the
8 United States executive directors of each international
9 financial institution to use the voice and vote of the
10 United States to oppose any assistance by such insti-
11 tution (including any loan, credit, or guarantee) for
12 any program that violates the sovereignty and terri-
13 torial integrity of Georgia.

14 (d) *COUNTERING RUSSIAN INFLUENCE FUND.*—

15 (1) *ASSISTANCE.*—Of the funds appropriated by
16 this Act under the headings “Assistance for Europe,
17 Eurasia and Central Asia”, “International Narcotics
18 Control and Law Enforcement”, “International Mili-
19 tary Education and Training”, and “Foreign Mili-
20 tary Financing Program”, not less than \$290,000,000
21 shall be made available to carry out the purposes of
22 the Countering Russian Influence Fund, as author-
23 ized by section 254 of the Countering Russian Infl-
24 uence in Europe and Eurasia Act of 2017 (Public Law
25 115–44; 22 U.S.C. 9543) and notwithstanding the

1 *country limitation in subsection (b) of such section,*
2 *and programs to enhance the capacity of law enforce-*
3 *ment and security forces in countries in Europe, Eur-*
4 *asia, and Central Asia and strengthen security co-*
5 *operation between such countries and the United*
6 *States and the North Atlantic Treaty Organization,*
7 *as appropriate.*

8 (2) *ECONOMICS AND TRADE.—Funds appro-*
9 *priated by this Act and made available for assistance*
10 *for the Eastern Partnership countries shall be made*
11 *available to advance the implementation of Associa-*
12 *tion Agreements and trade agreements with the Euro-*
13 *pean Union, and to reduce their vulnerability to ex-*
14 *ternal economic and political pressure from the Rus-*
15 *sian Federation.*

16 (e) *DEMOCRACY PROGRAMS.—Funds appropriated by*
17 *this Act shall be made available to support democracy pro-*
18 *grams in the Russian Federation and other countries in*
19 *Europe, Eurasia, and Central Asia, including to promote*
20 *Internet freedom: Provided, That of the funds appropriated*
21 *under the heading “Assistance for Europe, Eurasia and*
22 *Central Asia”, not less than \$20,000,000 shall be made*
23 *available to strengthen democracy and civil society in Cen-*
24 *tral Europe, including for transparency, independent*

1 *media, rule of law, minority rights, and programs to com-*
2 *bat anti-Semitism.*

3 *UNITED NATIONS*

4 *SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-*
5 *ABILITY.—Not later than 180 days after enactment of this*
6 *Act, the Secretary of State shall report to the Committees*
7 *on Appropriations whether each organization, department,*
8 *or agency receiving a contribution from funds appropriated*
9 *by this Act under the headings “Contributions to Inter-*
10 *national Organizations” and “International Organizations*
11 *and Programs” is—*

12 *(1) posting on a publicly available website, con-*
13 *sistent with privacy regulations and due process, reg-*
14 *ular financial and programmatic audits of such orga-*
15 *nization, department, or agency, and providing the*
16 *United States Government with necessary access to*
17 *such financial and performance audits;*

18 *(2) effectively implementing and enforcing poli-*
19 *cies and procedures which meet or exceed best prac-*
20 *tices in the United States for the protection of whis-*
21 *tleblowers from retaliation, including—*

22 *(A) protection against retaliation for inter-*
23 *nal and lawful public disclosures;*

24 *(B) legal burdens of proof;*

1 (C) *statutes of limitation for reporting re-*
2 *taliation;*

3 (D) *access to binding independent adjudica-*
4 *tive bodies, including shared cost and selection of*
5 *external arbitration; and*

6 (E) *results that eliminate the effects of prov-*
7 *en retaliation, including provision for the res-*
8 *toration of prior employment; and*

9 (3) *effectively implementing and enforcing poli-*
10 *cies and procedures on the appropriate use of travel*
11 *funds, including restrictions on first-class and busi-*
12 *ness-class travel.*

13 (b) *RESTRICTIONS ON UNITED NATIONS DELEGATIONS*
14 *AND ORGANIZATIONS.—*

15 (1) *RESTRICTIONS ON UNITED STATES DELEGA-*
16 *TIONS.—None of the funds made available by this Act*
17 *may be used to pay expenses for any United States*
18 *delegation to any specialized agency, body, or com-*
19 *mission of the United Nations if such agency, body,*
20 *or commission is chaired or presided over by a coun-*
21 *try, the government of which the Secretary of State*
22 *has determined, for purposes of section 1754(c) of the*
23 *Export Reform Control Act of 2018 (50 U.S.C.*
24 *4813(c)), supports international terrorism.*

1 (2) *RESTRICTIONS ON CONTRIBUTIONS.*—None of
2 the funds made available by this Act may be used by
3 the Secretary of State as a contribution to any orga-
4 nization, agency, commission, or program within the
5 United Nations system if such organization, agency,
6 commission, or program is chaired or presided over
7 by a country the government of which the Secretary
8 of State has determined, for purposes of section 620A
9 of the Foreign Assistance Act of 1961, section 40 of
10 the Arms Export Control Act, section 1754(c) of the
11 Export Reform Control Act of 2018 (50 U.S.C.
12 4813(c)), or any other provision of law, is a govern-
13 ment that has repeatedly provided support for acts of
14 international terrorism.

15 (3) *WAIVER.*—The Secretary of State may waive
16 the restriction in this subsection if the Secretary de-
17 termines and reports to the Committees on Appro-
18 priations that to do so is important to the national
19 interest of the United States, including a description
20 of the national interest served.

21 (c) *UNITED NATIONS HUMAN RIGHTS COUNCIL.*—
22 None of the funds appropriated by this Act may be made
23 available in support of the United Nations Human Rights
24 Council unless the Secretary of State determines and re-
25 ports to the Committees on Appropriations that participa-

1 *tion in the Council is important to the national interest*
2 *of the United States and that such Council is taking signifi-*
3 *cant steps to remove Israel as a permanent agenda item*
4 *and ensure integrity in the election of members to such*
5 *Council: Provided, That such report shall include a descrip-*
6 *tion of the national interest served and the steps taken to*
7 *remove Israel as a permanent agenda item and ensure in-*
8 *tegrity in the election of members to such Council: Provided*
9 *further, That the Secretary of State shall report to the Com-*
10 *mittees on Appropriations not later than September 30,*
11 *2021, on the resolutions considered in the United Nations*
12 *Human Rights Council during the previous 12 months, and*
13 *on steps taken to remove Israel as a permanent agenda item*
14 *and ensure integrity in the election of members to such*
15 *Council.*

16 *(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—*
17 *Prior to the initial obligation of funds for the United Na-*
18 *tions Relief and Works Agency (UNRWA), the Secretary of*
19 *State shall report to the Committees on Appropriations, in*
20 *writing, on whether UNRWA is—*

21 *(1) utilizing Operations Support Officers in the*
22 *West Bank, Gaza, and other fields of operation to in-*
23 *spect UNRWA installations and reporting any inap-*
24 *propriate use;*

1 (2) *acting promptly to address any staff or bene-*
2 *ficiary violation of its own policies (including the*
3 *policies on neutrality and impartiality of employees)*
4 *and the legal requirements under section 301(c) of the*
5 *Foreign Assistance Act of 1961;*

6 (3) *implementing procedures to maintain the*
7 *neutrality of its facilities, including implementing a*
8 *no-weapons policy, and conducting regular inspec-*
9 *tions of its installations, to ensure they are only used*
10 *for humanitarian or other appropriate purposes;*

11 (4) *taking necessary and appropriate measures*
12 *to ensure it is operating in compliance with the con-*
13 *ditions of section 301(c) of the Foreign Assistance Act*
14 *of 1961 and continuing regular reporting to the De-*
15 *partment of State on actions it has taken to ensure*
16 *conformance with such conditions;*

17 (5) *taking steps to ensure the content of all edu-*
18 *cational materials currently taught in UNRWA-ad-*
19 *ministered schools and summer camps is consistent*
20 *with the values of human rights, dignity, and toler-*
21 *ance and does not induce incitement;*

22 (6) *not engaging in operations with financial in-*
23 *stitutions or related entities in violation of relevant*
24 *United States law, and is taking steps to improve the*
25 *financial transparency of the organization; and*

1 (7) *in compliance with the United Nations*
2 *Board of Auditors' biennial audit requirements and*
3 *is implementing in a timely fashion the Board's rec-*
4 *ommendations.*

5 (e) *PROHIBITION OF PAYMENTS TO UNITED NATIONS*
6 *MEMBERS.—None of the funds appropriated or made avail-*
7 *able pursuant to titles III through VI of this Act for car-*
8 *rying out the Foreign Assistance Act of 1961, may be used*
9 *to pay in whole or in part any assessments, arrearages,*
10 *or dues of any member of the United Nations or, from funds*
11 *appropriated by this Act to carry out chapter 1 of part*
12 *I of the Foreign Assistance Act of 1961, the costs for partici-*
13 *pation of another country's delegation at international con-*
14 *ferences held under the auspices of multilateral or inter-*
15 *national organizations.*

16 (f) *REPORT.—Not later than 45 days after enactment*
17 *of this Act, the Secretary of State shall submit a report to*
18 *the Committees on Appropriations detailing the amount of*
19 *funds available for obligation or expenditure in fiscal year*
20 *2021 for contributions to any organization, department,*
21 *agency, or program within the United Nations system or*
22 *any international program that are withheld from obliga-*
23 *tion or expenditure due to any provision of law: Provided,*
24 *That the Secretary shall update such report each time addi-*
25 *tional funds are withheld by operation of any provision of*

1 *law: Provided further, That the reprogramming of any*
2 *withheld funds identified in such report, including updates*
3 *thereof, shall be subject to prior consultation with, and the*
4 *regular notification procedures of, the Committees on Ap-*
5 *propriations.*

6 *(g) SEXUAL EXPLOITATION AND ABUSE IN PEACE-*
7 *KEEPING OPERATIONS.—The Secretary of State should*
8 *withhold assistance to any unit of the security forces of a*
9 *foreign country if the Secretary has credible information*
10 *that such unit has engaged in sexual exploitation or abuse,*
11 *including while serving in a United Nations peacekeeping*
12 *operation, until the Secretary determines that the govern-*
13 *ment of such country is taking effective steps to hold the*
14 *responsible members of such unit accountable and to pre-*
15 *vent future incidents: Provided, That the Secretary shall*
16 *promptly notify the government of each country subject to*
17 *any withholding of assistance pursuant to this paragraph,*
18 *and shall notify the appropriate congressional committees*
19 *of such withholding not later than 10 days after a deter-*
20 *mination to withhold such assistance is made: Provided fur-*
21 *ther, That the Secretary shall, to the maximum extent prac-*
22 *ticable, assist such government in bringing the responsible*
23 *members of such unit to justice.*

24 *(h) ADDITIONAL AVAILABILITY.—Subject to the regular*
25 *notification procedures of the Committees on Appropria-*

1 *tions, funds appropriated by this Act which are returned*
2 *or not made available due to the third proviso under the*
3 *heading “Contributions for International Peacekeeping Ac-*
4 *tivities” in title I of this Act or section 307(a) of the For-*
5 *ign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall re-*
6 *main available for obligation until September 30, 2022:*
7 *Provided, That the requirement to withhold funds for pro-*
8 *grams in Burma under section 307(a) of the Foreign Assist-*
9 *ance Act of 1961 shall not apply to funds appropriated by*
10 *this Act.*

11 *WAR CRIMES TRIBUNALS*

12 *SEC. 7049. (a) If the President determines that doing*
13 *so will contribute to a just resolution of charges regarding*
14 *genocide or other violations of international humanitarian*
15 *law, the President may direct a drawdown pursuant to sec-*
16 *tion 552(c) of the Foreign Assistance Act of 1961 of up to*
17 *\$30,000,000 of commodities and services for the United Na-*
18 *tions War Crimes Tribunal established with regard to the*
19 *former Yugoslavia by the United Nations Security Council*
20 *or such other tribunals or commissions as the Council may*
21 *establish or authorize to deal with such violations, without*
22 *regard to the ceiling limitation contained in paragraph (2)*
23 *thereof: Provided, That the determination required under*
24 *this section shall be in lieu of any determinations otherwise*
25 *required under section 552(c): Provided further, That funds*

1 *freedom globally: Provided, That such programs shall be*
2 *prioritized for countries whose governments restrict freedom*
3 *of expression on the Internet, and that are important to*
4 *the national interest of the United States: Provided further,*
5 *That funds made available pursuant to this section shall*
6 *be matched, to the maximum extent practicable, by sources*
7 *other than the United States Government, including from*
8 *the private sector.*

9 (b) *REQUIREMENTS.—*

10 (1) *DEPARTMENT OF STATE AND UNITED STATES*
11 *AGENCY FOR INTERNATIONAL DEVELOPMENT.—Funds*
12 *appropriated by this Act under the headings “Eco-*
13 *nomic Support Fund”, “Democracy Fund”, and “As-*
14 *sistance for Europe, Eurasia and Central Asia” that*
15 *are made available pursuant to subsection (a) shall*
16 *be—*

17 (A) *coordinated with other democracy pro-*
18 *grams funded by this Act under such headings,*
19 *and shall be incorporated into country assistance*
20 *and democracy promotion strategies, as appro-*
21 *priate;*

22 (B) *for programs to implement the May*
23 *2011, International Strategy for Cyberspace, the*
24 *Department of State International Cyberspace*
25 *Policy Strategy required by section 402 of the*

1 *Cybersecurity Act of 2015 (division N of Public*
2 *Law 114–113), and the comprehensive strategy*
3 *to promote Internet freedom and access to infor-*
4 *mation in Iran, as required by section 414 of the*
5 *Iran Threat Reduction and Syria Human*
6 *Rights Act of 2012 (22 U.S.C. 8754);*

7 *(C) made available for programs that sup-*
8 *port the efforts of civil society to counter the de-*
9 *velopment of repressive Internet-related laws and*
10 *regulations, including countering threats to*
11 *Internet freedom at international organizations;*
12 *to combat violence against bloggers and other*
13 *users; and to enhance digital security training*
14 *and capacity building for democracy activists;*

15 *(D) made available for research of key*
16 *threats to Internet freedom; the continued devel-*
17 *opment of technologies that provide or enhance*
18 *access to the Internet, including circumvention*
19 *tools that bypass Internet blocking, filtering, and*
20 *other censorship techniques used by authori-*
21 *tarian governments; and maintenance of the*
22 *technological advantage of the United States*
23 *Government over such censorship techniques:*
24 *Provided, That the Secretary of State, in con-*
25 *sultation with the United States Agency for*

1 *Global Media Chief Executive Officer (USAGM*
2 *CEO) and the President of the Open Technology*
3 *Fund (OTF), shall coordinate any such research*
4 *and development programs with other relevant*
5 *United States Government departments and*
6 *agencies in order to share information, tech-*
7 *nologies, and best practices, and to assess the ef-*
8 *fectiveness of such technologies; and*

9 *(E) made available only after the Assistant*
10 *Secretary for Democracy, Human Rights, and*
11 *Labor, Department of State, concurs that such*
12 *funds are allocated consistent with—*

13 *(i) the strategies referenced in subpara-*
14 *graph (B) of this paragraph;*

15 *(ii) best practices regarding security*
16 *for, and oversight of, Internet freedom pro-*
17 *grams; and*

18 *(iii) sufficient resources and support*
19 *for the development and maintenance of*
20 *anti-censorship technology and tools.*

21 (2) *UNITED STATES AGENCY FOR GLOBAL*
22 *MEDIA.—Funds appropriated by this Act under the*
23 *heading “International Broadcasting Operations”*
24 *that are made available pursuant to subsection (a)*
25 *shall be—*

1 (A) made available only for open-source
2 tools and techniques to securely develop and dis-
3 tribute USAGM digital content, facilitate audi-
4 ence access to such content on websites that are
5 censored, coordinate the distribution of USAGM
6 digital content to targeted regional audiences,
7 and to promote and distribute such tools and
8 techniques, including digital security techniques;

9 (B) coordinated by the USAGM CEO, in
10 consultation with the OTF President, with pro-
11 grams funded by this Act under the heading
12 “International Broadcasting Operations”, and
13 shall be incorporated into country broadcasting
14 strategies, as appropriate;

15 (C) coordinated by the USAGM CEO, in
16 consultation with the OTF President, to solicit
17 project proposals through an open, transparent,
18 and competitive application process, seek input
19 from technical and subject matter experts to se-
20 lect proposals, and support Internet circumven-
21 tion tools and techniques for audiences in coun-
22 tries that are strategic priorities for the OTF
23 and in a manner consistent with the United
24 States Government Internet freedom strategy;
25 and

1 (D) made available for the research and de-
2 velopment of new tools or techniques authorized
3 in subparagraph (A) only after the USAGM
4 CEO, in consultation with the Secretary of
5 State, the OTF President, and other relevant
6 United States Government departments and
7 agencies, evaluates the risks and benefits of such
8 new tools or techniques, and establishes safe-
9 guards to minimize the use of such new tools or
10 techniques for illicit purposes.

11 (c) COORDINATION AND SPEND PLANS.—After con-
12 sultation among the relevant agency heads to coordinate
13 and de-conflict planned activities, but not later than 90
14 days after enactment of this Act, the Secretary of State and
15 the USAGM CEO, in consultation with the OTF President,
16 shall submit to the Committees on Appropriations spend
17 plans for funds made available by this Act for programs
18 to promote Internet freedom globally, which shall include
19 a description of safeguards established by relevant agencies
20 to ensure that such programs are not used for illicit pur-
21 poses: Provided, That the Department of State spend plan
22 shall include funding for all such programs for all relevant
23 Department of State and the United States Agency for
24 International Development offices and bureaus.

1 (d) *SECURITY AUDITS.*—*Funds made available pursu-*
2 *ant to this section to promote Internet freedom globally may*
3 *only be made available to support open-source technologies*
4 *that undergo comprehensive security audits consistent with*
5 *the requirements of the Bureau of Democracy, Human*
6 *Rights, and Labor, Department of State to ensure that such*
7 *technology is secure and has not been compromised in a*
8 *manner detrimental to the interest of the United States or*
9 *to individuals and organizations benefiting from programs*
10 *supported by such funds: Provided, That the security audit-*
11 *ing procedures used by such Bureau shall be reviewed and*
12 *updated periodically to reflect current industry security*
13 *standards.*

14 (e) *SURGE.*—*Of the funds appropriated by this Act*
15 *under the heading “Economic Support Fund”, up to*
16 *\$2,500,000 may be made available to surge Internet freedom*
17 *programs in closed societies if the Secretary of State deter-*
18 *mines and reports to the appropriate congressional commit-*
19 *tees that such use of funds is in the national interest: Pro-*
20 *vided, That such funds are in addition to amounts made*
21 *available for such purposes: Provided further, That such*
22 *funds may be transferred to, and merged with, funds appro-*
23 *priated by this Act under the heading “International*
24 *Broadcasting Operations” following consultation with, and*

1 *the regular notification procedures of, the Committees on*
2 *Appropriations.*

3 *TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING*
4 *TREATMENT OR PUNISHMENT*

5 *SEC. 7051. (a) LIMITATION.—None of the funds made*
6 *available by this Act may be used to support or justify the*
7 *use of torture and other cruel, inhuman, or degrading treat-*
8 *ment or punishment by any official or contract employee*
9 *of the United States Government.*

10 *(b) ASSISTANCE.—Funds appropriated under titles III*
11 *and IV of this Act shall be made available, notwithstanding*
12 *section 660 of the Foreign Assistance Act of 1961 and fol-*
13 *lowing consultation with the Committees on Appropria-*
14 *tions, for assistance to eliminate torture and other cruel,*
15 *inhuman, or degrading treatment or punishment by foreign*
16 *police, military or other security forces in countries receiv-*
17 *ing assistance from funds appropriated by this Act.*

18 *AIRCRAFT TRANSFER, COORDINATION, AND USE*

19 *SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-*
20 *standing any other provision of law or regulation, aircraft*
21 *procured with funds appropriated by this Act and prior*
22 *Acts making appropriations for the Department of State,*
23 *foreign operations, and related programs under the head-*
24 *ings “Diplomatic Programs”, “International Narcotics*
25 *Control and Law Enforcement”, “Andean Counterdrug Ini-*

1 *tiative*”, and “*Andean Counterdrug Programs*” may be
2 *used for any other program and in any region.*

3 **(b) PROPERTY DISPOSAL.**—*The authority provided in*
4 *subsection (a) shall apply only after the Secretary of State*
5 *determines and reports to the Committees on Appropria-*
6 *tions that the equipment is no longer required to meet pro-*
7 *grammatic purposes in the designated country or region:*
8 *Provided, That any such transfer shall be subject to prior*
9 *consultation with, and the regular notification procedures*
10 *of, the Committees on Appropriations.*

11 **(c) AIRCRAFT COORDINATION.**—

12 **(1) AUTHORITY.**—*The uses of aircraft purchased*
13 *or leased by the Department of State and the United*
14 *States Agency for International Development with*
15 *funds made available in this Act or prior Acts mak-*
16 *ing appropriations for the Department of State, for-*
17 *foreign operations, and related programs shall be coordi-*
18 *nated under the authority of the appropriate Chief of*
19 *Mission: Provided, That notwithstanding section*
20 *7063(b) of this Act, such aircraft may be used to*
21 *transport, on a reimbursable or non-reimbursable*
22 *basis, Federal and non-Federal personnel supporting*
23 *Department of State and USAID programs and ac-*
24 *tivities: Provided further, That official travel for other*
25 *agencies for other purposes may be supported on a re-*

1 *imbursable basis, or without reimbursement when*
2 *traveling on a space available basis: Provided further,*
3 *That funds received by the Department of State in*
4 *connection with the use of aircraft owned, leased, or*
5 *chartered by the Department of State may be credited*
6 *to the Working Capital Fund of the Department and*
7 *shall be available for expenses related to the purchase,*
8 *lease, maintenance, chartering, or operation of such*
9 *aircraft.*

10 (2) *SCOPE.—The requirement and authorities of*
11 *this subsection shall only apply to aircraft, the pri-*
12 *mary purpose of which is the transportation of per-*
13 *sonnel.*

14 (d) *AIRCRAFT OPERATIONS AND MAINTENANCE.—To*
15 *the maximum extent practicable, the costs of operations and*
16 *maintenance, including fuel, of aircraft funded by this Act*
17 *shall be borne by the recipient country.*

18 *PARKING FINES AND REAL PROPERTY TAXES OWED BY*
19 *FOREIGN GOVERNMENTS*

20 *SEC. 7053. The terms and conditions of section 7055*
21 *of the Department of State, Foreign Operations, and Re-*
22 *lated Programs Appropriations Act, 2010 (division F of*
23 *Public Law 111–117) shall apply to this Act: Provided,*
24 *That the date “September 30, 2009” in subsection (f)(2)(B)*
25 *of such section shall be deemed to be “September 30, 2020”.*

1 *bility of parole or for killing a law enforcement officer, as*
2 *specified in a United States extradition request.*

3 *(b) CLARIFICATION.—Subsection (a) shall only apply*
4 *to the central government of a country with which the*
5 *United States maintains diplomatic relations and with*
6 *which the United States has an extradition treaty and the*
7 *government of that country is in violation of the terms and*
8 *conditions of the treaty.*

9 *(c) WAIVER.—The Secretary of State may waive the*
10 *restriction in subsection (a) on a case-by-case basis if the*
11 *Secretary certifies to the Committees on Appropriations*
12 *that such waiver is important to the national interest of*
13 *the United States.*

14 *IMPACT ON JOBS IN THE UNITED STATES*

15 *SEC. 7056. None of the funds appropriated or other-*
16 *wise made available under titles III through VI of this Act*
17 *may be obligated or expended to provide—*

18 *(1) any financial incentive to a business enter-*
19 *prise currently located in the United States for the*
20 *purpose of inducing such an enterprise to relocate*
21 *outside the United States if such incentive or induce-*
22 *ment is likely to reduce the number of employees of*
23 *such business enterprise in the United States because*
24 *United States production is being replaced by such*
25 *enterprise outside the United States;*

1 (2) *assistance for any program, project, or activ-*
2 *ity that contributes to the violation of internationally*
3 *recognized workers' rights, as defined in section*
4 *507(4) of the Trade Act of 1974, of workers in the re-*
5 *recipient country, including any designated zone or*
6 *area in that country: Provided, That the application*
7 *of section 507(4)(D) and (E) of such Act (19 U.S.C.*
8 *2467(4)(D) and (E)) should be commensurate with*
9 *the level of development of the recipient country and*
10 *sector, and shall not preclude assistance for the infor-*
11 *mal sector in such country, micro and small-scale en-*
12 *terprise, and smallholder agriculture;*

13 (3) *any assistance to an entity outside the*
14 *United States if such assistance is for the purpose of*
15 *directly relocating or transferring jobs from the*
16 *United States to other countries and adversely im-*
17 *pacts the labor force in the United States; or*

18 (4) *for the enforcement of any rule, regulation,*
19 *policy, or guidelines implemented pursuant to the*
20 *Supplemental Guidelines for High Carbon Intensity*
21 *Projects approved by the Export-Import Bank of the*
22 *United States on December 12, 2013, when enforce-*
23 *ment of such rule, regulation, policy, or guidelines*
24 *would prohibit, or have the effect of prohibiting, any*

1 *coal-fired or other power-generation project the pur-*
2 *pose of which is to—*

3 *(A) provide affordable electricity in Inter-*
4 *national Development Association (IDA)-eligible*
5 *countries and IDA-blend countries; and*

6 *(B) increase exports of goods and services*
7 *from the United States or prevent the loss of jobs*
8 *from the United States.*

9 *UNITED NATIONS POPULATION FUND*

10 *SEC. 7057. (a) CONTRIBUTION.—Of the funds made*
11 *available under the heading “International Organizations*
12 *and Programs” in this Act for fiscal year 2021, \$32,500,000*
13 *shall be made available for the United Nations Population*
14 *Fund (UNFPA).*

15 *(b) AVAILABILITY OF FUNDS.—Funds appropriated by*
16 *this Act for UNFPA, that are not made available for*
17 *UNFPA because of the operation of any provision of law,*
18 *shall be transferred to the “Global Health Programs” ac-*
19 *count and shall be made available for family planning, ma-*
20 *ternal, and reproductive health activities, subject to the reg-*
21 *ular notification procedures of the Committees on Appro-*
22 *priations.*

23 *(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None*
24 *of the funds made available by this Act may be used by*

1 *UNFPA for a country program in the People's Republic*
2 *of China.*

3 (d) *CONDITIONS ON AVAILABILITY OF FUNDS.—Funds*
4 *made available by this Act for UNFPA may not be made*
5 *available unless—*

6 (1) *UNFPA maintains funds made available by*
7 *this Act in an account separate from other accounts*
8 *of UNFPA and does not commingle such funds with*
9 *other sums; and*

10 (2) *UNFPA does not fund abortions.*

11 (e) *REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR*
12 *WITHHOLDING OF FUNDS.—*

13 (1) *Not later than 4 months after the date of en-*
14 *actment of this Act, the Secretary of State shall sub-*
15 *mit a report to the Committees on Appropriations in-*
16 *dicating the amount of funds that UNFPA is budg-*
17 *eting for the year in which the report is submitted for*
18 *a country program in the People's Republic of China.*

19 (2) *If a report under paragraph (1) indicates*
20 *that UNFPA plans to spend funds for a country pro-*
21 *gram in the People's Republic of China in the year*
22 *covered by the report, then the amount of such funds*
23 *UNFPA plans to spend in the People's Republic of*
24 *China shall be deducted from the funds made avail-*
25 *able to UNFPA after March 1 for obligation for the*

1 *remainder of the fiscal year in which the report is*
2 *submitted.*

3 *GLOBAL HEALTH ACTIVITIES*

4 *SEC. 7058. (a) IN GENERAL.—Funds appropriated by*
5 *titles III and IV of this Act that are made available for*
6 *bilateral assistance for child survival activities or disease*
7 *programs including activities relating to research on, and*
8 *the prevention, treatment and control of, HIV/AIDS may*
9 *be made available notwithstanding any other provision of*
10 *law except for provisions under the heading “Global Health*
11 *Programs” and the United States Leadership Against HIV/*
12 *AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat.*
13 *711; 22 U.S.C. 7601 et seq.), as amended: Provided, That*
14 *of the funds appropriated under title III of this Act, not*
15 *less than \$575,000,000 should be made available for family*
16 *planning/reproductive health, including in areas where*
17 *population growth threatens biodiversity or endangered spe-*
18 *cies.*

19 *(b) INFECTIOUS DISEASE OUTBREAKS.—*

20 (1) *GLOBAL HEALTH SECURITY.—Funds appro-*
21 *priated by this Act under the heading “Global Health*
22 *Programs” shall be made available for global health*
23 *security programs, which shall prioritize and accel-*
24 *erate efforts to strengthen public health capacity in*
25 *countries where there is a high risk of emerging*

1 *zoonotic and other infectious diseases and to support*
2 *the collection, analysis, and sharing of data on un-*
3 *known viruses and other pathogens: Provided, That*
4 *not later than 60 days after enactment of this Act, the*
5 *USAID Administrator shall consult with the Commit-*
6 *tees on Appropriations on the planned uses of such*
7 *funds.*

8 (2) *EXTRAORDINARY MEASURES.—If the Sec-*
9 *retary of State determines and reports to the Commit-*
10 *tees on Appropriations that an international infec-*
11 *tious disease outbreak is sustained, severe, and is*
12 *spreading internationally, or that it is in the na-*
13 *tional interest to respond to a Public Health Emer-*
14 *gency of International Concern, not to exceed an ag-*
15 *gregate total of \$200,000,000 of the funds appro-*
16 *priated by this Act under the headings “Global*
17 *Health Programs”, “Development Assistance”, “Inter-*
18 *national Disaster Assistance”, “Complex Crises*
19 *Fund”, “Economic Support Fund”, “Democracy*
20 *Fund”, “Assistance for Europe, Eurasia and Central*
21 *Asia”, “Migration and Refugee Assistance”, and*
22 *“Millennium Challenge Corporation” may be made*
23 *available to combat such infectious disease or public*
24 *health emergency, and may be transferred to, and*

1 *merged with, funds appropriated under such headings*
2 *for the purposes of this paragraph.*

3 (3) *EMERGENCY RESERVE FUND.—Up to*
4 *\$50,000,000 of the funds made available under the*
5 *heading “Global Health Programs” may be made*
6 *available for the Emergency Reserve Fund established*
7 *pursuant to section 7058(c)(1) of the Department of*
8 *State, Foreign Operations, and Related Programs Ap-*
9 *propriations Act, 2017 (division J of Public Law*
10 *115–31): Provided, That such funds shall be made*
11 *available under the same terms and conditions of such*
12 *section.*

13 (4) *CONSULTATION AND NOTIFICATION.—Funds*
14 *made available by this subsection shall be subject to*
15 *prior consultation with the appropriate congressional*
16 *committees and the regular notification procedures of*
17 *the Committees on Appropriations.*

18 (c) *CHILDHOOD CANCER.—Funds appropriated under*
19 *titles III and VI of this Act may be made available for pub-*
20 *lic-private partnerships, including in coordination with*
21 *relevant multilateral organizations and research entities, to*
22 *address childhood cancer: Provided, That the Secretary of*
23 *State, in consultation with the USAID Administrator and*
24 *the Office of Global Partnerships, Department of State,*
25 *shall submit a report to the Committees on Appropriations*

1 *on the feasibility of such partnerships prior to any obliga-*
2 *tion of funds and not later than 90 days after enactment*
3 *of this Act.*

4 *GENDER EQUALITY*

5 *SEC. 7059. (a) WOMEN'S EMPOWERMENT.—*

6 *(1) GENDER EQUALITY.—Funds appropriated by*
7 *this Act shall be made available to promote gender*
8 *equality in United States Government diplomatic and*
9 *development efforts by raising the status, increasing*
10 *the participation, and protecting the rights of women*
11 *and girls worldwide.*

12 *(2) WOMEN'S ECONOMIC EMPOWERMENT.—Funds*
13 *appropriated by this Act are available to implement*
14 *the Women's Entrepreneurship and Economic Em-*
15 *powerment Act of 2018 (Public Law 115–428): Pro-*
16 *vided, That the Secretary of State and the Adminis-*
17 *trator of the United States Agency for International*
18 *Development, as appropriate, shall consult with the*
19 *Committees on Appropriations on the implementation*
20 *of such Act.*

21 *(3) WOMEN'S GLOBAL DEVELOPMENT AND PROS-*
22 *PERITY FUND.—Of the funds appropriated under title*
23 *III of this Act, up to \$200,000,000 may be made*
24 *available for the Women's Global Development and*
25 *Prosperity Fund.*

1 (b) *WOMEN'S LEADERSHIP.*—*Of the funds appro-*
2 *priated by title III of this Act, not less than \$50,000,000*
3 *shall be made available for programs specifically designed*
4 *to increase leadership opportunities for women in countries*
5 *where women and girls suffer discrimination due to law,*
6 *policy, or practice, by strengthening protections for wom-*
7 *en's political status, expanding women's participation in*
8 *political parties and elections, and increasing women's op-*
9 *portunities for leadership positions in the public and pri-*
10 *vate sectors at the local, provincial, and national levels.*

11 (c) *GENDER-BASED VIOLENCE.*—

12 (1) *Of the funds appropriated under titles III*
13 *and IV of this Act, not less than \$165,000,000 shall*
14 *be made available to implement a multi-year strategy*
15 *to prevent and respond to gender-based violence in*
16 *countries where it is common in conflict and non-con-*
17 *flict settings.*

18 (2) *Funds appropriated under titles III and IV*
19 *of this Act that are available to train foreign police,*
20 *judicial, and military personnel, including for inter-*
21 *national peacekeeping operations, shall address, where*
22 *appropriate, prevention and response to gender-based*
23 *violence and trafficking in persons, and shall promote*
24 *the integration of women into the police and other se-*
25 *curity forces.*

1 (d) *WOMEN, PEACE, AND SECURITY.*—Of the funds ap-
2 propriated by this Act under the headings “Development
3 Assistance”, “Economic Support Fund”, “Assistance for
4 Europe, Eurasia and Central Asia”, and “International
5 Narcotics Control and Law Enforcement”, not less than
6 \$130,000,000 should be made available to support a multi-
7 year strategy to expand, and improve coordination of,
8 United States Government efforts to empower women as
9 equal partners in conflict prevention, peace building, tran-
10 sitional processes, and reconstruction efforts in countries af-
11 fected by conflict or in political transition, and to ensure
12 the equitable provision of relief and recovery assistance to
13 women and girls.

14 (e) *WOMEN AND GIRLS AT RISK FROM EXTREMISM*
15 *AND CONFLICT.*—Of the funds appropriated by this Act
16 under the heading “Economic Support Fund”, not less than
17 \$15,000,000 shall be made available to support women and
18 girls who are at risk from extremism and conflict, and for
19 the activities described in section 7059(e)(1) of the Depart-
20 ment of State, Foreign Operations, and Related Programs
21 Appropriations Act, 2018 (division K of Public Law 115–
22 141): Provided, That such funds are in addition to amounts
23 otherwise made available by this Act for such purposes, and
24 shall be made available following consultation with, and the

1 *regular notification procedures of, the Committees on Ap-*
2 *propriations.*

3 *SECTOR ALLOCATIONS*

4 *SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDU-*
5 *CATION.—*

6 *(1) BASIC EDUCATION.—*

7 *(A) Of the funds appropriated under title*
8 *III of this Act, not less than \$950,000,000 shall*
9 *be made available for assistance for basic edu-*
10 *cation, and such funds may be made available*
11 *notwithstanding any other provision of law that*
12 *restricts assistance to foreign countries: Pro-*
13 *vided, That such funds shall also be used for sec-*
14 *ondary education activities: Provided further,*
15 *That the Administrator of the United States*
16 *Agency for International Development, following*
17 *consultation with the Committees on Appropria-*
18 *tions, may reprogram such funds between coun-*
19 *tries: Provided further, That of the funds made*
20 *available by this paragraph, \$150,000,000 should*
21 *be available for the education of girls in areas of*
22 *conflict: Provided further, That funds made*
23 *available under the headings “Development As-*
24 *sistance” and “Economic Support Fund” for the*
25 *support of non-state schools in this Act and prior*

1 *Acts making appropriations for the Department*
2 *of State, foreign operations, and related pro-*
3 *grams shall be subject to the regular notification*
4 *procedures of the Committees on Appropriations.*

5 *(B) Of the funds appropriated under title*
6 *III of this Act for assistance for basic education*
7 *programs, not less than \$150,000,000 shall be*
8 *made available for contributions to multilateral*
9 *partnerships that support education.*

10 *(C) Funds appropriated under title III of*
11 *this Act and made available for assistance for*
12 *basic education as provided for in this para-*
13 *graph shall be referred to as the “Nita M. Lowey*
14 *Basic Education Fund”.*

15 *(2) HIGHER EDUCATION.—Of the funds appro-*
16 *priated by title III of this Act, not less than*
17 *\$235,000,000 shall be made available for assistance*
18 *for higher education: Provided, That such funds may*
19 *be made available notwithstanding any other provi-*
20 *sion of law that restricts assistance to foreign coun-*
21 *tries, and shall be subject to the regular notification*
22 *procedures of the Committees on Appropriations: Pro-*
23 *vided further, That of such amount, not less than*
24 *\$35,000,000 shall be made available for new and on-*
25 *going partnerships between higher education institu-*

1 *tions in the United States and developing countries*
2 *focused on building the capacity of higher education*
3 *institutions and systems in developing countries: Pro-*
4 *vided further, That not later than 45 days after en-*
5 *actment of this Act, the USAID Administrator shall*
6 *consult with the Committees on Appropriations on the*
7 *proposed uses of funds for such partnerships.*

8 (3) *HIGHER EDUCATION IN COUNTRIES IM-*
9 *PACTED BY ECONOMIC CRISES.—In addition to*
10 *amounts made available pursuant to paragraph (2),*
11 *of the funds appropriated by this Act under the head-*
12 *ing “Economic Support Fund”, not less than*
13 *\$50,000,000 shall be made available, notwithstanding*
14 *any other provision of law that restricts assistance to*
15 *foreign countries and following consultation with the*
16 *Committees on Appropriations, for the following in-*
17 *stitutions that are recipients of United States assist-*
18 *ance and located in countries impacted by economic*
19 *crises—*

20 (A) *United States-accredited institutions of*
21 *higher education in the Middle East; and*

22 (B) *not-for-profit, coeducational American*
23 *institutions of higher education in the Middle*
24 *East and Asia.*

1 (b) *DEVELOPMENT PROGRAMS.*—*Of the funds appro-*
2 *priated by this Act under the heading “Development Assist-*
3 *ance”, not less than \$18,500,000 shall be made available*
4 *for USAID cooperative development programs and not less*
5 *than \$30,000,000 shall be made available for the American*
6 *Schools and Hospitals Abroad program.*

7 (c) *ENVIRONMENT PROGRAMS.*—

8 (1)(A) *Funds appropriated by this Act to carry*
9 *out the provisions of sections 103 through 106, and*
10 *chapter 4 of part II, of the Foreign Assistance Act of*
11 *1961 may be used, notwithstanding any other provi-*
12 *sion of law, except for the provisions of this sub-*
13 *section, to support environment programs.*

14 (B) *Funds made available pursuant to this sub-*
15 *section shall be subject to the regular notification pro-*
16 *cedures of the Committees on Appropriations.*

17 (2)(A) *Of the funds appropriated under title III*
18 *of this Act, not less than \$320,000,000 shall be made*
19 *available for biodiversity conservation programs.*

20 (B) *Not less than \$100,664,000 of the funds ap-*
21 *propriated under titles III and IV of this Act shall*
22 *be made available to combat the transnational threat*
23 *of wildlife poaching and trafficking.*

24 (C) *None of the funds appropriated under title*
25 *IV of this Act may be made available for training or*

1 *other assistance for any military unit or personnel*
2 *that the Secretary of State determines has been*
3 *credibly alleged to have participated in wildlife*
4 *poaching or trafficking, unless the Secretary reports*
5 *to the appropriate congressional committees that to do*
6 *so is in the national security interest of the United*
7 *States.*

8 *(D) Funds appropriated by this Act for biodiver-*
9 *sity programs shall not be used to support the expan-*
10 *sion of industrial scale logging or any other indus-*
11 *trial scale extractive activity into areas that were pri-*
12 *mary/intact tropical forests as of December 30, 2013,*
13 *and the Secretary of the Treasury shall instruct the*
14 *United States executive directors of each international*
15 *financial institution (IFI) to use the voice and vote*
16 *of the United States to oppose any financing of any*
17 *such activity.*

18 *(3) The Secretary of the Treasury shall instruct*
19 *the United States executive director of each IFI that*
20 *it is the policy of the United States to use the voice*
21 *and vote of the United States, in relation to any loan,*
22 *grant, strategy, or policy of such institution, regard-*
23 *ing the construction of any large dam consistent with*
24 *the criteria set forth in Senate Report 114–79, while*

1 *also considering whether the project involves impor-*
2 *tant foreign policy objectives.*

3 *(4) Of the funds appropriated under title III of*
4 *this Act, not less than \$135,000,000 shall be made*
5 *available for sustainable landscapes programs.*

6 *(5) Of the funds appropriated under title III of*
7 *this Act, not less than \$177,000,000 shall be made*
8 *available for adaptation programs, including in sup-*
9 *port of the implementation of the Indo-Pacific Strat-*
10 *egy.*

11 *(6) Of the funds appropriated under title III of*
12 *this Act, not less than \$179,000,000 shall be made*
13 *available for renewable energy programs, including in*
14 *support of carrying out the purposes of the Electrify*
15 *Africa Act (Public Law 114–121) and implementa-*
16 *tion of the Power Africa initiative.*

17 *(7) Of the funds appropriated under title III of*
18 *this Act, not less than \$75,000,000 shall be made*
19 *available for programs to address ocean plastic pollu-*
20 *tion and other marine debris, including technical as-*
21 *sistance for waste management: Provided, That the*
22 *Secretary of State, in consultation with the Secretary*
23 *of the Treasury, the USAID Administrator, and the*
24 *heads of other relevant Federal agencies, shall seek to*
25 *enter into negotiations with key bilateral and multi-*

1 *lateral donors, including the World Bank, to establish*
2 *a new multilateral fund for ocean plastic pollution*
3 *and other marine debris: Provided further, That such*
4 *funds may be made available for a contribution to*
5 *such new fund, and for a USAID-administered multi-*
6 *donor fund for such purposes: Provided further, That*
7 *such funds are in addition to amounts otherwise*
8 *made available by this Act for such purposes: Pro-*
9 *vided further, That such funds may only be made*
10 *available following consultation with the Committees*
11 *on Appropriations.*

12 *(d) FOOD SECURITY AND AGRICULTURAL DEVELOP-*
13 *MENT.—Of the funds appropriated by title III of this Act,*
14 *not less than \$1,010,600,000 shall be made available for*
15 *food security and agricultural development programs to*
16 *carry out the purposes of the Global Food Security Act of*
17 *2016 (Public Law 114–195): Provided, That funds may be*
18 *made available for a contribution as authorized by section*
19 *3202 of the Food, Conservation, and Energy Act of 2008*
20 *(Public Law 110–246), as amended by section 3310 of the*
21 *Agriculture Improvement Act of 2018 (Public Law 115–*
22 *334).*

23 *(e) MICRO, SMALL, AND MEDIUM-SIZED ENTER-*
24 *PRISES.—Of the funds appropriated by this Act, not less*
25 *than \$265,000,000 shall be made available to support the*

1 *development of, and access to financing for, micro, small,*
2 *and medium-sized enterprises that benefit the poor, espe-*
3 *cially women.*

4 (f) *PROGRAMS TO COMBAT TRAFFICKING IN PER-*
5 *SONS.—Of the funds appropriated by this Act under the*
6 *headings “Development Assistance”, “Economic Support*
7 *Fund”, “Assistance for Europe, Eurasia and Central Asia”,*
8 *and “International Narcotics Control and Law Enforce-*
9 *ment”, not less than \$99,000,000 shall be made available*
10 *for activities to combat trafficking in persons internation-*
11 *ally, including for the Program to End Modern Slavery,*
12 *of which not less than \$77,000,000 shall be from funds made*
13 *available under the heading “International Narcotics Con-*
14 *trol and Law Enforcement”: Provided, That funds made*
15 *available by this Act under the headings “Development As-*
16 *sistance”, “Economic Support Fund”, and “Assistance for*
17 *Europe, Eurasia and Central Asia” that are made avail-*
18 *able for activities to combat trafficking in persons should*
19 *be obligated and programmed consistent with the country-*
20 *specific recommendations included in the annual Traf-*
21 *fficking in Persons Report, and shall be coordinated with*
22 *the Office to Monitor and Combat Trafficking in Persons,*
23 *Department of State.*

24 (g) *RECONCILIATION PROGRAMS.—Of the funds appro-*
25 *priated by this Act under the heading “Development Assist-*

1 *ance”, not less than \$25,000,000 shall be made available*
2 *to support people-to-people reconciliation programs which*
3 *bring together individuals of different ethnic, religious, and*
4 *political backgrounds from areas of civil strife and war:*
5 *Provided, That the USAID Administrator shall consult*
6 *with the Committees on Appropriations, prior to the initial*
7 *obligation of funds, on the uses of such funds, and such*
8 *funds shall be subject to the regular notification procedures*
9 *of the Committees on Appropriations: Provided further,*
10 *That to the maximum extent practicable, such funds shall*
11 *be matched by sources other than the United States Govern-*
12 *ment: Provided further, That such funds shall be adminis-*
13 *tered by the Office of Conflict Management and Mitigation,*
14 *USAID.*

15 *(h) WATER AND SANITATION.—Of the funds appro-*
16 *priated by this Act, not less than \$450,000,000 shall be*
17 *made available for water supply and sanitation projects*
18 *pursuant to section 136 of the Foreign Assistance Act of*
19 *1961, of which not less than \$225,000,000 shall be for pro-*
20 *grams in sub-Saharan Africa, and of which not less than*
21 *\$15,000,000 shall be made available to support initiatives*
22 *by local communities in developing countries to build and*
23 *maintain safe latrines.*

BUDGET DOCUMENTS

1
2 *SEC. 7061. (a) OPERATING PLANS.—Not later than 45*
3 *days after enactment of this Act, each department, agency,*
4 *or organization funded in titles I, II, and VI of this Act,*
5 *and the Department of the Treasury and Independent Agen-*
6 *cies funded in title III of this Act, including the Inter-*
7 *American Foundation and the United States African Devel-*
8 *opment Foundation, shall submit to the Committees on Ap-*
9 *propriations an operating plan for funds appropriated to*
10 *such department, agency, or organization in such titles of*
11 *this Act, or funds otherwise available for obligation in fiscal*
12 *year 2021, that provides details of the uses of such funds*
13 *at the program, project, and activity level: Provided, That*
14 *such plans shall include, as applicable, a comparison be-*
15 *tween the congressional budget justification funding levels,*
16 *the most recent congressional directives or approved fund-*
17 *ing levels, and the funding levels proposed by the depart-*
18 *ment or agency; and a clear, concise, and informative de-*
19 *scription/justification: Provided further, That operating*
20 *plans that include changes in levels of funding for pro-*
21 *grams, projects, and activities specified in the congressional*
22 *budget justification, in this Act, or amounts specifically*
23 *designated in the respective tables included in the explana-*
24 *tory statement described in section 4 (in the matter pre-*
25 *ceding division A of this consolidated Act), as applicable,*

1 *shall be subject to the notification and reprogramming re-*
2 *quirements of section 7015 of this Act.*

3 (b) *SPEND PLANS.*—

4 (1) *Not later than 90 days after enactment of*
5 *this Act, the Secretary of State or Administrator of*
6 *the United States Agency for International Develop-*
7 *ment, as appropriate, shall submit to the Committees*
8 *on Appropriations a spend plan for funds made*
9 *available by this Act, for—*

10 (A) *assistance for Afghanistan, Iraq, Leb-*
11 *anon, Pakistan, Syria, Colombia, and countries*
12 *in Central America;*

13 (B) *assistance made available pursuant to*
14 *section 7047(d) of this Act to counter Russian*
15 *influence and aggression, except that such plan*
16 *shall be on a country-by-country basis;*

17 (C) *assistance made available pursuant to*
18 *section 7059 of this Act;*

19 (D) *the Indo-Pacific Strategy and the*
20 *Countering Chinese Influence Fund;*

21 (E) *democracy programs, the Power Africa*
22 *and Prosper Africa initiatives, and sectors enu-*
23 *merated in subsections (a), (c), (d), (e), (f), (g)*
24 *and (h) of section 7060 of this Act;*

1 (F) funds provided under the heading
2 “International Narcotics Control and Law En-
3 forcement” for International Organized Crime
4 and for Cybercrime and Intellectual Property
5 Rights: Provided, That the spend plans shall in-
6 clude bilateral and global programs funded
7 under such heading along with a brief descrip-
8 tion of the activities planned for each country;
9 and

10 (G) the regional security initiatives de-
11 scribed under this heading in section 7050 in
12 Senate Report 116–126.

13 (2) Not later than 90 days after enactment of
14 this Act, the Secretary of the Treasury shall submit
15 to the Committees on Appropriations a detailed spend
16 plan for funds made available by this Act under the
17 heading “Department of the Treasury, International
18 Affairs Technical Assistance” in title III.

19 (c) CLARIFICATION.—The spend plans referenced in
20 subsection (b) shall not be considered as meeting the notifi-
21 cation requirements in this Act or under section 634A of
22 the Foreign Assistance Act of 1961.

23 (d) CONGRESSIONAL BUDGET JUSTIFICATION.—

24 (1) SUBMISSION.—The congressional budget jus-
25 tification for Department of State operations and for-

1 *eign operations shall be provided to the Committees*
2 *on Appropriations concurrent with the date of sub-*
3 *mission of the President’s budget for fiscal year 2022:*
4 *Provided, That the appendices for such justification*
5 *shall be provided to the Committees on Appropria-*
6 *tions not later than 10 calendar days thereafter.*

7 (2) *MULTI-YEAR AVAILABILITY OF CERTAIN*
8 *FUNDS.—The Secretary of State and the USAID Ad-*
9 *ministrator shall include in the congressional budget*
10 *justification a detailed justification for multi-year*
11 *availability for any funds requested under the head-*
12 *ings “Diplomatic Programs” and “Operating Ex-*
13 *penses”.*

14 *REORGANIZATION*

15 *SEC. 7062. (a) OVERSIGHT.—*

16 (1) *PRIOR CONSULTATION AND NOTIFICATION.—*
17 *Funds appropriated by this Act, prior Acts making*
18 *appropriations for the Department of State, foreign*
19 *operations, and related programs, or any other Act*
20 *may not be used to implement a reorganization, rede-*
21 *sign, or other plan described in paragraph (2) by the*
22 *Department of State, the United States Agency for*
23 *International Development, or any other Federal de-*
24 *partment, agency, or organization funded by this Act*
25 *without prior consultation by the head of such depart-*

1 *ment, agency, or organization with the appropriate*
2 *congressional committees: Provided, That such funds*
3 *shall be subject to the regular notification procedures*
4 *of the Committees on Appropriations: Provided fur-*
5 *ther, That any such notification submitted to such*
6 *Committees shall include a detailed justification for*
7 *any proposed action, including the information speci-*
8 *fied under section 7073 of the joint explanatory state-*
9 *ment accompanying the Department of State, Foreign*
10 *Operations, and Related Programs Appropriations*
11 *Act, 2019 (division F of Public Law 116–6): Provided*
12 *further, That congressional notifications submitted in*
13 *prior fiscal years pursuant to similar provisions of*
14 *law in prior Acts making appropriations for the De-*
15 *partment of State, foreign operations, and related*
16 *programs may be deemed to meet the notification re-*
17 *quirements of this section.*

18 (2) *DESCRIPTION OF ACTIVITIES.—Pursuant to*
19 *paragraph (1), a reorganization, redesign, or other*
20 *plan shall include any action to—*

21 (A) *expand, eliminate, consolidate, or*
22 *downsize covered departments, agencies, or orga-*
23 *nizations, including bureaus and offices within*
24 *or between such departments, agencies, or orga-*
25 *nizations, including the transfer to other agen-*

1 *cies of the authorities and responsibilities of such*
2 *bureaus and offices;*

3 *(B) expand, eliminate, consolidate, or*
4 *downsize the United States official presence over-*
5 *seas, including at bilateral, regional, and multi-*
6 *lateral diplomatic facilities and other platforms;*
7 *or*

8 *(C) expand or reduce the size of the perma-*
9 *nent Civil Service, Foreign Service, eligible fam-*
10 *ily member, and locally employed staff workforce*
11 *of the Department of State and USAID from the*
12 *levels specified in sections 7063(d) and 7064(i) of*
13 *this Act.*

14 *(b) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—*

15 *(1) BUREAU OF POPULATION, REFUGEES, AND*
16 *MIGRATION, DEPARTMENT OF STATE.—None of the*
17 *funds appropriated by this Act, prior Acts making*
18 *appropriations for the Department of State, foreign*
19 *operations, and related programs, or any other Act*
20 *may be used to downsize, downgrade, consolidate,*
21 *close, move, or relocate the Bureau of Population, Ref-*
22 *ugees, and Migration, Department of State, or any*
23 *activities of such Bureau, to another Federal agency.*

24 *(2) ADMINISTRATION OF FUNDS.—Funds made*
25 *available by this Act—*

1 (A) under the heading “Migration and Ref-
2 ugee Assistance” shall be administered by the As-
3 sistant Secretary for Population, Refugees, and
4 Migration, Department of State, and this re-
5 sponsibility shall not be delegated; and

6 (B) that are made available for the Office of
7 Global Women’s Issues shall be administered by
8 the United States Ambassador-at-Large for Glob-
9 al Women’s Issues, Department of State, and
10 this responsibility shall not be delegated.

11 DEPARTMENT OF STATE MANAGEMENT

12 SEC. 7063. (a) FINANCIAL SYSTEMS IMPROVEMENT.—
13 Funds appropriated by this Act for the operations of the
14 Department of State under the headings “Diplomatic Pro-
15 grams” and “Capital Investment Fund” shall be made
16 available to implement the recommendations contained in
17 the Foreign Assistance Data Review Findings Report
18 (FADR) and the Office of Inspector General (OIG) report
19 entitled “Department Financial Systems Are Insufficient to
20 Track and Report on Foreign Assistance Funds”: Provided,
21 That such funds may not be obligated for enhancements to,
22 or expansions of, the Budget System Modernization Finan-
23 cial System, Central Resource Management System, Joint
24 Financial Management System, or Foreign Assistance Co-
25 ordination and Tracking System until such updated plan

1 *is submitted to the Committees on Appropriations: Provided*
2 *further, That such funds may not be obligated for new, or*
3 *expansion of existing, ad hoc electronic systems to track*
4 *commitments, obligations, or expenditures of funds unless*
5 *the Secretary of State, following consultation with the Chief*
6 *Information Officer of the Department of State, has re-*
7 *viewed and certified that such new system or expansion is*
8 *consistent with the FADR and OIG recommendations: Pro-*
9 *vided further, That not later than 45 days after enactment*
10 *of this Act, the Secretary of State shall submit to the Com-*
11 *mittees on Appropriations an update to the plan required*
12 *under section 7006 of the Department of State, Foreign Op-*
13 *erations, and Related Programs Appropriations Act, 2017*
14 *(division J of Public Law 115–31) for implementing the*
15 *FADR and OIG recommendations.*

16 (b) *WORKING CAPITAL FUND.—Funds appropriated*
17 *by this Act or otherwise made available to the Department*
18 *of State for payments to the Working Capital Fund may*
19 *only be used for the service centers included in the Congres-*
20 *sional Budget Justification, Department of State, Foreign*
21 *Operations, and Related Programs, Fiscal Year 2021: Pro-*
22 *vided, That the amounts for such service centers shall be*
23 *the amounts included in such budget justification, except*
24 *as provided in section 7015(b) of this Act: Provided further,*
25 *That Federal agency components shall be charged only for*

1 *their direct usage of each Working Capital Fund service:*
2 *Provided further, That prior to increasing the percentage*
3 *charged to Department of State bureaus and offices for pro-*
4 *curement-related activities, the Secretary of State shall in-*
5 *clude the proposed increase in the Department of State*
6 *budget justification or, at least 60 days prior to the in-*
7 *crease, provide the Committees on Appropriations a jus-*
8 *tification for such increase, including a detailed assessment*
9 *of the cost and benefit of the services provided by the pro-*
10 *curement fee: Provided further, That Federal agency compo-*
11 *nents may only pay for Working Capital Fund services that*
12 *are consistent with the purpose and authorities of such com-*
13 *ponents: Provided further, That the Working Capital Fund*
14 *shall be paid in advance or reimbursed at rates which will*
15 *return the full cost of each service.*

16 *(c) CERTIFICATION.—*

17 *(1) COMPLIANCE.—Not later than 45 days after*
18 *the initial obligation of funds appropriated under ti-*
19 *tles III and IV of this Act that are made available*
20 *to a Department of State bureau or office with re-*
21 *sponsibility for the management and oversight of such*
22 *funds, the Secretary of State shall certify and report*
23 *to the Committees on Appropriations, on an indi-*
24 *vidual bureau or office basis, that such bureau or of-*
25 *fice is in compliance with Department and Federal*

1 *financial and grants management policies, proce-*
2 *dures, and regulations, as applicable.*

3 (2) *CONSIDERATIONS.*—*When making a certifi-*
4 *cation required by paragraph (1), the Secretary of*
5 *State shall consider the capacity of a bureau or office*
6 *to—*

7 (A) *account for the obligated funds at the*
8 *country and program level, as appropriate;*

9 (B) *identify risks and develop mitigation*
10 *and monitoring plans;*

11 (C) *establish performance measures and in-*
12 *dicators;*

13 (D) *review activities and performance; and*

14 (E) *assess final results and reconcile fi-*
15 *nances.*

16 (3) *PLAN.*—*If the Secretary of State is unable to*
17 *make a certification required by paragraph (1), the*
18 *Secretary shall submit a plan and timeline detailing*
19 *the steps to be taken to bring such bureau or office*
20 *into compliance.*

21 (d) *PERSONNEL LEVELS.*—*Funds made available by*
22 *this Act are made available to support the permanent For-*
23 *oreign Service and Civil Service staff levels of the Department*
24 *of State at not less than the hiring targets established in*
25 *the fiscal year 2020 operating plan.*

1 (e) *INFORMATION TECHNOLOGY PLATFORM.*—

2 (1) *None of the funds appropriated in title I of*
3 *this Act under the heading “Administration of For-*
4 *oreign Affairs” may be made available for a new major*
5 *information technology (IT) investment without the*
6 *concurrence of the Chief Information Officer, Depart-*
7 *ment of State.*

8 (2) *None of the funds appropriated in title I of*
9 *this Act under the heading “Administration of For-*
10 *oreign Affairs” may be used by an agency to submit a*
11 *project proposal to the Technology Modernization*
12 *Board for funding from the Technology Modernization*
13 *Fund unless, not later than 15 days in advance of*
14 *submitting the project proposal to the Board, the head*
15 *of the agency—*

16 (A) *notifies the Committees on Appropria-*
17 *tions of the proposed submission of the project*
18 *proposal; and*

19 (B) *submits to the Committees on Appro-*
20 *priations a copy of the project proposal.*

21 (3) *None of the funds appropriated in title I of*
22 *this Act and prior Acts making appropriations for*
23 *the Department of State, foreign operations, and re-*
24 *lated programs under the heading “Administration of*
25 *Foreign Affairs” may be used by an agency to carry*

1 *out a project that is approved by the Board unless the*
2 *head of the agency—*

3 *(A) submits to the Committees on Appro-*
4 *priations a copy of the approved project pro-*
5 *posal, including the terms of reimbursement of*
6 *funding received for the project; and*

7 *(B) agrees to submit to the Committees on*
8 *Appropriations a copy of each report relating to*
9 *the project that the head of the agency submits*
10 *to the Board.*

11 *UNITED STATES AGENCY FOR INTERNATIONAL*

12 *DEVELOPMENT MANAGEMENT*

13 *SEC. 7064. (a) AUTHORITY.—Up to \$110,000,000 of*
14 *the funds made available in title III of this Act pursuant*
15 *to or to carry out the provisions of part I of the Foreign*
16 *Assistance Act of 1961, including funds appropriated under*
17 *the heading “Assistance for Europe, Eurasia and Central*
18 *Asia”, may be used by the United States Agency for Inter-*
19 *national Development to hire and employ individuals in*
20 *the United States and overseas on a limited appointment*
21 *basis pursuant to the authority of sections 308 and 309 of*
22 *the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).*

23 *(b) RESTRICTION.—The authority to hire individuals*
24 *contained in subsection (a) shall expire on September 30,*
25 *2022.*

1 (c) *PROGRAM ACCOUNT CHARGED.*—*The account*
2 *charged for the cost of an individual hired and employed*
3 *under the authority of this section shall be the account to*
4 *which the responsibilities of such individual primarily re-*
5 *late: Provided, That funds made available to carry out this*
6 *section may be transferred to, and merged with, funds ap-*
7 *propriated by this Act in title II under the heading “Oper-*
8 *ating Expenses”.*

9 (d) *FOREIGN SERVICE LIMITED EXTENSIONS.*—*Indi-*
10 *viduals hired and employed by USAID, with funds made*
11 *available in this Act or prior Acts making appropriations*
12 *for the Department of State, foreign operations, and related*
13 *programs, pursuant to the authority of section 309 of the*
14 *Foreign Service Act of 1980 (22 U.S.C. 3949), may be ex-*
15 *tended for a period of up to 4 years notwithstanding the*
16 *limitation set forth in such section.*

17 (e) *DISASTER SURGE CAPACITY.*—*Funds appropriated*
18 *under title III of this Act to carry out part I of the Foreign*
19 *Assistance Act of 1961, including funds appropriated under*
20 *the heading “Assistance for Europe, Eurasia and Central*
21 *Asia”, may be used, in addition to funds otherwise avail-*
22 *able for such purposes, for the cost (including the support*
23 *costs) of individuals detailed to or employed by USAID*
24 *whose primary responsibility is to carry out programs in*
25 *response to natural disasters, or man-made disasters subject*

1 *to the regular notification procedures of the Committees on*
2 *Appropriations.*

3 (f) *PERSONAL SERVICES CONTRACTORS.*—*Funds ap-*
4 *propriated by this Act to carry out chapter 1 of part I,*
5 *chapter 4 of part II, and section 667 of the Foreign Assist-*
6 *ance Act of 1961, and title II of the Food for Peace Act*
7 *(Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used*
8 *by USAID to employ up to 40 personal services contractors*
9 *in the United States, notwithstanding any other provision*
10 *of law, for the purpose of providing direct, interim support*
11 *for new or expanded overseas programs and activities man-*
12 *aged by the agency until permanent direct hire personnel*
13 *are hired and trained: Provided, That not more than 15*
14 *of such contractors shall be assigned to any bureau or office:*
15 *Provided further, That such funds appropriated to carry*
16 *out title II of the Food for Peace Act (Public Law 83–480;*
17 *7 U.S.C. 1721 et seq.), may be made available only for per-*
18 *sonal services contractors assigned to the Bureau for Hu-*
19 *manitarian Assistance.*

20 (g) *SMALL BUSINESS.*—*In entering into multiple*
21 *award indefinite-quantity contracts with funds appro-*
22 *priated by this Act, USAID may provide an exception to*
23 *the fair opportunity process for placing task orders under*
24 *such contracts when the order is placed with any category*
25 *of small or small disadvantaged business.*

1 *vention and Stabilization Fund, as authorized by,*
2 *and for the purposes enumerated in, section 509(a) of*
3 *the Global Fragility Act of 2019 (title V of division*
4 *J of Public Law 116–94), of which \$25,000,000 may*
5 *be made available for the Multi-Donor Global Fra-*
6 *gility Fund authorized by section 510(c) of such Act:*
7 *Provided, That such funds appropriated under such*
8 *headings may be transferred to, and merged with,*
9 *funds appropriated under such headings: Provided*
10 *further, That such transfer authority is in addition to*
11 *any other transfer authority provided by this Act or*
12 *any other Act, and is subject to the regular notifica-*
13 *tion procedures of the Committees on Appropriations.*

14 (2) *TRANSITIONAL JUSTICE.—Of the funds ap-*
15 *propriated by this Act under the headings “Economic*
16 *Support Fund” and “International Narcotics Control*
17 *and Law Enforcement” that are made available for*
18 *the Prevention and Stabilization Fund, not less than*
19 *\$10,000,000 shall be made available for programs to*
20 *promote accountability for genocide, crimes against*
21 *humanity, and war crimes, including in Iraq and*
22 *Syria, which shall be in addition to any other funds*
23 *made available by this Act for such purposes: Pro-*
24 *vided, That such programs shall include components*
25 *to develop local investigative and judicial skills, and*

1 to collect and preserve evidence and maintain the
2 chain of custody of evidence, including for use in
3 prosecutions, and may include the establishment of,
4 and assistance for, transitional justice mechanisms:
5 *Provided further, That such funds shall be adminis-*
6 *tered by the Special Coordinator for the Office of*
7 *Global Criminal Justice, Department of State: Pro-*
8 *vided further, That funds made available by this*
9 *paragraph shall be made available on an open and*
10 *competitive basis.*

11 **(b) GLOBAL FRAGILITY ACT IMPLEMENTATION.**—
12 *Funds appropriated by this Act shall be made available to*
13 *implement the Global Fragility Act of 2019 (title V of divi-*
14 *sion J of Public Law 116–94): Provided, That not later*
15 *than 180 days after enactment of this Act, the Secretary*
16 *of State, in consultation with the Administrator of the*
17 *United States Agency for International Development, shall*
18 *submit a spend plan to the Committees on Appropriations*
19 *detailing the use of funds made available by this Act for*
20 *such purposes.*

21 **(c) GLOBAL COMMUNITY ENGAGEMENT AND RESIL-**
22 **IENCE FUND.**—*Funds appropriated by this Act and prior*
23 *Acts making appropriations for the Department of State,*
24 *foreign operations, and related programs under the heading*
25 *“Economic Support Fund” may be made available to the*

1 *ENTERPRISE FUNDS*

2 *SEC. 7068. (a) NOTIFICATION.—None of the funds*
3 *made available under titles III through VI of this Act may*
4 *be made available for Enterprise Funds unless the appro-*
5 *priate congressional committees are notified at least 15*
6 *days in advance.*

7 *(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the dis-*
8 *tribution of any assets resulting from any liquidation, dis-*
9 *solution, or winding up of an Enterprise Fund, in whole*
10 *or in part, the President shall submit to the appropriate*
11 *congressional committees a plan for the distribution of the*
12 *assets of the Enterprise Fund.*

13 *(c) TRANSITION OR OPERATING PLAN.—Prior to a*
14 *transition to and operation of any private equity fund or*
15 *other parallel investment fund under an existing Enterprise*
16 *Fund, the President shall submit such transition or oper-*
17 *ating plan to the appropriate congressional committees.*

18 *EXTENSION OF CONSULAR FEES AND RELATED*19 *AUTHORITIES*

20 *SEC. 7069. (a) Section 1(b)(1) of the Passport Act of*
21 *June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied through*
22 *fiscal year 2021 by substituting “the costs of providing con-*
23 *sular services” for “such costs”.*

24 *(b) Section 21009 of the Emergency Appropriations for*
25 *Coronavirus Health Response and Agency Operations (divi-*

1 sion B of Public Law 116–136; 134 Stat. 592) is amended
2 by striking “fiscal year 2020” and inserting “fiscal years
3 2020 and 2021”.

4 (c) Discretionary amounts made available to the De-
5 partment of State under the heading “Administration of
6 Foreign Affairs” of this Act, and discretionary unobligated
7 balances under such heading from prior Acts making ap-
8 propriations for the Department of State, foreign oper-
9 ations, and related programs, may be transferred to the
10 Consular and Border Security Programs account if the Sec-
11 retary of State determines and reports to the Committees
12 on Appropriations that to do so is necessary to sustain con-
13 sular operations, following consultation with such Commit-
14 tees: Provided, That such transfer authority is in addition
15 to any transfer authority otherwise available in this Act
16 and under any other provision of law: Provided further,
17 That no amounts may be transferred from amounts des-
18 igned for Overseas Contingency Operations/Global War
19 on Terrorism or as emergency requirements pursuant to a
20 concurrent resolution on the budget or section 251(b)(2)(A)
21 of the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

23 (d) In addition to the uses permitted pursuant to sec-
24 tion 286(v)(2)(A) of the Immigration and Nationality Act
25 (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2021, the Secretary

1 *of State may also use fees deposited into the Fraud Preven-*
2 *tion and Detection Account for the costs of providing con-*
3 *sular services.*

4 *(e) Amounts provided pursuant to subsections (a), (b),*
5 *and (d) are designated by the Congress as being for an*
6 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
7 *of the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *PROTECTIVE SERVICES*

10 *SEC. 7070. Of the funds appropriated under the head-*
11 *ing "Diplomatic Programs" by this Act and prior Acts*
12 *making appropriations for the Department of State, foreign*
13 *operations, and related programs, except for funds des-*
14 *ignated by the Congress as an emergency requirement pur-*
15 *suant to a concurrent resolution on the budget or the Bal-*
16 *anced Budget and Emergency Deficit Control Act of 1985,*
17 *up to \$15,000,000 may be made available to provide protec-*
18 *tive services to former or retired senior Department of State*
19 *officials or employees that the Secretary of State, in con-*
20 *sultation with the Director of National Intelligence, deter-*
21 *mines and reports to congressional leadership and the ap-*
22 *propriate congressional committees, face a serious and cred-*
23 *ible threat from a foreign power or the agent of a foreign*
24 *power arising from duties performed by such official or em-*
25 *ployee while employed by the Department: Provided, That*

1 *such determination shall include a justification for the pro-*
2 *vision of protective services by the Department, including*
3 *the identification of the specific nature of the threat and*
4 *the anticipated duration of such services provided, which*
5 *may be submitted in classified form, if necessary: Provided*
6 *further, That such protective services shall be consistent*
7 *with other such services performed by the Bureau of Diplo-*
8 *matic Security under 22 U.S.C. 2709 for Department offi-*
9 *cials, and shall be made available for an initial period of*
10 *not more than 180 days, which may be extended for addi-*
11 *tional consecutive periods of 60 days upon a subsequent de-*
12 *termination by the Secretary that the specific threat per-*
13 *sists: Provided further, That not later than 45 days after*
14 *enactment of this Act and quarterly thereafter, the Sec-*
15 *retary shall submit a report to congressional leadership and*
16 *the appropriate congressional committees detailing the*
17 *number of individuals receiving protective services and the*
18 *amount of funds expended for such services on a case-by-*
19 *case basis, which may be submitted in classified form, if*
20 *necessary: Provided further, That for purposes of this sec-*
21 *tion a former or retired senior Department of State official*
22 *or employee means a person that served in the Department*
23 *at the Assistant Secretary, Special Representative, or Sen-*
24 *ior Advisor level, or in a comparable or more senior posi-*
25 *tion, and has separated from service at the Department:*

1 *Provided further, That funds made available pursuant to*
 2 *this section are in addition to amounts otherwise made*
 3 *available for such purposes: Provided further, That amounts*
 4 *repurposed pursuant to this section that were previously*
 5 *designated by the Congress for Overseas Contingency Oper-*
 6 *ations/Global War on Terrorism pursuant to section*
 7 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
 8 *Deficit Control Act of 1985 are designated by the Congress*
 9 *for Overseas Contingency Operations/Global War on Ter-*
 10 *rorism pursuant to section 251(b)(2)(A)(ii) of such Act.*

11 *RESCISSIONS*

12 *(INCLUDING RESCISSIONS OF FUNDS)*

13 *SEC. 7071. (a) OVERSEAS CONTINGENCY OPERATIONS*
 14 *RESCISSIONS.—*

15 *(1) DIPLOMATIC AND CONSULAR PROGRAMS.—Of*
 16 *the unobligated balances from amounts made avail-*
 17 *able under the heading “Diplomatic and Consular*
 18 *Programs” in title II of the Security Assistance Ap-*
 19 *propriations Act, 2017 (division B of Public Law*
 20 *114–254), \$360,123,000 are rescinded.*

21 *(2) PEACEKEEPING OPERATIONS.—Of the unobli-*
 22 *gated balances from amounts made available under*
 23 *the heading “Peacekeeping Operations” from prior*
 24 *Acts making appropriations for the Department of*
 25 *State, foreign operations, and related programs and*

1 *designated by the Congress for Overseas Contingency*
2 *Operations/Global War on Terrorism pursuant to sec-*
3 *tion 251(b)(2)(A)(ii) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985, \$40,000,000*
5 *are rescinded.*

6 (3) *FOREIGN MILITARY FINANCING PROGRAM.—*
7 *Of the unobligated balances from amounts made*
8 *available under the heading “Foreign Military Fi-*
9 *nancing Program” from prior Acts making appro-*
10 *priations for the Department of State, foreign oper-*
11 *ations, and related programs and designated by the*
12 *Congress for Overseas Contingency Operations/Global*
13 *War on Terrorism pursuant to section*
14 *251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985, \$25,000,000 are re-*
16 *scinded.*

17 (4) *DESIGNATION.—For the purposes of this sub-*
18 *section, funds that were previously designated by the*
19 *Congress for Overseas Contingency Operations/Global*
20 *War on Terrorism pursuant to section*
21 *251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985 are designated by*
23 *the Congress for Overseas Contingency Operations/*
24 *Global War on Terrorism pursuant to section*
25 *251(b)(2)(A)(ii) of such Act.*

1 **(b) ADDITIONAL RESCISSIONS.—**

2 **(1) ECONOMIC SUPPORT FUND.—***Of the unobli-*
3 *gated balances from amounts made available under*
4 *the heading “Economic Support Fund” from prior*
5 *Acts making appropriations for the Department of*
6 *State, foreign operations, and related programs,*
7 *\$75,000,000 are rescinded.*

8 **(2) PEACE CORPS.—***Of the unobligated balances*
9 *from amounts made available under the heading*
10 *“Peace Corps” from prior Acts making appropria-*
11 *tions for the Department of State, foreign operations,*
12 *and related programs, \$30,000,000 are rescinded.*

13 **(3) INTERNATIONAL NARCOTICS CONTROL AND**
14 **LAW ENFORCEMENT.—***Of the unobligated balances*
15 *from amounts made available under the heading*
16 *“International Narcotics Control and Law Enforce-*
17 *ment” from prior Acts making appropriations for the*
18 *Department of State, foreign operations, and related*
19 *programs, \$50,411,000 are rescinded.*

20 **(4) LIMITATION.—***For the purposes of this sub-*
21 *section, no amounts may be rescinded from amounts*
22 *that were designated by Congress as an emergency re-*
23 *quirement or for Overseas Contingency Operations/*
24 *Global War on Terrorism pursuant to a concurrent*

1 *resolution on the budget or the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *TITLE VIII*

4 *NITA M. LOWEY MIDDLE EAST PARTNERSHIP*

5 *FOR PEACE ACT OF 2020*

6 *SHORT TITLE*

7 *SEC. 8001. This title may be cited as the “Nita M.*
8 *Lowey Middle East Partnership for Peace Act of 2020”.*

9 *FINDINGS*

10 *SEC. 8002. Congress finds the following:*

11 *(1) Economic development in conflict settings*
12 *has been shown to support stabilization by empow-*
13 *ering entrepreneurs, growing the middle class, and*
14 *mitigating unemployment.*

15 *(2) In 2018, unemployment in the Palestinian*
16 *territories was 32.4 percent. Gross Domestic Product*
17 *(GDP) growth in the Palestinian territories declined*
18 *from 2017 to 2019, and it is projected to further de-*
19 *cline in 2020.*

20 *(3) According to the World Bank Ad Hoc Liai-*
21 *son Committee’s April 2019 Economic Monitoring*
22 *Report, “to achieve sustainable economic growth, in*
23 *the Palestinian territories, growth and job creation*
24 *going forward will need to be private sector driven”.*

1 (4) *According to the 2018 Joint Strategic Plan*
2 *of the Department of State and the United States*
3 *Agency for International Development, “assistance*
4 *can help prevent new recruitment to terrorist organi-*
5 *zations, reduce levels of violence, promote legitimate*
6 *governance structures that strengthen inclusion, and*
7 *reduce policies that marginalize communities”.*

8 (5) *Although economic development is an impor-*
9 *tant tool for stabilizing conflict-prone settings and es-*
10 *tablishing connections between communities, economic*
11 *development by itself will not lead to lasting peace.*
12 *People-to-people peace-building programs further ad-*
13 *vance reconciliation efforts by promoting greater un-*
14 *derstanding, mutual trust, and cooperation between*
15 *communities.*

16 (6) *While the United States and its international*
17 *partners continue to support diplomatic and political*
18 *negotiations between the representatives of the parties*
19 *to the Israeli-Palestinian conflict, such efforts require*
20 *broad popular support among the people on the*
21 *ground to succeed.*

22 (7) *Achieving sustainable, high-level agreements*
23 *for lasting peace in the Middle East must come*
24 *through, and with the support of, the people who live*
25 *there, and the United States and its international*

1 *partners can help the people of the region build pop-*
2 *ular support for sustainable agreements for lasting*
3 *peace.*

4 *SENSE OF CONGRESS*

5 *SEC. 8003. It is the sense of Congress that—*

6 *(1) building a viable Palestinian economy is cen-*
7 *tral to the effort to preserve the possibility of a nego-*
8 *tiated settlement leading to a sustainable two-state so-*
9 *lution with the democratic, Jewish state of Israel and*
10 *a demilitarized, democratic Palestinian state living*
11 *side-by-side in peace, security, and mutual recogni-*
12 *tion;*

13 *(2) United States and international support for*
14 *grassroots, people-to-people efforts aimed at fostering*
15 *tolerance, and building support for such solution, can*
16 *help counter extremist propaganda and the growing*
17 *issue of incitement;*

18 *(3) strengthening engagement between Palestin-*
19 *ians and Israelis, including through people-to-people*
20 *peace-building programs can increase the bonds of*
21 *friendship and understanding;*

22 *(4) investing in the development of the Pales-*
23 *tinian economy and in joint economic ventures can*
24 *advance multiple sectors to the benefit of local, re-*
25 *gional, and global parties; and*

1 (5) *Congress encourages cooperation between Pal-*
2 *estinian, American, and Israeli business sectors in*
3 *order to benefit the Palestinian, American, and*
4 *Israeli peoples and economies.*

5 *PEOPLE-TO-PEOPLE PARTNERSHIP FOR PEACE FUND*

6 *SEC. 8004. Chapter 4 of part II of the Foreign Assist-*
7 *ance Act of 1961 (22 U.S.C. 2346 et seq.) is amended by*
8 *adding at the end the following:*

9 **“SEC. 535 PEOPLE-TO-PEOPLE PARTNERSHIP FOR PEACE**
10 **FUND.**

11 “(a) *ESTABLISHMENT.—Beginning on the date that is*
12 *one year after the date of enactment of this section, the Ad-*
13 *ministrator of the United States Agency for International*
14 *Development is authorized to establish a program to provide*
15 *funding for projects to help build the foundation for peaceful*
16 *co-existence between Israelis and Palestinians and for a sus-*
17 *tainable two-state solution. The program established under*
18 *this subsection shall be known as the ‘People-to-People Part-*
19 *nership for Peace Fund’ (referred to in this section as the*
20 *‘Fund’).*

21 “(b) *ELIGIBILITY FOR SUPPORT.—In providing fund-*
22 *ing for projects through the Fund, the Administrator may*
23 *provide support for qualified organizations, prioritizing*
24 *those organizations that seek to build better cooperation be-*
25 *tween Israelis and Palestinians, including Palestinian or-*

1 *ganizations, Israeli organizations, and international orga-*
2 *nizations that bring Israelis and Palestinians together.*

3 “(c) *ADDITIONAL ELIGIBILITY FOR SUPPORT.—In*
4 *providing funding for projects through the Fund, the Ad-*
5 *ministrator may additionally provide support to qualified*
6 *organizations that further shared community building,*
7 *peaceful co-existence, dialogue, and reconciliation between*
8 *Arab and Jewish citizens of Israel.*

9 “(d) *CONTRIBUTIONS.—The Administrator—*

10 “(1) *is encouraged to work with foreign govern-*
11 *ments and international organizations to leverage the*
12 *impact of United States resources and achieve the ob-*
13 *jectives of this section; and*

14 “(2) *is authorized to accept contributions for the*
15 *purposes of the Fund, consistent with subsection (d)*
16 *of section 635.*

17 “(e) *ADVISORY BOARD.—*

18 “(1) *ESTABLISHMENT.—The Administrator shall*
19 *establish an advisory board to make recommendations*
20 *to the Administrator regarding the types of projects*
21 *that should be considered for funding through the*
22 *Fund.*

23 “(2) *MEMBERSHIP.—*

24 “(A) *IN GENERAL.—Subject to subpara-*
25 *graph (B), the advisory board shall be composed*

1 *of 13 members, none of whom may be Members*
2 *of Congress, who shall be appointed for renewable*
3 *periods of 3 years, as follows:*

4 “(i) *One member to serve as chair, ap-*
5 *pointed by the Administrator, in consulta-*
6 *tion with the Secretary of State.*

7 “(ii) *One member appointed by the*
8 *chair, and one member appointed by the*
9 *ranking member, of the Committee on For-*
10 *ign Relations of the Senate.*

11 “(iii) *One member appointed by the*
12 *chair, and one member appointed by the*
13 *ranking member, of the Committee on For-*
14 *ign Affairs of the House of Representatives.*

15 “(iv) *One member appointed by the*
16 *chair, and one member appointed by the*
17 *ranking member, of the Committee on Ap-*
18 *propriations of the Senate.*

19 “(v) *One member appointed by the*
20 *chair, and one member appointed by the*
21 *ranking member, of the Committee on Ap-*
22 *propriations of the House of Representa-*
23 *tives.*

1 “(vi) One member appointed by the
2 majority leader, and one member appointed
3 by the minority leader, of the Senate.

4 “(vii) One member appointed by the
5 Speaker, and one member appointed by the
6 minority leader, of the House of Representa-
7 tives.

8 “(B) *INTERNATIONAL PARTICIPATION.*—The
9 Administrator may appoint up to two addi-
10 tional members to the advisory board who are
11 representatives of foreign governments or inter-
12 national organizations for renewable periods of 3
13 years.

14 “(C) *QUALIFICATIONS.*—Members of the ad-
15 visory board shall have demonstrated regional
16 expertise and experience and expertise in conflict
17 mitigation and people-to-people programs, and
18 shall not receive compensation on account of
19 their service on the advisory board.

20 “(f) *USAID MISSION RECOMMENDATIONS.*—The Ad-
21 ministrato shall consider the input and recommendations
22 from missions of the United States Agency for International
23 Development in the region and mission directors regarding
24 projects that should be considered for funding through the
25 Fund.

1 “(g) *COORDINATION.*—*The Administrator shall coordi-*
2 *nate with the Secretary of State in carrying out the provi-*
3 *sions of this section.*”.

4 *JOINT INVESTMENT FOR PEACE INITIATIVE*

5 *SEC. 8005. (a) ESTABLISHMENT.*—*Beginning on the*
6 *date that is 180 days after the date of the enactment of*
7 *this Act, the Chief Executive Officer of the United States*
8 *International Development Finance Corporation (referred*
9 *to in this section as the “Chief Executive Officer” and the*
10 *“Corporation”, respectively) is authorized to establish a*
11 *program to provide investments in, and support to, entities*
12 *that carry out projects that contribute to the development*
13 *of the Palestinian private sector economy in the West Bank*
14 *and Gaza. The program established under this subsection*
15 *shall be known as the “Joint Investment for Peace Initia-*
16 *tive” (referred to in this section as the “Initiative”) and*
17 *shall be subject to all existing terms, conditions, restrictions,*
18 *oversight requirements, and applicable provisions of law,*
19 *including the Better Utilization of Investments Leading to*
20 *Development Act of 2018 (22 U.S.C. 9611 et seq), including*
21 *through strict adherence to the less-developed country focus*
22 *under section 1412(c) of such Act.*

23 *(b) PARTICIPATION REQUIREMENT.*—*In carrying out*
24 *the Initiative, the Chief Executive Officer shall ensure par-*
25 *ticipation by small and medium-sized enterprises owned by*

1 *Palestinians, which may include the technology sector, the*
2 *agriculture sector, and other high value-added or emerging*
3 *industries.*

4 (c) *PRIORITY.*—*In carrying out the Initiative, the*
5 *Chief Executive Officer shall prioritize support to projects*
6 *that increase economic cooperation between Israelis and*
7 *Palestinians.*

8 (d) *USE OF EXISTING AUTHORITIES.*—*In carrying out*
9 *the Initiative, the Chief Executive Officer shall utilize the*
10 *authorities under section 1421 of the Better Utilization of*
11 *Investments Leading to Development Act of 2018 (22 U.S.C.*
12 *9621), including to—*

13 (1) *select a manager of the Initiative;*

14 (2) *oversee and direct the operation of the Initia-*
15 *tive consistent with such Act and other provisions of*
16 *law;*

17 (3) *provide the Initiative with loans, guaranties,*
18 *equity, and insurance, as appropriate, to enable the*
19 *Initiative to attract private investment;*

20 (4) *support the private sector in entering into*
21 *joint ventures between Palestinian and Israeli enti-*
22 *ties; and*

23 (5) *carry out the purposes of the Initiative con-*
24 *sistent with the provisions of this section and other*
25 *applicable provisions of law.*

1 (e) *ANNUAL REPORT.*—

2 (1) *IN GENERAL.*—Not later than December 31,
3 2021, and each December 31 thereafter until Decem-
4 ber 31, 2031, the Chief Executive Officer shall submit
5 to the appropriate congressional committees a report
6 that describes the following:

7 (A) *The extent to which the Initiative has*
8 *contributed to promoting and supporting Pales-*
9 *tinian economic development.*

10 (B) *The extent to which the Initiative has*
11 *contributed to greater integration of the Pales-*
12 *tinian economy into the international rules-*
13 *based business system.*

14 (C) *The extent to which projects that in-*
15 *crease economic cooperation between Palestinians*
16 *and Israelis and between Palestinians and*
17 *Americans have been prioritized, including*
18 *through support to the private sector to enter*
19 *into joint ventures.*

20 (D) *Information on the following:*

21 (i) *Investments received and provided*
22 *through the Initiative.*

23 (ii) *The mechanisms established for*
24 *transparency and accountability of invest-*
25 *ments provided through the Initiative.*

1 (E) *The extent to which entities supported*
2 *by the Initiative have impacted the efficacy of*
3 *people-to-people programs.*

4 (F) *To the extent practicable, an assessment*
5 *of the sustainability of commercial endeavors*
6 *that receive support from the Initiative.*

7 (G) *A description of the process for vetting*
8 *and oversight of entities eligible for support from*
9 *the Initiative to ensure compliance with the re-*
10 *quirements of section 8006(b) of this Act.*

11 (2) *FORM.—The reports required under this sub-*
12 *section shall be submitted in unclassified form, with-*
13 *out the designation “For Official Use Only” or any*
14 *related or successor designation, but may be accom-*
15 *panied by a classified annex.*

16 (f) *TERMINATION.—*

17 (1) *IN GENERAL.—The Initiative shall terminate*
18 *at the end of the fiscal year that is 10 years after the*
19 *date on which the Chief Executive Officer makes the*
20 *first investment under the Initiative.*

21 (2) *EXCEPTION.—The Chief Executive Officer is*
22 *authorized to continue to manage investments made*
23 *under the Initiative on and after the date specified in*
24 *paragraph (1).*

1 (g) *COORDINATION.*—*The Chief Executive Officer shall*
2 *coordinate with the Secretary of State and the Adminis-*
3 *trator of the United States Agency for International Devel-*
4 *opment in carrying out the provisions of this section.*

5 *LIMITATIONS, VETTING, COORDINATION, AND OVERSIGHT*

6 SEC. 8006. (a) *LIMITATIONS.*—*None of the funds made*
7 *available to carry out this title, or any amendment made*
8 *by this title, may be used to provide—*

9 (1) *financial assistance to the national govern-*
10 *ment of any foreign country;*

11 (2) *assistance for—*

12 (A) *any individual or group the Secretary*
13 *of State determines to be involved in, or advo-*
14 *cating, terrorist activity; or*

15 (B) *any individual who is a member of a*
16 *foreign terrorist organization (as designated pur-*
17 *suant to section 219 of the Immigration and Na-*
18 *tionality Act (8 U.S.C. 1189)); or*

19 (3) *assistance for the Palestinian Authority or*
20 *the Palestine Liberation Organization.*

21 (b) *APPLICABLE REGULATIONS.*—*Assistance made*
22 *available under this title, and any amendment made by this*
23 *title, shall adhere to the mission directives and vetting prac-*
24 *tices for assistance for the West Bank and Gaza, as set forth*
25 *by the United States Agency for International Development.*

1 (c) *COORDINATION.*—

2 (1) *The Chief Executive Officer of the United*
3 *States International Development Finance Corpora-*
4 *tion, acting through the Chief Development Officer of*
5 *such Corporation, shall coordinate with the Adminis-*
6 *trator of the United States Agency for International*
7 *Development and the Secretary of State to ensure that*
8 *all expenditures from the Joint Investment for Peace*
9 *Initiative comply with this section.*

10 (2) *To the extent practicable, the Administrator*
11 *of the United States Agency for International Devel-*
12 *opment and the Chief Executive Officer of the United*
13 *States International Development Finance Corpora-*
14 *tion should coordinate and share information in ad-*
15 *vance of providing resources through the People-to-*
16 *People Partnership for Peace Fund and the Joint In-*
17 *vestment for Peace Initiative.*

18 (d) *REPORT.*—

19 (1) *IN GENERAL.*—*Not later than 90 days after*
20 *the end of the first fiscal year in which both the Peo-*
21 *ple-to-People Partnership for Peace Fund and the*
22 *Joint Investment for Peace Initiative are in effect,*
23 *and annually thereafter, the Administrator of the*
24 *United States Agency for International Development*
25 *and the Chief Executive Officer of the United States*

1 *International Development Finance Corporation*
2 *shall, in coordination with the Secretary of State,*
3 *jointly submit to the appropriate congressional com-*
4 *mittees a report in writing that describes—*

5 *(A)(i) lessons learned and best practices de-*
6 *veloped from funding for projects under the Peo-*
7 *ple-to-People Partnership for Peace Fund during*
8 *the prior fiscal year; and*

9 *(ii) the extent to which such projects have*
10 *contributed to the purposes of the People-to-Peo-*
11 *ple Partnership for Peace Fund;*

12 *(B)(i) lessons learned and best practices de-*
13 *veloped from investments provided under the*
14 *Joint Investment for Peace Initiative during the*
15 *prior fiscal year; and*

16 *(ii) the extent to which such investments*
17 *have contributed to the purposes of the Joint In-*
18 *vestment for Peace Initiative; and*

19 *(C) how the United States International*
20 *Development Finance Corporation and the*
21 *United States Agency for International Develop-*
22 *ment coordinate and share information with re-*
23 *spect to the People-to-People Partnership for*
24 *Peace Fund and the Joint Investment for Peace*
25 *Initiative.*

1 (2) *CONSULTATION.*—*The Administrator of the*
2 *United States Agency for International Development,*
3 *in consultation with the Secretary of State, shall con-*
4 *sult with the advisory board established by subsection*
5 *(e) of section 535 of the Foreign Assistance Act of*
6 *1961 (as added by section 8004 of this Act) to inform*
7 *the reports required by paragraph (1).*

8 *APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED*

9 *SEC. 8007. In this title, the term “appropriate congres-*
10 *sional committees” has the meaning given that term in sec-*
11 *tion 1402 of the Better Utilization of Investments Leading*
12 *to Development Act of 2018 (22 U.S.C. 9601).*

13 *AUTHORIZATION OF APPROPRIATIONS*

14 *SEC. 8008. (a) IN GENERAL.*—*There is authorized to*
15 *be appropriated to carry out this title, and the amendments*
16 *made by this title, \$50,000,000 for each of the first 5 fiscal*
17 *years beginning after the date of the enactment of this Act.*

18 *(b) CONSULTATION REQUIREMENT.*—*Not later than 90*
19 *days after enactment of this Act, and prior to the obligation*
20 *of funds made available to implement this title, the Admin-*
21 *istrator of the United States Agency for International De-*
22 *velopment and the Chief Executive Officer of the United*
23 *States International Development Finance Corporation, in*
24 *coordination with the Secretary of State, shall consult with*

1 *heading in this Act shall be in addition to any other funds*
2 *made available for this purpose: Provided further, That*
3 *such amount is designated by the Congress as being for an*
4 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
5 *of the Balanced Budget and Emergency Deficit Control Act*
6 *of 1985.*

7
8 *SUDAN CLAIMS*

9 *For necessary expenses to carry out section 7 of the*
10 *Sudan Claims Resolution Act, notwithstanding any other*
11 *provision of law, \$150,000,000, to remain available until*
12 *expended: Provided, That any unexpended balances remain-*
13 *ing following the distributions described in section 7(b)(1)*
14 *of the Sudan Claims Resolution Act that are determined*
15 *by the Secretary of State, not later than September 30,*
16 *2030, and at the close of each fiscal year thereafter, to be*
17 *excess to the needs of such distributions, shall be returned*
18 *to the general fund of the Treasury: Provided further, That*
19 *such amount is designated by the Congress as being for an*
20 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
21 *of the Balanced Budget and Emergency Deficit Control Act*
of 1985.

1 *BILATERAL ECONOMIC ASSISTANCE*
2 *FUNDS APPROPRIATED TO THE PRESIDENT*
3 *GLOBAL HEALTH PROGRAMS*

4 *For an additional amount for “Global Health Pro-*
5 *grams”, \$4,000,000,000, to remain available until Sep-*
6 *tember 30, 2022, to prevent, prepare for, and respond to*
7 *coronavirus, including for vaccine procurement and deliv-*
8 *ery: Provided, That such funds shall be administered by the*
9 *Administrator of the United States Agency for Inter-*
10 *national Development and shall be made available as a con-*
11 *tribution to The GAVI Alliance: Provided further, That*
12 *such amount is designated by the Congress as being for an*
13 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
14 *of the Balanced Budget and Emergency Deficit Control Act*
15 *of 1985.*

16 *ECONOMIC SUPPORT FUND*

17 *For an additional amount for “Economic Support*
18 *Fund”, \$700,000,000, to remain available until September*
19 *30, 2022, which shall be for assistance for Sudan, and*
20 *which may be made available as contributions: Provided,*
21 *That up to \$100,000,000 of such funds may be transferred*
22 *to, and merged with, funds made available under the head-*
23 *ings “Global Health Programs” and “Transition Initia-*
24 *tives” in Acts making appropriations for the Department*
25 *of State, foreign operations, and related programs: Provided*

1 *further, That upon a determination by the Secretary of*
2 *State that funds transferred pursuant to the preceding pro-*
3 *viso are not necessary for the purposes provided, such*
4 *amounts may be transferred back to such accounts: Pro-*
5 *vided further, That funds appropriated under this heading*
6 *in this title may be made available notwithstanding any*
7 *other provision of law for contributions authorized under*
8 *this heading, agriculture and economic growth programs,*
9 *and economic assistance for marginalized areas in Sudan*
10 *and Abyei: Provided further, That prior to the initial obli-*
11 *gation of funds appropriated under this heading in this*
12 *title, the Secretary of State shall consult with the Commit-*
13 *tees on Appropriations: Provided further, That such*
14 *amount is designated by the Congress as being for an emer-*
15 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
16 *the Balanced Budget and Emergency Deficit Control Act*
17 *of 1985.*

18 *DEPARTMENT OF THE TREASURY*

19 *DEBT RESTRUCTURING*

20 *For an additional amount for “Debt Restructuring”,*
21 *\$120,000,000, to remain available until expended, which*
22 *may be used, notwithstanding any other provision of law,*
23 *for payment by the Secretary of the Treasury to the Inter-*
24 *national Monetary Fund for Heavily Indebted Poor Coun-*
25 *tries debt relief for Sudan: Provided, That such amount is*

1 *designated by the Congress as being for an emergency re-*
2 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
3 *anced Budget and Emergency Deficit Control Act of 1985.*

4 **GENERAL PROVISIONS—THIS TITLE**

5 *SEC. 9001. Each amount appropriated or made avail-*
6 *able by this title is in addition to amounts otherwise appro-*
7 *priated for fiscal year 2021.*

8 *SEC. 9002. Notwithstanding section 7034(q)(7) of this*
9 *division of this Act, the additional amounts appropriated*
10 *by this title to appropriations accounts shall be available*
11 *under the authorities and conditions applicable to such ap-*
12 *propriations accounts for funds appropriated in fiscal year*
13 *2021, unless otherwise directed by this title.*

14 *SEC. 9003. Notwithstanding the limitations in sections*
15 *609(i) and 609(j) of the Millennium Challenge Act of 2003*
16 *(2211 U.S.C. 7708(j), 7715), the Millennium Challenge Cor-*
17 *poration may, subject to the availability of funds, extend*
18 *any compact in effect as of January 29, 2020, for up to*
19 *one additional year, to account for delays related to*
20 *coronavirus: Provided, That the Corporation shall notify*
21 *the appropriate congressional committees prior to pro-*
22 *viding any such extension.*

23 *This division may be cited as the “Department of*
24 *State, Foreign Operations, and Related Programs Appro-*
25 *priations Act, 2021”.*

1 ***DIVISION L—TRANSPORTATION, HOUSING***
2 ***AND URBAN DEVELOPMENT, AND RE-***
3 ***LATED AGENCIES APPROPRIATIONS***
4 ***ACT, 2021***

5 ***TITLE I***

6 ***DEPARTMENT OF TRANSPORTATION***

7 ***OFFICE OF THE SECRETARY***

8 ***SALARIES AND EXPENSES***

9 *For necessary expenses of the Office of the Secretary,*
10 *\$126,174,000, of which not to exceed \$3,360,000 shall be*
11 *available for the immediate Office of the Secretary; not to*
12 *exceed \$1,200,000 shall be available for the immediate Of-*
13 *fice of the Deputy Secretary; not to exceed \$22,210,000 shall*
14 *be available for the Office of the General Counsel; not to*
15 *exceed \$11,797,000 shall be available for the Office of the*
16 *Under Secretary of Transportation for Policy; not to exceed*
17 *\$16,394,000 shall be available for the Office of the Assistant*
18 *Secretary for Budget and Programs; not to exceed*
19 *\$3,010,000 shall be available for the Office of the Assistant*
20 *Secretary for Governmental Affairs; not to exceed*
21 *\$32,239,000 shall be available for the Office of the Assistant*
22 *Secretary for Administration; not to exceed \$2,610,000 shall*
23 *be available for the Office of Public Affairs; not to exceed*
24 *\$2,018,000 shall be available for the Office of the Executive*
25 *Secretariat; not to exceed \$13,576,000 shall be available for*

1 *the Office of Intelligence, Security, and Emergency Re-*
2 *sponse; and not to exceed \$17,760,000 shall be available for*
3 *the Office of the Chief Information Officer: Provided, That*
4 *the Secretary of Transportation (referred to in this title as*
5 *the “Secretary”) is authorized to transfer funds appro-*
6 *priated for any office of the Office of the Secretary to any*
7 *other office of the Office of the Secretary: Provided further,*
8 *That no appropriation for any office shall be increased or*
9 *decreased by more than 7 percent by all such transfers: Pro-*
10 *vided further, That notice of any change in funding greater*
11 *than 7 percent shall be submitted for approval to the House*
12 *and Senate Committees on Appropriations: Provided fur-*
13 *ther, That not to exceed \$70,000 shall be for allocation with-*
14 *in the Department for official reception and representation*
15 *expenses as the Secretary may determine: Provided further,*
16 *That notwithstanding any other provision of law, there*
17 *may be credited to this appropriation up to \$2,500,000 in*
18 *funds received in user fees: Provided further, That none of*
19 *the funds provided in this Act shall be available for the posi-*
20 *tion of Assistant Secretary for Public Affairs.*

21 *RESEARCH AND TECHNOLOGY*

22 *For necessary expenses related to the Office of the As-*
23 *stant Secretary for Research and Technology,*
24 *\$22,800,000, of which \$16,485,000 shall remain available*
25 *until expended: Provided, That there may be credited to this*

1 *appropriation, to be available until expended, funds re-*
2 *ceived from States, counties, municipalities, other public*
3 *authorities, and private sources for expenses incurred for*
4 *training: Provided further, That any reference in law, regu-*
5 *lation, judicial proceedings, or elsewhere to the Research*
6 *and Innovative Technology Administration shall continue*
7 *to be deemed to be a reference to the Office of the Assistant*
8 *Secretary for Research and Technology of the Department*
9 *of Transportation.*

10 *NATIONAL INFRASTRUCTURE INVESTMENTS*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For capital investments in surface transportation in-*
13 *frastructure, \$1,000,000,000 to remain available until Sep-*
14 *tember 30, 2024: Provided, That the Secretary shall dis-*
15 *tribute amounts made available under this heading as dis-*
16 *cretionary grants to be awarded to a State, local or tribal*
17 *government, U.S. territory, transit agency, port authority,*
18 *metropolitan planning organization, political subdivision*
19 *of a State or local government, or a collaboration among*
20 *such entities on a competitive basis for projects that will*
21 *have a significant local or regional impact: Provided fur-*
22 *ther, That projects eligible for amounts made available*
23 *under this heading shall include, but not be limited to, high-*
24 *way or bridge projects eligible under title 23, United States*
25 *Code; public transportation projects eligible under chapter*

1 53 of title 49, United States Code; passenger and freight
2 rail transportation projects; port infrastructure investments
3 (including inland port infrastructure and land ports of
4 entry); and projects investing in surface transportation fa-
5 cilities that are located on tribal land and for which title
6 or maintenance responsibility is vested in the Federal Gov-
7 ernment: Provided further, That of the amount made avail-
8 able under this heading, the Secretary shall use an amount
9 not more than \$30,000,000 for the planning, preparation
10 or design of projects eligible for amounts made available
11 under this heading, of which not less than \$10,000,000 is
12 for projects eligible for amounts made available under this
13 heading located in or to directly benefit areas of persistent
14 poverty: Provided further, That the term “areas of per-
15 sistent poverty” means any county that has consistently
16 had greater than or equal to 20 percent of the population
17 living in poverty during the 30-year period preceding the
18 date of enactment of this Act, as measured by the 1990 and
19 2000 decennial census and the most recent annual Small
20 Area Income and Poverty Estimates as estimated by the
21 Bureau of the Census; any census tract with a poverty rate
22 of at least 20 percent as measured by the 2014–2018 5-year
23 data series available from the American Community Sur-
24 vey of the Bureau of the Census; or any territory or posses-
25 sion of the United States: Provided further, That grants

1 *awarded under the previous two provisos shall not be subject*
2 *to a minimum grant size: Provided further, That the Sec-*
3 *retary may use up to 20 percent of the amounts made avail-*
4 *able under this heading for the purpose of paying the sub-*
5 *sidy and administrative costs of projects eligible for Federal*
6 *credit assistance under chapter 6 of title 23, United States*
7 *Code, or sections 501 through 504 of the Railroad Revital-*
8 *ization and Regulatory Reform Act of 1976 (Public Law*
9 *94-210), if the Secretary finds that such use of the funds*
10 *would advance the purposes of this heading: Provided fur-*
11 *ther, That in distributing amounts made available under*
12 *this heading, the Secretary shall take such measures so as*
13 *to ensure an equitable geographic distribution of funds, an*
14 *appropriate balance in addressing the needs of urban and*
15 *rural areas, including tribal areas, and the investment in*
16 *a variety of transportation modes: Provided further, That*
17 *a grant award under this heading shall be not less than*
18 *\$5,000,000 and not greater than \$25,000,000: Provided fur-*
19 *ther, That not more than 10 percent of the amounts made*
20 *available under this heading may be awarded to projects*
21 *in a single State: Provided further, That the Federal share*
22 *of the costs for which an amount is provided under this*
23 *heading shall be, at the option of the recipient, up to 80*
24 *percent: Provided further, That the Secretary shall give pri-*
25 *ority to projects that require a contribution of Federal funds*

1 *in order to complete an overall financing package: Provided*
2 *further, That an award under this heading is an urban*
3 *award if it is to a project located within or on the boundary*
4 *of an Urbanized Area (UA), as designated by the Bureau*
5 *of the Census, that had a population greater than 200,000*
6 *in the 2010 decennial census: Provided further, That for*
7 *the purpose of determining if an award for planning, prep-*
8 *aration or design is an urban award, the project location*
9 *is the location of the project being planned, prepared or de-*
10 *signed: Provided further, That each award under this head-*
11 *ing that is not an urban award is a rural award: Provided*
12 *further, That of the amounts awarded under this heading,*
13 *not more than 50 percent shall be awarded as urban awards*
14 *and rural awards, respectively: Provided further, That for*
15 *rural awards, the minimum grant size shall be \$1,000,000:*
16 *Provided further, That for rural awards and areas of per-*
17 *sistent poverty awards the Secretary may increase the Fed-*
18 *eral share of costs above 80 percent: Provided further, That*
19 *projects conducted using amounts made available under this*
20 *heading shall comply with the requirements of subchapter*
21 *IV of chapter 31 of title 40, United States Code: Provided*
22 *further, That the Secretary shall conduct a new competition*
23 *to select the grants and credit assistance awarded under this*
24 *heading: Provided further, That the Secretary may retain*
25 *up to \$20,000,000 of the amounts made available under this*

1 heading, and may transfer portions of such amounts to the
2 Administrators of the Federal Highway Administration,
3 the Federal Transit Administration, the Federal Railroad
4 Administration and the Maritime Administration to fund
5 the award and oversight of grants and credit assistance
6 made under the National Infrastructure Investments pro-
7 gram: Provided further, That none of the amounts made
8 available in the previous proviso may be used to hire addi-
9 tional personnel: Provided further, That the Secretary shall
10 consider and award projects based solely on the selection
11 criteria from the fiscal year 2017 Notice of Funding Oppor-
12 tunity: Provided further, That, notwithstanding the pre-
13 vious proviso, the Secretary shall not use the Federal share
14 or an applicant's ability to generate non-Federal revenue
15 as a selection criteria in awarding projects: Provided fur-
16 ther, That the Secretary shall issue the Notice of Funding
17 Opportunity no later than 120 days after enactment of this
18 Act: Provided further, That such Notice of Funding Oppor-
19 tunity shall require application submissions 90 days after
20 the publishing of such Notice: Provided further, That of the
21 applications submitted under the previous two provisos, the
22 Secretary shall make grants no later than 330 days after
23 enactment of this Act in such amounts that the Secretary
24 determines.

1 *NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE*
2 *FINANCE BUREAU*

3 *For necessary expenses of the National Surface Trans-*
4 *portation and Innovative Finance Bureau as authorized by*
5 *49 U.S.C. 116, \$5,000,000, to remain available until ex-*
6 *pended: Provided, That the Secretary may collect and spend*
7 *fees, as authorized by title 23, United States Code, to cover*
8 *the costs of services of expert firms, including counsel, in*
9 *the field of municipal and project finance to assist in the*
10 *underwriting and servicing of Federal credit instruments*
11 *and all or a portion of the costs to the Federal Government*
12 *of servicing such credit instruments: Provided further, That*
13 *such fees are available until expended to pay for such costs:*
14 *Provided further, That such amounts are in addition to*
15 *other amounts made available for such purposes and are*
16 *not subject to any obligation limitation or the limitation*
17 *on administrative expenses under section 608 of title 23,*
18 *United States Code.*

19 *RAILROAD REHABILITATION AND IMPROVEMENT FINANCING*
20 *PROGRAM*

21 *The Secretary is authorized to issue direct loans and*
22 *loan guarantees pursuant to sections 501 through 504 of*
23 *the Railroad Revitalization and Regulatory Reform Act of*
24 *1976 (Public Law 94–210), as amended, such authority*

1 *shall exist as long as any such direct loan or loan guarantee*
2 *is outstanding.*

3 *FINANCIAL MANAGEMENT CAPITAL*

4 *For necessary expenses for upgrading and enhancing*
5 *the Department of Transportation's financial systems and*
6 *re-engineering business processes, \$2,000,000, to remain*
7 *available through September 30, 2022.*

8 *CYBER SECURITY INITIATIVES*

9 *For necessary expenses for cyber security initiatives,*
10 *including necessary upgrades to network and information*
11 *technology infrastructure, improvement of identity manage-*
12 *ment and authentication capabilities, securing and pro-*
13 *tecting data, implementation of Federal cyber security ini-*
14 *tiatives, and implementation of enhanced security controls*
15 *on agency computers and mobile devices, \$22,000,000, to*
16 *remain available until September 30, 2022.*

17 *OFFICE OF CIVIL RIGHTS*

18 *For necessary expenses of the Office of Civil Rights,*
19 *\$9,600,000.*

20 *TRANSPORTATION PLANNING, RESEARCH, AND*
21 *DEVELOPMENT*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary expenses for conducting transportation*
24 *planning, research, systems development, development ac-*
25 *tivities, and making grants, \$9,350,000, to remain avail-*

1 *able until expended: Provided, That of such amount,*
2 *\$1,000,000 shall be for necessary expenses of the Interagency*
3 *Infrastructure Permitting Improvement Center (IIPIC):*
4 *Provided further, That there may be transferred to this ap-*
5 *propriation, to remain available until expended, amounts*
6 *transferred from other Federal agencies for expenses in-*
7 *curred under this heading for IIPIC activities not related*
8 *to transportation infrastructure: Provided further, That the*
9 *tools and analysis developed by the IIPIC shall be available*
10 *to other Federal agencies for the permitting and review of*
11 *major infrastructure projects not related to transportation*
12 *only to the extent that other Federal agencies provide fund-*
13 *ing to the Department in accordance with the preceding*
14 *proviso.*

15 **WORKING CAPITAL FUND**

16 **(INCLUDING TRANSFER OF FUNDS)**

17 *For necessary expenses for operating costs and capital*
18 *outlays of the Working Capital Fund, not to exceed*
19 *\$319,793,000, shall be paid from appropriations made*
20 *available to the Department of Transportation: Provided,*
21 *That such services shall be provided on a competitive basis*
22 *to entities within the Department of Transportation (DOT):*
23 *Provided further, That the limitation in the preceding pro-*
24 *viso on operating expenses shall not apply to non-DOT enti-*
25 *ties: Provided further, That no funds made available by this*

1 *Act to an agency of the Department shall be transferred*
2 *to the Working Capital Fund without majority approval*
3 *of the Working Capital Fund Steering Committee and ap-*
4 *proval of the Secretary: Provided further, That no assess-*
5 *ments may be levied against any program, budget activity,*
6 *subactivity, or project funded by this Act unless notice of*
7 *such assessments and the basis therefor are presented to the*
8 *House and Senate Committees on Appropriations and are*
9 *approved by such Committees.*

10 *SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND*
11 *OUTREACH*

12 *For necessary expenses for small and disadvantaged*
13 *business utilization and outreach activities, \$4,714,000, to*
14 *remain available until September 30, 2022: Provided, That*
15 *notwithstanding section 332 of title 49, United States Code,*
16 *such amounts may be used for business opportunities re-*
17 *lated to any mode of transportation: Provided further, That*
18 *appropriations made available under this heading shall be*
19 *available for any purpose consistent with prior year appro-*
20 *priations that were made available under the heading “Of-*
21 *fice of the Secretary—Minority Business Resource Center*
22 *Program”.*

1 *PAYMENTS TO AIR CARRIERS*2 *(AIRPORT AND AIRWAY TRUST FUND)*

3 *In addition to funds made available from any other*
4 *source to carry out the essential air service program under*
5 *sections 41731 through 41742 of title 49, United States*
6 *Code, \$141,724,000, to be derived from the Airport and Air-*
7 *way Trust Fund, to remain available until expended: Pro-*
8 *vided, That in determining between or among carriers com-*
9 *peting to provide service to a community, the Secretary*
10 *may consider the relative subsidy requirements of the car-*
11 *riers: Provided further, That basic essential air service min-*
12 *imum requirements shall not include the 15-passenger ca-*
13 *capacity requirement under section 41732(b)(3) of title 49,*
14 *United States Code: Provided further, That amounts au-*
15 *thorized to be distributed for the essential air service pro-*
16 *gram under section 41742(b) of title 49, United States Code,*
17 *shall be made available immediately from amounts other-*
18 *wise provided to the Administrator of the Federal Aviation*
19 *Administration: Provided further, That the Administrator*
20 *may reimburse such amounts from fees credited to the ac-*
21 *count established under section 45303 of title 49, United*
22 *States Code.*

23 *TRANSPORTATION DEMONSTRATION PROGRAM*

24 *To expand intermodal and multimodal freight and*
25 *cargo transportation infrastructure, including airport de-*

1 *velopment under chapter 471 of title 49, United States*
2 *Code, \$100,000,000, to remain available until expended:*
3 *Provided, That the Secretary shall distribute funds pro-*
4 *vided under this heading as discretionary grants to mari-*
5 *time port authorities or former military airports classified*
6 *as general aviation airports in the National Plan on Inte-*
7 *grated Airport System report for fiscal years 2019 to 2023:*
8 *Provided further, That eligible applicants that are mari-*
9 *time port authorities shall use a terminal railway and be*
10 *located not more than 10 miles from a former military air-*
11 *port classified as a general aviation airport in the National*
12 *Plan on Integrated Airport System report for fiscal years*
13 *2019 to 2023: Provided further, That eligible applicants*
14 *that are former military airports classified as general avia-*
15 *tion airports in the National Plan on Integrated Airport*
16 *System report for fiscal years 2019 to 2023 shall be located*
17 *not more than 10 miles from a maritime port authority*
18 *that uses a terminal railway: Provided further, That*
19 *projects eligible under this heading shall be located not more*
20 *than 10 miles from at least two highways on the Interstate*
21 *System: Provided further, That the Secretary shall issue the*
22 *Notice of Funding Opportunity no later than 60 days after*
23 *enactment of this Act.*

1 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
2 *OF TRANSPORTATION*
3 *(INCLUDING RESCISSIONS)*

4 *SEC. 101. None of the funds made available by this*
5 *Act to the Department of Transportation may be obligated*
6 *for the Office of the Secretary of Transportation to approve*
7 *assessments or reimbursable agreements pertaining to funds*
8 *appropriated to the operating administrations in this Act,*
9 *except for activities underway on the date of enactment of*
10 *this Act, unless such assessments or agreements have com-*
11 *pleted the normal reprogramming process for congressional*
12 *notification.*

13 *SEC. 102. The Secretary shall post on the web site of*
14 *the Department of Transportation a schedule of all meetings*
15 *of the Council on Credit and Finance, including the agenda*
16 *for each meeting, and require the Council on Credit and*
17 *Finance to record the decisions and actions of each meeting.*

18 *SEC. 103. In addition to authority provided by section*
19 *327 of title 49, United States Code, the Department's Work-*
20 *ing Capital Fund is authorized to provide partial or full*
21 *payments in advance and accept subsequent reimburse-*
22 *ments from all Federal agencies from available funds for*
23 *transit benefit distribution services that are necessary to*
24 *carry out the Federal transit pass transportation fringe*
25 *benefit program under Executive Order No. 13150 and sec-*

1 *tion 3049 of SAFETEA-LU (5 U.S.C. 7905 note): Pro-*
2 *vided, That the Department shall maintain a reasonable*
3 *operating reserve in the Working Capital Fund, to be ex-*
4 *pended in advance to provide uninterrupted transit benefits*
5 *to Government employees: Provided further, That such re-*
6 *serve shall not exceed 1 month of benefits payable and may*
7 *be used only for the purpose of providing for the continu-*
8 *ation of transit benefits: Provided further, That the Working*
9 *Capital Fund shall be fully reimbursed by each customer*
10 *agency from available funds for the actual cost of the transit*
11 *benefit.*

12 *SEC. 104. Receipts collected in the Department's Work-*
13 *ing Capital Fund, as authorized by section 327 of title 49,*
14 *United States Code, for unused van pool benefits, in an*
15 *amount not to exceed 10 percent of fiscal year 2021 collec-*
16 *tions, shall be available until expended in the Department's*
17 *Working Capital Fund to provide contractual services in*
18 *support of section 199A of this Act: Provided, That obliga-*
19 *tions in fiscal year 2021 of such collections shall not exceed*
20 *\$1,000,000.*

21 *SEC. 105. The remaining unobligated balances, as of*
22 *September 30, 2021, from amounts made available for the*
23 *“Department of Transportation—Office of the Secretary—*
24 *National Infrastructure Investments” in division G of the*
25 *Consolidated Appropriations Act, 2019 (Public Law 116–*

1 6) are hereby permanently rescinded, and an amount of ad-
2 ditional new budget authority equivalent to the amount re-
3 scinded is hereby appropriated on September 30, 2021, to
4 remain available until September 30, 2022, and shall be
5 available, without additional competition, for completing
6 the funding of awards made pursuant to the fiscal year
7 2019 national infrastructure investments program.

8 *SEC. 106. None of the funds in this Act may be obli-*
9 *gated or expended for retention or senior executive bonuses*
10 *for an employee of the Department of Transportation with-*
11 *out the prior written approval of the Assistant Secretary*
12 *for Administration.*

13 *SEC. 107. In addition to authority provided by section*
14 *327 of title 49, United States Code, the Department's Ad-*
15 *ministrative Working Capital Fund is hereby authorized to*
16 *transfer information technology equipment, software, and*
17 *systems from Departmental sources or other entities and*
18 *collect and maintain a reserve at rates which will return*
19 *full cost of transferred assets.*

20 *SEC. 108. None of the funds provided in this Act to*
21 *the Department of Transportation may be used to provide*
22 *credit assistance unless not less than 3 days before any ap-*
23 *plication approval to provide credit assistance under sec-*
24 *tions 603 and 604 of title 23, United States Code, the Sec-*
25 *retary provides notification in writing to the following com-*

1 *mittees: the House and Senate Committees on Appropria-*
2 *tions; the Committee on Environment and Public Works*
3 *and the Committee on Banking, Housing and Urban Af-*
4 *fairs of the Senate; and the Committee on Transportation*
5 *and Infrastructure of the House of Representatives: Pro-*
6 *vided, That such notification shall include, but not be lim-*
7 *ited to, the name of the project sponsor; a description of*
8 *the project; whether credit assistance will be provided as*
9 *a direct loan, loan guarantee, or line of credit; and the*
10 *amount of credit assistance.*

11 *FEDERAL AVIATION ADMINISTRATION*

12 *OPERATIONS*

13 *(AIRPORT AND AIRWAY TRUST FUND)*

14 *For necessary expenses of the Federal Aviation Admin-*
15 *istration, not otherwise provided for, including operations*
16 *and research activities related to commercial space trans-*
17 *portation, administrative expenses for research and develop-*
18 *ment, establishment of air navigation facilities, the oper-*
19 *ation (including leasing) and maintenance of aircraft, sub-*
20 *sidizing the cost of aeronautical charts and maps sold to*
21 *the public, the lease or purchase of passenger motor vehicles*
22 *for replacement only, \$11,001,500,000, to remain available*
23 *until September 30, 2022, of which \$10,519,000,000 shall*
24 *be derived from the Airport and Airway Trust Fund: Pro-*
25 *vided, That of the sums appropriated under this heading—*

1 (1) *not less than \$1,479,039,000 shall be avail-*
2 *able for aviation safety activities;*

3 (2) *\$8,205,821,000 shall be available for air traf-*
4 *fic organization activities;*

5 (3) *\$27,555,000 shall be available for commercial*
6 *space transportation activities;*

7 (4) *\$836,141,000 shall be available for finance*
8 *and management activities;*

9 (5) *\$62,862,000 shall be available for NextGen*
10 *and operations planning activities;*

11 (6) *\$124,928,000 shall be available for security*
12 *and hazardous materials safety; and*

13 (7) *\$265,154,000 shall be available for staff of-*
14 *fices:*

15 *Provided further, That not to exceed 5 percent of any budget*
16 *activity, except for aviation safety budget activity, may be*
17 *transferred to any budget activity under this heading: Pro-*
18 *vided further, That no transfer may increase or decrease*
19 *any appropriation under this heading by more than 5 per-*
20 *cent: Provided further, That any transfer in excess of 5 per-*
21 *cent shall be treated as a reprogramming of funds under*
22 *section 405 of this Act and shall not be available for obliga-*
23 *tion or expenditure except in compliance with the proce-*
24 *dures set forth in that section: Provided further, That not*
25 *later than 60 days after the submission of the budget re-*

1 *quest, the Administrator of the Federal Aviation Adminis-*
2 *tration shall transmit to Congress an annual update to the*
3 *report submitted to Congress in December 2004 pursuant*
4 *to section 221 of the Vision 100-Century of Aviation Reau-*
5 *thorization Act (49 U.S.C. 40101 note): Provided further,*
6 *That the amounts made available under this heading shall*
7 *be reduced by \$100,000 for each day after 60 days after*
8 *the submission of the budget request that such report has*
9 *not been transmitted to Congress: Provided further, That*
10 *not later than 60 days after the submission of the budget*
11 *request, the Administrator shall transmit to Congress a*
12 *companion report that describes a comprehensive strategy*
13 *for staffing, hiring, and training flight standards and air-*
14 *craft certification staff in a format similar to the one uti-*
15 *lized for the controller staffing plan, including stated attri-*
16 *tion estimates and numerical hiring goals by fiscal year:*
17 *Provided further, That the amounts made available under*
18 *this heading shall be reduced by \$100,000 for each day after*
19 *the date that is 60 days after the submission of the budget*
20 *request that such report has not been submitted to Congress:*
21 *Provided further, That funds may be used to enter into a*
22 *grant agreement with a nonprofit standard-setting organi-*
23 *zation to assist in the development of aviation safety stand-*
24 *ards: Provided further, That none of the funds made avail-*
25 *able by this Act shall be available for new applicants for*

1 *the second career training program: Provided further, That*
2 *none of the funds in this Act shall be available for the Fed-*
3 *eral Aviation Administration to finalize or implement any*
4 *regulation that would promulgate new aviation user fees*
5 *not specifically authorized by law after the date of the en-*
6 *actment of this Act: Provided further, That there may be*
7 *credited to this appropriation, as offsetting collections,*
8 *funds received from States, counties, municipalities, foreign*
9 *authorities, other public authorities, and private sources for*
10 *expenses incurred in the provision of agency services, in-*
11 *cluding receipts for the maintenance and operation of air*
12 *navigation facilities, and for issuance, renewal or modifica-*
13 *tion of certificates, including airman, aircraft, and repair*
14 *station certificates, or for tests related thereto, or for proc-*
15 *essing major repair or alteration forms: Provided further,*
16 *That of the amounts made available under this heading,*
17 *not less than \$172,800,000 shall be used to fund direct oper-*
18 *ations of the current air traffic control towers in the con-*
19 *tract tower program, including the contract tower cost share*
20 *program, and any airport that is currently qualified or*
21 *that will qualify for the program during the fiscal year:*
22 *Provided further, That none of the funds made available*
23 *by this Act for aeronautical charting and cartography are*
24 *available for activities conducted by, or coordinated*
25 *through, the Working Capital Fund: Provided further, That*

1 *none of the funds appropriated or otherwise made available*
2 *by this Act or any other Act may be used to eliminate the*
3 *Contract Weather Observers program at any airport.*

4 *FACILITIES AND EQUIPMENT*

5 *(AIRPORT AND AIRWAY TRUST FUND)*

6 *For necessary expenses, not otherwise provided for, for*
7 *acquisition, establishment, technical support services, im-*
8 *provement by contract or purchase, and hire of national*
9 *airspace systems and experimental facilities and equip-*
10 *ment, as authorized under part A of subtitle VII of title*
11 *49, United States Code, including initial acquisition of nec-*
12 *essary sites by lease or grant; engineering and service test-*
13 *ing, including construction of test facilities and acquisition*
14 *of necessary sites by lease or grant; construction and fur-*
15 *nishing of quarters and related accommodations for officers*
16 *and employees of the Federal Aviation Administration sta-*
17 *tioned at remote localities where such accommodations are*
18 *not available; and the purchase, lease, or transfer of aircraft*
19 *from funds available under this heading, including aircraft*
20 *for aviation regulation and certification; to be derived from*
21 *the Airport and Airway Trust Fund, \$3,015,000,000, of*
22 *which \$545,000,000 shall remain available until September*
23 *30, 2022, \$2,330,400,000 shall remain available until Sep-*
24 *tember 30, 2023, and \$139,600,000 shall remain available*
25 *until expended: Provided, That there may be credited to this*

1 *appropriation funds received from States, counties, municipi-*
2 *palities, other public authorities, and private sources, for*
3 *expenses incurred in the establishment, improvement, and*
4 *modernization of national airspace systems: Provided fur-*
5 *ther, That not later than 60 days after submission of the*
6 *budget request, the Secretary shall transmit to the Congress*
7 *an investment plan for the Federal Aviation Administra-*
8 *tion which includes funding for each budget line item for*
9 *fiscal years 2022 through 2026, with total funding for each*
10 *year of the plan constrained to the funding targets for those*
11 *years as estimated and approved by the Office of Manage-*
12 *ment and Budget.*

13 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

14 *(AIRPORT AND AIRWAY TRUST FUND)*

15 *For necessary expenses, not otherwise provided for, for*
16 *research, engineering, and development, as authorized*
17 *under part A of subtitle VII of title 49, United States Code,*
18 *including construction of experimental facilities and acqui-*
19 *sition of necessary sites by lease or grant, \$198,000,000, to*
20 *be derived from the Airport and Airway Trust Fund and*
21 *to remain available until September 30, 2023: Provided,*
22 *That there may be credited to this appropriation as offset-*
23 *ting collections, funds received from States, counties, mu-*
24 *nicipalities, other public authorities, and private sources,*
25 *which shall be available for expenses incurred for research,*

1 *engineering, and development: Provided further, That funds*
2 *made available under this heading shall be used in accord-*
3 *ance with the explanatory statement described in section*
4 *4 (in the matter preceding division A of this consolidated*
5 *Act): Provided further, That not to exceed 10 percent of any*
6 *funding level specified under this heading in the explana-*
7 *tory statement described in section 4 (in the matter pre-*
8 *ceding division A of this consolidated Act) may be trans-*
9 *ferred to any other funding level specified under this head-*
10 *ing in the explanatory statement described in section 4 (in*
11 *the matter preceding division A of this consolidated Act):*
12 *Provided further, That no transfer may increase or decrease*
13 *any funding level by more than 10 percent: Provided fur-*
14 *ther, That any transfer in excess of 10 percent shall be treat-*
15 *ed as a reprogramming of funds under section 405 of this*
16 *Act and shall not be available for obligation or expenditure*
17 *except in compliance with the procedures set forth in that*
18 *section.*

19 *GRANTS-IN-AID FOR AIRPORTS*
20 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
21 *(LIMITATION ON OBLIGATIONS)*
22 *(AIRPORT AND AIRWAY TRUST FUND)*
23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For liquidation of obligations incurred for grants-in-*
25 *aid for airport planning and development, and noise com-*

1 *patibility planning and programs as authorized under sub-*
2 *chapter I of chapter 471 and subchapter I of chapter 475*
3 *of title 49, United States Code, and under other law author-*
4 *izing such obligations; for procurement, installation, and*
5 *commissioning of runway incursion prevention devices and*
6 *systems at airports of such title; for grants authorized under*
7 *section 41743 of title 49, United States Code; and for in-*
8 *spection activities and administration of airport safety pro-*
9 *grams, including those related to airport operating certifi-*
10 *cates under section 44706 of title 49, United States Code,*
11 *\$3,350,000,000, to be derived from the Airport and Airway*
12 *Trust Fund and to remain available until expended: Pro-*
13 *vided, That none of the amounts made available under this*
14 *heading shall be available for the planning or execution of*
15 *programs the obligations for which are in excess of*
16 *\$3,350,000,000, in fiscal year 2021, notwithstanding sec-*
17 *tion 47117(g) of title 49, United States Code: Provided fur-*
18 *ther, That none of the amounts made available under this*
19 *heading shall be available for the replacement of baggage*
20 *conveyor systems, reconfiguration of terminal baggage*
21 *areas, or other airport improvements that are necessary to*
22 *install bulk explosive detection systems: Provided further,*
23 *That notwithstanding section 47109(a) of title 49, United*
24 *States Code, the Government's share of allowable project*
25 *costs under paragraph (2) of such section for subgrants or*

1 *paragraph (3) of such section shall be 95 percent for a*
2 *project at other than a large or medium hub airport that*
3 *is a successive phase of a multi-phased construction project*
4 *for which the project sponsor received a grant in fiscal year*
5 *2011 for the construction project: Provided further, That*
6 *notwithstanding any other provision of law, of amounts*
7 *limited under this heading, not more than \$119,402,000*
8 *shall be available for administration, not less than*
9 *\$15,000,000 shall be available for the Airport Cooperative*
10 *Research Program, not less than \$40,666,000 shall be avail-*
11 *able for Airport Technology Research, and \$10,000,000, to*
12 *remain available until expended, shall be available and*
13 *transferred to “Office of the Secretary, Salaries and Ex-*
14 *penses” to carry out the Small Community Air Service De-*
15 *velopment Program: Provided further, That in addition to*
16 *airports eligible under section 41743 of title 49, United*
17 *States Code, such program may include the participation*
18 *of an airport that serves a community or consortium that*
19 *is not larger than a small hub airport, according to FAA*
20 *hub classifications effective at the time the Office of the Sec-*
21 *retary issues a request for proposals.*

22 *GRANTS-IN-AID FOR AIRPORTS*

23 *For an additional amount for “Grants-In-Aid for Air-*
24 *ports”, to enable the Secretary to make grants for projects*
25 *as authorized by subchapter 1 of chapter 471 and sub-*

1 *chapter 1 of chapter 475 of title 49, United States Code,*
2 *\$400,000,000, to remain available through September 30,*
3 *2023: Provided, That amounts made available under this*
4 *heading shall be derived from the general fund, and such*
5 *funds shall not be subject to apportionment formulas, spe-*
6 *cial apportionment categories, or minimum percentages*
7 *under chapter 471: Provided further, That the Secretary*
8 *shall distribute funds provided under this heading as discre-*
9 *tionary grants to airports: Provided further, That the*
10 *amount made available under this heading shall not be sub-*
11 *ject to any limitation on obligations for the Grants-in-Aid*
12 *for Airports program set forth in any Act: Provided further,*
13 *That the Administrator of the Federal Aviation Adminis-*
14 *tration may retain up to 0.5 percent of the funds provided*
15 *under this heading to fund the award and oversight by the*
16 *Administrator of grants made under this heading.*

17 *ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION*

18 *ADMINISTRATION*

19 *SEC. 110. None of the funds made available by this*
20 *Act may be used to compensate in excess of 600 technical*
21 *staff-years under the federally funded research and develop-*
22 *ment center contract between the Federal Aviation Admin-*
23 *istration and the Center for Advanced Aviation Systems*
24 *Development during fiscal year 2021.*

1 *SEC. 111. None of the funds made available by this*
2 *Act shall be used to pursue or adopt guidelines or regula-*
3 *tions requiring airport sponsors to provide to the Federal*
4 *Aviation Administration without cost building construc-*
5 *tion, maintenance, utilities and expenses, or space in air-*
6 *port sponsor-owned buildings for services relating to air*
7 *traffic control, air navigation, or weather reporting: Pro-*
8 *vided, That the prohibition on the use of funds in this sec-*
9 *tion does not apply to negotiations between the agency and*
10 *airport sponsors to achieve agreement on “below-market”*
11 *rates for these items or to grant assurances that require air-*
12 *port sponsors to provide land without cost to the Federal*
13 *Aviation Administration for air traffic control facilities.*

14 *SEC. 112. The Administrator of the Federal Aviation*
15 *Administration may reimburse amounts made available to*
16 *satisfy section 41742(a)(1) of title 49, United States Code,*
17 *from fees credited under section 45303 of title 49, United*
18 *States Code, and any amount remaining in such account*
19 *at the close of any fiscal year may be made available to*
20 *satisfy section 41742(a)(1) of title 49, United States Code,*
21 *for the subsequent fiscal year.*

22 *SEC. 113. Amounts collected under section 40113(e) of*
23 *title 49, United States Code, shall be credited to the appro-*
24 *priation current at the time of collection, to be merged with*
25 *and available for the same purposes as such appropriation.*

1 *SEC. 114. None of the funds made available by this*
2 *Act shall be available for paying premium pay under sub-*
3 *section 5546(a) of title 5, United States Code, to any Fed-*
4 *eral Aviation Administration employee unless such em-*
5 *ployee actually performed work during the time cor-*
6 *responding to such premium pay.*

7 *SEC. 115. None of the funds made available by this*
8 *Act may be obligated or expended for an employee of the*
9 *Federal Aviation Administration to purchase a store gift*
10 *card or gift certificate through use of a Government-issued*
11 *credit card.*

12 *SEC. 116. Notwithstanding any other provision of law,*
13 *none of the funds made available under this Act or any*
14 *prior Act may be used to implement or to continue to im-*
15 *plement any limitation on the ability of any owner or oper-*
16 *ator of a private aircraft to obtain, upon a request to the*
17 *Administrator of the Federal Aviation Administration, a*
18 *blocking of that owner's or operator's aircraft registration*
19 *number, Mode S transponder code, flight identification, call*
20 *sign, or similar identifying information from any ground*
21 *based display to the public that would allow the real-time*
22 *or near real-time flight tracking of that aircraft's move-*
23 *ments, except data made available to a Government agency,*
24 *for the noncommercial flights of that owner or operator.*

1 *SEC. 117. None of the funds made available by this*
2 *Act shall be available for salaries and expenses of more than*
3 *nine political and Presidential appointees in the Federal*
4 *Aviation Administration.*

5 *SEC. 118. None of the funds made available by this*
6 *Act may be used to increase fees pursuant to section 44721*
7 *of title 49, United States Code, until the Federal Aviation*
8 *Administration provides to the House and Senate Commit-*
9 *tees on Appropriations a report that justifies all fees related*
10 *to aeronautical navigation products and explains how such*
11 *fees are consistent with Executive Order No. 13642.*

12 *SEC. 119. None of the funds made available by this*
13 *Act may be used to close a regional operations center of*
14 *the Federal Aviation Administration or reduce its services*
15 *unless the Administrator notifies the House and Senate*
16 *Committees on Appropriations not less than 90 full business*
17 *days in advance.*

18 *SEC. 119A. None of the funds made available by or*
19 *limited by this Act may be used to change weight restric-*
20 *tions or prior permission rules at Teterboro airport in*
21 *Teterboro, New Jersey.*

22 *SEC. 119B. None of the funds made available by this*
23 *Act may be used by the Administrator of the Federal Avia-*
24 *tion Administration to withhold from consideration and*
25 *approval any new application for participation in the Con-*

1 *tract Tower Program, or for reevaluation of Cost-share Pro-*
2 *gram participants so long as the Federal Aviation Adminis-*
3 *tration has received an application from the airport, and*
4 *so long as the Administrator determines such tower is eligi-*
5 *ble using the factors set forth in Federal Aviation Adminis-*
6 *tration published establishment criteria.*

7 *SEC. 119C. None of the funds made available by this*
8 *Act may be used to open, close, redesignate as a lesser office,*
9 *or reorganize a regional office, the aeronautical center, or*
10 *the technical center unless the Administrator submits a re-*
11 *quest for the reprogramming of funds under section 405 of*
12 *this Act.*

13 *FEDERAL HIGHWAY ADMINISTRATION*

14 *LIMITATION ON ADMINISTRATIVE EXPENSES*

15 *(HIGHWAY TRUST FUND)*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *Not to exceed \$475,649,049 together with advances and*
18 *reimbursements received by the Federal Highway Adminis-*
19 *tration, shall be obligated for necessary expenses for admin-*
20 *istration and operation of the Federal Highway Adminis-*
21 *tration: Provided, That in addition, \$3,248,000 shall be*
22 *transferred to the Appalachian Regional Commission in ac-*
23 *cordance with section 104(a) of title 23, United States Code.*

1 *FEDERAL-AID HIGHWAYS*
2 *(LIMITATION ON OBLIGATIONS)*
3 *(HIGHWAY TRUST FUND)*

4 *Funds available for the implementation or execution*
5 *of Federal-aid highway and highway safety construction*
6 *programs authorized under titles 23 and 49, United States*
7 *Code, and the provisions of the Fixing America’s Surface*
8 *Transportation (FAST) Act (Public Law 114–94) shall not*
9 *exceed total obligations of \$46,365,092,000 for fiscal year*
10 *2021.*

11 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
12 *(HIGHWAY TRUST FUND)*

13 *For the payment of obligations incurred in carrying*
14 *out Federal-aid highway and highway safety construction*
15 *programs authorized under title 23, United States Code,*
16 *\$47,104,092,000 derived from the Highway Trust Fund*
17 *(other than the Mass Transit Account), to remain available*
18 *until expended.*

19 *HIGHWAY INFRASTRUCTURE PROGRAMS*

20 *There is hereby appropriated to the Secretary*
21 *\$2,000,000,000: Provided, That the funds made available*
22 *under this heading shall be derived from the general fund,*
23 *shall be in addition to any funds provided for fiscal year*
24 *2021 in this or any other Act for: (1) “Federal-aid High-*
25 *ways” under chapter 1 of title 23, United States Code; or*

1 *(2) the Appalachian Development Highway System as au-*
2 *thorized under section 1069(y) of Public Law 102–240, and*
3 *shall not affect the distribution or amount of funds provided*
4 *in any other Act: Provided further, That section 1101(b)*
5 *of Public Law 114–94 shall apply to funds made available*
6 *under this heading: Provided further, That unless otherwise*
7 *specified, amounts made available under this heading shall*
8 *be available until September 30, 2024: Provided further,*
9 *That of the funds made available under this heading—*

10 (1) *\$640,650,000 shall be for activities eligible*
11 *under section 133(b) of title 23, United States Code,*
12 *and to provide necessary charging infrastructure*
13 *along corridor-ready or corridor-pending alternative*
14 *fuel corridors designated pursuant to section 151 of*
15 *title 23, United States Code;*

16 (2) *\$2,700,000 shall be for activities eligible*
17 *under the Puerto Rico Highway Program as described*
18 *in section 165(b)(2)(C) of title 23, United States*
19 *Code;*

20 (3) *\$650,000 shall be for activities eligible under*
21 *the Territorial Highway Program, as described in*
22 *section 165(c)(6) of title 23, United States Code;*

23 (4) *\$100,000,000 shall be for the nationally sig-*
24 *nificant Federal lands and tribal projects program*
25 *under section 1123 of the FAST Act;*

1 (5) \$1,080,000,000 shall be for a bridge replace-
2 ment and rehabilitation program;

3 (6) \$100,000,000 shall be for necessary expenses
4 for construction of the Appalachian Development
5 Highway System as authorized under section 1069(y)
6 of Public Law 102–240;

7 (7) \$16,000,000 shall be for the national scenic
8 byways program under section 162 of title 23, United
9 States Code;

10 (8) \$50,000,000 shall be for competitive grants
11 for activities described in section 130(a) of title 23,
12 United States Code;

13 (9) \$5,000,000 shall be for the Regional Infra-
14 structure Accelerator Demonstration Program author-
15 ized under section 1441 of the FAST Act; and

16 (10) \$5,000,000 shall be for a National Road
17 Network Pilot Program for the Federal Highway Ad-
18 ministration to create a national level, geo-spatial
19 dataset that uses data already collected under the
20 Highway Performance Monitoring System:

21 *Provided further, That for the purposes of funds made*
22 *available under this heading, in paragraph (1) of the fourth*
23 *proviso, the term “State” means any of the 50 States or*
24 *the District of Columbia: Provided further, That the funds*
25 *made available under this heading, in paragraph (1) of the*

1 *fourth proviso, shall be suballocated in the manner described*
2 *in section 133(d) of title 23, United States Code, except that*
3 *the set-aside described in section 133(h) of such title shall*
4 *not apply to funds made available under this heading, in*
5 *paragraph (1) of the fourth proviso: Provided further, That*
6 *the funds made available under this heading, in paragraphs*
7 *(1), (5), (7), and (8) of the fourth proviso, shall be adminis-*
8 *tered as if apportioned under chapter 1 of such title: Pro-*
9 *vided further, That, the funds made available under this*
10 *heading, in paragraph (1) of the fourth proviso, shall be*
11 *apportioned to the States in the same ratio as the obligation*
12 *limitation for fiscal year 2021 is distributed among the*
13 *States in section 120(a)(5) of this Act: Provided further,*
14 *That, except as provided in the following proviso, the funds*
15 *made available under this heading for activities eligible*
16 *under the Puerto Rico Highway Program and activities eli-*
17 *gible under the Territorial Highway Program shall be ad-*
18 *ministered as if allocated under sections 165(b) and 165(c),*
19 *respectively, of title 23, United States Code: Provided fur-*
20 *ther, That the funds made available under this heading for*
21 *activities eligible under the Puerto Rico Highway Program*
22 *shall not be subject to the requirements of sections*
23 *165(b)(2)(A) or 165(b)(2)(B) of such title: Provided further,*
24 *That not less than 25 percent of the funds made available*
25 *under this heading for the nationally significant Federal*

1 *lands and tribal projects program under section 1123 of the*
2 *FAST Act shall be for competitive grants to tribal govern-*
3 *ments: Provided further, That for the purposes of funds*
4 *made available under this heading for a bridge replacement*
5 *and rehabilitation program, (1) the term “State” means*
6 *any of the 50 States or the District of Columbia, and (2)*
7 *the term “qualifying State” means any State in which the*
8 *percentage of total deck area of bridges classified as in poor*
9 *condition in such State is at least 5 percent or in which*
10 *the percentage of total bridges classified as in poor condi-*
11 *tion in such State is at least 5 percent: Provided further,*
12 *That, of the funds made available under this heading for*
13 *a bridge replacement and rehabilitation program, the Sec-*
14 *retary shall reserve \$6,000,000 for each State that does not*
15 *meet the definition of a qualifying State: Provided further,*
16 *That, after making the reservations under the preceding*
17 *proviso, the Secretary shall distribute the remaining funds*
18 *made available under this heading for a bridge replacement*
19 *and rehabilitation program to each qualifying State by the*
20 *proportion that the percentage of total deck area of bridges*
21 *classified as in poor condition in such qualifying State*
22 *bears to the sum of the percentages of total deck area of*
23 *bridges classified as in poor condition in all qualifying*
24 *States: Provided further, That for the bridge replacement*
25 *and rehabilitation program:*

1 (1) no qualifying State shall receive more than
2 \$60,000,000;

3 (2) each State shall receive an amount not less
4 than \$6,000,000; and

5 (3) after calculating the distribution of funds
6 pursuant to the preceding proviso, any amount in ex-
7 cess of \$60,000,000 shall be redistributed equally
8 among each State that does not meet the definition of
9 a qualifying State:

10 *Provided further, That funds provided to States that do not*
11 *meet the definition of a qualifying State for the bridge re-*
12 *placement and rehabilitation program shall be: (1) merged*
13 *with amounts made available to such State under this head-*
14 *ing, in paragraph (1) of the fourth proviso; (2) available*
15 *for activities eligible under paragraph (1) of the fourth pro-*
16 *viso; and (3) administered as if apportioned under chapter*
17 *1 of title 23, United States Code: Provided further, That,*
18 *except as provided in the preceding proviso, the funds made*
19 *available under this heading for a bridge replacement and*
20 *rehabilitation program shall be used for highway bridge re-*
21 *placement or rehabilitation projects on public roads: Pro-*
22 *vided further, That for purposes of this heading for the*
23 *bridge replacement and rehabilitation program, the Sec-*
24 *retary shall calculate the percentages of total deck area of*
25 *bridges (including the percentages of total deck area classi-*

1 *fied as in poor condition) and the percentages of total*
2 *bridge counts (including the percentages of total bridges*
3 *classified as in poor condition) based on the National*
4 *Bridge Inventory as of December 31, 2018: Provided fur-*
5 *ther, That for the purposes of funds made available under*
6 *this heading for construction of the Appalachian Develop-*
7 *ment Highway System, the term “Appalachian State”*
8 *means a State that contains 1 or more counties (including*
9 *any political subdivision located within the area) in the*
10 *Appalachian region as defined in section 14102(a) of title*
11 *40, United States Code: Provided further, That funds made*
12 *available under this heading for construction of the Appa-*
13 *lachian Development Highway System shall remain avail-*
14 *able until expended: Provided further, That a project car-*
15 *ried out with funds made available under this heading for*
16 *construction of the Appalachian Development Highway*
17 *System shall be carried out in the same manner as a project*
18 *under section 14501 of title 40, United States Code: Pro-*
19 *vided further, That subject to the following proviso, funds*
20 *made available under this heading for construction of the*
21 *Appalachian Development Highway System shall be appor-*
22 *tioned to Appalachian States according to the percentages*
23 *derived from the 2012 Appalachian Development Highway*
24 *System Cost-to-Complete Estimate, adopted in Appalachian*
25 *Regional Commission Resolution Number 736, and con-*

1 *firmed as each Appalachian State's relative share of the es-*
2 *timated remaining need to complete the Appalachian Devel-*
3 *opment Highway System, adjusted to exclude those cor-*
4 *ridors that such States have no current plans to complete,*
5 *as reported in the 2013 Appalachian Development Highway*
6 *System Completion Report, unless those States have modi-*
7 *fied and assigned a higher priority for completion of an*
8 *Appalachian Development Highway System corridor, as re-*
9 *ported in the 2020 Appalachian Development Highway*
10 *System Future Outlook: Provided further, That the Sec-*
11 *retary shall adjust apportionments made under the pre-*
12 *ceding proviso so that no Appalachian State shall be appor-*
13 *tioned an amount in excess of 30 percent of the amount*
14 *made available for construction of the Appalachian Devel-*
15 *opment Highway System under this heading: Provided fur-*
16 *ther, That the Secretary shall consult with the Appalachian*
17 *Regional Commission in making adjustments under the*
18 *preceding two provisos: Provided further, That the Federal*
19 *share of the costs for which an expenditure is made for con-*
20 *struction of the Appalachian Development Highway System*
21 *under this heading shall be up to 100 percent: Provided fur-*
22 *ther, That the funds made available under this heading, in*
23 *paragraph (8) of the fourth proviso, shall be available for*
24 *projects eligible under section 130(a) of title 23, United*
25 *States Code, for commuter authorities, as defined in section*

1 24102(2) of title 49, United States Code, that experienced
2 at least one accident investigated by the National Transpor-
3 tation Safety Board between January 1, 2008 and Decem-
4 ber 31, 2018, and for which the National Transportation
5 Safety Board issued an accident report: Provided further,
6 That for amounts made available under this heading, in
7 paragraphs (8), (9), and (10) of the fourth proviso, the Fed-
8 eral share of the costs shall be, at the option of the recipient,
9 up to 100 percent.

10 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

11 ADMINISTRATION

12 SEC. 120. (a) For fiscal year 2021, the Secretary of
13 Transportation shall—

14 (1) not distribute from the obligation limitation
15 for Federal-aid highways—

16 (A) amounts authorized for administrative
17 expenses and programs by section 104(a) of title
18 23, United States Code; and

19 (B) amounts authorized for the Bureau of
20 Transportation Statistics;

21 (2) not distribute an amount from the obligation
22 limitation for Federal-aid highways that is equal to
23 the unobligated balance of amounts—

24 (A) made available from the Highway Trust
25 Fund (other than the Mass Transit Account) for

1 *Federal-aid highway and highway safety con-*
2 *struction programs for previous fiscal years the*
3 *funds for which are allocated by the Secretary*
4 *(or apportioned by the Secretary under sections*
5 *202 or 204 of title 23, United States Code); and*

6 *(B) for which obligation limitation was*
7 *provided in a previous fiscal year;*

8 *(3) determine the proportion that—*

9 *(A) the obligation limitation for Federal-aid*
10 *highways, less the aggregate of amounts not dis-*
11 *tributed under paragraphs (1) and (2) of this*
12 *subsection; bears to*

13 *(B) the total of the sums authorized to be*
14 *appropriated for the Federal-aid highway and*
15 *highway safety construction programs (other*
16 *than sums authorized to be appropriated for pro-*
17 *visions of law described in paragraphs (1)*
18 *through (11) of subsection (b) and sums author-*
19 *ized to be appropriated for section 119 of title*
20 *23, United States Code, equal to the amount re-*
21 *ferred to in subsection (b)(12) for such fiscal*
22 *year), less the aggregate of the amounts not dis-*
23 *tributed under paragraphs (1) and (2) of this*
24 *subsection;*

1 (4) distribute the obligation limitation for Fed-
2 eral-aid highways, less the aggregate amounts not dis-
3 tributed under paragraphs (1) and (2), for each of the
4 programs (other than programs to which paragraph
5 (1) applies) that are allocated by the Secretary under
6 the Fixing America's Surface Transportation Act and
7 title 23, United States Code, or apportioned by the
8 Secretary under sections 202 or 204 of that title, by
9 multiplying—

10 (A) the proportion determined under para-
11 graph (3); by

12 (B) the amounts authorized to be appro-
13 priated for each such program for such fiscal
14 year; and

15 (5) distribute the obligation limitation for Fed-
16 eral-aid highways, less the aggregate amounts not dis-
17 tributed under paragraphs (1) and (2) and the
18 amounts distributed under paragraph (4), for Fed-
19 eral-aid highway and highway safety construction
20 programs that are apportioned by the Secretary
21 under title 23, United States Code (other than the
22 amounts apportioned for the National Highway Per-
23 formance Program in section 119 of title 23, United
24 States Code, that are exempt from the limitation
25 under subsection (b)(12) and the amounts appor-

1 *tioned under sections 202 and 204 of that title) in the*
2 *proportion that—*

3 *(A) amounts authorized to be appropriated*
4 *for the programs that are apportioned under title*
5 *23, United States Code, to each State for such*
6 *fiscal year; bears to*

7 *(B) the total of the amounts authorized to*
8 *be appropriated for the programs that are ap-*
9 *portioned under title 23, United States Code, to*
10 *all States for such fiscal year.*

11 *(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—*
12 *The obligation limitation for Federal-aid highways shall*
13 *not apply to obligations under or for—*

14 *(1) section 125 of title 23, United States Code;*

15 *(2) section 147 of the Surface Transportation As-*
16 *sistance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
17 *2714);*

18 *(3) section 9 of the Federal-Aid Highway Act of*
19 *1981 (95 Stat. 1701);*

20 *(4) subsections (b) and (j) of section 131 of the*
21 *Surface Transportation Assistance Act of 1982 (96*
22 *Stat. 2119);*

23 *(5) subsections (b) and (c) of section 149 of the*
24 *Surface Transportation and Uniform Relocation As-*
25 *sistance Act of 1987 (101 Stat. 198);*

1 (6) *sections 1103 through 1108 of the Intermodal*
2 *Surface Transportation Efficiency Act of 1991 (105*
3 *Stat. 2027);*

4 (7) *section 157 of title 23, United States Code*
5 *(as in effect on June 8, 1998);*

6 (8) *section 105 of title 23, United States Code*
7 *(as in effect for fiscal years 1998 through 2004, but*
8 *only in an amount equal to \$639,000,000 for each of*
9 *those fiscal years);*

10 (9) *Federal-aid highway programs for which ob-*
11 *ligation authority was made available under the*
12 *Transportation Equity Act for the 21st Century (112*
13 *Stat. 107) or subsequent Acts for multiple years or to*
14 *remain available until expended, but only to the ex-*
15 *tent that the obligation authority has not lapsed or*
16 *been used;*

17 (10) *section 105 of title 23, United States Code*
18 *(as in effect for fiscal years 2005 through 2012, but*
19 *only in an amount equal to \$639,000,000 for each of*
20 *those fiscal years);*

21 (11) *section 1603 of SAFETEA-LU (23 U.S.C.*
22 *118 note; 119 Stat. 1248), to the extent that funds ob-*
23 *ligated in accordance with that section were not sub-*
24 *ject to a limitation on obligations at the time at*

1 *which the funds were initially made available for ob-*
2 *ligation; and*

3 *(12) section 119 of title 23, United States Code*
4 *(but, for each of fiscal years 2013 through 2021, only*
5 *in an amount equal to \$639,000,000).*

6 *(c) REDISTRIBUTION OF UNUSED OBLIGATION AU-*
7 *THORITY.—Notwithstanding subsection (a), the Secretary*
8 *shall, after August 1 of such fiscal year—*

9 *(1) revise a distribution of the obligation limita-*
10 *tion made available under subsection (a) if an*
11 *amount distributed cannot be obligated during that*
12 *fiscal year; and*

13 *(2) redistribute sufficient amounts to those States*
14 *able to obligate amounts in addition to those pre-*
15 *viously distributed during that fiscal year, giving pri-*
16 *ority to those States having large unobligated bal-*
17 *ances of funds apportioned under sections 144 (as in*
18 *effect on the day before the date of enactment of Pub-*
19 *lic Law 112–141) and 104 of title 23, United States*
20 *Code.*

21 *(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO*
22 *TRANSPORTATION RESEARCH PROGRAMS.—*

23 *(1) IN GENERAL.—Except as provided in para-*
24 *graph (2), the obligation limitation for Federal-aid*

1 *highways shall apply to contract authority for trans-*
2 *portation research programs carried out under—*

3 *(A) chapter 5 of title 23, United States*
4 *Code; and*

5 *(B) title VI of the Fixing America's Surface*
6 *Transportation Act.*

7 *(2) EXCEPTION.—Obligation authority made*
8 *available under paragraph (1) shall—*

9 *(A) remain available for a period of 4 fiscal*
10 *years; and*

11 *(B) be in addition to the amount of any*
12 *limitation imposed on obligations for Federal-*
13 *aid highway and highway safety construction*
14 *programs for future fiscal years.*

15 *(e) REDISTRIBUTION OF CERTAIN AUTHOR-*
16 *IZED FUNDS.—*

17 *(1) IN GENERAL.—Not later than 30 days after*
18 *the date of distribution of obligation limitation under*
19 *subsection (a), the Secretary shall distribute to the*
20 *States any funds (excluding funds authorized for the*
21 *program under section 202 of title 23, United States*
22 *Code) that—*

23 *(A) are authorized to be appropriated for*
24 *such fiscal year for Federal-aid highway pro-*
25 *grams; and*

1 (B) the Secretary determines will not be al-
2 located to the States (or will not be apportioned
3 to the States under section 204 of title 23,
4 United States Code), and will not be available
5 for obligation, for such fiscal year because of the
6 imposition of any obligation limitation for such
7 fiscal year.

8 (2) *RATIO*.—Funds shall be distributed under
9 paragraph (1) in the same proportion as the distribu-
10 tion of obligation authority under subsection (a)(5).

11 (3) *AVAILABILITY*.—Funds distributed to each
12 State under paragraph (1) shall be available for any
13 purpose described in section 133(b) of title 23, United
14 States Code.

15 *SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-*
16 *ceived by the Bureau of Transportation Statistics from the*
17 *sale of data products, for necessary expenses incurred pur-*
18 *suant to chapter 63 of title 49, United States Code, may*
19 *be credited to the Federal-aid highways account for the pur-*
20 *pose of reimbursing the Bureau for such expenses: Provided,*
21 *That such funds shall be subject to the obligation limitation*
22 *for Federal-aid highway and highway safety construction*
23 *programs.*

24 *SEC. 122. Not less than 15 days prior to waiving,*
25 *under his or her statutory authority, any Buy America re-*

1 *quirement for Federal-aid highways projects, the Secretary*
2 *of Transportation shall make an informal public notice and*
3 *comment opportunity on the intent to issue such waiver and*
4 *the reasons therefor: Provided, That the Secretary shall pro-*
5 *vide an annual report to the House and Senate Committees*
6 *on Appropriations on any waivers granted under the Buy*
7 *America requirements.*

8 *SEC. 123. None of the funds made available in this*
9 *Act may be used to make a grant for a project under section*
10 *117 of title 23, United States Code, unless the Secretary,*
11 *at least 60 days before making a grant under that section,*
12 *provides written notification to the House and Senate Com-*
13 *mittees on Appropriations of the proposed grant, including*
14 *an evaluation and justification for the project and the*
15 *amount of the proposed grant award: Provided, That the*
16 *written notification required in the preceding proviso shall*
17 *be made not later than 180 days after the date of enactment*
18 *of this Act.*

19 *SEC. 124. (a) A State or territory, as defined in section*
20 *165 of title 23, United States Code, may use for any project*
21 *eligible under section 133(b) of title 23 or section 165 of*
22 *title 23 and located within the boundary of the State or*
23 *territory any earmarked amount, and any associated obli-*
24 *gation limitation: Provided, That the Department of Trans-*
25 *portation for the State or territory for which the earmarked*

1 *amount was originally designated or directed notifies the*
2 *Secretary of its intent to use its authority under this section*
3 *and submits an annual report to the Secretary identifying*
4 *the projects to which the funding would be applied. Notwith-*
5 *standing the original period of availability of funds to be*
6 *obligated under this section, such funds and associated obli-*
7 *gation limitation shall remain available for obligation for*
8 *a period of 3 fiscal years after the fiscal year in which the*
9 *Secretary is notified. The Federal share of the cost of a*
10 *project carried out with funds made available under this*
11 *section shall be the same as associated with the earmark.*

12 *(b) In this section, the term “earmarked amount”*
13 *means—*

14 *(1) congressionally directed spending, as defined*
15 *in rule XLIV of the Standing Rules of the Senate,*
16 *identified in a prior law, report, or joint explanatory*
17 *statement, and administered by the Federal Highway*
18 *Administration; or*

19 *(2) a congressional earmark, as defined in rule*
20 *XXI of the Rules of the House of Representatives,*
21 *identified in a prior law, report, or joint explanatory*
22 *statement, and administered by the Federal Highway*
23 *Administration.*

24 *(c) The authority under subsection (a) may be exer-*
25 *cised only for those projects or activities that have obligated*

1 *less than 10 percent of the amount made available for obli-*
 2 *gation as of October 1 of the current fiscal year, and shall*
 3 *be applied to projects within the same general geographic*
 4 *area within 25 miles for which the funding was designated,*
 5 *except that a State or territory may apply such authority*
 6 *to unexpended balances of funds from projects or activities*
 7 *the State or territory certifies have been closed and for*
 8 *which payments have been made under a final voucher.*

9 *(d) The Secretary shall submit consolidated reports of*
 10 *the information provided by the States and territories an-*
 11 *nually to the House and Senate Committees on Appropria-*
 12 *tions.*

13 *SEC. 125. Until final guidance is published, the Ad-*
 14 *ministrator of the Federal Highway Administration shall*
 15 *adjudicate requests for Buy America waivers under the cri-*
 16 *teria that were in effect prior to April 17, 2018.*

17 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

18 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

19 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

20 *(LIMITATION ON OBLIGATIONS)*

21 *(HIGHWAY TRUST FUND)*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For payment of obligations incurred in the implemen-*
 24 *tation, execution and administration of motor carrier safe-*
 25 *ty operations and programs pursuant to section 31110 of*

1 *title 49, United States Code, as amended by the Fixing*
2 *America’s Surface Transportation Act (Public Law 114–*
3 *94), \$328,143,124, to be derived from the Highway Trust*
4 *Fund (other than the Mass Transit Account), of which*
5 *\$9,896,127 is to be transferred and made available from*
6 *prior year unobligated contract authority provided for Na-*
7 *tional Motor Carrier Safety Program or Motor Carrier*
8 *Safety in the Transportation Equity Act for the 21st Cen-*
9 *tury (Public Law 105–178), SAFETEA–LU (Public Law*
10 *109–59), or other appropriations or authorization Acts, to-*
11 *gether with advances and reimbursements received by the*
12 *Federal Motor Carrier Safety Administration, the sum of*
13 *which shall remain available until expended: Provided,*
14 *That funds available for implementation, execution, or ad-*
15 *ministration of motor carrier safety operations and pro-*
16 *grams authorized under title 49, United States Code, shall*
17 *not exceed total obligations of \$328,143,124, for “Motor*
18 *Carrier Safety Operations and Programs” for fiscal year*
19 *2021, of which \$9,073,000, to remain available for obliga-*
20 *tion until September 30, 2023, is for the research and tech-*
21 *nology program, and of which not less than \$75,447,124,*
22 *to remain available for obligation until September 30,*
23 *2023, is for development, modernization, enhancement, con-*
24 *tinued operation, and maintenance of information tech-*
25 *nology and information management.*

1 *MOTOR CARRIER SAFETY GRANTS*
2 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*
5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For payment of obligations incurred in carrying out*
7 *sections 31102, 31103, 31104, and 31313 of title 49, United*
8 *States Code, as amended by the Fixing America's Surface*
9 *Transportation Act (Public Law 114–94), \$389,800,000, to*
10 *be derived from the Highway Trust Fund (other than the*
11 *Mass Transit Account) and to remain available until ex-*
12 *pended: Provided, That funds available for the implementa-*
13 *tion or execution of motor carrier safety programs shall not*
14 *exceed total obligations of \$389,800,000 in fiscal year 2021*
15 *for “Motor Carrier Safety Grants”: Provided further, That*
16 *of the sums appropriated under this heading:*

17 *(1) \$308,700,000 shall be available for the motor*
18 *carrier safety assistance program;*

19 *(2) \$33,200,000 shall be available for the com-*
20 *mercial driver's license program implementation pro-*
21 *gram;*

22 *(3) \$45,900,000 shall be available for the high*
23 *priority activities program, of which \$1,000,000 is to*
24 *be made available from prior year unobligated con-*
25 *tract authority provided for Motor Carrier Safety*

1 *Grants in the Transportation Equity Act for the 21st*
2 *Century (Public Law 105–178), SAFETEA–LU*
3 *(Public Law 109–59), or other appropriations or au-*
4 *thorization Acts; and*

5 (4) *\$2,000,000 shall be made available for com-*
6 *mercial motor vehicle operators grants, of which*
7 *\$1,000,000 is to be made available from prior year*
8 *unobligated contract authority provided for Motor*
9 *Carrier Safety Grants in the Transportation Equity*
10 *Act for the 21st Century (Public Law 105–178),*
11 *SAFETEA–LU (Public Law 109–59), or other appro-*
12 *priations or authorization Acts:*

13 *Provided further, That of the unobligated amounts provided*
14 *for Motor Carrier Safety Grants in the Transportation Eq-*
15 *uity Act for the 21st Century (Public Law 105–178),*
16 *SAFETEA–LU (Public Law 109–59), the FAST Act (Pub-*
17 *lic Law 114–94) or other appropriation or authorization*
18 *acts prior to fiscal year 2021, \$30,000,000 in additional*
19 *obligation limitation, shall be transferred and made avail-*
20 *able for a study of the cause of large truck crashes and shall*
21 *remain available until expended: Provided further, That the*
22 *activities funded by the previous proviso may be accom-*
23 *plished through direct expenditure, direct research activi-*
24 *ties, grants, cooperative agreements, contracts, intra or*
25 *interagency agreements, or other agreements with public or-*

1 *ganizations: Provided further, That such amounts, pay-*
2 *ments, and obligation limitation as may be necessary to*
3 *carry out the study of the cause of large truck crashes may*
4 *be transferred and credited to appropriate accounts of other*
5 *participating Federal agencies: Provided further, That*
6 *\$30,000,000 for payment of obligations incurred in car-*
7 *rying out this section shall be derived from the Highway*
8 *Trust Fund (other than the Mass Transit Account), to be*
9 *available until expended.*

10 *ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER*
11 *SAFETY ADMINISTRATION*

12 *SEC. 130. The Federal Motor Carrier Safety Adminis-*
13 *tration shall send notice of section 385.308 of title 49, Code*
14 *of Federal Regulations, violations by certified mail, reg-*
15 *istered mail, or another manner of delivery, which records*
16 *the receipt of the notice by the persons responsible for the*
17 *violations.*

18 *SEC. 131. The Federal Motor Carrier Safety Adminis-*
19 *tration shall update annual inspection regulations under*
20 *Appendix G to subchapter B of chapter III of title 49, Code*
21 *of Federal Regulations, as recommended by GAO–19–264.*

22 *SEC. 132. None of the funds appropriated or otherwise*
23 *made available to the Department of Transportation by this*
24 *Act or any other Act may be obligated or expended to imple-*
25 *ment, administer, or enforce the requirements of section*

1 *31137 of title 49, United States Code, or any regulation*
2 *issued by the Secretary pursuant to such section, with re-*
3 *spect to the use of electronic logging devices by operators*
4 *of commercial motor vehicles, as defined in section 31132(1)*
5 *of such title, transporting livestock as defined in section 602*
6 *of the Emergency Livestock Feed Assistance Act of 1988 (7*
7 *U.S.C. 1471) or insects.*

8 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*
9 *OPERATIONS AND RESEARCH*

10 *For expenses necessary to discharge the functions of the*
11 *Secretary, with respect to traffic and highway safety au-*
12 *thorized under chapter 301 and part C of subtitle VI of*
13 *title 49, United States Code, \$194,167,000, of which*
14 *\$40,000,000 shall remain available through September 30,*
15 *2022.*

16 *OPERATIONS AND RESEARCH*
17 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
18 *(LIMITATION ON OBLIGATIONS)*
19 *(HIGHWAY TRUST FUND)*

20 *For payment of obligations incurred in carrying out*
21 *the provisions of 23 U.S.C. 403, including behavioral re-*
22 *search on Automated Driving Systems and Advanced Driv-*
23 *er Assistance Systems and improving consumer responses*
24 *to safety recalls, section 4011 of the Fixing America's Sur-*
25 *face Transportation Act (Public Law 114–94), and chapter*

1 303 of title 49, United States Code, \$155,300,000, to be de-
2 rived from the Highway Trust Fund (other than the Mass
3 Transit Account) and to remain available until expended:
4 Provided, That none of the funds in this Act shall be avail-
5 able for the planning or execution of programs the total ob-
6 ligations for which, in fiscal year 2021, are in excess of
7 \$155,300,000: Provided further, That of the sums appro-
8 priated under this heading—

9 (1) \$149,800,000 shall be for programs author-
10 ized under 23 U.S.C. 403, including behavioral re-
11 search on Automated Driving Systems and Advanced
12 Driver Assistance Systems and improving consumer
13 responses to safety recalls, and section 4011 of the
14 Fixing America’s Surface Transportation Act (Public
15 Law 114–94); and

16 (2) \$5,500,000 shall be for the National Driver
17 Register authorized under chapter 303 of title 49,
18 United States Code:

19 Provided further, That within the \$155,300,000 obligation
20 limitation for operations and research, \$20,000,000 shall
21 remain available until September 30, 2022, and \$3,000,000,
22 for impaired driving detection, shall remain available until
23 expended, and shall be in addition to the amount of any
24 limitation imposed on obligations for future years: Pro-
25 vided further, That amounts for behavioral research on

1 *Automated Driving Systems and Advanced Driver Assist-*
 2 *ance Systems and improving consumer responses to safety*
 3 *recalls are in addition to any other funds provided for those*
 4 *purposes for fiscal year 2021 in this Act.*

5 *HIGHWAY TRAFFIC SAFETY GRANTS*

6 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

7 *(LIMITATION ON OBLIGATIONS)*

8 *(HIGHWAY TRUST FUND)*

9 *For payment of obligations incurred in carrying out*
 10 *provisions of 23 U.S.C. 402, 404, and 405, and section*
 11 *4001(a)(6) of the Fixing America’s Surface Transportation*
 12 *Act (Public Law 114–94), to remain available until ex-*
 13 *pended, \$623,017,000, to be derived from the Highway*
 14 *Trust Fund (other than the Mass Transit Account): Pro-*
 15 *vided, That none of the funds in this Act shall be available*
 16 *for the planning or execution of programs for which the*
 17 *total obligations in fiscal year 2021 are in excess of*
 18 *\$623,017,000 for programs authorized under 23 U.S.C. 402,*
 19 *404, and 405, and section 4001(a)(6) of the Fixing Amer-*
 20 *ica’s Surface Transportation Act: Provided further, That*
 21 *of the sums appropriated under this heading—*

22 *(1) \$279,800,000 shall be for “Highway Safety*
 23 *Programs” under 23 U.S.C. 402;*

24 *(2) \$285,900,000 shall be for “National Priority*
 25 *Safety Programs” under 23 U.S.C. 405;*

1 (3) \$30,500,000 shall be for the “High Visibility
2 Enforcement Program” under 23 U.S.C. 404; and

3 (4) \$26,817,000 shall be for “Administrative Ex-
4 penses” under section 4001(a)(6) of the Fixing Amer-
5 ica’s Surface Transportation Act:

6 *Provided further, That none of these funds shall be used for*
7 *construction, rehabilitation, or remodeling costs, or for of-*
8 *fice furnishings and fixtures for State, local or private*
9 *buildings or structures: Provided further, That not to exceed*
10 *\$500,000 of the funds made available for “National Priority*
11 *Safety Programs” under 23 U.S.C. 405 for “Impaired*
12 *Driving Countermeasures” (as described in subsection (d)*
13 *of that section) shall be available for technical assistance*
14 *to the States: Provided further, That with respect to the*
15 *“Transfers” provision under 23 U.S.C. 405(a)(8), any*
16 *amounts transferred to increase the amounts made avail-*
17 *able under section 402 shall include the obligation authority*
18 *for such amounts: Provided further, That the Administrator*
19 *shall notify the House and Senate Committees on Appro-*
20 *priations of any exercise of the authority granted under the*
21 *previous proviso or under 23 U.S.C. 405(a)(8) within 5*
22 *days.*

1 *ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY*2 *TRAFFIC SAFETY ADMINISTRATION*

3 *SEC. 140. An additional \$130,000 shall be made avail-*
4 *able to the National Highway Traffic Safety Administra-*
5 *tion, out of the amount limited for section 402 of title 23,*
6 *United States Code, to pay for travel and related expenses*
7 *for State management reviews and to pay for core com-*
8 *petency development training and related expenses for high-*
9 *way safety staff.*

10 *SEC. 141. The limitations on obligations for the pro-*
11 *grams of the National Highway Traffic Safety Administra-*
12 *tion set in this Act shall not apply to obligations for which*
13 *obligation authority was made available in previous public*
14 *laws but only to the extent that the obligation authority*
15 *has not lapsed or been used.*

16 *SEC. 142. In addition to the amounts made available*
17 *under the heading, “Operations and Research (Liquidation*
18 *of Contract Authorization) (Limitation on Obligations)*
19 *(Highway Trust Fund)” for carrying out the provisions of*
20 *section 403 of title 23, United States Code, \$17,000,000, to*
21 *remain available until September 30, 2022, shall be made*
22 *available to the National Highway Traffic Safety Adminis-*
23 *tration from the general fund: Provided, That of the sums*
24 *provided under this provision—*

1 (1) *not to exceed \$7,000,000 shall be available to*
2 *provide funding for grants, pilot program activities,*
3 *and innovative solutions to reduce impaired-driving*
4 *fatalities in collaboration with eligible entities under*
5 *section 403 of title 23, United States Code; and*

6 (2) *not to exceed \$10,000,000 shall be available*
7 *to continue a high visibility enforcement paid-media*
8 *campaign regarding highway-rail grade crossing safe-*
9 *ty in collaboration with the Federal Railroad Admin-*
10 *istration.*

11 *SEC. 143. None of the funds in this Act or any other*
12 *Act shall be used to enforce the requirements of section*
13 *405(a)(9) of title 23, United States Code.*

14 *FEDERAL RAILROAD ADMINISTRATION*

15 *SAFETY AND OPERATIONS*

16 *For necessary expenses of the Federal Railroad Admin-*
17 *istration, not otherwise provided for, \$234,905,000, of which*
18 *\$25,000,000 shall remain available until expended.*

19 *RAILROAD RESEARCH AND DEVELOPMENT*

20 *For necessary expenses for railroad research and devel-*
21 *opment, \$41,000,000, to remain available until expended.*

22 *FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD*

23 *REPAIR*

24 *For necessary expenses related to Federal-State Part-*
25 *nership for State of Good Repair Grants as authorized by*

1 *section 24911 of title 49, United States Code, \$200,000,000,*
2 *to remain available until expended: Provided, That ex-*
3 *penses incidental to the acquisition or construction (includ-*
4 *ing designing, engineering, location surveying, mapping,*
5 *environmental studies, and acquiring rights-of-way) of a*
6 *capital project as defined under section 24911(a)(2) of title*
7 *49, United States Code, are eligible for funding independ-*
8 *ently or in conjunction with proposed funding for construc-*
9 *tion: Provided further, That the Secretary may withhold up*
10 *to 1 percent of the amount provided under this heading for*
11 *the costs of award and project management oversight of*
12 *grants carried out under section 24911 of title 49, United*
13 *States Code.*

14 *CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY*

15 *IMPROVEMENTS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For necessary expenses related to Consolidated Rail*
18 *Infrastructure and Safety Improvements Grants, as author-*
19 *ized by section 22907 of title 49, United States Code,*
20 *\$375,000,000, to remain available until expended: Pro-*
21 *vided, That of the amounts made available under this head-*
22 *ing—*

23 *(1) not less than \$75,000,000 shall be for projects*
24 *eligible under section 22907(c)(2) of title 49, United*
25 *States Code, that support the development of new*

1 *intercity passenger rail service routes including align-*
2 *ments for existing routes: Provided, That the Sec-*
3 *retary shall give preference for pre-construction ele-*
4 *ments including preliminary engineering and final*
5 *design of such projects; and*

6 *(2) not less than \$25,000,000 shall be for capital*
7 *projects and engineering solutions targeting tres-*
8 *passing: Provided, That the Secretary shall give pref-*
9 *erence for such projects that are located in counties*
10 *with the most pedestrian trespasser casualties as iden-*
11 *tified in the Federal Railroad Administration's Na-*
12 *tional Strategy to Prevent Trespassing on Railroad*
13 *Property:*

14 *Provided further, That section 22905(f) of title 49, United*
15 *States Code, shall not apply to projects for the implementa-*
16 *tion of positive train control systems otherwise eligible*
17 *under section 22907(c)(1) of title 49, United States Code:*
18 *Provided further, That amounts made available under this*
19 *heading for projects selected for commuter rail passenger*
20 *transportation may be transferred by the Secretary, after*
21 *selection, to the appropriate agencies to be administered in*
22 *accordance with chapter 53 of title 49, United States Code:*
23 *Provided further, That the Secretary shall not limit eligible*
24 *projects from consideration for funding for planning, engi-*
25 *neering, environmental, construction, and design elements*

1 *of the same project in the same application: Provided fur-*
2 *ther, That for amounts available under this heading eligible*
3 *recipients under section 22907(b) of title 49, United States*
4 *Code, shall include any holding company of a Class II rail-*
5 *road or Class III railroad (as those terms are defined in*
6 *section 20102 of title 49, United States Code): Provided fur-*
7 *ther, That unobligated balances remaining after 6 years*
8 *from the date of enactment of this Act may be used for any*
9 *eligible project under section 22907(c) of title 49, United*
10 *States Code: Provided further, That the Secretary may*
11 *withhold up to 1 percent of the amount provided under this*
12 *heading for the costs of award and project management*
13 *oversight of grants carried out under section 22907 of title*
14 *49, United States Code.*

15 *MAGNETIC LEVITATION TECHNOLOGY DEPLOYMENT*

16 *PROGRAM*

17 *For necessary expenses related to the deployment of*
18 *magnetic levitation transportation projects, consistent with*
19 *language in subsections (a) through (c) of section 1307 of*
20 *SAFETEA-LU (Public Law 109-59), as amended by sec-*
21 *tion 102 of the SAFETEA-LU Technical Corrections Act*
22 *of 2008 (Public Law 110-244) (23 U.S.C. 322 note),*
23 *\$2,000,000, to remain available until expended.*

1 *RESTORATION AND ENHANCEMENT*

2 *For necessary expenses related to Restoration and En-*
3 *hancement Grants, as authorized by section 24408 of title*
4 *49, United States Code, \$4,720,000, to remain available*
5 *until expended: Provided, That the Secretary may withhold*
6 *up to 1 percent of the funds provided under this heading*
7 *to fund the costs of award and project management and*
8 *oversight.*

9 *NORTHEAST CORRIDOR GRANTS TO THE NATIONAL*10 *RAILROAD PASSENGER CORPORATION*

11 *To enable the Secretary of Transportation to make*
12 *grants to the National Railroad Passenger Corporation for*
13 *activities associated with the Northeast Corridor as author-*
14 *ized by section 11101(a) of the Fixing America's Surface*
15 *Transportation Act (division A of Public Law 114-94),*
16 *\$700,000,000, to remain available until expended: Pro-*
17 *vided, That the Secretary may retain up to one-half of 1*
18 *percent of the funds provided under both this heading and*
19 *the "National Network Grants to the National Railroad*
20 *Passenger Corporation" heading to fund the costs of project*
21 *management and oversight of activities authorized by sec-*
22 *tion 11101(c) of division A of Public Law 114-94: Provided*
23 *further, That in addition to the project management over-*
24 *sight funds authorized under section 11101(c) of division*
25 *A of Public Law 114-94, the Secretary may retain up to*

1 *an additional \$5,000,000 of the funds provided under this*
2 *heading to fund expenses associated with the Northeast Cor-*
3 *ridor Commission established under section 24905 of title*
4 *49, United States Code: Provided further, That of the*
5 *amounts made available under this heading and the “Na-*
6 *tional Network Grants to the National Railroad Passenger*
7 *Corporation” heading, not less than \$75,000,000 shall be*
8 *made available to bring Amtrak-served facilities and sta-*
9 *tions into compliance with the Americans with Disabilities*
10 *Act: Provided further, That of the amounts made available*
11 *under this heading and the “National Network Grants to*
12 *the National Railroad Passenger Corporation” heading,*
13 *\$100,000,000 shall be made available to fund the replace-*
14 *ment of the single-level passenger cars used on the Northeast*
15 *Corridor, State-supported routes, and long-distance routes,*
16 *as such terms are defined in section 24102 of title 49,*
17 *United States Code.*

18 *NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD*
19 *PASSENGER CORPORATION*

20 *To enable the Secretary of Transportation to make*
21 *grants to the National Railroad Passenger Corporation for*
22 *activities associated with the National Network as author-*
23 *ized by section 11101(b) of the Fixing America’s Surface*
24 *Transportation Act (division A of Public Law 114–94),*
25 *\$1,300,000,000, to remain available until expended: Pro-*

1 *vided, That the Secretary may retain up to an additional*
2 *\$2,000,000 of the funds provided under this heading to fund*
3 *expenses associated with the State-Supported Route Com-*
4 *mittee established under section 24712 of title 49, United*
5 *States Code: Provided further, That at least \$50,000,000 of*
6 *the amount provided under this heading shall be available*
7 *for the development, installation and operation of railroad*
8 *safety technology, including the implementation of a posi-*
9 *tive train control system, on State-supported routes as de-*
10 *finied under section 24102(13) of title 49, United States*
11 *Code, on which positive train control systems are not re-*
12 *quired by law or regulation: Provided further, That none*
13 *of the funds provided under this heading shall be used by*
14 *Amtrak to give notice under subsection (a) or (b) of section*
15 *24706 of title 49, United States Code, with respect to long-*
16 *distance routes (as defined in section 24102 of title 49,*
17 *United States Code) on which Amtrak is the sole operator*
18 *on a host railroad's line and a positive train control system*
19 *is not required by law or regulation, or, except in an emer-*
20 *gency or during maintenance or construction outages im-*
21 *pacting such routes, to otherwise discontinue, reduce the fre-*
22 *quency of, suspend, or substantially alter the route of rail*
23 *service on any portion of such route operated in fiscal year*
24 *2018, including implementation of service permitted by sec-*

1 *tion 24305(a)(3)(A) of title 49, United States Code, in lieu*
2 *of rail service.*

3 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

4 *ADMINISTRATION*

5 *(INCLUDING RESCISSIONS)*

6 *SEC. 150. None of the funds made available to the Na-*
7 *tional Railroad Passenger Corporation may be used to fund*
8 *any overtime costs in excess of \$35,000 for any individual*
9 *employee: Provided, That the President of Amtrak may*
10 *waive the cap set in the preceding proviso for specific em-*
11 *ployees when the President of Amtrak determines such a*
12 *cap poses a risk to the safety and operational efficiency of*
13 *the system: Provided further, That the President of Amtrak*
14 *shall report to the House and Senate Committees on Appro-*
15 *priations no later than 60 days after the date of enactment*
16 *of this Act, a summary of all overtime payments incurred*
17 *by Amtrak for 2020 and the 3 prior calendar years: Pro-*
18 *vided further, That such summary shall include the total*
19 *number of employees that received waivers and the total*
20 *overtime payments Amtrak paid to employees receiving*
21 *waivers for each month for 2020 and for the 3 prior cal-*
22 *endar years.*

23 *SEC. 151. None of the funds made available to the Na-*
24 *tional Railroad Passenger Corporation under the headings*
25 *“Northeast Corridor Grants to the National Railroad Pas-*

1 *senger Corporation” and “National Network Grants to the*
2 *National Railroad Passenger Corporation” may be used to*
3 *reduce the total number of Amtrak Police Department uni-*
4 *formed officers patrolling on board passenger trains or at*
5 *stations, facilities or rights-of-way below the staffing level*
6 *on May 1, 2019.*

7 *SEC. 152. None of the funds made available by this*
8 *Act may be used by the National Railroad Passenger Cor-*
9 *poration in contravention of the Worker Adjustment and*
10 *Retraining Notification Act (29 U.S.C. 2101 et seq.).*

11 *SEC. 153. The matter under the heading “Department*
12 *of Transportation—Federal Railroad Administration—*
13 *Consolidated Rail Infrastructure and Safety Improve-*
14 *ments”—*

15 *(1) in division G of the Consolidated Appropria-*
16 *tions Act, 2019 (Public Law 116–6) is amended by*
17 *striking “4 years” and inserting “6 years” in the*
18 *fourth proviso; and*

19 *(2) in division H of the Further Consolidated*
20 *Appropriations Act, 2020 (Public Law 116–94) is*
21 *amended by striking “4 years” and inserting “6*
22 *years” in the fourth proviso.*

23 *SEC. 154. Of the unobligated balances of funds remain-*
24 *ing from—*

1 (1) “*Capital and Debt Service Grants to the Na-*
2 *tional Railroad Passenger Corporation*” accounts to-
3 *taling \$10,458,135.54 appropriated by the following*
4 *public laws are hereby permanently rescinded:*

5 (A) *Public Law 112–10 a total of*
6 *\$289,234.48;*

7 (B) *Public Law 112–55 a total of*
8 *\$4,760,000.00;*

9 (C) *Public Law 113–76 a total of*
10 *\$792,502.52;*

11 (D) *Public Law 113–235 a total of*
12 *\$1,698,806.61; and*

13 (E) *Public Law 114–113 a total of*
14 *\$2,917,591.93;*

15 (2) “*Railroad Safety Technology Program*” ac-
16 *count totaling \$613,252.29 appropriated by Public*
17 *Law 111–117 is hereby permanently rescinded;*

18 (3) “*Capital Assistance to States—Intercity Pas-*
19 *senger Rail Service*” account totaling \$10,164,885.13
20 *appropriated by Public Law 111–8 is hereby perma-*
21 *nently rescinded;*

22 (4) “*Rail Line Relocation and Improvement*
23 *Program*” accounts totaling \$12,650,365.14 appro-
24 *priated by the following public laws are hereby per-*
25 *manently rescinded:*

1 (A) *Public Law 110–161 a total of*
2 \$923,214.63;

3 (B) *Public Law 111–8 a total of*
4 \$5,558,233.95;

5 (C) *Public Law 111–117 a total of*
6 \$3,763,767.95; and

7 (D) *Public Law 112–10 a total of*
8 \$2,405,148.61; and

9 (5) *“Next Generation High-Speed Rail” accounts*
10 *totaling \$3,034,848.52 appropriated by the following*
11 *public laws are hereby permanently rescinded:*

12 (A) *Public Law 104–50 a total of*
13 \$610,807.00;

14 (B) *Public Law 104–205 a total of*
15 \$5,963.71;

16 (C) *Public Law 105–66 a total of*
17 \$1,218,742.47;

18 (D) *Public Law 105–277 a total of*
19 \$17,097.00;

20 (E) *Public Law 106–69 a total of*
21 \$1,005,969.00;

22 (F) *Public Law 108–7 a total of \$43,951.57;*

23 (G) *Public Law 108–199 a total of*
24 \$24,263.48; and

1 (H) *Public Law 108–447 a total of*
2 *\$108,054.29.*

3 *SEC. 155. It is the sense of Congress that—*

4 (1) *long-distance passenger rail routes provide*
5 *much-needed transportation access for 4,700,000 rid-*
6 *ers in 325 communities in 40 States and are particu-*
7 *larly important in rural areas; and*

8 (2) *long-distance passenger rail routes and serv-*
9 *ices should be sustained to ensure connectivity*
10 *throughout the National Network (as defined in sec-*
11 *tion 24102 of title 49, United States Code).*

12 *FEDERAL TRANSIT ADMINISTRATION*

13 *ADMINISTRATIVE EXPENSES*

14 *For necessary administrative expenses of the Federal*
15 *Transit Administration’s programs authorized by chapter*
16 *53 of title 49, United States Code, \$121,052,000 which shall*
17 *remain available until September 30, 2022, and up to*
18 *\$1,000,000 shall be available to carry out the provisions*
19 *of section 5326 of such title: Provided, That upon submis-*
20 *sion to the Congress of the fiscal year 2022 President’s budg-*
21 *et, the Secretary of Transportation shall transmit to Con-*
22 *gress the annual report on Capital Investment Grants, in-*
23 *cluding proposed allocations for fiscal year 2022.*

1 *public interest or benefit, the Secretary may approve a*
2 *greater Federal share.*

3 *TRANSIT INFRASTRUCTURE GRANTS*

4 *For an additional amount for buses and bus facilities*
5 *grants under section 5339 of title 49, United States Code,*
6 *low or no emission grants under section 5339(c) of such*
7 *title, formula grants to rural areas under section 5311 of*
8 *such title, high density state apportionments under section*
9 *5340(d) of such title, state of good repair grants under sec-*
10 *tion 5337 of such title, ferry boats grants under section*
11 *5307(h) of such title, bus testing facilities under section*
12 *5318 of such title, grants to areas of persistent poverty, in-*
13 *novative mobility solutions grants under section 5312 of*
14 *such title, and accelerating innovative mobility initiative*
15 *grants under section 5312 such title, \$516,220,000, to re-*
16 *main available until expended: Provided, That of the sums*
17 *provided under this heading—*

18 *(1) \$243,000,000 shall be available for the buses*
19 *and bus facilities grants as authorized under section*
20 *5339 of such title, of which \$118,000,000 shall be*
21 *available for the buses and bus facilities formula*
22 *grants as authorized under section 5339(a) of such*
23 *title, and \$125,000,000 shall be available for buses*
24 *and bus facilities competitive grants as authorized*
25 *under section 5339(b) of such title;*

1 (2) \$125,000,000 shall be available for the low or
2 no emission grants as authorized under section
3 5339(c) of such title: Provided, That the minimum
4 grant award shall be not less than \$750,000;

5 (3) \$40,000,000 shall be available for formula
6 grants for rural areas as authorized under section
7 5311 of such title;

8 (4) \$40,000,000 shall be available for the high
9 density state apportionments as authorized under sec-
10 tion 5340(d) of such title;

11 (5) \$40,000,000 shall be available for state of
12 good repair grants as authorized under section 5337
13 of such title;

14 (6) \$8,000,000 shall be available for ferry boat
15 grants as authorized under section 5307(h) of such
16 title: Provided, That of the amounts provided under
17 this subparagraph, \$4,000,000 shall only be available
18 for low or zero-emission ferries or ferries using elec-
19 tric battery or fuel cell components and the infra-
20 structure to support such ferries;

21 (7) \$2,000,000 shall be available for the oper-
22 ation and maintenance of the bus testing facilities se-
23 lected under section 5318 of such title;

24 (8) \$16,220,000 shall be available for competitive
25 grants to eligible entities to assist areas of persistent

1 *poverty: Provided, That the term “areas of persistent*
2 *poverty” means any county that has consistently had*
3 *greater than or equal to 20 percent of the population*
4 *living in poverty during the 30 year period preceding*
5 *the date of enactment of this Act, as measured by the*
6 *1990 and 2000 decennial census and the most recent*
7 *Small Area Income and Poverty Estimates as esti-*
8 *mated by the Bureau of the Census; any census tract*
9 *with a poverty rate of at least 20 percent as measured*
10 *by the 2014–2018 5-year data series available from*
11 *the American Community Survey of the Bureau of*
12 *the Census; or any territory or possession of the*
13 *United States: Provided further, That grants shall be*
14 *for planning, engineering, or development of technical*
15 *or financing plans for projects eligible under chapter*
16 *53 of title 49, United States Code: Provided further,*
17 *That eligible entities are those defined as eligible re-*
18 *cipients or subrecipients under sections 5307, 5310 or*
19 *5311 of title 49, United States Code, and are in areas*
20 *of persistent poverty: Provided further, That the Fed-*
21 *eral Transit Administration should complete outreach*
22 *to such counties and the departments of transpor-*
23 *tation within applicable States via personal contact,*
24 *webinars, web materials and other appropriate meth-*
25 *ods determined by the Administrator of the Federal*

1 *Transit Administration: Provided further, That State*
2 *departments of transportation may apply on behalf of*
3 *eligible entities within their States: Provided further,*
4 *That the Federal Transit Administration should en-*
5 *courage grantees to work with non-profits or other en-*
6 *tities of their choosing in order to develop planning,*
7 *technical, engineering, or financing plans: Provided*
8 *further, That the Federal Transit Administration*
9 *shall encourage grantees to partner with non-profits*
10 *that can assist with making projects low or no emis-*
11 *sions;*

12 (9) *\$1,000,000 shall be available for the dem-*
13 *onstration and deployment of innovative mobility so-*
14 *lutions as authorized under section 5312 of title 49,*
15 *United States Code: Provided, That such amounts*
16 *shall be available for competitive grants or coopera-*
17 *tive agreements for the development of software to fa-*
18 *cilitate the provision of demand-response public*
19 *transportation service that dispatches public trans-*
20 *portation fleet vehicles through riders mobile devices*
21 *or other advanced means: Provided further, That the*
22 *Secretary shall evaluate the potential for software de-*
23 *veloped with grants or cooperative agreements to be*
24 *shared for use by public transportation agencies; and*

1 (10) \$1,000,000 shall be for the accelerating in-
2 novative mobility initiative as authorized under sec-
3 tion 5312 of title 49, United States Code: Provided,
4 That such amounts shall be available for competitive
5 grants to improve mobility and enhance the rider ex-
6 perience with a focus on innovative service delivery
7 models, creative financing, novel partnerships, and
8 integrated payment solutions in order to help dis-
9 seminate proven innovation mobility practices
10 throughout the public transportation industry:

11 Provided further, That projects funded under paragraph (8)
12 of this heading shall be for not less than 90 percent of the
13 net total project cost: Provided further, That amounts made
14 available by this heading shall be derived from the general
15 fund: Provided further, That the amounts made available
16 under this heading shall not be subject to any limitation
17 on obligations for transit programs set forth in any Act.

18 TECHNICAL ASSISTANCE AND TRAINING

19 For necessary expenses to carry out section 5314 of
20 title 49, United States Code, \$7,500,000, to remain avail-
21 able until September 30, 2022: Provided, That the assist-
22 ance provided under this heading does not duplicate the ac-
23 tivities of section 5311(b) or section 5312 of title 49, United
24 States Code.

1 *projects under section 5309 of title 49, United States Code,*
2 *without further evaluation or rating under such section:*
3 *Provided further, That such funding shall not exceed the*
4 *Federal share under section 3005(b): Provided Further,*
5 *That funds allocated pursuant to 49 U.S.C. 5309 to any*
6 *project during fiscal years 2015 or 2017 shall remain allo-*
7 *cated to that project until December 31, 2021.*

8 *GRANTS TO THE WASHINGTON METROPOLITAN AREA*

9 *TRANSIT AUTHORITY*

10 *For grants to the Washington Metropolitan Area Tran-*
11 *sit Authority as authorized under section 601 of division*
12 *B of the Passenger Rail Investment and Improvement Act*
13 *of 2008 (Public Law 110–432), \$150,000,000, to remain*
14 *available until expended: Provided, That the Secretary of*
15 *Transportation shall approve grants for capital and pre-*
16 *ventive maintenance expenditures for the Washington Met-*
17 *ropolitan Area Transit Authority only after receiving and*
18 *reviewing a request for each specific project: Provided fur-*
19 *ther, That the Secretary shall determine that the Wash-*
20 *ington Metropolitan Area Transit Authority has placed the*
21 *highest priority on those investments that will improve the*
22 *safety of the system before approving such grants: Provided*
23 *further, That the Secretary, in order to ensure safety*
24 *throughout the rail system, may waive the requirements of*

1 *section 601(e)(1) of division B of the Passenger Rail Invest-*
2 *ment and Improvement Act of 2008 (Public Law 110–432).*

3 *ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT*

4 *ADMINISTRATION*

5 *(INCLUDING RESCISSIONS)*

6 *SEC. 160. The limitations on obligations for the pro-*
7 *grams of the Federal Transit Administration shall not*
8 *apply to any authority under 49 U.S.C. 5338, previously*
9 *made available for obligation, or to any other authority pre-*
10 *viously made available for obligation.*

11 *SEC. 161. Notwithstanding any other provision of law,*
12 *funds appropriated or limited by this Act under the heading*
13 *“Capital Investment Grants” of the Federal Transit Ad-*
14 *ministration for projects specified in this Act or identified*
15 *in the explanatory statement described in section 4 (in the*
16 *matter preceding division A of this consolidated Act) not*
17 *obligated by September 30, 2024, and other recoveries, shall*
18 *be directed to projects eligible to use the funds for the pur-*
19 *poses for which they were originally provided.*

20 *SEC. 162. Notwithstanding any other provision of law,*
21 *any funds appropriated before October 1, 2020, under any*
22 *section of chapter 53 of title 49, United States Code, that*
23 *remain available for expenditure, may be transferred to and*
24 *administered under the most recent appropriation heading*
25 *for any such section.*

1 *SEC. 163. None of the funds made available by this*
2 *Act or any other Act shall be used to adjust apportionments*
3 *or withhold funds from apportionments pursuant to section*
4 *9503(e)(4) of the Internal Revenue Code of 1986 (26 U.S.C.*
5 *9503(e)(4)).*

6 *SEC. 164. An eligible recipient of a grant under section*
7 *5339(c) may submit an application in partnership with*
8 *other entities, including a transit vehicle manufacturer,*
9 *that intend to participate in the implementation of a*
10 *project under section 5339(c) of title 49, United States*
11 *Code, and a project awarded with such partnership shall*
12 *be treated as satisfying the requirement for a competitive*
13 *procurement under section 5325(a) of title 49, United*
14 *States Code, for the named entity.*

15 *SEC. 165. None of the funds made available by this*
16 *Act or any other Act shall be used to impede or hinder*
17 *project advancement or approval for any project seeking a*
18 *Federal contribution from the capital investment grant pro-*
19 *gram of greater than 40 percent of project costs as author-*
20 *ized under section 5309 of title 49, United States Code.*

21 *SEC. 166. None of the funds made available in this*
22 *Act may be used by the Department of Transportation to*
23 *implement any policy that requires a capital investment*
24 *grant project to receive a medium or higher project rating*

1 *before taking actions to finalize an environmental impact*
2 *statement.*

3 *SEC. 167. Of the unobligated amounts made available*
4 *for prior fiscal years to Formula Grants in Treasury Ac-*
5 *count 69–X–1129, a total of \$1,606,849 are hereby perma-*
6 *nently rescinded: Provided, That no amounts may be re-*
7 *scinded from amounts that were designated by the Congress*
8 *as an emergency or disaster relief requirement pursuant to*
9 *a concurrent resolution on the budget or the Balanced*
10 *Budget and Emergency Deficit Control Act of 1985.*

11 *SEC. 168. Of the unobligated amounts made available*
12 *for the Job Access and Reverse Commute program, as au-*
13 *thorized by Public Law 105–178, as amended, a total of*
14 *\$320,230 are hereby permanently rescinded.*

15 *SEC. 169. Of the unobligated amounts made available*
16 *for Research, Training, and Human Resources, as author-*
17 *ized by Public Law 95–599, as amended, a total of \$31,634*
18 *are hereby permanently rescinded.*

19 *SEC. 169A. Any unexpended balances from amounts*
20 *previously appropriated for low or no emission vehicle com-*
21 *ponent assessment under 49 U.S.C. 5312(h) under the head-*
22 *ings “Transit Formula Grants” and “Transit Infrastruc-*
23 *ture Grants” in fiscal years 2016 through 2020 may be used*
24 *by the facilities selected for such vehicle component assess-*
25 *ment for capital projects in order to build new infrastruc-*

1 *ture and enhance existing facilities in order to expand bus*
2 *and component testing capability, in accordance with the*
3 *industry stakeholder testing objectives and capabilities as*
4 *outlined through the work of the Federal Transit Adminis-*
5 *tration Transit Vehicle Innovation and Deployment Centers*
6 *program and included in the Center for Transportation and*
7 *the Environment report submitted to the Federal Transit*
8 *Administration for review.*

9 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

10 *The Saint Lawrence Seaway Development Corpora-*
11 *tion is hereby authorized to make such expenditures, within*
12 *the limits of funds and borrowing authority available to*
13 *the Corporation, and in accord with law, and to make such*
14 *contracts and commitments without regard to fiscal year*
15 *limitations, as provided by section 9104 of title 31, United*
16 *States Code, as may be necessary in carrying out the pro-*
17 *grams set forth in the Corporation's budget for the current*
18 *fiscal year.*

19 *OPERATIONS AND MAINTENANCE*

20 *(HARBOR MAINTENANCE TRUST FUND)*

21 *For necessary expenses to conduct the operations,*
22 *maintenance, and capital infrastructure activities on por-*
23 *tions of the Saint Lawrence Seaway owned, operated, and*
24 *maintained by the Saint Lawrence Seaway Development*
25 *Corporation, \$38,000,000, to be derived from the Harbor*

1 *Maintenance Trust Fund, pursuant to section 210 of the*
2 *Water Resources Development Act of 1986 (33 U.S.C. 2238):*
3 *Provided, That of the amounts made available under this*
4 *heading, not less than \$14,500,000 shall be for the seaway*
5 *infrastructure program.*

6 *MARITIME ADMINISTRATION*

7 *MARITIME SECURITY PROGRAM*

8 *For necessary expenses to maintain and preserve a*
9 *U.S.-flag merchant fleet to serve the national security needs*
10 *of the United States, \$314,007,780, to remain available*
11 *until expended, of which \$7,780 shall be derived from unob-*
12 *ligated balances from prior year appropriations available*
13 *under this heading.*

14 *CABLE SECURITY FLEET*

15 *For the Cable Security Fleet program, as authorized*
16 *by chapter 532 of title 46, United States Code, \$10,000,000,*
17 *to remain available until expended.*

18 *OPERATIONS AND TRAINING*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary expenses of operations and training ac-*
21 *tivities authorized by law, \$155,616,000: Provided, That of*
22 *the amounts made available under this heading—*

23 *(1) \$80,000,000, to remain available until Sep-*
24 *tember 30, 2022, shall be for the operations of the*
25 *United States Merchant Marine Academy;*

1 (2) \$5,944,000, to remain available until ex-
2 pended, shall be for facilities maintenance and repair,
3 and equipment, at the United States Merchant Ma-
4 rine Academy;

5 (3) \$3,000,000, to remain available until Sep-
6 tember 30, 2022, shall be for the Maritime Environ-
7 mental and Technical Assistance program authorized
8 under section 50307 of title 46, United States Code;
9 and

10 (4) \$10,819,000, to remain available until ex-
11 pended, shall be for the Short Sea Transportation
12 Program (America's Marine Highways) to make
13 grants for the purposes authorized under paragraphs
14 (1) and (3) of section 55601(b) of title 46, United
15 States Code:

16 *Provided further, That the Administrator of the Maritime*
17 *Administration shall transmit to the House and Senate*
18 *Committees on Appropriations the annual report on sexual*
19 *assault and sexual harassment at the United States Mer-*
20 *chant Marine Academy as required pursuant to section*
21 *3510 of the National Defense Authorization Act for Fiscal*
22 *Year 2017 (46 U.S.C. 51318): *Provided further, That avail-**
23 *able balances under this heading for the Short Sea Trans-*
24 *portation Program (America's Marine Highways) from*
25 *prior year recoveries shall be available to carry out activi-*

1 *ties authorized under paragraphs (1) and (3) of section*
2 *55601(b) of title 46, United States Code: Provided further,*
3 *That any unobligated balances and obligated balances not*
4 *yet expended from previous appropriations under this head-*
5 *ing for programs and activities supporting State Maritime*
6 *Academies shall be transferred to and merged with the ap-*
7 *propriations for “Maritime Administration—State Mari-*
8 *time Academy Operations” and shall be made available for*
9 *the same purposes as the appropriations for “Maritime Ad-*
10 *ministration—State Maritime Academy Operations”.*

11 *STATE MARITIME ACADEMY OPERATIONS*

12 *For necessary expenses of operations, support, and*
13 *training activities for State Maritime Academies,*
14 *\$432,700,000: Provided, That of the sums appropriated*
15 *under this heading—*

16 *(1) \$30,500,000, to remain available until ex-*
17 *pended, shall be for maintenance, repair, life exten-*
18 *sion, insurance, and capacity improvement of Na-*
19 *tional Defense Reserve Fleet training ships, and for*
20 *support of training ship operations at the State Mar-*
21 *itime Academies, of which \$8,500,000, to remain*
22 *available until expended, shall be for expenses related*
23 *to training mariners; and for costs associated with*
24 *training vessel sharing pursuant to 46 U.S.C.*
25 *51504(g)(3) for costs associated with mobilizing, oper-*

1 *ating and demobilizing the vessel, including travel*
2 *costs for students, faculty and crew, the costs of the*
3 *general agent, crew costs, fuel, insurance, operational*
4 *fees, and vessel hire costs, as determined by the Sec-*
5 *retary;*

6 (2) *\$390,000,000, to remain available until ex-*
7 *pended, shall be for the National Security Multi-Mis-*
8 *sion Vessel Program, including funds for construction,*
9 *planning, administration, and design of school ships;*

10 (3) *\$2,400,000 to remain available through Sep-*
11 *tember 30, 2022, shall be for the Student Incentive*
12 *Program;*

13 (4) *\$3,800,000 shall remain available until ex-*
14 *pended, shall be for training ship fuel assistance; and*

15 (5) *\$6,000,000, to remain available until Sep-*
16 *tember 30, 2022, shall be for direct payments for*
17 *State Maritime Academies.*

18 *ASSISTANCE TO SMALL SHIPYARDS*

19 *To make grants to qualified shipyards as authorized*
20 *under section 54101 of title 46, United States Code,*
21 *\$20,000,000, to remain available until expended.*

22 *SHIP DISPOSAL*

23 *For necessary expenses related to the disposal of obso-*
24 *lete vessels in the National Defense Reserve Fleet of the Mar-*

1 *itime Administration, \$4,200,000, to remain available*
2 *until expended.*

3 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

4 *ACCOUNT*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For administrative expenses to carry out the guaran-*
7 *teed loan program, \$3,000,000, which shall be transferred*
8 *to and merged with the appropriations for “Maritime Ad-*
9 *ministration—Operations and Training”.*

10 *PORT INFRASTRUCTURE DEVELOPMENT PROGRAM*

11 *To make grants to improve port facilities as authorized*
12 *under section 50302(c) of title 46, United States Code,*
13 *\$230,000,000, to remain available until expended: Pro-*
14 *vided, That projects eligible for amounts made available*
15 *under this heading shall be projects for coastal seaports, in-*
16 *land river ports, or Great Lakes ports: Provided further,*
17 *That of the amounts made available under this heading,*
18 *not less than \$205,000,000 shall be for coastal seaports or*
19 *Great Lakes ports: Provided further, That the Maritime Ad-*
20 *ministration shall distribute amounts made available under*
21 *this heading as discretionary grants to port authorities or*
22 *commissions or their subdivisions and agents under existing*
23 *authority, as well as to a State or political subdivision of*
24 *a State or local government, a Tribal Government, a public*
25 *agency or publicly chartered authority established by one*

1 *or more States, a special purpose district with a transpor-*
2 *tation function, a multistate or multijurisdictional group*
3 *of entities, or a lead entity described above jointly with a*
4 *private entity or group of private entities: Provided further,*
5 *That projects eligible for amounts made available under this*
6 *heading shall be designed to improve the safety, efficiency,*
7 *or reliability of the movement of goods into, out of, around,*
8 *or within a port and located—*

9 (1) *within the boundary of a port; or*

10 (2) *outside the boundary of a port, and directly*
11 *related to port operations, or to an intermodal con-*
12 *nection to a port:*

13 *Provided further, That project awards eligible under this*
14 *heading shall be only for—*

15 (1) *port gate improvements;*

16 (2) *road improvements both within and con-*
17 *necting to the port;*

18 (3) *rail improvements both within and con-*
19 *necting to the port;*

20 (4) *berth improvements (including docks,*
21 *wharves, piers and dredging incidental to the im-*
22 *provement project);*

23 (5) *fixed landside improvements in support of*
24 *cargo operations (such as silos, elevators, conveyors,*
25 *container terminals, Ro/Ro structures including park-*

1 *ing garages necessary for intermodal freight transfer,*
2 *warehouses including refrigerated facilities, lay-down*
3 *areas, transit sheds, and other such facilities);*

4 *(6) utilities necessary for safe operations (includ-*
5 *ing lighting, stormwater, and other such improve-*
6 *ments that are incidental to a larger infrastructure*
7 *project); or*

8 *(7) a combination of activities described above:*

9 *Provided further, That the Federal share of the costs for*
10 *which an amount is provided under this heading shall be*
11 *up to 80 percent: Provided further, That for grants awarded*
12 *under this heading, the minimum grant size shall be*
13 *\$1,000,000: Provided further, That for grant awards less*
14 *than \$10,000,000, the Secretary shall prioritize ports that*
15 *handled less than 10,000,000 short tons in 2017, as identi-*
16 *fied by the Corps of Engineers: Provided further, That for*
17 *grant awards less than \$10,000,000, the Secretary may in-*
18 *crease the Federal share of costs above 80 percent: Provided*
19 *further, That not to exceed 2 percent of the amounts made*
20 *available under this heading shall be available for necessary*
21 *costs of grant administration.*

22 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

23 *SEC. 170. Notwithstanding any other provision of this*
24 *Act, in addition to any existing authority, the Maritime*
25 *Administration is authorized to furnish utilities and serv-*

1 *ices and make necessary repairs in connection with any*
2 *lease, contract, or occupancy involving Government prop-*
3 *erty under control of the Maritime Administration: Pro-*
4 *vided, That payments received therefor shall be credited to*
5 *the appropriation charged with the cost thereof and shall*
6 *remain available until expended: Provided further, That*
7 *rental payments under any such lease, contract, or occu-*
8 *pancy for items other than such utilities, services, or repairs*
9 *shall be deposited into the Treasury as miscellaneous re-*
10 *ceipts.*

11 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*

12 *ADMINISTRATION*

13 *OPERATIONAL EXPENSES*

14 *For necessary operational expenses of the Pipeline and*
15 *Hazardous Materials Safety Administration, \$28,715,000,*
16 *of which \$4,500,000 shall remain available until September*
17 *30, 2023.*

18 *HAZARDOUS MATERIALS SAFETY*

19 *For expenses necessary to discharge the hazardous ma-*
20 *terials safety functions of the Pipeline and Hazardous Ma-*
21 *terials Safety Administration, \$62,000,000, of which*
22 *\$14,000,000 shall remain available until September 30,*
23 *2023: Provided, That up to \$800,000 in fees collected under*
24 *49 U.S.C. 5108(g) shall be deposited in the general fund*
25 *of the Treasury as offsetting receipts: Provided further, That*

1 *there may be credited to this appropriation, to be available*
2 *until expended, funds received from States, counties, mu-*
3 *nicipalities, other public authorities, and private sources*
4 *for expenses incurred for training, for reports publication*
5 *and dissemination, and for travel expenses incurred in per-*
6 *formance of hazardous materials exemptions and approvals*
7 *functions.*

8

PIPELINE SAFETY

9

(PIPELINE SAFETY FUND)

10

(OIL SPILL LIABILITY TRUST FUND)

11 *For expenses necessary to carry out a pipeline safety*
12 *program, as authorized by 49 U.S.C. 60107, and to dis-*
13 *charge the pipeline program responsibilities of the Oil Pol-*
14 *lution Act of 1990, \$168,000,000, to remain available until*
15 *September 30, 2023, of which \$23,000,000 shall be derived*
16 *from the Oil Spill Liability Trust Fund; of which*
17 *\$137,000,000 shall be derived from the Pipeline Safety*
18 *Fund; and of which \$8,000,000 shall be derived from fees*
19 *collected under 49 U.S.C. 60302 and deposited in the Un-*
20 *derground Natural Gas Storage Facility Safety Account for*
21 *the purpose of carrying out 49 U.S.C. 60141: Provided,*
22 *That not less than \$1,058,000 of the funds provided under*
23 *this heading shall be for the One-Call State grant program:*
24 *Provided further, That any amounts provided under this*
25 *heading in this Act or in prior Acts for research contracts,*

1 *grants, cooperative agreements or research other trans-*
2 *actions agreements (“OTAs”) shall require written notifica-*
3 *tion to the House and Senate Committees on Appropria-*
4 *tions not less than 3 full business days before such research*
5 *contracts, grants, cooperative agreements, or research OTAs*
6 *are announced by the Department of Transportation: Pro-*
7 *vided further, That the Administrator may obligate*
8 *amounts made available under this heading to engineer,*
9 *erect, alter, and repair buildings or make any other public*
10 *improvements for research facilities at the Transportation*
11 *Technology Center after the Administrator submits an up-*
12 *dated research plan to the House and Senate Committees*
13 *on Appropriations and after such plan is approved by the*
14 *House and Senate Committees on Appropriations.*

15 *EMERGENCY PREPAREDNESS GRANTS*

16 *(LIMITATION ON OBLIGATIONS)*

17 *(EMERGENCY PREPAREDNESS FUND)*

18 *For expenses necessary to carry out the Emergency*
19 *Preparedness Grants program, not more than \$28,318,000*
20 *shall remain available until September 30, 2023, from*
21 *amounts made available by section 5116(h) and subsections*
22 *(b) and (c) of section 5128 of title 49, United States Code:*
23 *Provided, That notwithstanding section 5116(h)(4) of title*
24 *49, United States Code, not more than 4 percent of the*
25 *amounts made available from this account shall be avail-*

1 able to pay administrative costs: Provided further, That
2 notwithstanding subsections (b) and (c) of section 5128 of
3 title 49, United States Code, and the limitation on obliga-
4 tions provided under this heading, prior year recoveries rec-
5 ognized in the current year shall be available to develop
6 and deliver hazardous materials emergency response train-
7 ing for emergency responders, including response activities
8 for the transportation of crude oil, ethanol, flammable liq-
9 uids, and other hazardous commodities by rail, consistent
10 with National Fire Protection Association standards, and
11 to make such training available through an electronic for-
12 mat: Provided further, That the prior year recoveries made
13 available under this heading shall also be available to carry
14 out sections 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e)
15 of title 49, United States Code.

16 ADMINISTRATIVE PROVISIONS—PIPELINE AND HAZARDOUS
17 MATERIALS SAFETY ADMINISTRATION

18 SEC. 180. In addition to the amounts made available
19 under the heading, “Emergency Preparedness Grants”,
20 \$1,000,000, to remain available until September 30, 2023,
21 shall be made available to the Pipeline and Hazardous Ma-
22 terials Safety Administration from the general fund of the
23 Treasury, in addition to amounts otherwise available for
24 such purposes, to develop and deliver hazardous materials
25 emergency response training for emergency responders, in-

1 *cluding response activities for the transportation of crude*
2 *oil, ethanol, flammable liquids, and other hazardous com-*
3 *modities by rail, consistent with National Fire Protection*
4 *Association standards, and to make such training available*
5 *through an electronic format.*

6 *OFFICE OF INSPECTOR GENERAL*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral to carry out the provisions of the Inspector General*
10 *Act of 1978, as amended, \$98,150,000: Provided, That the*
11 *Inspector General shall have all necessary authority, in car-*
12 *rying out the duties specified in the Inspector General Act,*
13 *as amended (5 U.S.C. App. 3), to investigate allegations*
14 *of fraud, including false statements to the government (18*
15 *U.S.C. 1001), by any person or entity that is subject to*
16 *regulation by the Department of Transportation.*

17 *GENERAL PROVISIONS—DEPARTMENT OF*

18 *TRANSPORTATION*

19 *SEC. 190. (a) During the current fiscal year, applica-*
20 *ble appropriations to the Department of Transportation*
21 *shall be available for maintenance and operation of air-*
22 *craft; hire of passenger motor vehicles and aircraft; pur-*
23 *chase of liability insurance for motor vehicles operating in*
24 *foreign countries on official department business; and uni-*

1 *forms or allowances therefor, as authorized by sections 5901*
2 *and 5902 of title 5, United States Code.*

3 *(b) During the current fiscal year, applicable appro-*
4 *priations to the Department and its operating administra-*
5 *tions shall be available for the purchase, maintenance, oper-*
6 *ation, and deployment of unmanned aircraft systems that*
7 *advance the missions of the Department of Transportation*
8 *or an operating administration of the Department of*
9 *Transportation.*

10 *(c) Any unmanned aircraft system purchased, pro-*
11 *cured, or contracted for by the Department prior to the date*
12 *of enactment of this Act shall be deemed authorized by Con-*
13 *gress as if this provision was in effect when the system was*
14 *purchased, procured, or contracted for.*

15 *SEC. 191. Appropriations contained in this Act for the*
16 *Department of Transportation shall be available for services*
17 *as authorized by section 3109 of title 5, United States Code,*
18 *but at rates for individuals not to exceed the per diem rate*
19 *equivalent to the rate for an Executive Level IV.*

20 *SEC. 192. (a) No recipient of amounts made available*
21 *by this Act shall disseminate personal information (as de-*
22 *finied in section 2725(3) of title 18, United States Code)*
23 *obtained by a State department of motor vehicles in connec-*
24 *tion with a motor vehicle record as defined in section*
25 *2725(1) of title 18, United States Code, except as provided*

1 *in section 2721 of title 18, United States Code, for a use*
2 *permitted under section 2721 of title 18, United States*
3 *Code.*

4 *(b) Notwithstanding subsection (a), the Secretary shall*
5 *not withhold amounts made available by this Act for any*
6 *grantee if a State is in noncompliance with this provision.*

7 *SEC. 193. None of the funds made available by this*
8 *Act shall be available for salaries and expenses of more than*
9 *125 political and Presidential appointees in the Depart-*
10 *ment of Transportation: Provided, That none of the per-*
11 *sonnel covered by this provision may be assigned on tem-*
12 *porary detail outside the Department of Transportation.*

13 *SEC. 194. Funds received by the Federal Highway Ad-*
14 *ministration and Federal Railroad Administration from*
15 *States, counties, municipalities, other public authorities,*
16 *and private sources for expenses incurred for training may*
17 *be credited respectively to the Federal Highway Adminis-*
18 *tration's "Federal-Aid Highways" account and to the Fed-*
19 *eral Railroad Administration's "Safety and Operations"*
20 *account, except for State rail safety inspectors participating*
21 *in training pursuant to section 20105 of title 49, United*
22 *States Code.*

23 *SEC. 195. None of the funds made available by this*
24 *Act to the Department of Transportation may be used to*
25 *make a loan, loan guarantee, line of credit, letter of intent,*

1 *federally funded cooperative agreement, full funding grant*
2 *agreement, or discretionary grant unless the Secretary of*
3 *Transportation notifies the House and Senate Committees*
4 *on Appropriations not less than 3 full business days before*
5 *any project competitively selected to receive any discre-*
6 *tionary grant award, letter of intent, loan commitment,*
7 *loan guarantee commitment, line of credit commitment, fed-*
8 *erally funded cooperative agreement, or full funding grant*
9 *agreement is announced by the Department or its operating*
10 *administrations: Provided, That the Secretary of Transpor-*
11 *tation shall provide the House and Senate Committees on*
12 *Appropriations with a comprehensive list of all such loans,*
13 *loan guarantees, lines of credit, letters of intent, federally*
14 *funded cooperative agreements, full funding grant agree-*
15 *ments, and discretionary grants prior to the notification*
16 *required under the previous proviso: Provided further, That*
17 *the Secretary gives concurrent notification to the House and*
18 *Senate Committees on Appropriations for any “quick re-*
19 *lease” of funds from the emergency relief program: Provided*
20 *further, That no notification shall involve funds that are*
21 *not available for obligation.*

22 *SEC. 196. Rebates, refunds, incentive payments, minor*
23 *fees, and other funds received by the Department of Trans-*
24 *portation from travel management centers, charge card pro-*
25 *grams, the subleasing of building space, and miscellaneous*

1 *sources are to be credited to appropriations of the Depart-*
2 *ment of Transportation and allocated to elements of the De-*
3 *partment of Transportation using fair and equitable cri-*
4 *teria and such funds shall be available until expended.*

5 *SEC. 197. Amounts made available by this Act or any*
6 *prior Act that the Secretary determines represent improper*
7 *payments by the Department of Transportation to a third-*
8 *party contractor under a financial assistance award, which*
9 *are recovered pursuant to law, shall be available—*

10 *(1) to reimburse the actual expenses incurred by*
11 *the Department of Transportation in recovering im-*
12 *proper payments: Provided, That amounts made*
13 *available by this Act shall be available until ex-*
14 *pended; and*

15 *(2) to pay contractors for services provided in re-*
16 *covering improper payments or contractor support in*
17 *the implementation of the Improper Payments Infor-*
18 *mation Act of 2002 (Public Law 107–300), as amend-*
19 *ed by the Improper Payments Elimination and Re-*
20 *covery Act of 2010 (Public Law 111–204) and Im-*
21 *proper Payments Elimination and Recovery Improve-*
22 *ment Act of 2012 (Public Law 112–248), and Fraud*
23 *Reduction and Data Analytics Act of 2015 (Public*
24 *Law 114–186): Provided, That amounts in excess of*
25 *that required for paragraphs (1) and (2)—*

1 (A) shall be credited to and merged with the
2 appropriation from which the improper pay-
3 ments were made, and shall be available for the
4 purposes and period for which such appropria-
5 tions are available: Provided further, That where
6 specific project or accounting information associ-
7 ated with the improper payment or payments is
8 not readily available, the Secretary may credit
9 an appropriate account, which shall be available
10 for the purposes and period associated with the
11 account so credited; or

12 (B) if no such appropriation remains avail-
13 able, shall be deposited in the Treasury as mis-
14 cellaneous receipts: Provided further, That prior
15 to depositing such recovery in the Treasury, the
16 Secretary shall notify the House and Senate
17 Committees on Appropriations of the amount
18 and reasons for such transfer: Provided further,
19 That for purposes of this section, the term “im-
20 proper payments” has the same meaning as that
21 provided in section 2(e)(2) of the Improper Pay-
22 ments Elimination and Recovery Act of 2010
23 (Public Law 111–204).

24 SEC. 198. Notwithstanding any other provision of law,
25 if any funds provided by or limited by this Act are subject

1 *to a reprogramming action that requires notice to be pro-*
2 *vided to the House and Senate Committees on Appropria-*
3 *tions, transmission of such reprogramming notice shall be*
4 *provided solely to the House and Senate Committees on Ap-*
5 *propriations, and such reprogramming action shall be ap-*
6 *proved or denied solely by the House and Senate Commit-*
7 *tees on Appropriations: Provided, That the Secretary of*
8 *Transportation may provide notice to other congressional*
9 *committees of the action of the House and Senate Commit-*
10 *tees on Appropriations on such reprogramming but not*
11 *sooner than 30 days after the date on which the reprogram-*
12 *ming action has been approved or denied by the House and*
13 *Senate Committees on Appropriations.*

14 *SEC. 199. Funds appropriated by this Act to the oper-*
15 *ating administrations may be obligated for the Office of the*
16 *Secretary for the costs related to assessments or reimburs-*
17 *able agreements only when such amounts are for the costs*
18 *of goods and services that are purchased to provide a direct*
19 *benefit to the applicable operating administration or ad-*
20 *ministrations.*

21 *SEC. 199A. The Secretary of Transportation is author-*
22 *ized to carry out a program that establishes uniform stand-*
23 *ards for developing and supporting agency transit pass and*
24 *transit benefits authorized under section 7905 of title 5,*

1 *United States Code, including distribution of transit bene-*
2 *fits by various paper and electronic media.*

3 *SEC. 199B. The Department of Transportation may*
4 *use funds provided by this Act, or any other Act, to assist*
5 *a contract under title 49 U.S.C. or title 23 U.S.C. utilizing*
6 *geographic, economic, or any other hiring preference not*
7 *otherwise authorized by law, or to amend a rule, regulation,*
8 *policy or other measure that forbids a recipient of a Federal*
9 *Highway Administration or Federal Transit Administra-*
10 *tion grant from imposing such hiring preference on a con-*
11 *tract or construction project with which the Department of*
12 *Transportation is assisting, only if the grant recipient cer-*
13 *tifies the following:*

14 *(1) that except with respect to apprentices or*
15 *trainees, a pool of readily available but unemployed*
16 *individuals possessing the knowledge, skill, and abil-*
17 *ity to perform the work that the contract requires re-*
18 *sides in the jurisdiction;*

19 *(2) that the grant recipient will include appro-*
20 *priate provisions in its bid document ensuring that*
21 *the contractor does not displace any of its existing*
22 *employees in order to satisfy such hiring preference;*
23 *and*

24 *(3) that any increase in the cost of labor, train-*
25 *ing, or delays resulting from the use of such hiring*

1 *preference does not delay or displace any transpor-*
2 *tation project in the applicable Statewide Transpor-*
3 *tation Improvement Program or Transportation Im-*
4 *provement Program.*

5 *SEC. 199C. The Secretary of Transportation shall co-*
6 *ordinate with the Secretary of Homeland Security to ensure*
7 *that best practices for Industrial Control Systems Procure-*
8 *ment are up-to-date and shall ensure that systems procured*
9 *with funds provided under this title were procured using*
10 *such practices.*

11 *SEC. 199D. None of the funds made available by this*
12 *Act to the Department of Transportation may be used in*
13 *contravention of section 306108 of title 54, United States*
14 *Code.*

15 *This title may be cited as the “Department of Trans-*
16 *portation Appropriations Act, 2021”.*

17 *TITLE II*

18 *DEPARTMENT OF HOUSING AND URBAN*

19 *DEVELOPMENT*

20 *MANAGEMENT AND ADMINISTRATION*

21 *EXECUTIVE OFFICES*

22 *For necessary salaries and expenses for Executive Of-*
23 *fices, which shall be comprised of the offices of the Secretary,*
24 *Deputy Secretary, Adjudicatory Services, Congressional*
25 *and Intergovernmental Relations, Public Affairs, Small*

1 *and Disadvantaged Business Utilization, and the Center for*
2 *Faith-Based and Neighborhood Partnerships, \$17,292,000,*
3 *to remain available until September 30, 2022: Provided,*
4 *That not to exceed \$25,000 of the amount made available*
5 *under this heading shall be available to the Secretary of*
6 *Housing and Urban Development (referred to in this title*
7 *as “the Secretary”) for official reception and representation*
8 *expenses as the Secretary may determine.*

9 *ADMINISTRATIVE SUPPORT OFFICES*

10 *For necessary salaries and expenses for Administrative*
11 *Support Offices, \$576,689,000, to remain available until*
12 *September 30, 2022: Provided, That of the sums appro-*
13 *priated under this heading—*

14 *(1) \$74,462,000 shall be available for the Office*
15 *of the Chief Financial Officer;*

16 *(2) \$107,254,000 shall be available for the Office*
17 *of the General Counsel, of which not less than*
18 *\$20,050,000 shall be for the Departmental Enforce-*
19 *ment Center;*

20 *(3) \$207,693,000 shall be available for the Office*
21 *of Administration, of which not more than*
22 *\$10,000,000 may be for modernizing the Weaver*
23 *Building and space consolidation;*

24 *(4) \$38,933,000 shall be available for the Office*
25 *of the Chief Human Capital Officer;*

1 (5) \$59,652,000 shall be available for the Office
2 of Field Policy and Management;

3 (6) \$21,013,000 shall be available for the Office
4 of the Chief Procurement Officer;

5 (7) \$4,239,000 shall be available for the Office of
6 Departmental Equal Employment Opportunity; and

7 (8) \$63,443,000 shall be available for the Office
8 of the Chief Information Officer:

9 *Provided further, That funds made available under this*
10 *heading may be used for necessary administrative and non-*
11 *administrative expenses of the Department, not otherwise*
12 *provided for, including purchase of uniforms, or allowances*
13 *therefor, as authorized by sections 5901 and 5902 of title*
14 *5, United States Code; hire of passenger motor vehicles; and*
15 *services as authorized by section 3109 of title 5, United*
16 *States Code: Provided further, That notwithstanding any*
17 *other provision of law, funds appropriated under this head-*
18 *ing may be used for advertising and promotional activities*
19 *that directly support program activities funded in this title:*
20 *Provided further, That the Secretary shall provide the*
21 *House and Senate Committees on Appropriations quarterly*
22 *written notification regarding the status of pending con-*
23 *gressional reports: Provided further, That the Secretary*
24 *shall provide in electronic form all signed reports required*
25 *by Congress: Provided further, That not more than 10 per-*

1 *cent of the funds made available under this heading for the*
2 *Office of the Chief Financial Officer for the financial trans-*
3 *formation initiative may be obligated until the Secretary*
4 *submits to the House and Senate Committees on Appropria-*
5 *tions, for approval, a plan for expenditure that includes*
6 *the financial and internal control capabilities to be deliv-*
7 *ered and the mission benefits to be realized, key milestones*
8 *to be met, and the relationship between the proposed use*
9 *of funds made available under this heading and the pro-*
10 *jected total cost and scope of the initiative.*

11 *PROGRAM OFFICES*

12 *For necessary salaries and expenses for Program Of-*
13 *fices, \$904,673,000, to remain available until September 30,*
14 *2022: Provided, That of the sums appropriated under this*
15 *heading—*

16 *(1) \$243,056,000 shall be available for the Office*
17 *of Public and Indian Housing;*

18 *(2) \$131,107,000 shall be available for the Office*
19 *of Community Planning and Development;*

20 *(3) \$404,194,000 shall be available for the Office*
21 *of Housing, of which not less than \$13,200,000 shall*
22 *be for the Office of Recapitalization;*

23 *(4) \$36,250,000 shall be available for the Office*
24 *of Policy Development and Research;*

1 *trative Support Offices*”, “*Program Offices*”, and “*Govern-*
2 *ment National Mortgage Association*”, for such services
3 *shall be transferred to the Fund, to remain available until*
4 *expended: Provided further, That the Secretary shall notify*
5 *the House and Senate Committees on Appropriations of its*
6 *plans for executing such transfers at least 15 days in ad-*
7 *vance of such transfers.*

8 *PUBLIC AND INDIAN HOUSING*

9 *TENANT-BASED RENTAL ASSISTANCE*

10 *For activities and assistance for the provision of ten-*
11 *ant-based rental assistance authorized under the United*
12 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
13 *et seq.) (in this title “the Act”), not otherwise provided for,*
14 *\$21,777,439,000, to remain available until expended, which*
15 *shall be available on October 1, 2020 (in addition to the*
16 *\$4,000,000,000 previously appropriated under this heading*
17 *that shall be available on October 1, 2020), and*
18 *\$4,000,000,000, to remain available until expended, which*
19 *shall be available on October 1, 2021: Provided, That the*
20 *amounts made available under this heading are provided*
21 *as follows:*

22 *(1) \$23,080,000,000 shall be available for renew-*
23 *als of expiring section 8 tenant-based annual con-*
24 *tributions contracts (including renewals of enhanced*
25 *vouchers under any provision of law authorizing such*

1 *assistance under section 8(t) of the Act) and includ-*
2 *ing renewal of other special purpose incremental*
3 *vouchers: Provided, That notwithstanding any other*
4 *provision of law, from amounts provided under this*
5 *paragraph and any carryover, the Secretary for the*
6 *calendar year 2021 funding cycle shall provide re-*
7 *newal funding for each public housing agency based*
8 *on validated voucher management system (VMS) leas-*
9 *ing and cost data for the prior calendar year and by*
10 *applying an inflation factor as established by the Sec-*
11 *retary, by notice published in the Federal Register,*
12 *and by making any necessary adjustments for the*
13 *costs associated with the first-time renewal of vouch-*
14 *ers under this paragraph including tenant protection*
15 *and Choice Neighborhoods vouchers: Provided further,*
16 *That none of the funds provided under this paragraph*
17 *may be used to fund a total number of unit months*
18 *under lease which exceeds a public housing agency's*
19 *authorized level of units under contract, except for*
20 *public housing agencies participating in the Moving*
21 *to Work (MTW) demonstration, which are instead*
22 *governed in accordance with the requirements of the*
23 *MTW demonstration program or their MTW agree-*
24 *ments, if any: Provided further, That the Secretary*
25 *shall, to the extent necessary to stay within the*

1 *amount specified under this paragraph (except as oth-*
2 *erwise modified under this paragraph), prorate each*
3 *public housing agency's allocation otherwise estab-*
4 *lished pursuant to this paragraph: Provided further,*
5 *That except as provided in the following provisos, the*
6 *entire amount specified under this paragraph (except*
7 *as otherwise modified under this paragraph) shall be*
8 *obligated to the public housing agencies based on the*
9 *allocation and pro rata method described above, and*
10 *the Secretary shall notify public housing agencies of*
11 *their annual budget by the latter of 60 days after en-*
12 *actment of this Act or March 1, 2021: Provided fur-*
13 *ther, That the Secretary may extend the notification*
14 *period with the prior written approval of the House*
15 *and Senate Committees on Appropriations: Provided*
16 *further, That public housing agencies participating in*
17 *the MTW demonstration shall be funded in accord-*
18 *ance with the requirements of the MTW demonstra-*
19 *tion program or their MTW agreements, if any, and*
20 *shall be subject to the same pro rata adjustments*
21 *under the previous provisos: Provided further, That*
22 *the Secretary may offset public housing agencies' cal-*
23 *endar year 2021 allocations based on the excess*
24 *amounts of public housing agencies' net restricted as-*
25 *sets accounts, including HUD-held programmatic re-*

1 *serves (in accordance with VMS data in calendar*
2 *year 2020 that is verifiable and complete), as deter-*
3 *mined by the Secretary: Provided further, That public*
4 *housing agencies participating in the MTW dem-*
5 *onstration shall also be subject to the offset, as deter-*
6 *mined by the Secretary, excluding amounts subject to*
7 *the single fund budget authority provisions of their*
8 *MTW agreements, from the agencies' calendar year*
9 *2021 MTW funding allocation: Provided further, That*
10 *the Secretary shall use any offset referred to in the*
11 *previous two provisos throughout the calendar year to*
12 *prevent the termination of rental assistance for fami-*
13 *lies as the result of insufficient funding, as deter-*
14 *mined by the Secretary, and to avoid or reduce the*
15 *proration of renewal funding allocations: Provided*
16 *further, That up to \$110,000,000 shall be available*
17 *only: (1) for adjustments in the allocations for public*
18 *housing agencies, after application for an adjustment*
19 *by a public housing agency that experienced a signifi-*
20 *cant increase, as determined by the Secretary, in re-*
21 *newal costs of vouchers (including Mainstream vouch-*
22 *ers) resulting from unforeseen circumstances or from*
23 *portability under section 8(r) of the Act; (2) for*
24 *vouchers that were not in use during the previous 12-*
25 *month period in order to be available to meet a com-*

1 *mitment pursuant to section 8(o)(13) of the Act, or*
2 *an adjustment for a funding obligation not yet ex-*
3 *pende d in the previous calendar year for a MTW-eli-*
4 *gible activity to develop affordable housing for an*
5 *agency added to the MTW demonstration under the*
6 *expansion authority provided in section 239 of the*
7 *Transportation, Housing and Urban Development,*
8 *and Related Agencies Appropriations Act, 2016 (divi-*
9 *sion L of Public Law 114–113); (3) for adjustments*
10 *for costs associated with HUD–Veterans Affairs Sup-*
11 *portive Housing (HUD–VASH) vouchers; (4) for pub-*
12 *lic housing agencies that despite taking reasonable*
13 *cost savings measures, as determined by the Sec-*
14 *retary, would otherwise be required to terminate rent-*
15 *al assistance for families, including Mainstream fam-*
16 *ilies, as a result of insufficient funding; (5) for ad-*
17 *justments in the allocations for public housing agen-*
18 *cies that (i) are leasing a lower-than-average percent-*
19 *age of their authorized vouchers, (ii) have low*
20 *amounts of budget authority in their net restricted as-*
21 *sets accounts and HUD-held programmatic reserves,*
22 *relative to other agencies, and (iii) are not partici-*
23 *pating in the Moving to Work demonstration, to en-*
24 *able such agencies to lease more vouchers; and (6) for*
25 *public housing agencies that have experienced in-*

1 *creased costs or loss of units in an area for which the*
2 *President declared a disaster under title IV of the*
3 *Robert T. Stafford Disaster Relief and Emergency As-*
4 *istance Act (42 U.S.C. 5170 et seq.): Provided fur-*
5 *ther, That the Secretary shall allocate amounts under*
6 *the previous proviso based on need, as determined by*
7 *the Secretary;*

8 *(2) \$116,000,000 shall be for section 8 rental as-*
9 *istance for relocation and replacement of housing*
10 *units that are demolished or disposed of pursuant to*
11 *section 18 of the Act, conversion of section 23 projects*
12 *to assistance under section 8, the family unification*
13 *program under section 8(x) of the Act, relocation of*
14 *witnesses (including victims of violent crimes) in con-*
15 *nection with efforts to combat crime in public and as-*
16 *sisted housing pursuant to a request from a law en-*
17 *forcement or prosecution agency, enhanced vouchers*
18 *under any provision of law authorizing such assist-*
19 *ance under section 8(t) of the Act, Choice Neighbor-*
20 *hood vouchers, mandatory and voluntary conversions,*
21 *and tenant protection assistance including replace-*
22 *ment and relocation assistance or for project-based as-*
23 *istance to prevent the displacement of unassisted el-*
24 *derly tenants currently residing in section 202 prop-*
25 *erties financed between 1959 and 1974 that are refi-*

1 *nanced pursuant to Public Law 106–569, as amend-*
2 *ed, or under the authority as provided under this Act:*
3 *Provided, That when a public housing development is*
4 *submitted for demolition or disposition under section*
5 *18 of the Act, the Secretary may provide section 8*
6 *rental assistance when the units pose an imminent*
7 *health and safety risk to residents: Provided further,*
8 *That the Secretary may provide section 8 rental as-*
9 *istance from amounts made available under this*
10 *paragraph for units assisted under a project-based*
11 *subsidy contract funded under the “Project-Based*
12 *Rental Assistance” heading under this title where the*
13 *owner has received a Notice of Default and the units*
14 *pose an imminent health and safety risk to residents:*
15 *Provided further, That to the extent that the Secretary*
16 *determines that such units are not feasible for contin-*
17 *ued rental assistance payments or transfer of the sub-*
18 *sidy contract associated with such units to another*
19 *project or projects and owner or owners, any remain-*
20 *ing amounts associated with such units under such*
21 *contract shall be recaptured and used to reimburse*
22 *amounts used under this paragraph for rental assist-*
23 *ance under the previous proviso: Provided further,*
24 *That of the amounts made available under this para-*
25 *graph, at least \$5,000,000 may be available to pro-*

1 *vide tenant protection assistance, not otherwise pro-*
2 *vided under this paragraph, to residents residing in*
3 *low vacancy areas and who may have to pay rents*
4 *greater than 30 percent of household income, as the*
5 *result of: (A) the maturity of a HUD-insured, HUD-*
6 *held or section 202 loan that requires the permission*
7 *of the Secretary prior to loan prepayment; (B) the ex-*
8 *piration of a rental assistance contract for which the*
9 *tenants are not eligible for enhanced voucher or ten-*
10 *ant protection assistance under existing law; or (C)*
11 *the expiration of affordability restrictions accom-*
12 *panying a mortgage or preservation program admin-*
13 *istered by the Secretary: Provided further, That such*
14 *tenant protection assistance made available under the*
15 *previous proviso may be provided under the authority*
16 *of section 8(t) or section 8(o)(13) of the United States*
17 *Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided*
18 *further, That the Secretary shall issue guidance to*
19 *implement the previous provisos, including, but not*
20 *limited to, requirements for defining eligible at-risk*
21 *households within 60 days of the enactment of this*
22 *Act: Provided further, That any tenant protection*
23 *voucher made available from amounts under this*
24 *paragraph shall not be reissued by any public hous-*
25 *ing agency, except the replacement vouchers as de-*

1 *fined by the Secretary by notice, when the initial*
2 *family that received any such voucher no longer re-*
3 *ceives such voucher, and the authority for any public*
4 *housing agency to issue any such voucher shall cease*
5 *to exist: Provided further, That the Secretary may*
6 *only provide replacement vouchers for units that were*
7 *occupied within the previous 24 months that cease to*
8 *be available as assisted housing, subject only to the*
9 *availability of funds;*

10 *(3) \$2,159,000,000 shall be for administrative*
11 *and other expenses of public housing agencies in ad-*
12 *ministering the section 8 tenant-based rental assist-*
13 *ance program, of which up to \$30,000,000 shall be*
14 *available to the Secretary to allocate to public hous-*
15 *ing agencies that need additional funds to administer*
16 *their section 8 programs, including fees associated*
17 *with section 8 tenant protection rental assistance, the*
18 *administration of disaster related vouchers, HUD-*
19 *VASH vouchers, and other special purpose incre-*
20 *mental vouchers: Provided, That no less than*
21 *\$2,129,000,000 of the amount provided in this para-*
22 *graph shall be allocated to public housing agencies for*
23 *the calendar year 2021 funding cycle based on section*
24 *8(q) of the Act (and related Appropriation Act provi-*
25 *sions) as in effect immediately before the enactment*

1 *of the Quality Housing and Work Responsibility Act*
2 *of 1998 (Public Law 105–276): Provided further,*
3 *That if the amounts made available under this para-*
4 *graph are insufficient to pay the amounts determined*
5 *under the previous proviso, the Secretary may de-*
6 *crease the amounts allocated to agencies by a uniform*
7 *percentage applicable to all agencies receiving fund-*
8 *ing under this paragraph or may, to the extent nec-*
9 *essary to provide full payment of amounts determined*
10 *under the previous proviso, utilize unobligated bal-*
11 *ances, including recaptures and carryover, remaining*
12 *from funds appropriated to the Department of Hous-*
13 *ing and Urban Development under this heading from*
14 *prior fiscal years, excluding special purpose vouchers,*
15 *notwithstanding the purposes for which such amounts*
16 *were appropriated: Provided further, That all public*
17 *housing agencies participating in the MTW dem-*
18 *onstration shall be funded in accordance with the re-*
19 *quirements of the MTW demonstration program or*
20 *their MTW agreements, if any, and shall be subject to*
21 *the same uniform percentage decrease as under the*
22 *previous proviso: Provided further, That amounts*
23 *provided under this paragraph shall be only for ac-*
24 *tivities related to the provision of tenant-based rental*

1 *assistance authorized under section 8, including re-*
2 *lated development activities;*

3 *(4) \$314,000,000 for the renewal of tenant-based*
4 *assistance contracts under section 811 of the Cran-*
5 *ston-Gonzalez National Affordable Housing Act (42*
6 *U.S.C. 8013), including necessary administrative ex-*
7 *penditures: Provided, That administrative and other ex-*
8 *penses of public housing agencies in administering*
9 *the special purpose vouchers in this paragraph shall*
10 *be funded under the same terms and be subject to the*
11 *same pro rata reduction as the percent decrease for*
12 *administrative and other expenses to public housing*
13 *agencies under paragraph (3) of this heading: Pro-*
14 *vided further, That upon turnover, section 811 special*
15 *purpose vouchers funded under this heading in this or*
16 *prior Acts, or under any other heading in prior Acts,*
17 *shall be provided to non-elderly persons with disabili-*
18 *ties;*

19 *(5) Of the amounts provided under paragraph*
20 *(1) up to \$5,000,000 shall be for rental assistance and*
21 *associated administrative fees for Tribal HUD-VASH*
22 *to serve Native American veterans that are homeless*
23 *or at-risk of homelessness living on or near a reserva-*
24 *tion or other Indian areas: Provided, That such*
25 *amount shall be made available for renewal grants to*

1 recipients that received assistance under prior Acts
2 under the Tribal HUD–VASH program: Provided
3 further, That the Secretary shall be authorized to
4 specify criteria for renewal grants, including data on
5 the utilization of assistance reported by grant recipi-
6 ents: Provided further, That such assistance shall be
7 administered in accordance with program require-
8 ments under the Native American Housing Assistance
9 and Self-Determination Act of 1996 and modeled
10 after the HUD–VASH program: Provided further,
11 That the Secretary shall be authorized to waive, or
12 specify alternative requirements for any provision of
13 any statute or regulation that the Secretary admin-
14 isters in connection with the use of funds made avail-
15 able under this paragraph (except for requirements
16 related to fair housing, nondiscrimination, labor
17 standards, and the environment), upon a finding by
18 the Secretary that any such waivers or alternative re-
19 quirements are necessary for the effective delivery and
20 administration of such assistance: Provided further,
21 That grant recipients shall report to the Secretary on
22 utilization of such rental assistance and other pro-
23 gram data, as prescribed by the Secretary: Provided
24 further, That the Secretary may reallocate, as deter-
25 mined by the Secretary, amounts returned or recap-

1 *tured from awards under the Tribal HUD–VASH*
2 *program under prior Acts to existing recipients under*
3 *the Tribal HUD–VASH program;*

4 *(6) \$40,000,000 for incremental rental voucher*
5 *assistance for use through a supported housing pro-*
6 *gram administered in conjunction with the Depart-*
7 *ment of Veterans Affairs as authorized under section*
8 *8(o)(19) of the United States Housing Act of 1937:*
9 *Provided, That the Secretary of Housing and Urban*
10 *Development shall make such funding available, not-*
11 *withstanding section 203 (competition provision) of*
12 *this title, to public housing agencies that partner with*
13 *eligible VA Medical Centers or other entities as des-*
14 *ignated by the Secretary of the Department of Vet-*
15 *erans Affairs, based on geographical need for such as-*
16 *sistance as identified by the Secretary of the Depart-*
17 *ment of Veterans Affairs, public housing agency ad-*
18 *ministrative performance, and other factors as speci-*
19 *fied by the Secretary of Housing and Urban Develop-*
20 *ment in consultation with the Secretary of the De-*
21 *partment of Veterans Affairs: Provided further, That*
22 *the Secretary of Housing and Urban Development*
23 *may waive, or specify alternative requirements for (in*
24 *consultation with the Secretary of the Department of*
25 *Veterans Affairs), any provision of any statute or reg-*

1 *ulation that the Secretary of Housing and Urban De-*
2 *velopment administers in connection with the use of*
3 *funds made available under this paragraph (except*
4 *for requirements related to fair housing, non-*
5 *discrimination, labor standards, and the environ-*
6 *ment), upon a finding by the Secretary that any such*
7 *waivers or alternative requirements are necessary for*
8 *the effective delivery and administration of such*
9 *voucher assistance: Provided further, That assistance*
10 *made available under this paragraph shall continue*
11 *to remain available for homeless veterans upon turn-*
12 *over;*

13 *(7) \$25,000,000 shall be made available for the*
14 *family unification program as authorized under sec-*
15 *tion 8(x) of the Act: Provided, That the amounts*
16 *made available under this paragraph are provided as*
17 *follows:*

18 *(A) \$5,000,000 shall be for new incremental*
19 *voucher assistance: Provided, That the assistance*
20 *made available under this subparagraph shall*
21 *continue to remain available for family unifica-*
22 *tion upon turnover; and*

23 *(B) \$20,000,000 shall be for new incre-*
24 *mental voucher assistance to assist eligible youth*
25 *as defined by such section 8(x)(2)(B): Provided,*

1 *That assistance made available under this sub-*
2 *paragraph shall continue to remain available for*
3 *such eligible youth upon turnover: Provided fur-*
4 *ther, That of the total amount made available*
5 *under this subparagraph, up to \$10,000,000*
6 *shall be available on a noncompetitive basis to*
7 *public housing agencies that partner with public*
8 *child welfare agencies to identify such eligible*
9 *youth, that request such assistance to timely as-*
10 *sisst such eligible youth, and that meet any other*
11 *criteria as specified by the Secretary: Provided*
12 *further, That the Secretary shall review utiliza-*
13 *tion of the assistance made available under the*
14 *previous proviso, at an interval to be determined*
15 *by the Secretary, and unutilized voucher assist-*
16 *ance that is no longer needed shall be recaptured*
17 *by the Secretary and reallocated pursuant to the*
18 *previous proviso:*

19 *Provided further, That for any public housing agency*
20 *administering voucher assistance appropriated in a*
21 *prior Act under the family unification program, or*
22 *made available and competitively selected under this*
23 *paragraph, that determines that it no longer has an*
24 *identified need for such assistance upon turnover,*
25 *such agency shall notify the Secretary, and the Sec-*

1 *retary shall recapture such assistance from the agency*
2 *and reallocate it to any other public housing agency*
3 *or agencies based on need for voucher assistance in*
4 *connection with such specified program or eligible*
5 *youth, as applicable;*

6 *(8) \$43,439,000 shall be for incremental rental*
7 *voucher assistance under section 8(o) of the United*
8 *States Housing Act of 1937 for use by individuals*
9 *and families who are homeless, as defined in section*
10 *103(a) of the McKinney-Vento Homeless Assistance*
11 *Act (42 U.S.C. 11302(a)), at risk of homelessness, as*
12 *defined in section 401(1) of the McKinney-Vento*
13 *Homeless Assistance Act (42 U.S.C. 11360(1)), flee-*
14 *ing, or attempting to flee, domestic violence, dating*
15 *violence, sexual assault, or stalking, or veterans and*
16 *families that include a veteran family member that*
17 *meet one of the preceding criteria: Provided, That as-*
18 *stance made available under this paragraph shall*
19 *continue to remain available for such eligible individ-*
20 *uals and families upon turnover: Provided further,*
21 *That the Secretary shall make such funding available,*
22 *notwithstanding section 203 of this title (competition*
23 *provision) to public housing agencies that partner*
24 *with eligible continuums of care or other entities as*
25 *designated by the Secretary, based on geographical*

1 *need of such assistance, public housing agency admin-*
2 *istrative performance, and other factors as specified*
3 *by the Secretary: Provided further, That the Secretary*
4 *shall review utilization of the assistance made avail-*
5 *able under the preceding proviso, at an interval to be*
6 *determined by the Secretary, and unutilized voucher*
7 *assistance that is no longer needed shall be recaptured*
8 *by the Secretary and reallocated pursuant to the pre-*
9 *ceding proviso: Provided further, That, the Secretary*
10 *shall give preference to applicants that demonstrate a*
11 *strategy to coordinate assistance with services avail-*
12 *able in the community: Provided further, That none*
13 *of the funds provided in this paragraph may be used*
14 *to require people experiencing homelessness to receive*
15 *treatment or perform any other prerequisite activities*
16 *as a condition for receiving shelter, housing or other*
17 *services: Provided further, That the Secretary shall*
18 *issue guidance to implement the preceding proviso;*
19 *and*

20 *(9) the Secretary shall separately track all spe-*
21 *cial purpose vouchers funded under this heading.*

22 *HOUSING CERTIFICATE FUND*

23 *(INCLUDING RESCISSIONS)*

24 *Unobligated balances, including recaptures and carry-*
25 *over, remaining from funds appropriated to the Depart-*

1 *ment of Housing and Urban Development under this head-*
2 *ing, the heading “Annual Contributions for Assisted Hous-*
3 *ing” and the heading “Project-Based Rental Assistance”,*
4 *for fiscal year 2021 and prior years may be used for re-*
5 *newal of or amendments to section 8 project-based contracts*
6 *and for performance-based contract administrators, not-*
7 *withstanding the purposes for which such funds were appro-*
8 *priated: Provided, That any obligated balances of contract*
9 *authority from fiscal year 1974 and prior fiscal years that*
10 *have been terminated shall be rescinded: Provided further,*
11 *That amounts heretofore recaptured, or recaptured during*
12 *the current fiscal year, from section 8 project-based con-*
13 *tracts from source years fiscal year 1975 through fiscal year*
14 *1987 are hereby rescinded, and an amount of additional*
15 *new budget authority, equivalent to the amount rescinded*
16 *is hereby appropriated, to remain available until expended,*
17 *for the purposes set forth under this heading, in addition*
18 *to amounts otherwise available.*

19

PUBLIC HOUSING FUND

20 *For the operation and management of public housing,*
21 *as authorized by section 9(e) of the United States Housing*
22 *Act of 1937 (42 U.S.C. 1437g(e)) (the“Act”), and to carry*
23 *out capital and management activities for public housing*
24 *agencies, as authorized under section 9(d) of the Act (42*
25 *U.S.C. 1437g(d)), \$7,806,000,000, to remain available until*

1 *September 30, 2024: Provided, That the amounts made*
2 *available under this heading are provided as follows:*

3 (1) *\$4,839,000,000 shall be available to the Sec-*
4 *retary to allocate pursuant to the Operating Fund*
5 *formula at part 990 of title 24, Code of Federal Regu-*
6 *lations, for 2021 payments;*

7 (2) *\$25,000,000 shall be available to the Sec-*
8 *retary to allocate pursuant to a need-based applica-*
9 *tion process notwithstanding section 203 of this title*
10 *and not subject to such Operating Fund formula to*
11 *public housing agencies that experience, or are at risk*
12 *of, financial shortfalls, as determined by the Sec-*
13 *retary: Provided, That after all such shortfall needs*
14 *are met, the Secretary may distribute any remaining*
15 *funds to all public housing agencies on a pro-rata*
16 *basis pursuant to such Operating Fund formula;*

17 (3) *\$2,765,000,000 shall be available to the Sec-*
18 *retary to allocate pursuant to the Capital Fund for-*
19 *mula at section 905.400 of title 24, Code of Federal*
20 *Regulations: Provided, That for funds provided under*
21 *this paragraph, the limitation in section 9(g)(1) of*
22 *the Act shall be 25 percent: Provided further, That the*
23 *Secretary may waive the limitation in the previous*
24 *proviso to allow public housing agencies to fund ac-*
25 *tivities authorized under section 9(e)(1)(C) of the Act:*

1 *Provided further, That the Secretary shall notify public*
2 *housing agencies requesting waivers under the pre-*
3 *vious proviso if the request is approved or denied*
4 *within 14 days of submitting the request: Provided*
5 *further, That from the funds made available under*
6 *this paragraph, the Secretary shall provide bonus*
7 *awards in fiscal year 2021 to public housing agencies*
8 *that are designated high performers: Provided further,*
9 *That the Department shall notify public housing*
10 *agencies of their formula allocation within 60 days of*
11 *enactment of this Act;*

12 *(4) \$75,000,000 shall be available for the Sec-*
13 *retary to make grants, notwithstanding section 203 of*
14 *this title, to public housing agencies for emergency*
15 *capital needs, including safety and security measures*
16 *necessary to address crime and drug-related activity,*
17 *as well as needs resulting from unforeseen or unpre-*
18 *ventable emergencies and natural disasters excluding*
19 *Presidentially declared emergencies and natural dis-*
20 *asters under the Robert T. Stafford Disaster Relief*
21 *and Emergency Act (42 U.S.C. 5121 et seq.) occur-*
22 *ring in fiscal year 2021, of which \$45,000,000 shall*
23 *be available for public housing agencies under admin-*
24 *istrative and judicial receiverships or under the con-*
25 *trol of a Federal monitor: Provided, That of the*

1 *amount made available under this paragraph, not*
2 *less than \$10,000,000 shall be for safety and security*
3 *measures: Provided further, That in addition to the*
4 *amount in the previous proviso for such safety and*
5 *security measures, any amounts that remain avail-*
6 *able, after all applications received on or before Sep-*
7 *tember 30, 2022, for emergency capital needs have*
8 *been processed, shall be allocated to public housing*
9 *agencies for such safety and security measures;*

10 *(5) \$25,000,000 shall be for competitive grants to*
11 *public housing agencies to evaluate and reduce lead-*
12 *based paint hazards in public housing by carrying*
13 *out the activities of risk assessments, abatement, and*
14 *interim controls (as those terms are defined in section*
15 *1004 of the Residential Lead-Based Paint Hazard*
16 *Reduction Act of 1992 (42 U.S.C. 4851b)): Provided,*
17 *That for purposes of environmental review, a grant*
18 *under this paragraph shall be considered funds for*
19 *projects or activities under title I of the United States*
20 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) for pur-*
21 *poses of section 26 of such Act (42 U.S.C. 1437x) and*
22 *shall be subject to the regulations implementing such*
23 *section;*

24 *(6) \$35,000,000 shall be for competitive grants to*
25 *public housing agencies for activities authorized*

1 *under the Healthy Homes Initiative, pursuant to sec-*
2 *tions 501 and 502 of the Housing and Urban Devel-*
3 *opment Act of 1970, which shall include research,*
4 *studies, testing, and demonstration efforts, including*
5 *education and outreach concerning mold, radon, car-*
6 *bon monoxide poisoning, and other housing-related*
7 *diseases and hazards;*

8 (7) *\$15,000,000 shall be to support the costs of*
9 *administrative and judicial receiverships and for*
10 *competitive grants to PHAs in receivership, des-*
11 *ignated troubled or substandard, or otherwise at risk,*
12 *as determined by the Secretary, for costs associated*
13 *with public housing asset improvement, in addition*
14 *to other amounts for that purpose provided under any*
15 *heading under this title;*

16 (8) *\$23,000,000 shall be to support ongoing pub-*
17 *lic housing financial and physical assessment activi-*
18 *ties; and*

19 (9) *\$4,000,000 shall be for a radon testing and*
20 *mitigation resident safety demonstration program*
21 *(the radon demonstration) in public housing: Pro-*
22 *vided, That the testing method, mitigation method, or*
23 *action level used under the radon demonstration shall*
24 *be as specified by applicable State or local law, if*
25 *such law is more protective of human health or the*

1 *environment than the method or level specified by the*
2 *Secretary:*

3 *Provided further, That notwithstanding any other provision*
4 *of law or regulation, during fiscal year 2021, the Secretary*
5 *of Housing and Urban Development may not delegate to*
6 *any Department official other than the Deputy Secretary*
7 *and the Assistant Secretary for Public and Indian Housing*
8 *any authority under paragraph (2) of section 9(j) of the*
9 *Act regarding the extension of the time periods under such*
10 *section: Provided further, That for purposes of such section*
11 *9(j), the term “obligate” means, with respect to amounts,*
12 *that the amounts are subject to a binding agreement that*
13 *will result in outlays, immediately or in the future.*

14 *CHOICE NEIGHBORHOODS INITIATIVE*

15 *For competitive grants under the Choice Neighborhoods*
16 *Initiative (subject to section 24 of the United States Hous-*
17 *ing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified*
18 *under this heading), for transformation, rehabilitation, and*
19 *replacement housing needs of both public and HUD-assisted*
20 *housing and to transform neighborhoods of poverty into*
21 *functioning, sustainable mixed income neighborhoods with*
22 *appropriate services, schools, public assets, transportation*
23 *and access to jobs, \$200,000,000, to remain available until*
24 *September 30, 2023: Provided, That grant funds may be*
25 *used for resident and community services, community de-*

1 *velopment, and affordable housing needs in the community,*
2 *and for conversion of vacant or foreclosed properties to af-*
3 *fordable housing: Provided further, That the use of funds*
4 *made available under this heading shall not be deemed to*
5 *be for public housing notwithstanding section 3(b)(1) of*
6 *such Act: Provided further, That grantees shall commit to*
7 *an additional period of affordability determined by the Sec-*
8 *retary of not fewer than 20 years: Provided further, That*
9 *grantees shall provide a match in State, local, other Federal*
10 *or private funds: Provided further, That grantees may in-*
11 *clude local governments, Tribal entities, public housing*
12 *agencies, and nonprofit organizations: Provided further,*
13 *That for-profit developers may apply jointly with a public*
14 *entity: Provided further, That for purposes of environ-*
15 *mental review, a grantee shall be treated as a public hous-*
16 *ing agency under section 26 of the United States Housing*
17 *Act of 1937 (42 U.S.C. 1437x), and grants made with*
18 *amounts available under this heading shall be subject to the*
19 *regulations issued by the Secretary to implement such sec-*
20 *tion: Provided further, That of the amount provided under*
21 *this heading, not less than \$100,000,000 shall be awarded*
22 *to public housing agencies: Provided further, That such*
23 *grantees shall create partnerships with other local organiza-*
24 *tions, including assisted housing owners, service agencies,*
25 *and resident organizations: Provided further, That the Sec-*

1 *retary shall consult with the Secretaries of Education,*
2 *Labor, Transportation, Health and Human Services, Agri-*
3 *culture, and Commerce, the Attorney General, and the Ad-*
4 *ministrato*r of the Environmental Protection Agency to co-
5 *ordinate and leverage other appropriate Federal resources:*
6 *Provided further, That not more than \$5,000,000 of funds*
7 *made available under this heading may be provided as*
8 *grants to undertake comprehensive local planning with*
9 *input from residents and the community: Provided further,*
10 *That unobligated balances, including recaptures, remaining*
11 *from funds appropriated under the heading “Revitalization*
12 *of Severely Distressed Public Housing (HOPE VI)” in fis-*
13 *cal year 2011 and prior fiscal years may be used for pur-*
14 *poses under this heading, notwithstanding the purposes for*
15 *which such amounts were appropriated: Provided further,*
16 *That the Secretary shall make grant awards not later than*
17 *1 year after the date of enactment of this Act in such*
18 *amounts that the Secretary determines: Provided further,*
19 *That notwithstanding section 24(o) of the United States*
20 *Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary*
21 *may, until September 30, 2023, obligate any available un-*
22 *obligated balances made available under this heading in*
23 *this or any prior Act.*

1 *accordance with procedures established by the Sec-*
2 *retary: Provided further, That such procedures estab-*
3 *lished pursuant to the previous proviso shall permit*
4 *participating tenants to accrue escrow funds in ac-*
5 *cordance with section 23(d)(2) of such Act and shall*
6 *allow owners to use funding from residual receipt ac-*
7 *counts to hire coordinators for their own Family Self-*
8 *Sufficiency program;*

9 *(2) \$35,000,000 shall be for the Resident Oppor-*
10 *tunity and Self-Sufficiency program to provide for*
11 *supportive services, service coordinators, and con-*
12 *gregate services as authorized by section 34 of the*
13 *United States Housing Act of 1937 (42 U.S.C. 1437z-*
14 *6) and the Native American Housing Assistance and*
15 *Self-Determination Act of 1996 (25 U.S.C. 4101 et*
16 *seq.); and*

17 *(3) \$15,000,000 shall be for a Jobs-Plus initia-*
18 *tive, modeled after the Jobs-Plus demonstration: Pro-*
19 *vided, That funding provided under this paragraph*
20 *shall be available for competitive grants to partner-*
21 *ships between public housing authorities, local work-*
22 *force investment boards established under section 107*
23 *of the Workforce Innovation and Opportunity Act of*
24 *2014 (29 U.S.C. 3122), and other agencies and orga-*
25 *nizations that provide support to help public housing*

1 *residents obtain employment and increase earnings:*
2 *Provided further, That applicants must demonstrate*
3 *the ability to provide services to residents, partner*
4 *with workforce investment boards, and leverage serv-*
5 *ice dollars: Provided further, That the Secretary may*
6 *allow public housing agencies to request exemptions*
7 *from rent and income limitation requirements under*
8 *sections 3 and 6 of the United States Housing Act of*
9 *1937 (42 U.S.C. 1437a, 1437d), as necessary to im-*
10 *plement the Jobs-Plus program, on such terms and*
11 *conditions as the Secretary may approve upon a find-*
12 *ing by the Secretary that any such waivers or alter-*
13 *native requirements are necessary for the effective im-*
14 *plementation of the Jobs-Plus initiative as a vol-*
15 *untary program for residents: Provided further, That*
16 *the Secretary shall publish by notice in the Federal*
17 *Register any waivers or alternative requirements pur-*
18 *suant to the preceding proviso no later than 10 days*
19 *before the effective date of such notice.*

20 *NATIVE AMERICAN PROGRAMS*

21 *For activities and assistance authorized under title I*
22 *of the Native American Housing Assistance and Self-Deter-*
23 *mination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et*
24 *seq.), title I of the Housing and Community Development*
25 *Act of 1974 with respect to Indian tribes (42 U.S.C.*

1 5306(a)(1)), and related training and technical assistance,
2 \$825,000,000, to remain available until September 30,
3 2025: Provided, That the amounts made available under
4 this heading are provided as follows:

5 (1) \$647,000,000 shall be available for the Native
6 American Housing Block Grants program, as author-
7 ized under title I of NAHASDA: Provided, That, not-
8 withstanding NAHASDA, to determine the amount of
9 the allocation under title I of such Act for each In-
10 dian tribe, the Secretary shall apply the formula
11 under section 302 of NAHASDA with the need com-
12 ponent based on single-race census data and with the
13 need component based on multi-race census data, and
14 the amount of the allocation for each Indian tribe
15 shall be the greater of the two resulting allocation
16 amounts: Provided further, That the Secretary will
17 notify grantees of their formula allocation within 60
18 days of the date of enactment of this Act;

19 (2) \$100,000,000 shall be available for competi-
20 tive grants under the Native American Housing Block
21 Grants program, as authorized under title I of
22 NAHASDA: Provided, That the Secretary shall obli-
23 gate this additional amount for competitive grants to
24 eligible recipients authorized under NAHASDA that
25 apply for funds: Provided further, That in awarding

1 *this additional amount, the Secretary shall consider*
2 *need and administrative capacity, and shall give pri-*
3 *ority to projects that will spur construction and reha-*
4 *bilitation of housing: Provided further, That a grant*
5 *funded pursuant to this paragraph shall be in an*
6 *amount not less than \$500,000 and not greater than*
7 *\$10,000,000: Provided further, That any funds trans-*
8 *ferred for the necessary costs of administering and*
9 *overseeing the obligation and expenditure of such ad-*
10 *ditional amounts in prior Acts may also be used for*
11 *the necessary costs of administering and overseeing*
12 *such additional amount;*

13 *(3) \$1,000,000 shall be available for the cost of*
14 *guaranteed notes and other obligations, as authorized*
15 *by title VI of NAHASDA: Provided, That such costs,*
16 *including the costs of modifying such notes and other*
17 *obligations, shall be as defined in section 502 of the*
18 *Congressional Budget Act of 1974, as amended: Pro-*
19 *vided further, That for fiscal year 2021 funds made*
20 *available in this Act for the cost of guaranteed notes*
21 *and other obligations and any unobligated balances,*
22 *including recaptures and carryover, remaining from*
23 *amounts appropriated for this purpose under this*
24 *heading or under the heading “Native American*
25 *Housing Block Grants” in prior Acts are available to*

1 *subsidize the total principal amount of any notes and*
2 *other obligations, any part of which is to be guaran-*
3 *teed, not to exceed \$45,649,452;*

4 *(4) \$70,000,000 shall be available for grants to*
5 *Indian tribes for carrying out the Indian Community*
6 *Development Block Grant program under title I of the*
7 *Housing and Community Development Act of 1974,*
8 *notwithstanding section 106(a)(1) of such Act, of*
9 *which, notwithstanding any other provision of law*
10 *(including section 203 of this Act), up to \$4,000,000*
11 *may be used for emergencies that constitute imminent*
12 *threats to health and safety: Provided, That not to ex-*
13 *ceed 20 percent of any grant made with funds appro-*
14 *priated under this paragraph shall be expended for*
15 *planning and management development and adminis-*
16 *tration; and*

17 *(5) \$7,000,000 shall be available for providing*
18 *training and technical assistance to Indian tribes, In-*
19 *Indian housing authorities, and tribally designated*
20 *housing entities, to support the inspection of Indian*
21 *housing units, contract expertise, and for training*
22 *and technical assistance related to funding provided*
23 *under this heading and other headings under this Act*
24 *for the needs of Native American families and Indian*
25 *country: Provided, That of the funds made available*

1 *under this paragraph, not less than \$2,000,000 shall*
2 *be available for a national organization as authorized*
3 *under section 703 of NAHASDA (25 U.S.C. 4212):*
4 *Provided further, That amounts made available under*
5 *this paragraph may be used, contracted, or competed*
6 *as determined by the Secretary: Provided further,*
7 *That notwithstanding the provisions of the Federal*
8 *Grant and Cooperative Agreements Act of 1977 (31*
9 *U.S.C. 6301–6308), the amounts made available*
10 *under this paragraph may be used by the Secretary*
11 *to enter into cooperative agreements with public and*
12 *private organizations, agencies, institutions, and*
13 *other technical assistance providers to support the ad-*
14 *ministration of negotiated rulemaking under section*
15 *106 of NAHASDA (25 U.S.C. 4116), the administra-*
16 *tion of the allocation formula under section 302 of*
17 *NAHASDA (25 U.S.C. 4152), and the administration*
18 *of performance tracking and reporting under section*
19 *407 of NAHASDA (25 U.S.C. 4167).*

20 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

21 *ACCOUNT*

22 *For the cost of guaranteed loans, as authorized by sec-*
23 *tion 184 of the Housing and Community Development Act*
24 *of 1992 (12 U.S.C. 1715z–13a), \$1,500,000, to remain*
25 *available until expended: Provided, That such costs, includ-*

1 *ing the costs of modifying such loans, shall be as defined*
2 *in section 502 of the Congressional Budget Act of 1974: Pro-*
3 *vided further, That an additional \$500,000, to remain*
4 *available until expended, shall be available for administra-*
5 *tive contract expenses including management processes to*
6 *carry out the loan guarantee program: Provided further,*
7 *That for fiscal year 2021 funds made available in this and*
8 *prior Acts for the cost of guaranteed loans, as authorized*
9 *by section 184 of the Housing and Community Development*
10 *Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated,*
11 *including recaptures and carryover, are available to sub-*
12 *sidize total loan principal, any part of which is to be guar-*
13 *anteed, up to \$1,000,000,000.*

14 *NATIVE HAWAIIAN HOUSING BLOCK GRANT*

15 *For the Native Hawaiian Housing Block Grant pro-*
16 *gram, as authorized under title VIII of the Native American*
17 *Housing Assistance and Self-Determination Act of 1996 (25*
18 *U.S.C. 4221 et seq.), \$2,000,000, to remain available until*
19 *September 30, 2025: Provided, That notwithstanding sec-*
20 *tion 812(b) of such Act, the Department of Hawaiian Home*
21 *Lands may not invest grant amounts made available under*
22 *this heading in investment securities and other obligations:*
23 *Provided further, That amounts made available under this*
24 *heading in this and prior fiscal years may be used to pro-*
25 *vide rental assistance to eligible Native Hawaiian families*

1 *both on and off the Hawaiian Home Lands, notwith-*
2 *standing any other provision of law.*

3 *COMMUNITY PLANNING AND DEVELOPMENT*

4 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

5 *For carrying out the Housing Opportunities for Per-*
6 *sons with AIDS program, as authorized by the AIDS Hous-*
7 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*
8 *\$430,000,000, to remain available until September 30,*
9 *2022, except that amounts allocated pursuant to section*
10 *854(c)(5) of such Act shall remain available until Sep-*
11 *tember 30, 2023: Provided, That the Secretary shall renew*
12 *or replace all expiring contracts for permanent supportive*
13 *housing that initially were funded under section 854(c)(5)*
14 *of such Act from funds made available under this heading*
15 *in fiscal year 2010 and prior fiscal years that meet all pro-*
16 *gram requirements before awarding funds for new contracts*
17 *under such section: Provided further, That the process for*
18 *submitting amendments and approving replacement con-*
19 *tracts shall be established by the Secretary in a notice: Pro-*
20 *vided further, That the Department shall notify grantees of*
21 *their formula allocation within 60 days of enactment of this*
22 *Act.*

23 *COMMUNITY DEVELOPMENT FUND*

24 *For carrying out the community development block*
25 *grant program under title I of the Housing and Community*

1 *Development Act of 1974, as amended (42 U.S.C. 5301 et*
2 *seq.) (in this heading “the Act”), \$3,475,000,000, to remain*
3 *available until September 30, 2023, unless otherwise speci-*
4 *fied: Provided, That unless explicitly provided for under*
5 *this heading, not to exceed 20 percent of any grant made*
6 *with funds made available under this heading shall be ex-*
7 *pended for planning and management development and ad-*
8 *ministration: Provided further, That a metropolitan city,*
9 *urban county, unit of general local government, or insular*
10 *area that directly or indirectly receives funds under this*
11 *heading may not sell, trade, or otherwise transfer all or any*
12 *portion of such funds to another such entity in exchange*
13 *for any other funds, credits, or non-Federal considerations,*
14 *but shall use such funds for activities eligible under title*
15 *I of the Act: Provided further, That notwithstanding section*
16 *105(e)(1) of the Act, no funds made available under this*
17 *heading may be provided to a for-profit entity for an eco-*
18 *nomie development project under section 105(a)(17) unless*
19 *such project has been evaluated and selected in accordance*
20 *with guidelines required under subsection (e)(2) of section*
21 *105: Provided further, That of the total amount provided*
22 *under this heading, \$25,000,000 shall be for activities au-*
23 *thorized under section 8071 of the SUPPORT for Patients*
24 *and Communities Act (Public Law 115–271): Provided fur-*
25 *ther, That the funds allocated pursuant to the preceding*

1 *proviso shall not adversely affect the amount of any formula*
2 *assistance received by a State under this heading: Provided*
3 *further, That the Secretary shall allocate the funds for such*
4 *activities based on the notice establishing the funding for-*
5 *mula published in 84 FR 16027 (April 17, 2019) except*
6 *that the formula shall use age-adjusted rates of drug over-*
7 *dose deaths for 2018 based on data from the Centers for*
8 *Disease Control and Prevention: Provided further, That the*
9 *Department of Housing and Urban Development shall no-*
10 *tify grantees of their formula allocation within 60 days of*
11 *enactment of this Act.*

12 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*

13 *ACCOUNT*

14 *Subject to section 502 of the Congressional Budget Act*
15 *of 1974 (2 U.S.C. 661a), during fiscal year 2021, commit-*
16 *ments to guarantee loans under section 108 of the Housing*
17 *and Community Development Act of 1974 (42 U.S.C.*
18 *5308), any part of which is guaranteed, shall not exceed*
19 *a total principal amount of \$300,000,000, notwithstanding*
20 *any aggregate limitation on outstanding obligations guar-*
21 *anteed in subsection (k) of such section 108: Provided, That*
22 *the Secretary shall collect fees from borrowers, notwith-*
23 *standing subsection (m) of such section 108, to result in*
24 *a credit subsidy cost of zero for guaranteeing such loans,*
25 *and any such fees shall be collected in accordance with sec-*

1 *tion 502(7) of the Congressional Budget Act of 1974: Pro-*
2 *vided further, That such commitment authority funded by*
3 *fees may be used to guarantee, or make commitments to*
4 *guarantee, notes or other obligations issued by any State*
5 *on behalf of non-entitlement communities in the State in*
6 *accordance with the requirements of such section 108: Pro-*
7 *vided further, That any State receiving such a guarantee*
8 *or commitment under the preceding proviso shall distribute*
9 *all funds subject to such guarantee to the units of general*
10 *local government in nonentitlement areas that received the*
11 *commitment.*

12 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

13 *For the HOME Investment Partnerships program, as*
14 *authorized under title II of the Cranston-Gonzalez National*
15 *Affordable Housing Act, as amended (42 U.S.C. 12721 et*
16 *seq.), \$1,350,000,000, to remain available until September*
17 *30, 2024: Provided, That notwithstanding the amount made*
18 *available under this heading, the threshold reduction re-*
19 *quirements in sections 216(10) and 217(b)(4) of such Act*
20 *shall not apply to allocations of such amount: Provided fur-*
21 *ther, That the Department shall notify grantees of their for-*
22 *mula allocations within 60 days after enactment of this Act:*
23 *Provided further, That section 218(g) of such Act (42 U.S.C.*
24 *12748(g)) shall not apply with respect to the right of a ju-*
25 *risdiction to draw funds from its HOME Investment Trust*

1 *Fund that otherwise expired or would expire in 2016, 2017,*
2 *2018, 2019, 2020, 2021, 2022, or 2023 under that section:*
3 *Provided further, That section 231(b) of such Act (42 U.S.C.*
4 *12771(b)) shall not apply to any uninvested funds that oth-*
5 *erwise were deducted or would be deducted from the line*
6 *of credit in the participating jurisdiction's HOME Invest-*
7 *ment Trust Fund in 2018, 2019, 2020, 2021, 2022, or 2023*
8 *under that section.*

9 *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY*
10 *PROGRAM*

11 *For the Self-Help and Assisted Homeownership Op-*
12 *portunity Program, as authorized under section 11 of the*
13 *Housing Opportunity Program Extension Act of 1996 (42*
14 *U.S.C. 12805 note), \$60,000,000, to remain available until*
15 *September 30, 2023: Provided, That of the total amount*
16 *made available under this heading, \$10,000,000 shall be for*
17 *the Self-Help Homeownership Opportunity Program as au-*
18 *thorized under such section 11: Provided further, That of*
19 *the total amount made available under this heading,*
20 *\$41,000,000 shall be for the second, third, and fourth capac-*
21 *ity building entities specified in section 4(a) of the HUD*
22 *Demonstration Act of 1993 (42 U.S.C. 9816 note), of which*
23 *not less than \$5,000,000 shall be for rural capacity building*
24 *activities: Provided further, That of the total amount made*
25 *available under this heading, \$5,000,000 shall be for capac-*

1 *ity building by national rural housing organizations hav-*
2 *ing experience assessing national rural conditions and pro-*
3 *viding financing, training, technical assistance, informa-*
4 *tion, and research to local nonprofit organizations, local*
5 *governments, and Indian Tribes serving high need rural*
6 *communities: Provided further, That of the total amount*
7 *provided under this heading, \$4,000,000, shall be made*
8 *available for a program to rehabilitate and modify the*
9 *homes of disabled or low-income veterans, as authorized*
10 *under section 1079 of Public Law 113–291: Provided fur-*
11 *ther, That the issuance of a Notice of Funding Availability*
12 *for the funds provided under the previous proviso shall be*
13 *completed within 120 days of enactment of this Act and*
14 *such funds shall be awarded within 180 days of such*
15 *issuance.*

16 *HOMELESS ASSISTANCE GRANTS*

17 *For assistance under title IV of the McKinney-Vento*
18 *Homeless Assistance Act (42 U.S.C. 11360 et seq.),*
19 *\$3,000,000,000, to remain available until September 30,*
20 *2023: Provided, That of the amounts made available under*
21 *this heading—*

22 *(1) not less than \$290,000,000 shall be for the*
23 *Emergency Solutions Grants program authorized*
24 *under subtitle B of such title IV (42 U.S.C. 11371 et*
25 *seq.): Provided further, That the Department shall no-*

1 *tify grantees of their formula allocation from amounts*
2 *allocated (which may represent initial or final*
3 *amounts allocated) for the Emergency Solutions*
4 *Grant program not later than 60 days after enact-*
5 *ment of this Act;*

6 *(2) not less than \$2,569,000,000 shall be for the*
7 *Continuum of Care program authorized under sub-*
8 *title C of such title IV (42 U.S.C. 11381 et seq.) and*
9 *the Rural Housing Stability Assistance programs au-*
10 *thorized under subtitle D of such title IV (42 U.S.C.*
11 *11408): Provided further, That the Secretary shall*
12 *prioritize funding under the Continuum of Care pro-*
13 *gram to continuums of care that have demonstrated*
14 *a capacity to reallocate funding from lower per-*
15 *forming projects to higher performing projects: Pro-*
16 *vided further, That the Secretary shall provide incen-*
17 *tives to create projects that coordinate with housing*
18 *providers and healthcare organizations to provide*
19 *permanent supportive housing and rapid re-housing*
20 *services: Provided further, That amounts made avail-*
21 *able for the Continuum of Care program under this*
22 *heading in this Act and any remaining unobligated*
23 *balances from prior Acts may be used to competitively*
24 *or non-competitively renew or replace grants for*
25 *youth homeless demonstration projects under the Con-*

1 *tinuum of Care program, notwithstanding any con-*
2 *flict with the requirements of the Continuum of Care*
3 *program;*

4 (3) *up to \$52,000,000 shall be for grants for*
5 *rapid re-housing projects and supportive service*
6 *projects providing coordinated entry, and for eligible*
7 *activities the Secretary determines to be critical in*
8 *order to assist survivors of domestic violence, dating*
9 *violence, sexual assault, or stalking, except that the*
10 *Secretary may make additional grants for such*
11 *projects and purposes from amounts made available*
12 *for such Continuum of Care program: Provided fur-*
13 *ther, That such projects shall be eligible for renewal*
14 *under the Continuum of Care program subject to the*
15 *same terms and conditions as other renewal appli-*
16 *cants;*

17 (4) *up to \$7,000,000 shall be for the national*
18 *homeless data analysis project: Provided further, That*
19 *notwithstanding the provisions of the Federal Grant*
20 *and Cooperative Agreements Act of 1977 (31 U.S.C.*
21 *6301–6308), the amounts made available under this*
22 *paragraph and any remaining unobligated balances*
23 *under this heading for such purposes in prior Acts*
24 *may be used by the Secretary to enter into cooperative*
25 *agreements with such entities as may be determined*

1 *by the Secretary, including public and private orga-*
2 *nizations, agencies, and institutions; and*

3 *(5) up to \$82,000,000 shall be to implement*
4 *projects to demonstrate how a comprehensive ap-*
5 *proach to serving homeless youth, age 24 and under,*
6 *in up to 25 communities with a priority for commu-*
7 *nities with substantial rural populations in up to*
8 *eight locations, can dramatically reduce youth home-*
9 *lessness: Provided further, That of the amount made*
10 *available under this paragraph, up to \$10,000,000*
11 *shall be to provide technical assistance on improving*
12 *system responses to youth homelessness, and collection,*
13 *analysis, use, and reporting of data and performance*
14 *measures under the comprehensive approaches to serve*
15 *homeless youth, in addition to and in coordination*
16 *with other technical assistance funds provided under*
17 *this title: Provided further, That the Secretary may*
18 *use up to 10 percent of the amount made available*
19 *under the previous proviso to build the capacity of*
20 *current technical assistance providers or to train new*
21 *technical assistance providers with verifiable prior ex-*
22 *perience with systems and programs for youth experi-*
23 *encing homelessness:*

24 *Provided further, That youth aged 24 and under seeking*
25 *assistance under this heading shall not be required to pro-*

1 *vide third party documentation to establish their eligibility*
2 *under subsection (a) or (b) of section 103 of the McKinney-*
3 *Vento Homeless Assistance Act (42 U.S.C. 11302) to receive*
4 *services: Provided further, That unaccompanied youth aged*
5 *24 and under or families headed by youth aged 24 and*
6 *under who are living in unsafe situations may be served*
7 *by youth-serving providers funded under this heading: Pro-*
8 *vided further, That persons eligible under section 103(a)(5)*
9 *of the McKinney-Vento Homeless Assistance Act may be*
10 *served by any project funded under this heading to provide*
11 *both transitional housing and rapid re-housing: Provided*
12 *further, That for all matching funds requirements applica-*
13 *ble to funds made available under this heading for this fis-*
14 *cal year and prior fiscal years, a grantee may use (or could*
15 *have used) as a source of match funds other funds adminis-*
16 *tered by the Secretary and other Federal agencies unless*
17 *there is (or was) a specific statutory prohibition on any*
18 *such use of any such funds: Provided further, That none*
19 *of the funds made available under this heading shall be*
20 *available to provide funding for new projects, except for*
21 *projects created through reallocation, unless the Secretary*
22 *determines that the continuum of care has demonstrated*
23 *that projects are evaluated and ranked based on the degree*
24 *to which they improve the continuum of care's system per-*
25 *formance: Provided further, That any unobligated amounts*

1 *remaining from funds made available under this heading*
2 *in fiscal year 2012 and prior years for project-based rental*
3 *assistance for rehabilitation projects with 10-year grant*
4 *terms may be used for purposes under this heading, not-*
5 *withstanding the purposes for which such funds were appro-*
6 *priated: Provided further, That unobligated balances, in-*
7 *cluding recaptures and carryover, remaining from funds*
8 *transferred to or appropriated under this heading in fiscal*
9 *year 2019 or prior years, except for rental assistance*
10 *amounts that were recaptured and made available until ex-*
11 *pendent, shall be available for the current purposes author-*
12 *ized under this heading in addition to the purposes for*
13 *which such funds originally were appropriated.*

14 *HOUSING PROGRAMS*

15 *PROJECT-BASED RENTAL ASSISTANCE*

16 *For activities and assistance for the provision of*
17 *project-based subsidy contracts under the United States*
18 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”),*
19 *not otherwise provided for, \$13,065,000,000, to remain*
20 *available until expended, shall be available on October 1,*
21 *2020 (in addition to the \$400,000,000 previously appro-*
22 *priated under this heading that became available October*
23 *1, 2020), and \$400,000,000, to remain available until ex-*
24 *pendent, shall be available on October 1, 2021: Provided,*
25 *That the amounts made available under this heading shall*

1 *be available for expiring or terminating section 8 project-*
2 *based subsidy contracts (including section 8 moderate reha-*
3 *bilitation contracts), for amendments to section 8 project-*
4 *based subsidy contracts (including section 8 moderate reha-*
5 *bilitation contracts), for contracts entered into pursuant to*
6 *section 441 of the McKinney-Vento Homeless Assistance Act*
7 *(42 U.S.C. 11401), for renewal of section 8 contracts for*
8 *units in projects that are subject to approved plans of action*
9 *under the Emergency Low Income Housing Preservation*
10 *Act of 1987 or the Low-Income Housing Preservation and*
11 *Resident Homeownership Act of 1990, and for administra-*
12 *tive and other expenses associated with project-based activi-*
13 *ties and assistance funded under this heading: Provided fur-*
14 *ther, That of the total amounts provided under this heading,*
15 *not to exceed \$350,000,000 shall be available for perform-*
16 *ance-based contract administrators for section 8 project-*
17 *based assistance, for carrying out 42 U.S.C. 1437(f): Pro-*
18 *vided further, That the Secretary may also use such*
19 *amounts in the previous proviso for performance-based con-*
20 *tract administrators for the administration of: interest re-*
21 *duction payments pursuant to section 236(a) of the Na-*
22 *tional Housing Act (12 U.S.C. 1715z-1(a)); rent supple-*
23 *ment payments pursuant to section 101 of the Housing and*
24 *Urban Development Act of 1965 (12 U.S.C. 1701s); section*
25 *236(f)(2) rental assistance payments (12 U.S.C. 1715z-*

1 1(f)(2)); project rental assistance contracts for the elderly
2 under section 202(c)(2) of the Housing Act of 1959 (12
3 U.S.C. 1701q); project rental assistance contracts for sup-
4 portive housing for persons with disabilities under section
5 811(d)(2) of the Cranston-Gonzalez National Affordable
6 Housing Act (42 U.S.C. 8013(d)(2)); project assistance con-
7 tracts pursuant to section 202(h) of the Housing Act of 1959
8 (Public Law 86–372; 73 Stat. 667); and loans under section
9 202 of the Housing Act of 1959 (Public Law 86–372; 73
10 Stat. 667): Provided further, That amounts recaptured
11 under this heading, the heading “Annual Contributions for
12 Assisted Housing”, or the heading “Housing Certificate
13 Fund”, may be used for renewals of or amendments to sec-
14 tion 8 project-based contracts or for performance-based con-
15 tract administrators, notwithstanding the purposes for
16 which such amounts were appropriated: Provided further,
17 That, notwithstanding any other provision of law, upon the
18 request of the Secretary, project funds that are held in resid-
19 ual receipts accounts for any project subject to a section
20 8 project-based Housing Assistance Payments contract that
21 authorizes the Department or a housing finance agency to
22 require that surplus project funds be deposited in an inter-
23 est-bearing residual receipts account and that are in excess
24 of an amount to be determined by the Secretary, shall be
25 remitted to the Department and deposited in this account,

1 *to be available until expended: Provided further, That*
2 *amounts deposited pursuant to the previous proviso shall*
3 *be available in addition to the amount otherwise provided*
4 *by this heading for uses authorized under this heading.*

5 *HOUSING FOR THE ELDERLY*

6 *For capital advances, including amendments to cap-*
7 *ital advance contracts, for housing for the elderly, as au-*
8 *thorized by section 202 of the Housing Act of 1959 (12*
9 *U.S.C. 1701q), for project rental assistance for the elderly*
10 *under section 202(c)(2) of such Act, including amendments*
11 *to contracts for such assistance and renewal of expiring con-*
12 *tracts for such assistance for up to a 5-year term, for senior*
13 *preservation rental assistance contracts, including renew-*
14 *als, as authorized by section 811(e) of the American Home-*
15 *ownership and Economic Opportunity Act of 2000 (12*
16 *U.S.C. 1701q note), and for supportive services associated*
17 *with the housing, \$855,000,000 to remain available until*
18 *September 30, 2024: Provided, That of the amount made*
19 *available under this heading, up to \$125,000,000 shall be*
20 *for service coordinators and the continuation of existing*
21 *congregate service grants for residents of assisted housing*
22 *projects: Provided further, That amounts made available*
23 *under this heading shall be available for Real Estate Assess-*
24 *ment Center inspections and inspection-related activities*
25 *associated with section 202 projects: Provided further, That*

1 *the Secretary may waive the provisions of section 202 gov-*
2 *erning the terms and conditions of project rental assistance,*
3 *except that the initial contract term for such assistance*
4 *shall not exceed 5 years in duration: Provided further, That*
5 *upon request of the Secretary, project funds that are held*
6 *in residual receipts accounts for any project subject to a*
7 *section 202 project rental assistance contract, and that*
8 *upon termination of such contract are in excess of an*
9 *amount to be determined by the Secretary, shall be remitted*
10 *to the Department and deposited in this account, to remain*
11 *available until September 30, 2024: Provided further, That*
12 *amounts deposited in this account pursuant to the previous*
13 *proviso shall be available, in addition to the amounts other-*
14 *wise provided by this heading, for the purposes authorized*
15 *under this heading: Provided further, That unobligated bal-*
16 *ances, including recaptures and carryover, remaining from*
17 *funds transferred to or appropriated under this heading*
18 *shall be available for the current purposes authorized under*
19 *this heading in addition to the purposes for which such*
20 *funds originally were appropriated: Provided further, That*
21 *of the total amount made available under this heading, up*
22 *to \$14,000,000 shall be used by the Secretary to continue*
23 *demonstration programs to test housing with services mod-*
24 *els for the elderly that demonstrate the potential to delay*
25 *or avoid the need for nursing home care: Provided further,*

1 *That of the total amount made available under this head-*
2 *ing, up to \$5,000,000 shall be used to expand the supply*
3 *of intergenerational dwelling units (as such term is defined*
4 *in section 202 of the Legacy Act of 2003 (12 U.S.C. 1701q*
5 *note)) for elderly caregivers raising children.*

6 *HOUSING FOR PERSONS WITH DISABILITIES*

7 *For capital advances, including amendments to cap-*
8 *ital advance contracts, for supportive housing for persons*
9 *with disabilities, as authorized by section 811 of the Cran-*
10 *ston-Gonzalez National Affordable Housing Act (42 U.S.C.*
11 *8013), for project rental assistance for supportive housing*
12 *for persons with disabilities under section 811(d)(2) of such*
13 *Act, for project assistance contracts pursuant to subsection*
14 *(h) of section 202 of the Housing Act of 1959, as added*
15 *by section 205(a) of the Housing and Community Develop-*
16 *ment Amendments of 1978 (Public Law 95–557: 92 Stat.*
17 *2090), including amendments to contracts for such assist-*
18 *ance and renewal of expiring contracts for such assistance*
19 *for up to a 1-year term, for project rental assistance to*
20 *State housing finance agencies and other appropriate enti-*
21 *ties as authorized under section 811(b)(3) of the Cranston-*
22 *Gonzalez National Affordable Housing Act, and for sup-*
23 *portive services associated with the housing for persons with*
24 *disabilities as authorized by section 811(b)(1) of such Act,*
25 *\$227,000,000, to remain available until September 30,*

1 *2024: Provided, That amounts made available under this*
2 *heading shall be available for Real Estate Assessment Cen-*
3 *ter inspections and inspection-related activities associated*
4 *with section 811 projects: Provided further, That, upon the*
5 *request of the Secretary, project funds that are held in resid-*
6 *ual receipts accounts for any project subject to a section*
7 *811 project rental assistance contract, and that upon termi-*
8 *nation of such contract are in excess of an amount to be*
9 *determined by the Secretary, shall be remitted to the De-*
10 *partment and deposited in this account, to remain available*
11 *until September 30, 2024: Provided further, That amounts*
12 *deposited in this account pursuant to the previous proviso*
13 *shall be available in addition to the amounts otherwise pro-*
14 *vided by this heading for the purposes authorized under this*
15 *heading: Provided further, That unobligated balances, in-*
16 *cluding recaptures and carryover, remaining from funds*
17 *transferred to or appropriated under this heading shall be*
18 *used for the current purposes authorized under this heading*
19 *in addition to the purposes for which such funds originally*
20 *were appropriated.*

21 *HOUSING COUNSELING ASSISTANCE*

22 *For contracts, grants, and other assistance excluding*
23 *loans, as authorized under section 106 of the Housing and*
24 *Urban Development Act of 1968, as amended, \$57,500,000,*
25 *to remain available until September 30, 2022, including*

1 up to \$4,500,000 for administrative contract services: Pro-
2 vided, That funds shall be used for providing counseling
3 and advice to tenants and homeowners, both current and
4 prospective, with respect to property maintenance, finan-
5 cial management or literacy, and such other matters as
6 may be appropriate to assist them in improving their hous-
7 ing conditions, meeting their financial needs, and fulfilling
8 the responsibilities of tenancy or homeownership; for pro-
9 gram administration; and for housing counselor training:
10 Provided further, That for purposes of providing such
11 grants from amounts provided under this heading, the Sec-
12 retary may enter into multiyear agreements, as appro-
13 priate, subject to the availability of annual appropriations:
14 Provided further, That an additional \$20,000,000 (not sub-
15 ject to such section 106), to remain available until Sep-
16 tember 30, 2023, shall be for competitive grants to nonprofit
17 or governmental entities to provide legal assistance (includ-
18 ing assistance related to pretrial activities, trial activities,
19 post-trial activities and alternative dispute resolution) at
20 no cost to eligible low-income tenants at risk of or subject
21 to eviction: Provided further, That in awarding grants
22 under the preceding proviso, the Secretary shall give pref-
23 erence to applicants that include a marketing strategy for
24 residents of areas with high rates of eviction, have experi-
25 ence providing no-cost legal assistance to low-income indi-

1 *viduals, including those with limited English proficiency*
2 *or disabilities, and have sufficient capacity to administer*
3 *such assistance: Provided further, That the Secretary shall*
4 *ensure, to the extent practicable, that the proportion of eligi-*
5 *ble tenants living in rural areas who will receive legal as-*
6 *sistance with grant funds made available under this head-*
7 *ing is not less than the overall proportion of eligible tenants*
8 *who live in rural areas.*

9 *PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND*

10 *For necessary expenses as authorized by the National*
11 *Manufactured Housing Construction and Safety Standards*
12 *Act of 1974 (42 U.S.C. 5401 et seq.), up to \$13,000,000,*
13 *to remain available until expended, of which \$13,000,000*
14 *shall be derived from the Manufactured Housing Fees Trust*
15 *Fund (established under section 620(e) of such Act (42*
16 *U.S.C. 5419(e)): Provided, That not to exceed the total*
17 *amount appropriated under this heading shall be available*
18 *from the general fund of the Treasury to the extent nec-*
19 *essary to incur obligations and make expenditures pending*
20 *the receipt of collections to the Fund pursuant to section*
21 *620 of such Act: Provided further, That the amount made*
22 *available under this heading from the general fund shall*
23 *be reduced as such collections are received during fiscal year*
24 *2021 so as to result in a final fiscal year 2021 appropria-*
25 *tion from the general fund estimated at zero, and fees pur-*

1 *suant to such section 620 shall be modified as necessary*
2 *to ensure such a final fiscal year 2021 appropriation: Pro-*
3 *vided further, That for the dispute resolution and installa-*
4 *tion programs, the Secretary may assess and collect fees*
5 *from any program participant: Provided further, That such*
6 *collections shall be deposited into the Trust Fund, and the*
7 *Secretary, as provided herein, may use such collections, as*
8 *well as fees collected under section 620 of such Act, for nec-*
9 *essary expenses of such Act: Provided further, That, not-*
10 *withstanding the requirements of section 620 of such Act,*
11 *the Secretary may carry out responsibilities of the Sec-*
12 *retary under such Act through the use of approved service*
13 *providers that are paid directly by the recipients of their*
14 *services.*

15 *FEDERAL HOUSING ADMINISTRATION*

16 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

17 *New commitments to guarantee single family loans in-*
18 *sured under the Mutual Mortgage Insurance Fund shall not*
19 *exceed \$400,000,000,000, to remain available until Sep-*
20 *tember 30, 2022: Provided, That during fiscal year 2021,*
21 *obligations to make direct loans to carry out the purposes*
22 *of section 204(g) of the National Housing Act, as amended,*
23 *shall not exceed \$1,000,000: Provided further, That the fore-*
24 *going amount in the previous proviso shall be for loans to*
25 *nonprofit and governmental entities in connection with*

1 *sales of single family real properties owned by the Secretary*
2 *and formerly insured under the Mutual Mortgage Insurance*
3 *Fund: Provided further, That for administrative contract*
4 *expenses of the Federal Housing Administration,*
5 *\$130,000,000, to remain available until September 30,*
6 *2022: Provided further, That to the extent guaranteed loan*
7 *commitments exceed \$200,000,000,000 on or before April 1,*
8 *2021, an additional \$1,400 for administrative contract ex-*
9 *penses shall be available for each \$1,000,000 in additional*
10 *guaranteed loan commitments (including a pro rata*
11 *amount for any amount below \$1,000,000), but in no case*
12 *shall funds made available by this proviso exceed*
13 *\$30,000,000: Provided further, That notwithstanding the*
14 *limitation in the first sentence of section 255(g) of the Na-*
15 *tional Housing Act (12 U.S.C. 1715z-20(g)), during fiscal*
16 *year 2021 the Secretary may insure and enter into new*
17 *commitments to insure mortgages under section 255 of the*
18 *National Housing Act only to the extent that the net credit*
19 *subsidy cost for such insurance does not exceed zero.*

20 *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

21 *New commitments to guarantee loans insured under*
22 *the General and Special Risk Insurance Funds, as author-*
23 *ized by sections 238 and 519 of the National Housing Act*
24 *(12 U.S.C. 1715z-3 and 1735c), shall not exceed*
25 *\$30,000,000,000 in total loan principal, any part of which*

1 *is to be guaranteed, to remain available until September*
2 *30, 2022: Provided, That during fiscal year 2021, gross ob-*
3 *ligations for the principal amount of direct loans, as au-*
4 *thorized by sections 204(g), 207(l), 238, and 519(a) of the*
5 *National Housing Act, shall not exceed \$1,000,000, which*
6 *shall be for loans to nonprofit and governmental entities*
7 *in connection with the sale of single family real properties*
8 *owned by the Secretary and formerly insured under such*
9 *Act.*

10 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*

11 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*

12 *GUARANTEE PROGRAM ACCOUNT*

13 *New commitments to issue guarantees to carry out the*
14 *purposes of section 306 of the National Housing Act, as*
15 *amended (12 U.S.C. 1721(g)), shall not exceed*
16 *\$1,300,000,000,000, to remain available until September*
17 *30, 2022: Provided, That \$33,500,000, to remain available*
18 *until September 30, 2022, shall be for necessary salaries*
19 *and expenses of the Office of Government National Mortgage*
20 *Association: Provided further, That to the extent that guar-*
21 *anteed loan commitments exceed \$155,000,000,000 on or be-*
22 *fore April 1, 2021, an additional \$100 for necessary salaries*
23 *and expenses shall be available until expended for each*
24 *\$1,000,000 in additional guaranteed loan commitments*
25 *(including a pro rata amount for any amount below*

1 \$1,000,000), but in no case shall funds made available by
2 this proviso exceed \$3,000,000: Provided further, That re-
3 ceipts from Commitment and Multiclass fees collected pur-
4 suant to title III of the National Housing Act (12 U.S.C.
5 1716 et seq.) shall be credited as offsetting collections to this
6 account.

7 *POLICY DEVELOPMENT AND RESEARCH*

8 *RESEARCH AND TECHNOLOGY*

9 *For contracts, grants, and necessary expenses of pro-*
10 *grams of research and studies relating to housing and*
11 *urban problems, not otherwise provided for, as authorized*
12 *by title V of the Housing and Urban Development Act of*
13 *1970 (12 U.S.C. 1701z-1 et seq.), including carrying out*
14 *the functions of the Secretary of Housing and Urban Devel-*
15 *opment under section 1(a)(1)(i) of Reorganization Plan No.*
16 *2 of 1968, and for technical assistance, \$105,000,000, to re-*
17 *main available until September 30, 2022: Provided, That*
18 *with respect to amounts made available under this heading,*
19 *notwithstanding section 203 of this title, the Secretary may*
20 *enter into cooperative agreements with philanthropic enti-*
21 *ties, other Federal agencies, State or local governments and*
22 *their agencies, Indian Tribes, tribally designated housing*
23 *entities, or colleges or universities for research projects: Pro-*
24 *vided further, That with respect to the preceding proviso,*
25 *such partners to the cooperative agreements shall contribute*

1 *at least a 50 percent match toward the cost of the project:*
2 *Provided further, That for non-competitive agreements en-*
3 *tered into in accordance with the preceding two provisos,*
4 *the Secretary shall comply with section 2(b) of the Federal*
5 *Funding Accountability and Transparency Act of 2006*
6 *(Public Law 109–282, 31 U.S.C. note) in lieu of compliance*
7 *with section 102(a)(4)(C) of the Department of Housing*
8 *and Urban Development Reform Act of 1989 (42 U.S.C.*
9 *3545(a)(4)(C)) with respect to documentation of award de-*
10 *cisions: Provided further, That prior to obligation of tech-*
11 *nical assistance funding, the Secretary shall submit a plan*
12 *to the House and Senate Committees on Appropriations on*
13 *how the Secretary will allocate funding for this activity at*
14 *least 30 days prior to obligation: Provided further, That*
15 *none of the funds provided under this heading may be avail-*
16 *able for the doctoral dissertation research grant program.*

17 *FAIR HOUSING AND EQUAL OPPORTUNITY*

18 *FAIR HOUSING ACTIVITIES*

19 *For contracts, grants, and other assistance, not other-*
20 *wise provided for, as authorized by title VIII of the Civil*
21 *Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section*
22 *561 of the Housing and Community Development Act of*
23 *1987 (42 U.S.C. 3616a), \$72,555,000, to remain available*
24 *until September 30, 2022: Provided, That notwithstanding*
25 *section 3302 of title 31, United States Code, the Secretary*

1 *may assess and collect fees to cover the costs of the Fair*
2 *Housing Training Academy, and may use such funds to*
3 *develop on-line courses and provide such training: Provided*
4 *further, That none of the funds made available under this*
5 *heading may be used to lobby the executive or legislative*
6 *branches of the Federal Government in connection with a*
7 *specific contract, grant, or loan: Provided further, That of*
8 *the funds made available under this heading, \$350,000 shall*
9 *be available to the Secretary for the creation and promotion*
10 *of translated materials and other programs that support the*
11 *assistance of persons with limited English proficiency in*
12 *utilizing the services provided by the Department of Hous-*
13 *ing and Urban Development.*

14 *OFFICE OF LEAD HAZARD CONTROL AND HEALTHY*

15 *HOMES*

16 *LEAD HAZARD REDUCTION*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the Lead Hazard Reduction Program, as author-*
19 *ized by section 1011 of the Residential Lead-Based Paint*
20 *Hazard Reduction Act of 1992, \$360,000,000, to remain*
21 *available until September 30, 2023, of which \$60,000,000*
22 *shall be for the Healthy Homes Initiative, pursuant to sec-*
23 *tions 501 and 502 of the Housing and Urban Development*
24 *Act of 1970, which shall include research, studies, testing,*
25 *and demonstration efforts, including education and out-*

1 reach concerning lead-based paint poisoning and other
2 housing-related diseases and hazards: Provided, That for
3 purposes of environmental review, pursuant to the National
4 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
5 and other provisions of law that further the purposes of such
6 Act, a grant under the Healthy Homes Initiative, or the
7 Lead Technical Studies program under this heading or
8 under prior appropriations Acts for such purposes under
9 this heading, shall be considered to be funds for a special
10 project for purposes of section 305(c) of the Multifamily
11 Housing Property Disposition Reform Act of 1994: Pro-
12 vided further, That not less than \$95,000,000 of the
13 amounts made available under this heading for the award
14 of grants pursuant to section 1011 of the Residential Lead-
15 Based Paint Hazard Reduction Act of 1992 shall be pro-
16 vided to areas with the highest lead-based paint abatement
17 needs: Provided further, That with respect to obligated
18 amounts appropriated under this heading in title II of divi-
19 sion G of the Consolidated Appropriations Act, 2019 (Pub-
20 lic Law 116–6) for the implementation of projects to dem-
21 onstrate how intensive, extended, multi-year interventions
22 can dramatically reduce the presence of lead-based paint
23 hazards in communities: (1) such projects may serve more
24 than four contiguous census tracts; (2) such projects shall
25 allow for enrollment of families and homes within the com-

1 munity beyond where the initially targeted census tracts
2 were located, provided that such projects meet the highest
3 lead-based paint abatement needs, as determined by the Sec-
4 retary; and (3) such projects may exceed 5 years in dura-
5 tion, notwithstanding any inconsistent requirements: Pro-
6 vided further, That of the amount made available for the
7 Healthy Homes Initiative, \$5,000,000 shall be for the im-
8 plementation of projects in up to five communities that are
9 served by both the Healthy Homes Initiative and the De-
10 partment of Energy weatherization programs to dem-
11 onstrate whether the coordination of Healthy Homes reme-
12 diation activities with weatherization activities achieves
13 cost savings and better outcomes in improving the safety
14 and quality of homes: Provided further, That each appli-
15 cant for a grant or cooperative agreement under this head-
16 ing shall certify adequate capacity that is acceptable to the
17 Secretary to carry out the proposed use of funds pursuant
18 to a notice of funding availability: Provided further, That
19 of the amounts made available under this heading,
20 \$10,000,000 shall be for a program established by the Sec-
21 retary to make grants to experienced non-profit organiza-
22 tions, States, local governments, or public housing agencies
23 for safety and functional home modification repairs to meet
24 the needs of low-income elderly homeowners to enable them
25 to remain in their primary residence: Provided further,

1 *That of the total amount made available under the previous*
2 *proviso, no less than \$5,000,000 shall be available to meet*
3 *such needs in communities with substantial rural popu-*
4 *lations: Provided further, That amounts made available*
5 *under this heading, except for amounts in the previous two*
6 *provisos, in this or prior appropriations Acts, still remain-*
7 *ing available, may be used for any purpose under this head-*
8 *ing notwithstanding the purpose for which such amounts*
9 *were appropriated if a program competition is undersub-*
10 *scribed and there are other program competitions under this*
11 *heading that are oversubscribed: Provided further, That up*
12 *to \$2,000,000 of the amounts made available under this*
13 *heading may be transferred to the heading “Policy Develop-*
14 *ment and Research” for the purposes of conducting research*
15 *and studies and for use in accordance with the provisos*
16 *under that heading for non-competitive agreements.*

17 *INFORMATION TECHNOLOGY FUND*

18 *For the development, modernization, and enhancement*
19 *of, modifications to, and infrastructure for Department-*
20 *wide and program-specific information technology systems,*
21 *for the continuing operation and maintenance of both De-*
22 *partment-wide and program-specific information systems,*
23 *and for program-related maintenance activities,*
24 *\$300,000,000, of which \$260,000,000 shall remain available*
25 *until September 30, 2022, and of which \$40,000,000 shall*

1 *remain available until September 30, 2024: Provided, That*
2 *any amounts transferred to this Fund under this Act shall*
3 *remain available until expended: Provided further, That*
4 *any amounts transferred to this Fund from amounts appro-*
5 *priated by previously enacted appropriations Acts may be*
6 *used for the purposes specified under this Fund, in addition*
7 *to any other information technology purposes for which*
8 *such amounts were appropriated: Provided further, That*
9 *not more than 10 percent of the funds made available under*
10 *this heading for development, modernization, and enhance-*
11 *ment may be obligated until the Secretary submits a per-*
12 *formance plan to the House and Senate Committees on Ap-*
13 *propriations for approval.*

14 *OFFICE OF INSPECTOR GENERAL*

15 *For necessary salaries and expenses of the Office of In-*
16 *spector General in carrying out the Inspector General Act*
17 *of 1978, as amended, \$135,514,000: Provided, That the In-*
18 *spector General shall have independent authority over all*
19 *personnel issues within this office: Provided further, That*
20 *for this fiscal year and each fiscal year thereafter, subject*
21 *to appropriations for that purpose, the Office of Inspector*
22 *General shall procure and rely upon the services of an inde-*
23 *pendent external auditor(s) to audit the financial state-*
24 *ments of the Department of Housing and Urban Develop-*
25 *ment, including the consolidated financial statement and*

1 *the financial statements of the Federal Housing Adminis-*
2 *tration and the Government National Mortgage Association:*
3 *Provided further, That in addition to amounts under this*
4 *heading otherwise available for the purposes specified in the*
5 *previous proviso, \$1,686,000 shall be available only for such*
6 *specified purposes.*

7 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*

8 *URBAN DEVELOPMENT*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *(INCLUDING RESCISSIONS)*

11 *SEC. 201. Fifty percent of the amounts of budget au-*
12 *thority, or in lieu thereof 50 percent of the cash amounts*
13 *associated with such budget authority, that are recaptured*
14 *from projects described in section 1012(a) of the Stewart*
15 *B. McKinney Homeless Assistance Amendments Act of 1988*
16 *(42 U.S.C. 1437f note) shall be rescinded or in the case of*
17 *cash, shall be remitted to the Treasury, and such amounts*
18 *of budget authority or cash recaptured and not rescinded*
19 *or remitted to the Treasury shall be used by State housing*
20 *finance agencies or local governments or local housing agen-*
21 *cies with projects approved by the Secretary of Housing and*
22 *Urban Development for which settlement occurred after*
23 *January 1, 1992, in accordance with such section. Notwith-*
24 *standing the previous sentence, the Secretary may award*
25 *up to 15 percent of the budget authority or cash recaptured*

1 *and not rescinded or remitted to the Treasury to provide*
2 *project owners with incentives to refinance their project at*
3 *a lower interest rate.*

4 *SEC. 202. None of the funds made available by this*
5 *Act may be used during fiscal year 2021 to investigate or*
6 *prosecute under the Fair Housing Act any otherwise lawful*
7 *activity engaged in by one or more persons, including the*
8 *filing or maintaining of a nonfrivolous legal action, that*
9 *is engaged in solely for the purpose of achieving or pre-*
10 *venting action by a Government official or entity, or a*
11 *court of competent jurisdiction.*

12 *SEC. 203. Except as explicitly provided in law, any*
13 *grant, cooperative agreement or other assistance made pur-*
14 *suant to title II of this Act shall be made on a competitive*
15 *basis and in accordance with section 102 of the Department*
16 *of Housing and Urban Development Reform Act of 1989*
17 *(42 U.S.C. 3545).*

18 *SEC. 204. Funds of the Department of Housing and*
19 *Urban Development subject to the Government Corporation*
20 *Control Act or section 402 of the Housing Act of 1950 shall*
21 *be available, without regard to the limitations on adminis-*
22 *trative expenses, for legal services on a contract or fee basis,*
23 *and for utilizing and making payment for services and fa-*
24 *cilities of the Federal National Mortgage Association, Gov-*
25 *ernment National Mortgage Association, Federal Home*

1 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
2 *eral Reserve banks or any member thereof, Federal Home*
3 *Loan banks, and any insured bank within the meaning of*
4 *the Federal Deposit Insurance Corporation Act, as amended*
5 *(12 U.S.C. 1811–1).*

6 *SEC. 205. Unless otherwise provided for in this Act*
7 *or through a reprogramming of funds, no part of any ap-*
8 *propriation for the Department of Housing and Urban De-*
9 *velopment shall be available for any program, project or*
10 *activity in excess of amounts set forth in the budget esti-*
11 *mates submitted to Congress.*

12 *SEC. 206. Corporations and agencies of the Depart-*
13 *ment of Housing and Urban Development which are subject*
14 *to the Government Corporation Control Act are hereby au-*
15 *thorized to make such expenditures, within the limits of*
16 *funds and borrowing authority available to each such cor-*
17 *poration or agency and in accordance with law, and to*
18 *make such contracts and commitments without regard to*
19 *fiscal year limitations as provided by section 104 of such*
20 *Act as may be necessary in carrying out the programs set*
21 *forth in the budget for 2021 for such corporation or agency*
22 *except as hereinafter provided: Provided, That collections*
23 *of these corporations and agencies may be used for new loan*
24 *or mortgage purchase commitments only to the extent ex-*
25 *pressly provided for in this Act (unless such loans are in*

1 *support of other forms of assistance provided for in this or*
2 *prior appropriations Acts), except that this proviso shall*
3 *not apply to the mortgage insurance or guaranty operations*
4 *of these corporations, or where loans or mortgage purchases*
5 *are necessary to protect the financial interest of the United*
6 *States Government.*

7 *SEC. 207. The Secretary shall provide quarterly re-*
8 *ports to the House and Senate Committees on Appropria-*
9 *tions regarding all uncommitted, unobligated, recaptured*
10 *and excess funds in each program and activity within the*
11 *jurisdiction of the Department and shall submit additional,*
12 *updated budget information to these Committees upon re-*
13 *quest.*

14 *SEC. 208. None of the funds made available by this*
15 *title may be used for an audit of the Government National*
16 *Mortgage Association that makes applicable requirements*
17 *under the Federal Credit Reform Act of 1990 (2 U.S.C. 661*
18 *et seq.).*

19 *SEC. 209. (a) Notwithstanding any other provision of*
20 *law, subject to the conditions listed under this section, for*
21 *fiscal years 2021 and 2022, the Secretary of Housing and*
22 *Urban Development may authorize the transfer of some or*
23 *all project-based assistance, debt held or insured by the Sec-*
24 *retary and statutorily required low-income and very low-*
25 *income use restrictions if any, associated with one or more*

1 *multifamily housing project or projects to another multi-*
2 *family housing project or projects.*

3 (b) *PHASED TRANSFERS.*—*Transfers of project-based*
4 *assistance under this section may be done in phases to ac-*
5 *commodate the financing and other requirements related to*
6 *rehabilitating or constructing the project or projects to*
7 *which the assistance is transferred, to ensure that such*
8 *project or projects meet the standards under subsection (c).*

9 (c) *The transfer authorized in subsection (a) is subject*
10 *to the following conditions:*

11 (1) *NUMBER AND BEDROOM SIZE OF UNITS.*—

12 (A) *For occupied units in the transferring*
13 *project: The number of low-income and very low-*
14 *income units and the configuration (i.e., bed-*
15 *room size) provided by the transferring project*
16 *shall be no less than when transferred to the re-*
17 *ceiving project or projects and the net dollar*
18 *amount of Federal assistance provided to the*
19 *transferring project shall remain the same in the*
20 *receiving project or projects.*

21 (B) *For unoccupied units in the transfer-*
22 *ring project: The Secretary may authorize a re-*
23 *duction in the number of dwelling units in the*
24 *receiving project or projects to allow for a recon-*
25 *figuration of bedroom sizes to meet current mar-*

1 *ket demands, as determined by the Secretary and*
2 *provided there is no increase in the project-based*
3 *assistance budget authority.*

4 *(2) The transferring project shall, as determined*
5 *by the Secretary, be either physically obsolete or eco-*
6 *nomically nonviable, or be reasonably expected to be-*
7 *come economically nonviable when complying with*
8 *state or Federal requirements for community integra-*
9 *tion and reduced concentration of individuals with*
10 *disabilities.*

11 *(3) The receiving project or projects shall meet or*
12 *exceed applicable physical standards established by*
13 *the Secretary.*

14 *(4) The owner or mortgagor of the transferring*
15 *project shall notify and consult with the tenants re-*
16 *siding in the transferring project and provide a cer-*
17 *tification of approval by all appropriate local govern-*
18 *mental officials.*

19 *(5) The tenants of the transferring project who*
20 *remain eligible for assistance to be provided by the re-*
21 *ceiving project or projects shall not be required to va-*
22 *cate their units in the transferring project or projects*
23 *until new units in the receiving project are available*
24 *for occupancy.*

1 (6) *The Secretary determines that this transfer is*
2 *in the best interest of the tenants.*

3 (7) *If either the transferring project or the re-*
4 *ceiving project or projects meets the condition speci-*
5 *fied in subsection (d)(2)(A), any lien on the receiving*
6 *project resulting from additional financing obtained*
7 *by the owner shall be subordinate to any FHA-in-*
8 *sured mortgage lien transferred to, or placed on, such*
9 *project by the Secretary, except that the Secretary*
10 *may waive this requirement upon determination that*
11 *such a waiver is necessary to facilitate the financing*
12 *of acquisition, construction, and/or rehabilitation of*
13 *the receiving project or projects.*

14 (8) *If the transferring project meets the require-*
15 *ments of subsection (d)(2), the owner or mortgagor of*
16 *the receiving project or projects shall execute and*
17 *record either a continuation of the existing use agree-*
18 *ment or a new use agreement for the project where,*
19 *in either case, any use restrictions in such agreement*
20 *are of no lesser duration than the existing use restric-*
21 *tions.*

22 (9) *The transfer does not increase the cost (as de-*
23 *finied in section 502 of the Congressional Budget Act*
24 *of 1974(2 U.S.C. 661a)) of any FHA-insured mort-*
25 *gage, except to the extent that appropriations are pro-*

1 *vided in advance for the amount of any such in-*
2 *creased cost.*

3 *(d) For purposes of this section—*

4 *(1) the terms “low-income” and “very low-in-*
5 *come” shall have the meanings provided by the statute*
6 *and/or regulations governing the program under*
7 *which the project is insured or assisted;*

8 *(2) the term “multifamily housing project”*
9 *means housing that meets one of the following condi-*
10 *tions—*

11 *(A) housing that is subject to a mortgage*
12 *insured under the National Housing Act;*

13 *(B) housing that has project-based assist-*
14 *ance attached to the structure including projects*
15 *undergoing mark to market debt restructuring*
16 *under the Multifamily Assisted Housing Reform*
17 *and Affordability Housing Act;*

18 *(C) housing that is assisted under section*
19 *202 of the Housing Act of 1959 (12 U.S.C.*
20 *1701q);*

21 *(D) housing that is assisted under section*
22 *202 of the Housing Act of 1959 (12 U.S.C.*
23 *1701q), as such section existed before the enact-*
24 *ment of the Cranston-Gonzales National Afford-*
25 *able Housing Act;*

1 (E) housing that is assisted under section
2 811 of the Cranston-Gonzales National Afford-
3 able Housing Act (42 U.S.C. 8013); or

4 (F) housing or vacant land that is subject
5 to a use agreement;

6 (3) the term “project-based assistance” means—

7 (A) assistance provided under section 8(b)
8 of the United States Housing Act of 1937 (42
9 U.S.C. 1437f(b));

10 (B) assistance for housing constructed or
11 substantially rehabilitated pursuant to assistance
12 provided under section 8(b)(2) of such Act (as
13 such section existed immediately before October
14 1, 1983);

15 (C) rent supplement payments under sec-
16 tion 101 of the Housing and Urban Development
17 Act of 1965 (12 U.S.C. 1701s);

18 (D) interest reduction payments under sec-
19 tion 236 and/or additional assistance payments
20 under section 236(f)(2) of the National Housing
21 Act (12 U.S.C. 1715z-1);

22 (E) assistance payments made under sec-
23 tion 202(c)(2) of the Housing Act of 1959 (12
24 U.S.C. 1701q(c)(2)); and

1 (F) assistance payments made under section
2 811(d)(2) of the Cranston-Gonzalez National Af-
3 fordable Housing Act (42 U.S.C. 8013(d)(2));

4 (4) the term “receiving project or projects”
5 means the multifamily housing project or projects to
6 which some or all of the project-based assistance, debt,
7 and statutorily required low-income and very low-in-
8 come use restrictions are to be transferred;

9 (5) the term “transferring project” means the
10 multifamily housing project which is transferring
11 some or all of the project-based assistance, debt, and
12 the statutorily required low-income and very low-in-
13 come use restrictions to the receiving project or
14 projects; and

15 (6) the term “Secretary” means the Secretary of
16 Housing and Urban Development.

17 (e) RESEARCH REPORT.—The Secretary shall conduct
18 an evaluation of the transfer authority under this section,
19 including the effect of such transfers on the operational effi-
20 ciency, contract rents, physical and financial conditions,
21 and long-term preservation of the affected properties.

22 SEC. 210. (a) No assistance shall be provided under
23 section 8 of the United States Housing Act of 1937 (42
24 U.S.C. 1437f) to any individual who—

1 (1) *is enrolled as a student at an institution of*
2 *higher education (as defined under section 102 of the*
3 *Higher Education Act of 1965 (20 U.S.C. 1002));*

4 (2) *is under 24 years of age;*

5 (3) *is not a veteran;*

6 (4) *is unmarried;*

7 (5) *does not have a dependent child;*

8 (6) *is not a person with disabilities, as such*
9 *term is defined in section 3(b)(3)(E) of the United*
10 *States Housing Act of 1937 (42 U.S.C.*
11 *1437a(b)(3)(E)) and was not receiving assistance*
12 *under such section 8 as of November 30, 2005;*

13 (7) *is not a youth who left foster care at age 14*
14 *or older and is at risk of becoming homeless; and*

15 (8) *is not otherwise individually eligible, or has*
16 *parents who, individually or jointly, are not eligible,*
17 *to receive assistance under section 8 of the United*
18 *States Housing Act of 1937 (42 U.S.C. 1437f).*

19 (b) *For purposes of determining the eligibility of a per-*
20 *son to receive assistance under section 8 of the United States*
21 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
22 *sistance (in excess of amounts received for tuition and any*
23 *other required fees and charges) that an individual receives*
24 *under the Higher Education Act of 1965 (20 U.S.C. 1001*
25 *et seq.), from private sources, or from an institution of high-*

1 *er education (as defined under section 102 of the Higher*
2 *Education Act of 1965 (20 U.S.C. 1002)), shall be consid-*
3 *ered income to that individual, except for a person over the*
4 *age of 23 with dependent children.*

5 *SEC. 211. The funds made available for Native Alas-*
6 *kans under paragraph (1) under the heading “Native Amer-*
7 *ican Programs” in title II of this Act shall be allocated to*
8 *the same Native Alaskan housing block grant recipients that*
9 *received funds in fiscal year 2005, and only such recipients*
10 *shall be eligible to apply for funds made available under*
11 *paragraph (2) of such heading.*

12 *SEC. 212. Notwithstanding any other provision of law,*
13 *in fiscal year 2021, in managing and disposing of any mul-*
14 *tifamily property that is owned or has a mortgage held by*
15 *the Secretary of Housing and Urban Development, and dur-*
16 *ing the process of foreclosure on any property with a con-*
17 *tract for rental assistance payments under section 8 of the*
18 *United States Housing Act of 1937 (42 U.S.C. 1437f) or*
19 *any other Federal programs, the Secretary shall maintain*
20 *any rental assistance payments under section 8 of the*
21 *United States Housing Act of 1937 and other programs that*
22 *are attached to any dwelling units in the property. To the*
23 *extent the Secretary determines, in consultation with the*
24 *tenants and the local government that such a multifamily*
25 *property owned or having a mortgage held by the Secretary*

1 *is not feasible for continued rental assistance payments*
2 *under such section 8 or other programs, based on consider-*
3 *ation of (1) the costs of rehabilitating and operating the*
4 *property and all available Federal, State, and local re-*
5 *sources, including rent adjustments under section 524 of the*
6 *Multifamily Assisted Housing Reform and Affordability*
7 *Act of 1997 (“MAHRAA”) (42 U.S.C. 1437f note), and (2)*
8 *environmental conditions that cannot be remedied in a cost-*
9 *effective fashion, the Secretary may, in consultation with*
10 *the tenants of that property, contract for project-based rent-*
11 *al assistance payments with an owner or owners of other*
12 *existing housing properties, or provide other rental assist-*
13 *ance. The Secretary shall also take appropriate steps to en-*
14 *sure that project-based contracts remain in effect prior to*
15 *foreclosure, subject to the exercise of contractual abatement*
16 *remedies to assist relocation of tenants for imminent major*
17 *threats to health and safety after written notice to and in-*
18 *formed consent of the affected tenants and use of other avail-*
19 *able remedies, such as partial abatements or receivership.*
20 *After disposition of any multifamily property described in*
21 *this section, the contract and allowable rent levels on such*
22 *properties shall be subject to the requirements under section*
23 *524 of MAHRAA.*

24 *SEC. 213. Public housing agencies that own and oper-*
25 *ate 400 or fewer public housing units may elect to be exempt*

1 *from any asset management requirement imposed by the*
2 *Secretary in connection with the operating fund rule: Pro-*
3 *vided, That an agency seeking a discontinuance of a reduc-*
4 *tion of subsidy under the operating fund formula shall not*
5 *be exempt from asset management requirements.*

6 *SEC. 214. With respect to the use of amounts provided*
7 *in this Act and in future Acts for the operation, capital*
8 *improvement, and management of public housing as au-*
9 *thorized by sections 9(d) and 9(e) of the United States*
10 *Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Secretary*
11 *shall not impose any requirement or guideline relating to*
12 *asset management that restricts or limits in any way the*
13 *use of capital funds for central office costs pursuant to*
14 *paragraph (1) or (2) of section 9(g) of the United States*
15 *Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided,*
16 *That a public housing agency may not use capital funds*
17 *authorized under section 9(d) for activities that are eligible*
18 *under section 9(e) for assistance with amounts from the op-*
19 *erating fund in excess of the amounts permitted under*
20 *paragraph (1) or (2) of section 9(g).*

21 *SEC. 215. No official or employee of the Department*
22 *of Housing and Urban Development shall be designated as*
23 *an allotment holder unless the Office of the Chief Financial*
24 *Officer has determined that such allotment holder has im-*
25 *plemented an adequate system of funds control and has re-*

1 *ceived training in funds control procedures and directives.*
2 *The Chief Financial Officer shall ensure that there is a*
3 *trained allotment holder for each HUD appropriation*
4 *under the accounts “Executive Offices”, “Administrative*
5 *Support Offices”, “Program Offices”, “Government Na-*
6 *tional Mortgage Association—Guarantees of Mortgage-*
7 *Backed Securities Loan Guarantee Program Account”, and*
8 *“Office of Inspector General” within the Department of*
9 *Housing and Urban Development.*

10 *SEC. 216. The Secretary shall, for fiscal year 2021,*
11 *notify the public through the Federal Register and other*
12 *means, as determined appropriate, of the issuance of a no-*
13 *tice of the availability of assistance or notice of funding*
14 *availability (NOFA) for any program or discretionary fund*
15 *administered by the Secretary that is to be competitively*
16 *awarded. Notwithstanding any other provision of law, for*
17 *fiscal year 2021, the Secretary may make the NOFA avail-*
18 *able only on the Internet at the appropriate Government*
19 *website or through other electronic media, as determined by*
20 *the Secretary.*

21 *SEC. 217. Payment of attorney fees in program-related*
22 *litigation shall be paid from the individual program office*
23 *and Office of General Counsel salaries and expenses appro-*
24 *priations. The annual budget submission for the program*
25 *offices and the Office of General Counsel shall include any*

1 *such projected litigation costs for attorney fees as a separate*
2 *line item request.*

3 *SEC. 218. The Secretary is authorized to transfer up*
4 *to 10 percent or \$5,000,000, whichever is less, of funds ap-*
5 *propriated for any office under the headings “Administra-*
6 *tive Support Offices” or “Program Offices” to any other*
7 *such office under such headings: Provided, That no appro-*
8 *priation for any such office under such headings shall be*
9 *increased or decreased by more than 10 percent or*
10 *\$5,000,000, whichever is less, without prior written ap-*
11 *proval of the House and Senate Committees on Appropria-*
12 *tions: Provided further, That the Secretary shall provide no-*
13 *tification to such Committees 3 business days in advance*
14 *of any such transfers under this section up to 10 percent*
15 *or \$5,000,000, whichever is less.*

16 *SEC. 219. (a) Any entity receiving housing assistance*
17 *payments shall maintain decent, safe, and sanitary condi-*
18 *tions, as determined by the Secretary, and comply with any*
19 *standards under applicable State or local laws, rules, ordi-*
20 *nances, or regulations relating to the physical condition of*
21 *any property covered under a housing assistance payment*
22 *contract.*

23 *(b) The Secretary shall take action under subsection*
24 *(c) when a multifamily housing project with a contract*
25 *under section 8 of the United States Housing Act of 1937*

1 *(42 U.S.C. 1437f) or a contract for similar project-based*
2 *assistance—*

3 *(1) receives a Uniform Physical Condition*
4 *Standards (UPCS) score of 60 or less; or*

5 *(2) fails to certify in writing to the Secretary*
6 *within 3 days that all Exigent Health and Safety de-*
7 *ficiencies identified by the inspector at the project*
8 *have been corrected.*

9 *Such requirements shall apply to insured and noninsured*
10 *projects with assistance attached to the units under section*
11 *8 of the United States Housing Act of 1937 (42 U.S.C.*
12 *1437f), but shall not apply to such units assisted under sec-*
13 *tion 8(o)(13) of such Act (42 U.S.C. 1437f(o)(13)) or to*
14 *public housing units assisted with capital or operating*
15 *funds under section 9 of the United States Housing Act of*
16 *1937 (42 U.S.C. 1437g).*

17 *(c)(1) Within 15 days of the issuance of the Real Es-*
18 *tate Assessment Center (“REAC”) inspection, the Secretary*
19 *shall provide the owner with a Notice of Default with a*
20 *specified timetable, determined by the Secretary, for cor-*
21 *recting all deficiencies. The Secretary shall provide a copy*
22 *of the Notice of Default to the tenants, the local government,*
23 *any mortgagees, and any contract administrator. If the*
24 *owner’s appeal results in a UPCS score of 60 or above, the*
25 *Secretary may withdraw the Notice of Default.*

1 (2) *At the end of the time period for correcting all defi-*
2 *ciencies specified in the Notice of Default, if the owner fails*
3 *to fully correct such deficiencies, the Secretary may—*

4 (A) *require immediate replacement of project*
5 *management with a management agent approved by*
6 *the Secretary;*

7 (B) *impose civil money penalties, which shall be*
8 *used solely for the purpose of supporting safe and*
9 *sanitary conditions at applicable properties, as des-*
10 *ignated by the Secretary, with priority given to the*
11 *tenants of the property affected by the penalty;*

12 (C) *abate the section 8 contract, including par-*
13 *tial abatement, as determined by the Secretary, until*
14 *all deficiencies have been corrected;*

15 (D) *pursue transfer of the project to an owner,*
16 *approved by the Secretary under established proce-*
17 *dures, who will be obligated to promptly make all re-*
18 *quired repairs and to accept renewal of the assistance*
19 *contract if such renewal is offered;*

20 (E) *transfer the existing section 8 contract to an-*
21 *other project or projects and owner or owners;*

22 (F) *pursue exclusionary sanctions, including*
23 *suspensions or debarments from Federal programs;*

24 (G) *seek judicial appointment of a receiver to*
25 *manage the property and cure all project deficiencies*

1 *or seek a judicial order of specific performance requir-*
2 *ing the owner to cure all project deficiencies;*

3 *(H) work with the owner, lender, or other related*
4 *party to stabilize the property in an attempt to pre-*
5 *serve the property through compliance, transfer of*
6 *ownership, or an infusion of capital provided by a*
7 *third-party that requires time to effectuate; or*

8 *(I) take any other regulatory or contractual rem-*
9 *edies available as deemed necessary and appropriate*
10 *by the Secretary.*

11 *(d) The Secretary shall take appropriate steps to en-*
12 *sure that project-based contracts remain in effect, subject*
13 *to the exercise of contractual abatement remedies to assist*
14 *relocation of tenants for major threats to health and safety*
15 *after written notice to the affected tenants. To the extent*
16 *the Secretary determines, in consultation with the tenants*
17 *and the local government, that the property is not feasible*
18 *for continued rental assistance payments under such section*
19 *8 or other programs, based on consideration of—*

20 *(1) the costs of rehabilitating and operating the*
21 *property and all available Federal, State, and local*
22 *resources, including rent adjustments under section*
23 *524 of the Multifamily Assisted Housing Reform and*
24 *Affordability Act of 1997 (“MAHRAA”); and*

1 (2) *environmental conditions that cannot be*
2 *remedied in a cost-effective fashion, the Secretary*
3 *may contract for project-based rental assistance pay-*
4 *ments with an owner or owners of other existing hous-*
5 *ing properties, or provide other rental assistance.*

6 (e) *The Secretary shall report quarterly on all prop-*
7 *erties covered by this section that are assessed through the*
8 *Real Estate Assessment Center and have UPCS physical in-*
9 *spection scores of less than 60 or have received an unsatis-*
10 *factory management and occupancy review within the past*
11 *36 months. The report shall include—*

12 (1) *identification of the enforcement actions*
13 *being taken to address such conditions, including im-*
14 *position of civil money penalties and termination of*
15 *subsidies, and identification of properties that have*
16 *such conditions multiple times;*

17 (2) *identification of actions that the Department*
18 *of Housing and Urban Development is taking to pro-*
19 *tect tenants of such identified properties; and*

20 (3) *any administrative or legislative rec-*
21 *ommendations to further improve the living condi-*
22 *tions at properties covered under a housing assistance*
23 *payment contract.*

24 *This report shall be submitted to the Senate and House*
25 *Committees on Appropriations not later than 30 days after*

1 *the enactment of this Act, and on the first business day of*
2 *each Federal fiscal year quarter thereafter while this section*
3 *remains in effect.*

4 *SEC. 220. None of the funds made available by this*
5 *Act, or any other Act, for purposes authorized under section*
6 *8 (only with respect to the tenant-based rental assistance*
7 *program) and section 9 of the United States Housing Act*
8 *of 1937 (42 U.S.C. 1437 et seq.), may be used by any public*
9 *housing agency for any amount of salary, including bo-*
10 *nuses, for the chief executive officer of which, or any other*
11 *official or employee of which, that exceeds the annual rate*
12 *of basic pay payable for a position at level IV of the Execu-*
13 *tive Schedule at any time during any public housing agen-*
14 *cy fiscal year 2021.*

15 *SEC. 221. None of the funds made available by this*
16 *Act and provided to the Department of Housing and Urban*
17 *Development may be used to make a grant award unless*
18 *the Secretary notifies the House and Senate Committees on*
19 *Appropriations not less than 3 full business days before any*
20 *project, State, locality, housing authority, Tribe, nonprofit*
21 *organization, or other entity selected to receive a grant*
22 *award is announced by the Department or its offices.*

23 *SEC. 222. None of the funds made available by this*
24 *Act may be used to require or enforce the Physical Needs*
25 *Assessment (PNA).*

1 *SEC. 223. None of the funds made available in this*
2 *Act shall be used by the Federal Housing Administration,*
3 *the Government National Mortgage Association, or the De-*
4 *partment of Housing and Urban Development to insure,*
5 *securitize, or establish a Federal guarantee of any mortgage*
6 *or mortgage backed security that refinances or otherwise re-*
7 *places a mortgage that has been subject to eminent domain*
8 *condemnation or seizure, by a State, municipality, or any*
9 *other political subdivision of a State.*

10 *SEC. 224. None of the funds made available by this*
11 *Act may be used to terminate the status of a unit of general*
12 *local government as a metropolitan city (as defined in sec-*
13 *tion 102 of the Housing and Community Development Act*
14 *of 1974 (42 U.S.C. 5302)) with respect to grants under sec-*
15 *tion 106 of such Act (42 U.S.C. 5306).*

16 *SEC. 225. Amounts made available by this Act that*
17 *are appropriated, allocated, advanced on a reimbursable*
18 *basis, or transferred to the Office of Policy Development and*
19 *Research of the Department of Housing and Urban Devel-*
20 *opment and functions thereof, for research, evaluation, or*
21 *statistical purposes, and that are unexpended at the time*
22 *of completion of a contract, grant, or cooperative agreement,*
23 *may be deobligated and shall immediately become available*
24 *and may be reobligated in that fiscal year or the subsequent*
25 *fiscal year for the research, evaluation, or statistical pur-*

1 *poses for which the amounts are made available to that Of-*
2 *fice subject to reprogramming requirements in section 405*
3 *of this Act.*

4 *SEC. 226. None of the funds provided in this Act or*
5 *any other Act may be used for awards, including perform-*
6 *ance, special act, or spot, for any employee of the Depart-*
7 *ment of Housing and Urban Development subject to admin-*
8 *istrative discipline (including suspension from work), in*
9 *this fiscal year, but this prohibition shall not be effective*
10 *prior to the effective date of any such administrative dis-*
11 *cipline or after any final decision over-turning such dis-*
12 *cipline.*

13 *SEC. 227. With respect to grant amounts awarded*
14 *under the heading “Homeless Assistance Grants” for fiscal*
15 *years 2015 through 2021 for the Continuum of Care (CoC)*
16 *program as authorized under subtitle C of title IV of the*
17 *McKinney-Vento Homeless Assistance Act, costs paid by*
18 *program income of grant recipients may count toward*
19 *meeting the recipient’s matching requirements, provided the*
20 *costs are eligible CoC costs that supplement the recipient’s*
21 *CoC program.*

22 *SEC. 228. (a) From amounts made available under*
23 *this title under the heading “Homeless Assistance Grants”,*
24 *the Secretary may award 1-year transition grants to re-*
25 *cipients of funds for activities under subtitle C of the*

1 *McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381*
2 *et seq.) to transition from one Continuum of Care program*
3 *component to another.*

4 (b) *In order to be eligible to receive a transition grant,*
5 *the funding recipient must have the consent of the con-*
6 *tinuum of care and meet standards determined by the Sec-*
7 *retary.*

8 *SEC. 229. None of the funds made available by this*
9 *Act may be used by the Department of Housing and Urban*
10 *Development to direct a grantee to undertake specific*
11 *changes to existing zoning laws as part of carrying out the*
12 *final rule entitled “Affirmatively Furthering Fair Hous-*
13 *ing” (80 Fed. Reg. 42272 (July 16, 2015)) or the notice*
14 *entitled “Affirmatively Furthering Fair Housing Assess-*
15 *ment Tool” (79 Fed. Reg. 57949 (September 26, 2014)).*

16 *SEC. 230. The Promise Zone designations and Promise*
17 *Zone Designation Agreements entered into pursuant to such*
18 *designations, made by the Secretary in prior fiscal years,*
19 *shall remain in effect in accordance with the terms and con-*
20 *ditions of such agreements.*

21 *SEC. 231. None of the funds made available by this*
22 *Act may be used to establish and apply review criteria, in-*
23 *cluding rating factors or preference points, for participa-*
24 *tion in or coordination with EnVision Centers, in the eval-*
25 *uation, selection, and award of any funds made available*

1 *and requiring competitive selection under this Act, except*
2 *with respect to any such funds otherwise authorized for En-*
3 *Vision Center purposes under this Act.*

4 *SEC. 232. None of the funds made available by this*
5 *or any prior Act may be used to require or enforce any*
6 *changes to the terms and conditions of the public housing*
7 *annual contributions contract between the Secretary and*
8 *any public housing agency, as such contract was in effect*
9 *as of December 31, 2017, unless such changes are mutually*
10 *agreed upon by the Secretary and such agency: Provided,*
11 *That such agreement by an agency may be indicated only*
12 *by a written amendment to the terms and conditions con-*
13 *taining the duly authorized signature of its chief executive:*
14 *Provided further, That the Secretary may not withhold*
15 *funds to compel such agreement by an agency which cer-*
16 *tifies to its compliance with its contract.*

17 *SEC. 233. None of the amounts made available in this*
18 *Act may be used to consider Family Self-Sufficiency per-*
19 *formance measures or performance scores in determining*
20 *funding awards for programs receiving Family Self-Suffi-*
21 *ciency program coordinator funding provided in this Act.*

22 *SEC. 234. Any public housing agency designated as a*
23 *Moving to Work agency pursuant to section 239 of division*
24 *L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat.*
25 *2897) may, upon such designation, use funds (except for*

1 *special purpose funding, including special purpose vouch-*
2 *ers) previously allocated to any such public housing agency*
3 *under section 8 or 9 of the United States Housing Act of*
4 *1937, including any reserve funds held by the public hous-*
5 *ing agency or funds held by the Department of Housing*
6 *and Urban Development, pursuant to the authority for use*
7 *of section 8 or 9 funding provided under such section and*
8 *section 204 of title II of the Departments of Veterans Affairs*
9 *and Housing and Urban Development and Independent*
10 *Agencies Appropriations Act, 1996 (Public Law 104–134;*
11 *110 Stat. 1321–28), notwithstanding the purposes for which*
12 *such funds were appropriated.*

13 *SEC. 235. None of the amounts made available by this*
14 *Act may be used to prohibit any public housing agency*
15 *under receivership or the direction of a Federal monitor*
16 *from applying for, receiving, or using funds made available*
17 *under the heading “Public Housing Fund” for competitive*
18 *grants to evaluate and reduce lead-based paint hazards in*
19 *this Act or that remain available and not awarded from*
20 *prior Acts, or be used to prohibit a public housing agency*
21 *from using such funds to carry out any required work pur-*
22 *suant to a settlement agreement, consent decree, voluntary*
23 *agreement, or similar document for a violation of the Lead*
24 *Safe Housing or Lead Disclosure Rules.*

1 *SEC. 236. There are hereby rescinded, from funds ap-*
2 *propriated under the heading “Department of Housing and*
3 *Urban Development—Housing Programs—Rental Housing*
4 *Assistance”—*

5 *(1) all unobligated balances from recaptured*
6 *amounts appropriated prior to fiscal year 2006 from*
7 *terminated contracts under section 236(f)(2) of the*
8 *National Housing Act (12 U.S.C. 1715z-1(f)(2)), and*
9 *any unobligated balances, including recaptures and*
10 *carryover, remaining from funds appropriated under*
11 *such heading after fiscal year 2005; and*

12 *(2) any funds remaining from amounts appro-*
13 *priated under such heading in the prior fiscal year.*

14 *SEC. 237. None of the funds made available by this*
15 *title may be used to issue rules or guidance in contravention*
16 *of section 210 of Public Law 115-254 (132 Stat. 3442) or*
17 *section 312 of the Robert T. Stafford Disaster Relief and*
18 *Emergency Assistance Act (42 U.S.C. 5155).*

19 *SEC. 238. No later than September 30, 2021, the re-*
20 *maining unobligated balances of funds made available for*
21 *the youth homelessness demonstration under the heading*
22 *“Department of Housing and Urban Development—Com-*
23 *munity Planning and Development—Homeless Assistance*
24 *Grants” in the Consolidated Appropriations Act, 2019*
25 *(Public Law 116-6) are hereby permanently rescinded, and*

1 *an amount of additional new budget authority equivalent*
2 *to the amount rescinded is hereby appropriated, to remain*
3 *available until September 30, 2022, in addition to other*
4 *funds as may be available for such purposes, and shall be*
5 *available, without additional competition, for completing*
6 *the funding of awards made pursuant to the fiscal year*
7 *2019 youth homelessness demonstration.*

8 *This title may be cited as the “Department of Housing*
9 *and Urban Development Appropriations Act, 2021”.*

10 *TITLE III*

11 *RELATED AGENCIES*

12 *ACCESS BOARD*

13 *SALARIES AND EXPENSES*

14 *For expenses necessary for the Access Board, as author-*
15 *ized by section 502 of the Rehabilitation Act of 1973 (29*
16 *U.S.C. 792), \$9,200,000: Provided, That, notwithstanding*
17 *any other provision of law, there may be credited to this*
18 *appropriation funds received for publications and training*
19 *expenses.*

20 *FEDERAL MARITIME COMMISSION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Federal Maritime Com-*
23 *mission as authorized by section 201(d) of the Merchant*
24 *Marine Act, 1936 (46 U.S.C. 307), including services as*
25 *authorized by section 3109 of title 5, United States Code;*

1 *hire of passenger motor vehicles as authorized by section*
2 *1343(b) of title 31, United States Code; and uniforms or*
3 *allowances therefore, as authorized by sections 5901 and*
4 *5902 of title 5, United States Code, \$30,300,000: Provided,*
5 *That not to exceed \$3,500 shall be for official reception and*
6 *representation expenses.*

7 *NATIONAL RAILROAD PASSENGER CORPORATION*

8 *OFFICE OF INSPECTOR GENERAL*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Office of Inspector Gen-*
11 *eral for the National Railroad Passenger Corporation to*
12 *carry out the provisions of the Inspector General Act of*
13 *1978 (5 U.S.C. App. 3), \$25,274,000: Provided, That the*
14 *Inspector General shall have all necessary authority, in car-*
15 *rying out the duties specified in such Act, to investigate*
16 *allegations of fraud, including false statements to the Gov-*
17 *ernment under section 1001 of title 18, United States Code,*
18 *by any person or entity that is subject to regulation by the*
19 *National Railroad Passenger Corporation: Provided fur-*
20 *ther, That the Inspector General may enter into contracts*
21 *and other arrangements for audits, studies, analyses, and*
22 *other services with public agencies and with private per-*
23 *sons, subject to the applicable laws and regulations that*
24 *govern the obtaining of such services within the National*
25 *Railroad Passenger Corporation: Provided further, That the*

1 *Inspector General may select, appoint, and employ such of-*
2 *ficers and employees as may be necessary for carrying out*
3 *the functions, powers, and duties of the Office of Inspector*
4 *General, subject to the applicable laws and regulations that*
5 *govern such selections, appointments, and employment*
6 *within the National Railroad Passenger Corporation: Pro-*
7 *vided further, That concurrent with the President's budget*
8 *request for fiscal year 2022, the Inspector General shall sub-*
9 *mit to the House and Senate Committees on Appropriations*
10 *a budget request for fiscal year 2022 in similar format and*
11 *substance to budget requests submitted by executive agencies*
12 *of the Federal Government.*

13 *NATIONAL TRANSPORTATION SAFETY BOARD*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the National Transportation*
16 *Safety Board, including hire of passenger motor vehicles*
17 *and aircraft; services as authorized by 5 U.S.C. 3109, but*
18 *at rates for individuals not to exceed the per diem rate*
19 *equivalent to the rate for a GS-15; uniforms, or allowances*
20 *therefor, as authorized by law (5 U.S.C. 5901-5902),*
21 *\$118,400,000, of which not to exceed \$2,000 may be used*
22 *for official reception and representation expenses: Provided,*
23 *That the amounts made available to the National Transpor-*
24 *tation Safety Board in this Act include amounts necessary*

1 *such offsetting collections are received during fiscal year*
2 *2021, to result in a final appropriation from the general*
3 *fund estimated at not more than \$36,250,000.*

4 *UNITED STATES INTERAGENCY COUNCIL ON*
5 *HOMELESSNESS*
6 *OPERATING EXPENSES*

7 *For necessary expenses, including payment of salaries,*
8 *authorized travel, hire of passenger motor vehicles, the rent-*
9 *al of conference rooms, and the employment of experts and*
10 *consultants under section 3109 of title 5, United States*
11 *Code, of the United States Interagency Council on Home-*
12 *lessness in carrying out the functions pursuant to title II*
13 *of the McKinney-Vento Homeless Assistance Act, as amend-*
14 *ed, \$3,800,000.*

15 *TITLE IV*
16 *GENERAL PROVISIONS—THIS ACT*

17 *SEC. 401. None of the funds in this Act shall be used*
18 *for the planning or execution of any program to pay the*
19 *expenses of, or otherwise compensate, non-Federal parties*
20 *intervening in regulatory or adjudicatory proceedings fund-*
21 *ed in this Act.*

22 *SEC. 402. None of the funds appropriated in this Act*
23 *shall remain available for obligation beyond the current fis-*
24 *cal year, nor may any be transferred to other appropria-*
25 *tions, unless expressly so provided herein.*

1 *SEC. 403. The expenditure of any appropriation under*
2 *this Act for any consulting service through a procurement*
3 *contract pursuant to section 3109 of title 5, United States*
4 *Code, shall be limited to those contracts where such expendi-*
5 *tures are a matter of public record and available for public*
6 *inspection, except where otherwise provided under existing*
7 *law, or under existing Executive order issued pursuant to*
8 *existing law.*

9 *SEC. 404. (a) None of the funds made available in this*
10 *Act may be obligated or expended for any employee training*
11 *that—*

12 *(1) does not meet identified needs for knowledge,*
13 *skills, and abilities bearing directly upon the perform-*
14 *ance of official duties;*

15 *(2) contains elements likely to induce high levels*
16 *of emotional response or psychological stress in some*
17 *participants;*

18 *(3) does not require prior employee notification*
19 *of the content and methods to be used in the training*
20 *and written end of course evaluation;*

21 *(4) contains any methods or content associated*
22 *with religious or quasi-religious belief systems or*
23 *“new age” belief systems as defined in Equal Employ-*
24 *ment Opportunity Commission Notice N-915.022,*
25 *dated September 2, 1988; or*

1 (5) is offensive to, or designed to change, partici-
2 pants' personal values or lifestyle outside the work-
3 place.

4 (b) Nothing in this section shall prohibit, restrict, or
5 otherwise preclude an agency from conducting training
6 bearing directly upon the performance of official duties.

7 SEC. 405. Except as otherwise provided in this Act,
8 none of the funds provided in this Act, provided by previous
9 appropriations Acts to the agencies or entities funded in
10 this Act that remain available for obligation or expenditure
11 in fiscal year 2021, or provided from any accounts in the
12 Treasury derived by the collection of fees and available to
13 the agencies funded by this Act, shall be available for obliga-
14 tion or expenditure through a reprogramming of funds
15 that—

16 (1) creates a new program;

17 (2) eliminates a program, project, or activity;

18 (3) increases funds or personnel for any pro-
19 gram, project, or activity for which funds have been
20 denied or restricted by the Congress;

21 (4) proposes to use funds directed for a specific
22 activity by either the House or Senate Committees on
23 Appropriations for a different purpose;

1 (5) *augments existing programs, projects, or ac-*
2 *tivities in excess of \$5,000,000 or 10 percent, which-*
3 *ever is less;*

4 (6) *reduces existing programs, projects, or activi-*
5 *ties by \$5,000,000 or 10 percent, whichever is less; or*

6 (7) *creates, reorganizes, or restructures a branch,*
7 *division, office, bureau, board, commission, agency,*
8 *administration, or department different from the*
9 *budget justifications submitted to the Committees on*
10 *Appropriations or the table accompanying the explan-*
11 *atory statement described in section 4 (in the matter*
12 *preceding division A of this consolidated Act), which-*
13 *ever is more detailed, unless prior approval is re-*
14 *ceived from the House and Senate Committees on Ap-*
15 *propriations: Provided, That not later than 60 days*
16 *after the date of enactment of this Act, each agency*
17 *funded by this Act shall submit a report to the Com-*
18 *mittees on Appropriations of the Senate and of the*
19 *House of Representatives to establish the baseline for*
20 *application of reprogramming and transfer authori-*
21 *ties for the current fiscal year: Provided further, That*
22 *the report shall include—*

23 (A) *a table for each appropriation with a*
24 *separate column to display the prior year en-*
25 *acted level, the President's budget request, adjust-*

1 *ments made by Congress, adjustments due to en-*
2 *acted rescissions, if appropriate, and the fiscal*
3 *year enacted level;*

4 *(B) a delineation in the table for each ap-*
5 *propriation and its respective prior year enacted*
6 *level by object class and program, project, and*
7 *activity as detailed in this Act, the table accom-*
8 *panying the explanatory statement described in*
9 *section 4 (in the matter preceding division A of*
10 *this consolidated Act), accompanying reports of*
11 *the House and Senate Committee on Appropria-*
12 *tions, or in the budget appendix for the respec-*
13 *tive appropriations, whichever is more detailed,*
14 *and shall apply to all items for which a dollar*
15 *amount is specified and to all programs for*
16 *which new budget (obligational) authority is*
17 *provided, as well as to discretionary grants and*
18 *discretionary grant allocations; and*

19 *(C) an identification of items of special con-*
20 *gressional interest.*

21 *SEC. 406. Except as otherwise specifically provided by*
22 *law, not to exceed 50 percent of unobligated balances re-*
23 *maining available at the end of fiscal year 2021 from ap-*
24 *propriations made available for salaries and expenses for*
25 *fiscal year 2021 in this Act, shall remain available through*

1 *September 30, 2022, for each such account for the purposes*
2 *authorized: Provided, That a request shall be submitted to*
3 *the House and Senate Committees on Appropriations for*
4 *approval prior to the expenditure of such funds: Provided*
5 *further, That these requests shall be made in compliance*
6 *with reprogramming guidelines under section 405 of this*
7 *Act.*

8 *SEC. 407. No funds in this Act may be used to support*
9 *any Federal, State, or local projects that seek to use the*
10 *power of eminent domain, unless eminent domain is em-*
11 *ployed only for a public use: Provided, That for purposes*
12 *of this section, public use shall not be construed to include*
13 *economic development that primarily benefits private enti-*
14 *ties: Provided further, That any use of funds for mass tran-*
15 *sit, railroad, airport, seaport or highway projects, as well*
16 *as utility projects which benefit or serve the general public*
17 *(including energy-related, communication-related, water-re-*
18 *lated and wastewater-related infrastructure), other struc-*
19 *tures designated for use by the general public or which have*
20 *other common-carrier or public-utility functions that serve*
21 *the general public and are subject to regulation and over-*
22 *sight by the government, and projects for the removal of an*
23 *immediate threat to public health and safety or brownfields*
24 *as defined in the Small Business Liability Relief and*

1 *Brownfields Revitalization Act (Public Law 107–118) shall*
2 *be considered a public use for purposes of eminent domain.*

3 *SEC. 408. None of the funds made available in this*
4 *Act may be transferred to any department, agency, or in-*
5 *strumentality of the United States Government, except pur-*
6 *suant to a transfer made by, or transfer authority provided*
7 *in, this Act or any other appropriations Act.*

8 *SEC. 409. No part of any appropriation contained in*
9 *this Act shall be available to pay the salary for any person*
10 *filling a position, other than a temporary position, formerly*
11 *held by an employee who has left to enter the Armed Forces*
12 *of the United States and has satisfactorily completed his*
13 *or her period of active military or naval service, and has*
14 *within 90 days after his or her release from such service*
15 *or from hospitalization continuing after discharge for a pe-*
16 *riod of not more than 1 year, made application for restora-*
17 *tion to his or her former position and has been certified*
18 *by the Office of Personnel Management as still qualified to*
19 *perform the duties of his or her former position and has*
20 *not been restored thereto.*

21 *SEC. 410. No funds appropriated pursuant to this Act*
22 *may be expended by an entity unless the entity agrees that*
23 *in expending the assistance the entity will comply with sec-*
24 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
25 *8301–8305, popularly known as the “Buy American Act”).*

1 *SEC. 411. No funds appropriated or otherwise made*
2 *available under this Act shall be made available to any per-*
3 *son or entity that has been convicted of violating the Buy*
4 *American Act (41 U.S.C. 8301–8305).*

5 *SEC. 412. None of the funds made available in this*
6 *Act may be used for first-class airline accommodations in*
7 *contravention of sections 301–10.122 and 301–10.123 of*
8 *title 41, Code of Federal Regulations.*

9 *SEC. 413. (a) None of the funds made available by this*
10 *Act may be used to approve a new foreign air carrier per-*
11 *mit under sections 41301 through 41305 of title 49, United*
12 *States Code, or exemption application under section 40109*
13 *of that title of an air carrier already holding an air opera-*
14 *tors certificate issued by a country that is party to the U.S.-*
15 *E.U.-Iceland-Norway Air Transport Agreement where such*
16 *approval would contravene United States law or Article 17*
17 *bis of the U.S.-E.U.-Iceland-Norway Air Transport Agree-*
18 *ment.*

19 *(b) Nothing in this section shall prohibit, restrict or*
20 *otherwise preclude the Secretary of Transportation from*
21 *granting a foreign air carrier permit or an exemption to*
22 *such an air carrier where such authorization is consistent*
23 *with the U.S.-E.U.-Iceland-Norway Air Transport Agree-*
24 *ment and United States law.*

1 *SEC. 414. None of the funds made available in this*
2 *Act may be used to send or otherwise pay for the attendance*
3 *of more than 50 employees of a single agency or department*
4 *of the United States Government, who are stationed in the*
5 *United States, at any single international conference unless*
6 *the relevant Secretary reports to the House and Senate*
7 *Committees on Appropriations at least 5 days in advance*
8 *that such attendance is important to the national interest:*
9 *Provided, That for purposes of this section the term “inter-*
10 *national conference” shall mean a conference occurring out-*
11 *side of the United States attended by representatives of the*
12 *United States Government and of foreign governments,*
13 *international organizations, or nongovernmental organiza-*
14 *tions.*

15 *SEC. 415. None of the funds appropriated or otherwise*
16 *made available under this Act may be used by the Surface*
17 *Transportation Board to charge or collect any filing fee for*
18 *rate or practice complaints filed with the Board in an*
19 *amount in excess of the amount authorized for district court*
20 *civil suit filing fees under section 1914 of title 28, United*
21 *States Code.*

22 *SEC. 416. (a) None of the funds made available in this*
23 *Act may be used to maintain or establish a computer net-*
24 *work unless such network blocks the viewing, downloading,*
25 *and exchanging of pornography.*

1 **(b)** *Nothing in subsection (a) shall limit the use of*
2 *funds necessary for any Federal, State, tribal, or local law*
3 *enforcement agency or any other entity carrying out crimi-*
4 *nal investigations, prosecution, or adjudication activities.*

5 **SEC. 417.** *(a) None of the funds made available in this*
6 *Act may be used to deny an Inspector General funded under*
7 *this Act timely access to any records, documents, or other*
8 *materials available to the department or agency over which*
9 *that Inspector General has responsibilities under the In-*
10 *spector General Act of 1978 (5 U.S.C. App.), or to prevent*
11 *or impede that Inspector General's access to such records,*
12 *documents, or other materials, under any provision of law,*
13 *except a provision of law that expressly refers to the Inspec-*
14 *tor General and expressly limits the Inspector General's*
15 *right of access.*

16 **(b)** *A department or agency covered by this section*
17 *shall provide its Inspector General with access to all such*
18 *records, documents, and other materials in a timely man-*
19 *ner.*

20 **(c)** *Each Inspector General shall ensure compliance*
21 *with statutory limitations on disclosure relevant to the in-*
22 *formation provided by the establishment over which that In-*
23 *spector General has responsibilities under the Inspector*
24 *General Act of 1978 (5 U.S.C. App.).*

1 (d) *Each Inspector General covered by this section*
2 *shall report to the Committees on Appropriations of the*
3 *House of Representatives and the Senate within 5 calendar*
4 *days any failures to comply with this requirement.*

5 *SEC. 418. None of the funds appropriated or otherwise*
6 *made available by this Act may be used to pay award or*
7 *incentive fees for contractors whose performance has been*
8 *judged to be below satisfactory, behind schedule, over budget,*
9 *or has failed to meet the basic requirements of a contract,*
10 *unless the Agency determines that any such deviations are*
11 *due to unforeseeable events, government-driven scope*
12 *changes, or are not significant within the overall scope of*
13 *the project and/or program unless such awards or incentive*
14 *fees are consistent with 16.401(e)(2) of the Federal Acquisi-*
15 *tion Regulations.*

16 *SEC. 419. In allocating and awarding available*
17 *amounts provided under the heading “Homeless Assistance*
18 *Grants” in the Department of Housing and Urban Develop-*
19 *ment Appropriations Act, 2020 (Public Law 116–94), the*
20 *same heading for fiscal year 2019 (Public Law 116–6), and*
21 *section 231 of Public Law 116–94 for the Continuum of*
22 *Care program, the Secretary of Housing and Urban Devel-*
23 *opment shall renew for one 12-month period, without addi-*
24 *tional competition, all projects with existing grants expir-*
25 *ing during calendar year 2021, including youth homeless*

1 *demonstration projects and shelter plus care projects expir-*
2 *ing during calendar year 2021, notwithstanding any incon-*
3 *sistent provisions in such Acts or in subtitle C of title IV*
4 *of the McKinney-Vento Homeless Assistance Act, as amend-*
5 *ed: Provided, That Continuum of Care planning and Uni-*
6 *fied Funding Agency awards expiring in calendar year*
7 *2021 may also be renewed and that the Continuum of Care*
8 *may designate a new collaborative applicant to receive the*
9 *award in accordance with the existing process established*
10 *by the Secretary: Provided further, That the Secretary shall*
11 *publish a Notice that identifies and lists all projects and*
12 *awards eligible for such noncompetitive renewal, prescribes*
13 *the format and process by which the projects and awards*
14 *from the list will be renewed, makes adjustments to the re-*
15 *newal amount based on changes to the Fair Market Rent,*
16 *and establishes a maximum amount for the renewal of plan-*
17 *ning and Unified Funding Agency awards notwithstanding*
18 *the requirement that such maximum amount be established*
19 *in a Notice of Funding Availability.*

20 *SEC. 420. Of the amounts made available by this Act*
21 *for fiscal year 2021 under the heading “Department of*
22 *Housing and Urban Development—Public and Indian*
23 *Housing—Tenant-Based Rental Assistance” and specified*
24 *in the first paragraph of such heading, \$695,000,000 is des-*
25 *ignated by the Congress as being for an emergency require-*

1 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
2 *Budget and Emergency Deficit Control Act of 1985.*

3 *SEC. 421. In addition to funds provided to the “Pay-*
4 *ments to Air Carriers” program in Public Law 116–94,*
5 *Public Law 116–136, and this Act to carry out the essential*
6 *air service program under section 41731 through 41742 of*
7 *title 49, United States Code, \$23,332,000 to be derived from*
8 *the Treasury, and to be made available to the Essential Air*
9 *Service and Rural Improvement Fund, to prevent, prepare*
10 *for, and respond to coronavirus, including to offset the loss*
11 *resulting from the coronavirus pandemic of the mandatory*
12 *overflight fees collected pursuant to section 45301 of title*
13 *49, United States Code: Provided, That, notwithstanding*
14 *section 41733 of title 49, United States Code, for each of*
15 *fiscal years 2020 and 2021, the requirements established*
16 *under subparagraphs (B) and (C) of section 41731(a)(1)*
17 *of title 49, United States Code, and the subsidy cap estab-*
18 *lished by section 332 of the Department of Transportation*
19 *and Related Agencies Appropriations Act, 2000, shall not*
20 *apply to maintain eligibility under section 417831 of title*
21 *49, United States Code: Provided further, That such*
22 *amount is designated by the Congress as being for an emer-*
23 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
24 *the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985.*

1 *SEC. 422. Section 47114(c)(1) of title 49, United*
2 *States Code, is amended by adding at the end the following:*

3 “(J) *SPECIAL RULE FOR FISCAL YEARS 2022*
4 *AND 2023.—Notwithstanding subparagraph (A)*
5 *and the absence of scheduled passenger aircraft*
6 *service at an airport, the Secretary shall appor-*
7 *tion in fiscal years 2022 and 2023 to the sponsor*
8 *of the airport an amount based on the number*
9 *of passenger boardings at the airport during*
10 *whichever of the following years that would re-*
11 *sult in the highest apportioned amount:*

12 “(i) *Calendar year 2018.*

13 “(ii) *Calendar year 2019.*

14 “(iii) *The prior full calendar year*
15 *prior to the current fiscal year.”.*

16 *SEC. 423. Notwithstanding section 47124(d)(1)(B) of*
17 *title 49, United States Code, the Secretary of Transpor-*
18 *tation shall not calculate a benefit-to-cost ratio with respect*
19 *to an air traffic control tower participating in the Contract*
20 *Tower Program on the basis of an annual aircraft traffic*
21 *decrease in fiscal years 2020 and 2021.*

22 *This division may be cited as the “Transportation,*
23 *Housing and Urban Development, and Related Agencies*
24 *Appropriations Act, 2021”.*

1 ***DIVISION M—CORONAVIRUS RESPONSE***
2 ***AND RELIEF SUPPLEMENTAL APPRO-***
3 ***PRIATIONS ACT, 2021***

4 ***TITLE I***

5 ***DEPARTMENT OF COMMERCE***

6 ***NATIONAL OCEANIC AND ATMOSPHERIC***

7 ***ADMINISTRATION***

8 ***FISHERIES DISASTER ASSISTANCE***

9 *For an additional amount for “Fisheries Disaster As-*
10 *sistance”, \$300,000,000 to remain available until Sep-*
11 *tember 30, 2021, to prevent, prepare for, and respond to*
12 *coronavirus, domestically or internationally, which shall*
13 *only be for activities authorized under section 12005 of the*
14 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
15 *lic Law 116–136): Provided, That the amount provided*
16 *under this heading in this Act shall only be allocated to*
17 *States of the United States bordering the Atlantic, Pacific,*
18 *or Arctic Ocean, the Gulf of Mexico, or the Great Lakes,*
19 *as well as Puerto Rico, the United States Virgin Islands,*
20 *Guam, the Commonwealth of the Northern Mariana Is-*
21 *lands, American Samoa, and federally recognized Tribes in*
22 *any of the Nation’s coastal States and territories, and feder-*
23 *ally recognized Tribes in any of the Nation’s Great Lakes*
24 *States with fisheries on the Tribe’s reservation or ceded or*
25 *usual and accustomed territory: Provided further, That*

1 *each State and territory in the preceding proviso, except*
2 *those States only bordering the Great Lakes, shall receive*
3 *an amount equal to not less than 1 percent of the amount*
4 *provided under this heading in this Act and not greater*
5 *than, from amounts provided under either section 12005 of*
6 *Public Law 116–136 or amounts provided under this head-*
7 *ing in this Act, that State or territory’s total annual aver-*
8 *age revenue from commercial fishing operations, aqua-*
9 *culture firms, the seafood supply chain, and charter fishing*
10 *businesses: Provided further, That of the funds provided*
11 *under this heading in this Act, \$30,000,000 shall be for*
12 *coronavirus related fishing impacts for Tribal fishery par-*
13 *ticipants referenced in the first proviso: Provided further,*
14 *That the National Oceanic and Atmospheric Administra-*
15 *tion, in consultation with Tribes referenced in the first pro-*
16 *viso, shall develop an application and distribution process*
17 *to disburse funds to all eligible impacted Tribes in a man-*
18 *ner that takes into account economic, subsistence, and cere-*
19 *monial impacts to Tribes and that ensures timely distribu-*
20 *tion of funds: Provided further, That of the funds provided*
21 *under this heading in this Act, \$15,000,000 shall be for all*
22 *coronavirus related fishing impacts to non-tribal commer-*
23 *cial, aquaculture, processor, and charter fishery partici-*
24 *pants in States of the United States bordering the Great*
25 *Lakes: Provided further, That such amount is designated*

1 *by the Congress as being for an emergency requirement pur-*
2 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985.*

4 *TITLE II*

5 *DEPARTMENT OF HOMELAND SECURITY*

6 *PROTECTION, PREPAREDNESS, RESPONSE, AND*

7 *RECOVERY*

8 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

9 *DISASTER RELIEF FUND*

10 *For an additional amount for “Federal Emergency*
11 *Management Agency—Disaster Relief Fund”,*
12 *\$2,000,000,000, to remain available until expended, to*
13 *carry out the purposes of section 201 of this title: Provided,*
14 *That such amount is designated by the Congress as being*
15 *for an emergency requirement pursuant to section*
16 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
17 *Deficit Control Act of 1985.*

18 *GENERAL PROVISIONS*

19 *SEC. 201. (a) For the emergency declaration issued by*
20 *the President on March 13, 2020, pursuant to section 501(b)*
21 *of the Robert T. Stafford Disaster Relief and Emergency*
22 *Assistance Act (42 U.S.C. 5191(b)), and for any subsequent*
23 *major disaster declaration under section 401 of such Act*
24 *(42 U.S.C. 5170) that supersedes such emergency declara-*
25 *tion, the President shall provide financial assistance to an*

1 *individual or household to meet disaster-related funeral ex-*
2 *penditures under section 408(e)(1) of the Robert T. Stafford Dis-*
3 *aster Relief and Emergency Assistance Act (42 U.S.C.*
4 *5174(e)(1)), for such expenses incurred through December*
5 *31, 2020, for which the Federal cost share shall be 100 per-*
6 *cent.*

7 *(b) Nothing in this section shall be construed to other-*
8 *wise limit the authorities of the President under the Robert*
9 *T. Stafford Disaster Relief and Emergency Assistance Act*
10 *(42 U.S.C. 5121 et seq.).*

11 *TITLE III*

12 *DEPARTMENT OF HEALTH AND HUMAN*

13 *SERVICES*

14 *FOOD AND DRUG ADMINISTRATION*

15 *SALARIES AND EXPENSES*

16 *For an additional amount for “Salaries and Ex-*
17 *penses”, \$55,000,000, to remain available until expended,*
18 *to prevent, prepare for, and respond to coronavirus, domes-*
19 *tically or internationally, of which \$9,000,000 shall be for*
20 *the development of necessary medical countermeasures and*
21 *vaccines, \$30,500,000 shall be for advanced manufacturing*
22 *for medical products, \$1,500,000 shall be for the monitoring*
23 *of medical product supply chains, \$7,600,000 shall be for*
24 *other public health research and response investments,*
25 *\$1,400,000 shall be for data management operation tools,*

1 *and \$5,000,000 shall be for after action review activities:*
2 *Provided, That such amount is designated by the Congress*
3 *as being for an emergency requirement pursuant to section*
4 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
5 *Deficit Control Act of 1985.*

6 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

7 *CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For an additional amount for “CDC-Wide Activities*
10 *and Program Support”, \$8,750,000,000, to remain avail-*
11 *able until September 30, 2024, to prevent, prepare for, and*
12 *respond to coronavirus, domestically or internationally:*
13 *Provided, That amounts appropriated under this heading*
14 *in this Act shall be for activities to plan, prepare for, pro-*
15 *mote, distribute, administer, monitor, and track*
16 *coronavirus vaccines to ensure broad-based distribution, ac-*
17 *cess, and vaccine coverage: Provided further, That of the*
18 *amount appropriated under this heading in this Act, not*
19 *less than \$4,500,000,000 shall be for States, localities, terri-*
20 *tories, tribes, tribal organizations, urban Indian health or-*
21 *ganizations, or health service providers to tribes: Provided*
22 *further, That of the amount in the preceding proviso,*
23 *\$210,000,000, shall be transferred to the “Department of*
24 *Health and Human Services—Indian Health Service—In-*
25 *dian Health Services” to be allocated at the discretion of*

1 *the Director of the Indian Health Service and distributed*
2 *through Indian Health Service directly operated programs*
3 *and to tribes and tribal organizations under the Indian*
4 *Self-Determination and Education Assistance Act and*
5 *through contracts or grants with urban Indian organiza-*
6 *tions under title V of the Indian Health Care Improvement*
7 *Act: Provided further, That the amount transferred to tribes*
8 *and tribal organizations under the Indian Self-Determina-*
9 *tion and Education Assistance Act in the preceding proviso*
10 *shall be transferred on a one-time, non-recurring basis, is*
11 *not part of the amount required by 25 U.S.C. 5325, and*
12 *may only be used for the purposes identified under this*
13 *heading in this Act, notwithstanding any other provision*
14 *of law: Provided further, That the amounts identified in*
15 *the second proviso under this heading in this Act, except*
16 *for the amounts transferred pursuant to the third proviso*
17 *under this heading in this Act, shall be allocated to States,*
18 *localities, and territories according to the formula that ap-*
19 *plied to the Public Health Emergency Preparedness cooper-*
20 *ative agreement in fiscal year 2020: Provided further, That*
21 *of the amounts identified in the second proviso under this*
22 *heading in this Act, except for the amounts transferred pur-*
23 *suant to the third proviso under this heading in this Act,*
24 *not less than \$1,000,000,000 shall be made available within*
25 *21 days of the date of enactment of this Act: Provided fur-*

1 *ther, That of the amounts identified in the second proviso*
2 *under this heading in this Act, except for the amounts*
3 *transferred pursuant to the third proviso under this head-*
4 *ing in this Act, not less than \$300,000,000 shall be for high-*
5 *risk and underserved populations, including racial and eth-*
6 *nic minority populations and rural communities: Provided*
7 *further, That the Director of the Centers for Disease Control*
8 *and Prevention (“CDC”) may satisfy the funding thresholds*
9 *outlined in the second, fifth, sixth, and seventh provisos by*
10 *making awards through other grant or cooperative agree-*
11 *ment mechanisms: Provided further, That amounts appro-*
12 *priated under this heading in this Act may be used to re-*
13 *store, either directly or through reimbursement, obligations*
14 *incurred for coronavirus vaccine promotion, preparedness,*
15 *tracking, and distribution prior to the enactment of this*
16 *Act: Provided further, That the Director of the CDC shall*
17 *provide an updated and comprehensive coronavirus vaccine*
18 *distribution strategy and a spend plan, to include funds*
19 *already allocated for distribution, to the Committees on Ap-*
20 *propriations of the House of Representatives and the Senate*
21 *and the Committee on Energy and Commerce of the House*
22 *of Representatives and Committee on Health, Education,*
23 *Labor, and Pensions of the Senate within 30 days of enact-*
24 *ment of this Act: Provided further, That such strategy and*
25 *plan shall include how existing infrastructure will be lever-*

1 aged, enhancements or new infrastructure that may be
2 built, considerations for moving and storing vaccines, guid-
3 ance for how States, localities, territories, tribes, tribal or-
4 ganizations, urban Indian health organizations, or health
5 service providers to tribes, and health care providers should
6 prepare for, store, and administer vaccines, nationwide vac-
7 cination targets, funding that will be distributed to States,
8 localities, and territories, how an informational campaign
9 to inform both the public and health care providers will
10 be executed, and how the strategy and plan will focus efforts
11 on high-risk and underserved populations, including racial
12 and ethnic minority populations: Provided further, That
13 such strategy and plan shall be updated and provided to
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate and the Committee on Energy
16 and Commerce of the House of Representatives and Com-
17 mittee on Health, Education, Labor, and Pensions of the
18 Senate every 90 days through the end of the fiscal year:
19 Provided further, That amounts appropriated under this
20 heading in this Act may be used for grants for the construc-
21 tion, alteration, or renovation of non-Federally owned fa-
22 cilities to improve preparedness and response capability at
23 the State and local level: Provided further, That such
24 amount is designated by the Congress as being for an emer-
25 gency requirement pursuant to section 251(b)(2)(A)(i) of

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *NATIONAL INSTITUTES OF HEALTH*

4 *OFFICE OF THE DIRECTOR*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Office of the Director”,*
7 *\$1,250,000,000, to remain available until September 30,*
8 *2024, to prevent, prepare for, and respond to coronavirus,*
9 *domestically or internationally: Provided, That of the*
10 *amount appropriated under this heading in this Act,*
11 *\$1,150,000,000 shall be provided for research and clinical*
12 *trials related to long-term studies of COVID–19: Provided*
13 *further, That of the amount appropriated under this head-*
14 *ing in this Act, no less than \$100,000,000 shall be for the*
15 *Rapid Acceleration of Diagnostics: Provided further, That*
16 *funds appropriated under this heading in this Act may be*
17 *transferred to the accounts of Institutes and Centers of the*
18 *National Institutes of Health (NIH): Provided further, That*
19 *this transfer authority is in addition to any other transfer*
20 *authority available to the NIH: Provided further, That such*
21 *amount is designated by the Congress as being for an emer-*
22 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
23 *the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*2 *ADMINISTRATION*3 *HEALTH SURVEILLANCE AND PROGRAM SUPPORT*

4 *For an additional amount for “Heath Surveillance*
5 *and Program Support”, \$4,250,000,000, to prevent, pre-*
6 *pare for, and respond to coronavirus, domestically or inter-*
7 *nationally: Provided, That of the amount appropriated*
8 *under this heading in this Act, \$1,650,000,000 shall be for*
9 *grants for the substance abuse prevention and treatment*
10 *block grant program under subpart II of part B of title*
11 *XIX of the Public Health Service Act (“PHS Act”): Pro-*
12 *vided further, That of the amount appropriated under this*
13 *heading in this Act, \$1,650,000,000 shall be for grants for*
14 *the community mental health services block grant program*
15 *under subpart I of part B of title XIX of the PHS Act:*
16 *Provided further, That of the amount appropriated in the*
17 *preceding proviso, the Assistant Secretary is directed to*
18 *provide no less than 50 percent of funds directly to facilities*
19 *defined in section 1913(c) of the PHS Act: Provided further,*
20 *That of the amount appropriated under this heading in this*
21 *Act, not less than \$600,000,000 is available for the Certified*
22 *Community Behavioral Health Clinic Expansion Grant*
23 *program: Provided further, That of the amount appro-*
24 *priated under this heading in this Act, not less than*
25 *\$50,000,000 shall be available for suicide prevention pro-*

1 *grams: Provided further, That of the amount appropriated*
2 *under this heading in this Act, \$50,000,000 shall be for ac-*
3 *tivities and services under Project AWARE: Provided fur-*
4 *ther, That of the amount appropriated under this heading*
5 *in this Act, not less than \$240,000,000 is available for ac-*
6 *tivities authorized under section 501(o) of the PHS Act:*
7 *Provided further, That the Assistant Secretary may*
8 *prioritize amounts appropriated in the preceding proviso*
9 *to eligible states that did not receive amounts made avail-*
10 *able for such purpose under the Coronavirus Aid, Relief,*
11 *and Economic Security Act (Public Law 116–136): Pro-*
12 *vided further, That of the amount appropriated under this*
13 *heading in this Act, \$10,000,000 shall be for the National*
14 *Child Traumatic Stress Network: Provided further, That*
15 *from within the amount appropriated under this heading*
16 *in this Act in the previous provisos, a total of not less than*
17 *\$125,000,000 shall be allocated to tribes, tribal organiza-*
18 *tions, urban Indian health organizations, or health or be-*
19 *havioral health service providers to tribes: Provided further,*
20 *That with respect to the amount appropriated under this*
21 *heading in this Act the Substance Abuse and Mental Health*
22 *Services Administration shall maintain the 20 percent set-*
23 *aside for prevention, but may waive requirements with re-*
24 *spect to allowable activities, timelines, or reporting require-*
25 *ments for the Substance Abuse Prevention and Treatment*

1 *Block Grant and the Community Mental Health Services*
2 *Block Grant as deemed necessary to facilitate a grantee’s*
3 *response to coronavirus: Provided further, That such*
4 *amount is designated by the Congress as being for an emer-*
5 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
6 *the Balanced Budget and Emergency Deficit Control Act*
7 *of 1985.*

8 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
9 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
10 *DEVELOPMENT BLOCK GRANT*

11 *For an additional amount for “Payments to States for*
12 *the Child Care and Development Block Grant”,*
13 *\$10,000,000,000 to prevent, prepare for, and respond to*
14 *coronavirus, domestically or internationally which shall be*
15 *used to supplement, not supplant State, Territory, and*
16 *Tribal general revenue funds for child care assistance for*
17 *low-income families within the United States (including*
18 *territories) without regard to requirements in sections*
19 *658E(c)(3)(D)–(E), or 658G of the Child Care and Develop-*
20 *ment Block Grant Act (“CCDBG Act”): Provided, That*
21 *funds appropriated under this heading in this Act may be*
22 *used for costs of providing relief from copayments and tui-*
23 *tion payments for families and for paying that portion of*
24 *the child care provider’s cost ordinarily paid through fam-*
25 *ily copayments to provide continued payments and assist-*

1 *ance to child care providers in the case of decreased enroll-*
2 *ment or closures related to coronavirus, and to assure they*
3 *are able to remain open or reopen as appropriate and ap-*
4 *plicable, including for fixed costs and increased operating*
5 *expenses: Provided further, That States, Territories, and*
6 *Tribes are encouraged to place conditions on payments to*
7 *child care providers that ensure that child care providers*
8 *use a portion of funds received to continue to pay the sala-*
9 *ries and wages of staff: Provided further, That lead agencies*
10 *may use funds provided under this heading in this Act to*
11 *support the stability of the child care sector to help pro-*
12 *viders afford increased operating expenses during the*
13 *COVID–19 public health emergency, and shall publicize*
14 *widely the availability of, and provide technical assistance*
15 *to help providers apply for, funding available for such pur-*
16 *poses, including among center-based child care providers,*
17 *family child care providers, and group home child care pro-*
18 *viders: Provided further, That lead agencies are encouraged*
19 *to implement enrollment and eligibility policies that sup-*
20 *port the fixed costs of providing child care services by*
21 *delinking provider reimbursement rates from an eligible*
22 *child’s absence and a provider’s closure due to the COVID–*
23 *19 public health emergency: Provided further, That the Sec-*
24 *retary shall remind States that Child Care and Develop-*
25 *ment Block Grant (“CCDBG”) State plans do not need to*

1 *be amended prior to utilizing existing authorities in the*
2 *CCDBG Act for the purposes provided herein: Provided fur-*
3 *ther, That States, Territories, and Tribes are authorized to*
4 *use funds appropriated under this heading in this Act to*
5 *provide child care assistance to health care sector employees,*
6 *emergency responders, sanitation workers, farmworkers,*
7 *and other workers deemed essential during the response to*
8 *coronavirus by public officials, without regard to the in-*
9 *come eligibility requirements of section 658P(4) of such Act:*
10 *Provided further, That States, Territories, and Tribes shall*
11 *use a portion of funds appropriated under this heading in*
12 *this Act to provide assistance to eligible child care providers*
13 *under section 658P(6) of the CCDBG Act that were not re-*
14 *ceiving CCDBG assistance prior to the public health emer-*
15 *gency as a result of the coronavirus and any renewal of*
16 *such declaration pursuant to such section 319, for the pur-*
17 *poses of cleaning and sanitation, and other activities nec-*
18 *essary to maintain or resume the operation of programs,*
19 *including for fixed costs and increased operating expenses:*
20 *Provided further, That funds provided under this heading*
21 *in this Act may be used to provide technical assistance to*
22 *child care providers to help providers implement practices*
23 *and policies in line with guidance from State and local*
24 *health departments and the Centers for Disease Control and*
25 *Prevention regarding the safe provision of child care serv-*

1 ices while there is community transmission of COVID–19:
2 Provided further, That funds appropriated under this head-
3 ing in this Act may be made available to restore amounts,
4 either directly or through reimbursement, for obligations in-
5 curred to prevent, prepare for, and respond to coronavirus,
6 domestically or internationally, prior to the date of enact-
7 ment of this Act: Provided further, That the Secretary may
8 reserve not more than \$15,000,000 for Federal administra-
9 tive expenses, which shall remain available through Sep-
10 tember 30, 2024: Provided further, That no later than 60
11 days after the date of enactment of this Act, each State,
12 Territory, and Tribe that receives funding under this head-
13 ing in this Act shall submit to the Secretary a report, in
14 such manner as the Secretary may require, describing how
15 the funds appropriated under this heading in this Act will
16 be spent and that no later than 90 days after the date of
17 enactment of this Act, the Secretary shall submit to the
18 Committees on Appropriations of the House of Representa-
19 tives and the Senate, the Committee on Education and
20 Labor of the House of Representatives, and the Committee
21 on Health, Education, Labor, and Pensions of the Senate
22 a report summarizing such reports from the States, Terri-
23 tories, and Tribes: Provided further, That, no later than
24 October 31, 2022, each State, Territory, and Tribe that re-
25 ceives funding under this heading in this Act shall submit

1 *to the Secretary a report, in such manner as the Secretary*
2 *may require, describing how the funds appropriated under*
3 *this heading in this Act were spent and that no later than*
4 *60 days after receiving such reports from the States, Terri-*
5 *ories, and Tribes, the Secretary shall submit to the Com-*
6 *mittees on Appropriations of the House of Representatives*
7 *and the Senate, the Committee on Education and Labor*
8 *of the House of Representatives, and the Committee on*
9 *Health, Education, Labor, and Pensions of the Senate a*
10 *report summarizing such reports from the States, Terri-*
11 *ories, and Tribes: Provided further, That such amount is*
12 *designated by the Congress as being for an emergency re-*
13 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
14 *anced Budget and Emergency Deficit Control Act of 1985.*

15 *CHILDREN AND FAMILIES SERVICES PROGRAM*

16 *For an additional amount for “Children and Families*
17 *Services Programs”, \$250,000,000, to prevent, prepare for,*
18 *and respond to coronavirus, for making payments under*
19 *the Head Start Act, including for Federal administrative*
20 *expenses, and allocated in an amount that bears the same*
21 *ratio to such portion as the number of enrolled children*
22 *served by the agency involved bears to the number of en-*
23 *rolled children by all Head Start agencies: Provided, That*
24 *none of the funds made available under this heading in the*
25 *Act shall be included in the calculation of the “base grant”*

1 *in subsequent fiscal years, as such term is defined in sec-*
2 *tions 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head*
3 *Start Act: Provided further, That funds made available*
4 *under this heading in this Act are not subject to the alloca-*
5 *tion requirements of section 640(a) of the Head Start Act:*
6 *Provided further, That such funds may be available to re-*
7 *store amounts, either directly or through reimbursement, for*
8 *obligations incurred to prevent, prepare for, and respond*
9 *to coronavirus, prior to the date of enactment of this Act:*
10 *Provided further, That such amount is designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985.*

14 *ADMINISTRATION FOR COMMUNITY LIVING*

15 *AGING AND DISABILITY SERVICES PROGRAMS*

16 *For an additional amount for “Aging and Disability*
17 *Services Programs”, \$100,000,000, to prevent, prepare for,*
18 *and respond to coronavirus, domestically or internation-*
19 *ally, which shall be for activities authorized under Subtitle*
20 *B of Title XX of the Social Security Act, of which not less*
21 *than \$50,000,000 shall be for implementation of Section*
22 *2042(b) of the Social Security Act: Provided, That such*
23 *amount is designated by the Congress as being for an emer-*
24 *gency requirement pursuant to section 251(b)(2)(A)(i) of*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *OFFICE OF THE SECRETARY*

4 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY*

5 *FUND*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For an additional amount for “Public Health and So-*
8 *cial Services Emergency Fund”, \$22,945,000,000, to re-*
9 *main available until September 30, 2024, to prevent, pre-*
10 *pare for, and respond to coronavirus, domestically or inter-*
11 *nationally, including the development of necessary counter-*
12 *measures and vaccines, prioritizing platform-based tech-*
13 *nologies with U.S.-based manufacturing capabilities, the*
14 *purchase of vaccines, therapeutics, diagnostics, necessary*
15 *medical supplies, as well as medical surge capacity, and*
16 *other preparedness and response activities: Provided, That*
17 *funds appropriated under this paragraph in this Act may*
18 *be used to develop and demonstrate innovations and en-*
19 *hancements to manufacturing platforms to support such ca-*
20 *pabilities: Provided further, That the Secretary of Health*
21 *and Human Services (referred to under this heading as*
22 *“Secretary”) shall purchase vaccines developed using funds*
23 *made available under this paragraph in this Act to respond*
24 *to an outbreak or pandemic related to coronavirus in quan-*
25 *tities determined by the Secretary to be adequate to address*

1 *the public health need: Provided further, That the Secretary*
2 *may take into account geographical areas with a high per-*
3 *centage of cross-jurisdictional workers when determining al-*
4 *locations of vaccine doses: Provided further, That products*
5 *purchased by the Federal government with funds made*
6 *available under this paragraph in this Act, including vac-*
7 *cines, therapeutics, and diagnostics, shall be purchased in*
8 *accordance with Federal Acquisition Regulation guidance*
9 *on fair and reasonable pricing: Provided further, That the*
10 *Secretary may take such measures authorized under current*
11 *law to ensure that vaccines, therapeutics, and diagnostics*
12 *developed from funds provided in this Act will be affordable*
13 *in the commercial market: Provided further, That in car-*
14 *rying out the preceding proviso, the Secretary shall not take*
15 *actions that delay the development of such products: Pro-*
16 *vided further, That products purchased with funds appro-*
17 *priated under this paragraph in this Act may, at the discre-*
18 *tion of the Secretary of Health and Human Services, be*
19 *deposited in the Strategic National Stockpile under section*
20 *319F-2 of the Public Health Service Act: Provided further,*
21 *That of the amount appropriated under this paragraph in*
22 *this Act, not more than \$3,250,000,000 shall be for the Stra-*
23 *tegic National Stockpile under section 319F-2(a) of such*
24 *Act: Provided further, That funds appropriated under this*
25 *paragraph in this Act may be transferred to, and merged*

1 *with, the fund authorized by section 319F-4, the Covered*
2 *Countermeasure Process Fund, of the Public Health Service*
3 *Act: Provided further, That of the amount appropriated*
4 *under this paragraph in this Act, \$19,695,000,000 shall be*
5 *available to the Biomedical Advanced Research and Devel-*
6 *opment Authority for necessary expenses of manufacturing,*
7 *production, and purchase, at the discretion of the Secretary,*
8 *of vaccines, therapeutics, and ancillary supplies necessary*
9 *for the administration of such vaccines and therapeutics:*
10 *Provided further, That funds in the preceding proviso may*
11 *be used for the construction or renovation of U.S.-based next*
12 *generation manufacturing facilities, other than facilities*
13 *owned by the United States Government: Provided further,*
14 *That the Secretary shall notify the Committees on Appro-*
15 *priations of the House of Representatives and the Senate*
16 *2 days in advance of any obligation in excess of*
17 *\$50,000,000, including but not limited to contracts and*
18 *interagency agreements, from funds provided in this para-*
19 *graph in this Act: Provided further, That amounts appro-*
20 *priated under this paragraph in this Act may be used to*
21 *restore, either directly or through reimbursement, obliga-*
22 *tions incurred for coronavirus vaccines and therapeutics*
23 *planning, development, preparation, and purchase prior to*
24 *the enactment of this Act: Provided further, That funds ap-*
25 *propriated under this paragraph in this Act may be used*

1 *for the construction, alteration, or renovation of non-feder-*
2 *ally owned facilities for the production of vaccines, thera-*
3 *peutics, diagnostics, and ancillary medical supplies where*
4 *the Secretary determines that such a contract is necessary*
5 *to secure sufficient amounts of such supplies: Provided fur-*
6 *ther, That not later than 30 days after enactment of this*
7 *Act, and every 30 days thereafter until funds are expended,*
8 *the Secretary shall report to the Committees on Appropria-*
9 *tions of the House of Representatives and the Senate on uses*
10 *of funding for Operation Warp Speed, detailing current ob-*
11 *ligations by Department or Agency, or component thereof*
12 *broken out by the coronavirus supplemental appropriations*
13 *Act that provided the source of funds: Provided further,*
14 *That the plan outlined in the preceding proviso shall in-*
15 *clude funding by contract, grant, or other transaction in*
16 *excess of \$20,000,000 with a notation of which Department*
17 *or Agency, and component thereof is managing the contract:*
18 *Provided further, That such amount is designated by the*
19 *Congress as being for an emergency requirement pursuant*
20 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
21 *Emergency Deficit Control Act of 1985.*

22 *For an additional amount for “Public Health and So-*
23 *cial Services Emergency Fund”, \$22,400,000,000, to re-*
24 *main available until September 30, 2022, to prevent, pre-*
25 *pare for, and respond to coronavirus, domestically or inter-*

1 *nationally, which shall be for necessary expenses for testing,*
2 *contact tracing, surveillance, containment, and mitigation*
3 *to monitor and suppress COVID–19, including tests for*
4 *both active infection and prior exposure, including molec-*
5 *ular, antigen, and serological tests, the manufacturing, pro-*
6 *curement and distribution of tests, testing equipment and*
7 *testing supplies, including personal protective equipment*
8 *needed for administering tests, the development and valida-*
9 *tion of rapid, molecular point-of-care tests, and other tests,*
10 *support for workforce, epidemiology, to scale up academic,*
11 *commercial, public health, and hospital laboratories, to con-*
12 *duct surveillance and contact tracing, support development*
13 *of COVID–19 testing plans, and other related activities re-*
14 *lated to COVID–19 testing and mitigation: Provided, That*
15 *amounts appropriated under this paragraph in this Act*
16 *shall be for States, localities, territories, tribes, tribal orga-*
17 *nizations, urban Indian health organizations, or health*
18 *service providers to tribes for necessary expenses for testing,*
19 *contact tracing, surveillance, containment, and mitigation,*
20 *including support for workforce, epidemiology, use by em-*
21 *ployers, elementary and secondary schools, child care facili-*
22 *ties, institutions of higher education, long-term care facili-*
23 *ties, or in other settings, scale up of testing by public health,*
24 *academic, commercial, and hospital laboratories, and com-*
25 *munity-based testing sites, mobile testing units, health care*

1 *facilities, and other entities engaged in COVID–19 testing,*
2 *and other related activities related to COVID–19 testing,*
3 *contact tracing, surveillance, containment, and mitigation*
4 *which may include interstate compacts or other mutual aid*
5 *agreements for such purposes: Provided further, That*
6 *amounts appropriated under this paragraph in this Act*
7 *shall be made available within 21 days of the date of enact-*
8 *ment of this Act: Provided further, That of the amount ap-*
9 *propriated under this paragraph in this Act, \$790,000,000,*
10 *shall be transferred to the “Department of Health and*
11 *Human Services—Indian Health Service—Indian Health*
12 *Services” to be allocated at the discretion of the Director*
13 *of the Indian Health Service and distributed through In-*
14 *dian Health Service directly operated programs and to*
15 *tribes and tribal organizations under the Indian Self-Deter-*
16 *mination and Education Assistance Act and through con-*
17 *tracts or grants with urban Indian organizations under*
18 *title V of the Indian Health Care Improvement Act: Pro-*
19 *vided further, That the amount transferred to tribes and*
20 *tribal organizations under the Indian Self-Determination*
21 *and Education Assistance Act in the preceding proviso shall*
22 *be transferred on a one-time, non-recurring basis, is not*
23 *part of the amount required by 25 U.S.C. 5325, and may*
24 *only be used for the purposes identified under this para-*
25 *graph in this Act, notwithstanding any other provision of*

1 *law: Provided further, That amounts appropriated under*
2 *this paragraph in this Act, except for the amounts trans-*
3 *ferred pursuant to the third proviso under this paragraph*
4 *in this Act, shall be allocated to States, localities, and terri-*
5 *ories according to the formula that applied to the Public*
6 *Health Emergency Preparedness cooperative agreement in*
7 *fiscal year 2020: Provided further, That of the amount ap-*
8 *propriated under this paragraph in this Act, except for the*
9 *amounts transferred pursuant to the third proviso under*
10 *this paragraph in this Act, not less than \$2,500,000,000,*
11 *shall be for strategies for improving testing capabilities and*
12 *other purposes described in this paragraph in high-risk and*
13 *underserved populations, including racial and ethnic mi-*
14 *nority populations and rural communities, as well as devel-*
15 *oping or identifying best practices for States and public*
16 *health officials to use for contact tracing in high-risk and*
17 *underserved populations, including racial and ethnic mi-*
18 *nority populations and rural communities and shall not*
19 *be allocated pursuant to the formula in the preceding pro-*
20 *viso: Provided further, That the second proviso under this*
21 *paragraph in this Act, shall not apply to amounts in the*
22 *preceding proviso: Provided further, That the Secretary of*
23 *Health and Human Services (referred to in this paragraph*
24 *as the “Secretary”) may satisfy the funding thresholds out-*
25 *lined under this paragraph in this Act for funding other*

1 *than amounts transferred pursuant to the third proviso*
2 *under this paragraph in this Act by making awards*
3 *through other grant or cooperative agreement mechanisms:*
4 *Provided further, That the Governor or designee of each*
5 *State, locality, territory, tribe, or tribal organization receiv-*
6 *ing funds pursuant to this paragraph in this Act shall up-*
7 *date their plans, as applicable, for COVID–19 testing and*
8 *contact tracing submitted to the Secretary pursuant to the*
9 *Paycheck Protection Program and Health Care Enhance-*
10 *ment Act (Public Law 116–139) and submit such updates*
11 *to the Secretary not later than 60 days after funds appro-*
12 *priated in this paragraph in this Act have been awarded*
13 *to such recipient: Provided further, That not later than 60*
14 *days after enactment of this Act, and every quarter there-*
15 *after until funds are expended, the Governor or designee of*
16 *each State, locality, territory, tribe, or tribal organization*
17 *receiving funds shall report to the Secretary on uses of fund-*
18 *ing, detailing current commitments and obligations broken*
19 *out by the coronavirus supplemental appropriations Act*
20 *that provided the source of funds: Provided further, That*
21 *not later than 15 days after receipt of such reports, the Sec-*
22 *retary shall summarize and report to the Committees on*
23 *Appropriations of the House of Representatives and the*
24 *Senate and the Committee on Energy and Commerce of the*
25 *House of Representatives and the Committee on Health,*

1 *Education, Labor, and Pensions of the Senate on States’*
2 *commitments and obligations of funding: Provided further,*
3 *That the Secretary shall make publicly available the plans*
4 *submitted by the Governor or designee of each State, local-*
5 *ity, territory, tribe, or tribal organization and the report*
6 *on use of funds provided under this paragraph: Provided*
7 *further, That funds an entity receives from amounts de-*
8 *scribed in the first proviso in this paragraph may also be*
9 *used for the rent, lease, purchase, acquisition, construction,*
10 *alteration, renovation, or equipping of non-federally owned*
11 *facilities to improve coronavirus preparedness and response*
12 *capability at the State and local level: Provided further,*
13 *That the Secretary shall provide a report to the Committees*
14 *on Appropriations of the House of Representatives and the*
15 *Senate on obligation of funds to eligible entities pursuant*
16 *to the sixth proviso, summarized by State, not later than*
17 *30 days after the date of enactment of this Act, and every*
18 *60 days thereafter until funds are expired: Provided further,*
19 *That such amount is designated by the Congress as being*
20 *for an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985.*

23 *For an additional amount for “Public Health and So-*
24 *cial Services Emergency Fund”, \$3,000,000,000, to remain*
25 *available until expended, to prevent, prepare for, and re-*

1 *spond to coronavirus, domestically or internationally,*
2 *which shall be for necessary expenses to reimburse, through*
3 *grants or other mechanisms, eligible health care providers*
4 *for health care related expenses or lost revenues that are*
5 *attributable to coronavirus: Provided, That these funds may*
6 *not be used to reimburse expenses or losses that have been*
7 *reimbursed from other sources or that other sources are obli-*
8 *gated to reimburse: Provided further, That recipients of*
9 *payments under this paragraph shall submit reports and*
10 *maintain documentation as the Secretary determines are*
11 *needed to ensure compliance with conditions that are im-*
12 *posed by this paragraph for such payments, and such re-*
13 *ports and documentation shall be in such form, with such*
14 *content, and in such time as the Secretary may prescribe*
15 *for such purpose: Provided further, That “eligible health*
16 *care providers” means public entities, Medicare or Med-*
17 *icaid enrolled suppliers and providers, and such for-profit*
18 *entities and not-for-profit entities not otherwise described*
19 *in this proviso as the Secretary may specify, within the*
20 *United States (including territories), that provide diag-*
21 *noses, testing, or care for individuals with possible or actual*
22 *cases of COVID–19: Provided further, That the Secretary*
23 *shall, on a rolling basis, review applications and make pay-*
24 *ments under this paragraph in this Act: Provided further,*
25 *That funds appropriated under this paragraph in this Act*

1 *shall be available for building or construction of temporary*
2 *structures, leasing of properties, medical supplies and*
3 *equipment including personal protective equipment and*
4 *testing supplies, increased workforce and trainings, emer-*
5 *gency operation centers, retrofitting facilities, and surge ca-*
6 *capacity: Provided further, That, in this paragraph, the term*
7 *“payment” means a pre-payment, prospective payment, or*
8 *retrospective payment, as determined appropriate by the*
9 *Secretary: Provided further, That payments under this*
10 *paragraph shall be made in consideration of the most effi-*
11 *cient payment systems practicable to provide emergency*
12 *payment: Provided further, That to be eligible for a pay-*
13 *ment under this paragraph in this Act, an eligible health*
14 *care provider shall submit to the Secretary an application*
15 *that includes a statement justifying the need of the provider*
16 *for the payment and the eligible health care provider shall*
17 *have a valid tax identification number: Provided further,*
18 *That for any reimbursement by the Secretary from the Pro-*
19 *vider Relief Fund to an eligible health care provider that*
20 *is a subsidiary of a parent organization, the parent organi-*
21 *zation may, allocate (through transfers or otherwise) all or*
22 *any portion of such reimbursement among the subsidiary*
23 *eligible health care providers of the parent organization, in-*
24 *cluding reimbursements referred to by the Secretary as*
25 *“Targeted Distribution” payments, among subsidiary eligi-*

1 ble health care providers of the parent organization except
2 that responsibility for reporting the reallocated reimburse-
3 ment shall remain with the original recipient of such reim-
4 bursement: Provided further, That, for any reimbursement
5 from the Provider Relief Fund to an eligible health care
6 provider for health care related expenses or lost revenues
7 that are attributable to coronavirus (including reimburse-
8 ments made before the date of the enactment of this Act),
9 such provider may calculate such lost revenues using the
10 Frequently Asked Questions guidance released by the De-
11 partment of Health and Human Services in June 2020, in-
12 cluding the difference between such provider's budgeted and
13 actual revenue budget if such budget had been established
14 and approved prior to March 27, 2020: Provided further,
15 That of the amount made available in the third paragraph
16 under this heading in Public Law 116–136, not less than
17 85 percent of (i) the unobligated balances available as of
18 the date of enactment of this Act, and (ii) any funds recov-
19 ered from health care providers after the date of enactment
20 of this Act, shall be for any successor to the Phase 3 General
21 Distribution allocation to make payments to eligible health
22 care providers based on applications that consider financial
23 losses and changes in operating expenses occurring in the
24 third or fourth quarter of calendar year 2020, or the first
25 quarter of calendar year 2021, that are attributable to

1 *coronavirus: Provided further, That, not later than 3 years*
2 *after final payments are made under this paragraph, the*
3 *Office of Inspector General of the Department of Health and*
4 *Human Services shall transmit a final report on audit*
5 *findings with respect to this program to the Committees on*
6 *Appropriations of the House of Representatives and the*
7 *Senate: Provided further, That nothing in this section lim-*
8 *its the authority of the Inspector General or the Comptroller*
9 *General to conduct audits of interim payments at an earlier*
10 *date: Provided further, That not later than 60 days after*
11 *the date of enactment of this Act, the Secretary of Health*
12 *and Human Services shall provide a report to the Commit-*
13 *tees on Appropriations of the House of Representatives and*
14 *the Senate on obligation of funds, including obligations to*
15 *such eligible health care providers, summarized by State of*
16 *the payment receipt: Provided further, That such reports*
17 *shall be updated and submitted to such Committees every*
18 *60 days until funds are expended: Provided further, That*
19 *the amounts repurposed in this paragraph that were pre-*
20 *viously designated by the Congress as an emergency require-*
21 *ment pursuant to the Balanced Budget and Emergency Def-*
22 *icit Control Act of 1985 are designated by the Congress as*
23 *an emergency requirement pursuant to section*
24 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985: Provided further, That such*

1 *amount is designated by the Congress as being for an emer-*
2 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
3 *the Balanced Budget and Emergency Deficit Control Act*
4 *of 1985.*

5 *GENERAL PROVISIONS—DEPARTMENT OF*
6 *HEALTH AND HUMAN SERVICES*

7 *SEC. 301. Funds appropriated by this title may be*
8 *used by the Secretary of the Department of Health and*
9 *Human Services to appoint, without regard to the provi-*
10 *sions of sections 3309 through 3319 of title 5 of the United*
11 *States Code, candidates needed for positions to perform crit-*
12 *ical work relating to coronavirus for which—*

13 (1) *public notice has been given; and*

14 (2) *the Secretary of Health and Human Services*
15 *has determined that such a public health threat exists.*

16 *SEC. 302. Funds appropriated by this title may be*
17 *used to enter into contracts with individuals for the provi-*
18 *sion of personal services (as described in section 104 of part*
19 *37 of title 48, Code of Federal Regulations (48 CFR*
20 *37.104)) to support the prevention of, preparation for, or*
21 *response to coronavirus, domestically and internationally,*
22 *subject to prior notification to the Committees on Appro-*
23 *priations of the House of Representatives and the Senate:*
24 *Provided, That such individuals may not be deemed em-*
25 *ployees of the United States for the purpose of any law ad-*

1 ministered by the Office of Personnel Management: Pro-
2 vided further, That the authority made available pursuant
3 to this section shall expire on September 30, 2024.

4 SEC. 303. (a) If services performed by an employee
5 during 2020 and 2021 are determined by the head of the
6 agency to be primarily related to preparation, prevention,
7 or response to coronavirus, any premium pay for such serv-
8 ices shall be disregarded in calculating the aggregate of such
9 employee's basic pay and premium pay for purposes of a
10 limitation under section 5547(a) of title 5, United States
11 Code, or under any other provision of law, whether such
12 employees pay is paid on a biweekly or calendar year basis.

13 (b) Any overtime pay for such services shall be dis-
14 regarded in calculating any annual limit on the amount
15 of overtime pay payable in a calendar or fiscal year.

16 (c) With regard to such services, any pay that is dis-
17 regarded under either subsection (a) or (b) shall be dis-
18 regarded in calculating such employee's aggregate pay for
19 purposes of the limitation in section 5307 of such title 5.

20 (d)(1) Pay that is disregarded under subsection (a) or
21 (b) shall not cause the aggregate of the employee's basic pay
22 and premium pay for the applicable calendar year to exceed
23 the rate of basic pay payable for a position at level II of
24 the Executive Schedule under section 5313 of title 5, United
25 States Code, as in effect at the end of such calendar year.

1 (2) *For purposes of applying this subsection to*
2 *an employee who would otherwise be subject to the*
3 *premium pay limits established under section 5547 of*
4 *title 5, United States Code, “premium pay” means*
5 *the premium pay paid under the provisions of law*
6 *cited in section 5547(a).*

7 (3) *For purposes of applying this subsection to*
8 *an employee under a premium pay limit established*
9 *under an authority other than section 5547 of title 5,*
10 *United States Code, the agency responsible for admin-*
11 *istering such limit shall determine what payments*
12 *are considered premium pay.*

13 (e) *This section shall take effect as if enacted on Feb-*
14 *ruary 2, 2020.*

15 (f) *If application of this section results in the payment*
16 *of additional premium pay to a covered employee of a type*
17 *that is normally creditable as basic pay for retirement or*
18 *any other purpose, that additional pay shall not—*

19 (1) *be considered to be basic pay of the covered*
20 *employee for any purpose; or*

21 (2) *be used in computing a lump-sum payment*
22 *to the covered employee for accumulated and accrued*
23 *annual leave under section 5551 or section 5552 of*
24 *title 5, United States Code.*

1 *SEC. 304. Funds appropriated by this title to the head-*
2 *ing “Department of Health and Human Services” except*
3 *for the amounts specified in the second and third para-*
4 *graphs under the heading “Public Health and Social Serv-*
5 *ices Emergency Fund”, may be transferred to, and merged*
6 *with, other appropriation accounts under the headings*
7 *“Centers for Disease Control and Prevention”, “National*
8 *Institutes of Health”, “Substance Abuse and Mental Health*
9 *Services”, “Administration for Children and Families”,*
10 *and “Public Health and Social Services Emergency Fund”,*
11 *to prevent, prepare for, and respond to coronavirus fol-*
12 *lowing consultation with the Office of Management and*
13 *Budget: Provided further, That the Committees on Appro-*
14 *priations of the House of Representatives and the Senate*
15 *shall be notified 10 days in advance of any such transfer:*
16 *Provided further, That, upon a determination that all or*
17 *part of the funds transferred from an appropriation by this*
18 *title are not necessary, such amounts may be transferred*
19 *back to that appropriation: Provided further, That none of*
20 *the funds made available by this title may be transferred*
21 *pursuant to the authority in section 205 of division A of*
22 *Public Law 116–94 or section 241(a) of the PHS Act.*

23 *SEC. 305. Of the funds appropriated by this title under*
24 *the heading “Public Health and Social Services Emergency*
25 *Fund”, up to \$2,000,000 shall be transferred to the “Office*

1 *of the Secretary, Office of Inspector General”, and shall re-*
2 *main available until expended, for oversight of activities*
3 *supported with funds appropriated to the Department of*
4 *Health and Human Services to prevent, prepare for, and*
5 *respond to coronavirus, domestically or internationally:*
6 *Provided, That the Inspector General of the Department of*
7 *Health and Human Services shall consult with the Commit-*
8 *tees on Appropriations of the House of Representatives and*
9 *the Senate prior to obligating such funds: Provided further,*
10 *That the transfer authority provided by this section is in*
11 *addition to any other transfer authority provided by law.*

12 *SEC. 306. Section 675b(b)(3) of the Community Serv-*
13 *ices Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply*
14 *with respect to funds appropriated by the Coronavirus Aid,*
15 *Relief, and Economic Security Act (Public Law 116–136)*
16 *to carry out the Community Services Block Grant Act (42*
17 *U.S.C. 9901 et seq.): Provided, That the amounts*
18 *repurposed in this section that were previously designated*
19 *by the Congress as an emergency requirement pursuant to*
20 *the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985 are designated by the Congress as an emergency*
22 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
23 *anced Budget and Emergency Deficit Control Act of 1985.*

24 *SEC. 307. Penalties and administrative requirements*
25 *under title XXVI of the Public Health Service Act may be*

1 *waived by the Secretary of Health and Human Services for*
2 *funds awarded under such title of such Act from amounts*
3 *provided for fiscal year 2020 and fiscal year 2021 under*
4 *the heading “Department of Health and Human Services—*
5 *Health Resources and Services Administration”, including*
6 *amounts made available under such heading by transfer:*
7 *Provided, That such amount is designated by the Congress*
8 *as being for an emergency requirement pursuant to section*
9 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985.*

11 *DEPARTMENT OF EDUCATION*

12 *EDUCATION STABILIZATION FUND*

13 *For an additional amount for “Education Stabiliza-*
14 *tion Fund”, \$81,880,000,000, to remain available through*
15 *September 30, 2022, to prevent, prepare for, and respond*
16 *to coronavirus, domestically or internationally: Provided,*
17 *That such amount is designated by the Congress as being*
18 *for an emergency requirement pursuant to section*
19 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
20 *Deficit Control Act of 1985.*

21 *GENERAL PROVISIONS—DEPARTMENT OF*

22 *EDUCATION*

23 *EDUCATION STABILIZATION FUND*

24 *SEC. 311. (a) ALLOCATIONS.—From the amount made*
25 *available under this heading in this Act to carry out the*

1 *Education Stabilization Fund, the Secretary shall first al-*
2 *locate—*

3 (1) *one-half of 1 percent to the outlying areas for*
4 *supplemental awards to be allocated not more than 30*
5 *calendar days from the date of enactment of this Act*
6 *on the basis of the terms and conditions for funding*
7 *provided under section 18001(a)(1) of the*
8 *Coronavirus Aid, Relief, and Economic Security*
9 *(CARES) Act (Public Law 116–136); and*

10 (2) *one-half of 1 percent for a supplemental*
11 *award to be allocated to the Secretary of Interior not*
12 *more than 30 calendar days from enactment of this*
13 *Act for programs operated or funded by the Bureau*
14 *of Indian Education (BIE) under the terms and con-*
15 *ditions established for funding provided under section*
16 *18001(a)(2) of the CARES Act (Public Law 116–*
17 *136), for BIE-operated and funded elementary and*
18 *secondary schools and Tribal Colleges and Univer-*
19 *sities, except that funding shall be allocated as fol-*
20 *lows:*

21 (A) *60 percent for Bureau-funded schools,*
22 *as defined in 25 U.S.C. 2021, provided that such*
23 *schools may not be required to submit a spend-*
24 *ing plan before receipt of funding.*

1 (B) 40 percent for Tribal Colleges and Uni-
2 versities, which shall be distributed according to
3 the formula in section 316(d)(3) of the Higher
4 Education Act of 1965 (“HEA”).

5 (b) RESERVATIONS.—After carrying out subsection
6 (a), the Secretary shall reserve the remaining funds made
7 available as follows:

8 (1) 5 percent to carry out section 312 of this
9 title.

10 (2) 67 percent to carry out section 313 of this
11 title.

12 (3) 28 percent to carry out section 314 of this
13 title.

14 GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND

15 SEC. 312. (a) PROGRAM AUTHORIZED.—(1) From
16 funds reserved under section 311(b)(1) of this title and not
17 reserved under paragraph (2), the Secretary shall make
18 supplemental Emergency Education Relief grants to the
19 Governor of each State with an approved application under
20 section 18002 of division B of the CARES Act (Public Law
21 116–136). The Secretary shall award funds under this sec-
22 tion to the Governor of each State with an approved appli-
23 cation within 30 calendar days of the date of enactment
24 of this Act.

1 (2) *RESERVATION.*—*From funds made available*
2 *under section 311(b)(1) of this title, the Secretary*
3 *shall reserve \$2,750,000,000 of such funds to provide*
4 *Emergency Assistance to Non-Public Schools grants,*
5 *in accordance with subsection (d), to the Governor of*
6 *each State with an approved application under sub-*
7 *section (d)(2).*

8 (b) *ALLOCATIONS.*—*The amount of each grant under*
9 *subsection (a)(1) shall be allocated by the Secretary to each*
10 *State as follows:*

11 (1) *60 percent on the basis of their relative popu-*
12 *lation of individuals aged 5 through 24.*

13 (2) *40 percent on the basis of their relative num-*
14 *ber of children counted under section 1124(c) of the*
15 *Elementary and Secondary Education Act of 1965*
16 *(“ESEA”).*

17 (c) *USES OF FUNDS.*—*Grant funds awarded under*
18 *subsection (a)(1) may be used to—*

19 (1) *provide emergency support through grants to*
20 *local educational agencies that the State educational*
21 *agency deems have been most significantly impacted*
22 *by coronavirus to support the ability of such local*
23 *educational agencies to continue to provide edu-*
24 *cational services to their students and to support the*
25 *on-going functionality of the local educational agency;*

1 (2) *provide emergency support through grants to*
2 *institutions of higher education serving students with-*
3 *in the State that the Governor determines have been*
4 *most significantly impacted by coronavirus to sup-*
5 *port the ability of such institutions to continue to*
6 *provide educational services and support the on-going*
7 *functionality of the institution; and*

8 (3) *provide support to any other institution of*
9 *higher education, local educational agency, or edu-*
10 *cation related entity within the State that the Gov-*
11 *ernor deems essential for carrying out emergency edu-*
12 *cational services to students for authorized activities*
13 *described in section 313(d)(1) of this title or the*
14 *HEA; the provision of child care and early childhood*
15 *education, social and emotional support; and the pro-*
16 *tection of education-related jobs.*

17 (d) *EMERGENCY ASSISTANCE TO NON-PUBLIC*
18 *SCHOOLS.—*

19 (1) *PROGRAM AUTHORIZED.—*

20 (A) *IN GENERAL.—With funds reserved*
21 *under subsection (a)(2), the Secretary shall allot*
22 *the amount described in subparagraph (B) to the*
23 *Governor of each State with an approved appli-*
24 *cation under paragraph (2) in order to provide*
25 *services or assistance to non-public schools under*

1 *this subsection. The Governor shall designate the*
2 *State educational agency to administer the pro-*
3 *gram authorized under this subsection.*

4 *(B) AMOUNT OF ALLOTMENT.—An allot-*
5 *ment for a State under subparagraph (A) shall*
6 *be in the amount that bears the same relation-*
7 *ship to the total amount of the funds reserved*
8 *under subsection (a)(2) as the number of chil-*
9 *dren aged 5 through 17 at or below 185 percent*
10 *of poverty who are enrolled in non-public schools*
11 *in the State (as determined by the Secretary on*
12 *the basis of the best available data) bears to the*
13 *total number of all such children in all States.*

14 *(2) APPLICATIONS FROM STATES.—*

15 *(A) APPLICATION REQUEST AND REVIEW.—*

16 *The Secretary shall—*

17 *(i) issue a notice inviting applications*
18 *for funds reserved under subsection (a)(2)*
19 *not later than 30 days after the date of en-*
20 *actment of this Act; and*

21 *(ii) approve or deny an application*
22 *not later than 15 days after the receipt of*
23 *the application.*

24 *(B) ASSURANCE.—The Governor of each*
25 *State, in consultation with their respective State*

1 *educational agency, shall include in the applica-*
2 *tion submitted under this paragraph an assur-*
3 *ance that the State educational agency will—*

4 *(i) distribute information about the*
5 *program to non-public schools and make the*
6 *information and the application easily*
7 *available;*

8 *(ii) process all applications submitted*
9 *promptly, in accordance with subparagraph*
10 *(3)(A)(ii);*

11 *(iii) in providing services or assistance*
12 *to non-public schools, ensure that services or*
13 *assistance is provided to any non-public*
14 *school that—*

15 *(I) is a non-public school de-*
16 *scribed in paragraph (3)(C);*

17 *(II) submits an application that*
18 *meets the requirements of paragraph*
19 *(3)(B); and*

20 *(III) requests services or assist-*
21 *ance allowable under paragraph (4);*

22 *(iv) to the extent practicable, obligate*
23 *all funds provided under subsection (a)(2)*
24 *for services or assistance to non-public*

1 *schools in the State in an expedited and*
2 *timely manner; and*

3 *(v) obligate funds to provide services or*
4 *assistance to non-public schools in the State*
5 *not later than 6 months after receiving such*
6 *funds under subsection (a)(2).*

7 (3) *APPLICATIONS FOR SERVICES OR ASSIST-*
8 *ANCE.—*

9 (A) *APPLICATION REQUEST AND REVIEW.—*
10 *A State educational agency receiving funds from*
11 *the Governor under this subsection shall—*

12 (i) *make the application for services or*
13 *assistance described in subparagraph (B)*
14 *available to non-public schools by not later*
15 *than 30 days after the receipt of such funds;*
16 *and*

17 (ii) *approve or deny an application*
18 *not later than 30 days after the receipt of*
19 *the application.*

20 (B) *APPLICATION REQUIREMENTS.—Each*
21 *non-public school desiring services or assistance*
22 *under this subsection shall submit an applica-*
23 *tion to the State educational agency at such*
24 *time, in such manner, and accompanied by such*
25 *information as the State educational agency*

1 *may reasonably require to ensure expedited and*
2 *timely provision of services or assistance to the*
3 *non-public school, which shall include—*

4 *(i) the number and percentage of stu-*
5 *dents from low-income families enrolled by*
6 *such non-public school in the 2019–2020*
7 *school year;*

8 *(ii) a description of the emergency*
9 *services authorized under paragraph (4)*
10 *that such non-public school requests to be*
11 *provided by the State educational agency;*
12 *and*

13 *(iii) whether the non-public school re-*
14 *questing services or assistance under this*
15 *subsection received a loan guaranteed under*
16 *paragraph (36) of section 7(a) of the Small*
17 *Business Act (15 U.S.C. 636(a)) that was*
18 *made before the date of enactment of this*
19 *Act and the amount of any such loan re-*
20 *ceived.*

21 *(C) TARGETING.—A State educational*
22 *agency receiving funds under this subsection*
23 *shall prioritize services or assistance to non-pub-*
24 *lic schools that enroll low-income students and*
25 *are most impacted by the qualifying emergency.*

1 (4) *TYPES OF SERVICES OR ASSISTANCE.*—A
2 *non-public school receiving services or assistance*
3 *under this subsection shall use such services or assist-*
4 *ance to address educational disruptions resulting*
5 *from the qualifying emergency for—*

6 (A) *supplies to sanitize, disinfect, and clean*
7 *school facilities;*

8 (B) *personal protective equipment;*

9 (C) *improving ventilation systems, includ-*
10 *ing windows or portable air purification systems*
11 *to ensure healthy air in the non-public school;*

12 (D) *training and professional development*
13 *for staff on sanitation, the use of personal protec-*
14 *tive equipment, and minimizing the spread of*
15 *infectious diseases;*

16 (E) *physical barriers to facilitate social*
17 *distancing;*

18 (F) *other materials, supplies, or equipment*
19 *to implement public health protocols, including*
20 *guidelines and recommendations from the Cen-*
21 *ters for Disease Control and Prevention for the*
22 *reopening and operation of school facilities to ef-*
23 *fectively maintain the health and safety of stu-*
24 *dents, educators, and other staff during the*
25 *qualifying emergency;*

1 (G) *expanding capacity to administer*
2 *coronavirus testing to effectively monitor and*
3 *suppress coronavirus, to conduct surveillance*
4 *and contact tracing activities, and to support*
5 *other activities related to coronavirus testing for*
6 *students, teachers, and staff at the non-public*
7 *school;*

8 (H) *educational technology (including hard-*
9 *ware, software, connectivity, assistive technology,*
10 *and adaptive equipment) to assist students, edu-*
11 *cators, and other staff with remote or hybrid*
12 *learning;*

13 (I) *redeveloping instructional plans, includ-*
14 *ing curriculum development, for remote learning,*
15 *hybrid learning, or to address learning loss;*

16 (J) *leasing of sites or spaces to ensure safe*
17 *social distancing to implement public health pro-*
18 *ocols, including guidelines and recommenda-*
19 *tions from the Centers for Disease Control and*
20 *Prevention;*

21 (K) *reasonable transportation costs;*

22 (L) *initiating and maintaining education*
23 *and support services or assistance for remote*
24 *learning, hybrid learning, or to address learning*
25 *loss; or*

1 (M) reimbursement for the expenses of any
2 services or assistance described in this paragraph
3 (except for subparagraphs (C) (except that port-
4 able air purification systems shall be an allow-
5 able reimbursable expense), (D), (I), and (L))
6 that the non-public school incurred on or after
7 the date of the qualifying emergency, except that
8 any non-public school that has received a loan
9 guaranteed under paragraph (36) of section 7(a)
10 of the Small Business Act (15 U.S.C. 636(a)) as
11 of the day prior to the date of enactment of this
12 Act shall not be eligible for reimbursements de-
13 scribed in this paragraph for any expenses reim-
14 bursed through such loan.

15 (5) ADMINISTRATION.—A State educational
16 agency receiving funds under this subsection may re-
17 serve not more than the greater of \$200,000 or one-
18 half of 1 percent of such funds to administer the serv-
19 ices and assistance provided under this subsection to
20 non-public schools.

21 (6) REALLOCATION.—Notwithstanding para-
22 graph (1)(A), each State educational agency receiving
23 funds under this subsection that complies with para-
24 graph (2) but has unobligated funds remaining 6
25 months after receiving funds under this subsection

1 *shall return such remaining unobligated funds to the*
2 *Governor, to use for any use authorized under sub-*
3 *section (c).*

4 (7) *PUBLIC CONTROL OF FUNDS.—*

5 (A) *IN GENERAL.—The control of funds for*
6 *the services or assistance provided to a non-pub-*
7 *lic school under this subsection, and title to ma-*
8 *terials, equipment, and property purchased with*
9 *such funds, shall be in a public agency, and a*
10 *public agency shall administer such funds, serv-*
11 *ices, assistance, materials, equipment, and prop-*
12 *erty.*

13 (B) *PROVISION OF SERVICES OR ASSIST-*
14 *ANCE.—*

15 (i) *PROVIDER.—The provision of serv-*
16 *ices or assistance to a non-public school*
17 *under this subsection shall be provided—*

18 (I) *by employees of a public agen-*
19 *cy; or*

20 (II) *through contract by such pub-*
21 *lic agency with an individual, associa-*
22 *tion, agency, or organization.*

23 (ii) *REQUIREMENT.—In the provision*
24 *of services or assistance described in clause*
25 *(i), such employee, individual, association,*

1 *agency, or organization shall be inde-*
2 *pendent of the non-public school receiving*
3 *such services or assistance, and such em-*
4 *ployment and contracts shall be under the*
5 *control and supervision of such public agen-*
6 *cy described in subparagraph (A).*

7 (8) *SECULAR, NEUTRAL, AND NON-IDEOLOG-*
8 *ICAL.—All services or assistance provided under this*
9 *subsection, including providing equipment, materials,*
10 *and any other items, shall be secular, neutral, and*
11 *non-ideological.*

12 (9) *INTERACTION WITH PAYCHECK PROTECTION*
13 *PROGRAM.—(A) IN GENERAL.—In order to be eligible*
14 *to receive services or assistance under this subsection,*
15 *a non-public school shall submit to the State an as-*
16 *urance, including any documentation required by the*
17 *Secretary, that such non-public school did not, and*
18 *will not, apply for and receive a loan under para-*
19 *graphs (36) or (37) of section 7(a) of the Small Busi-*
20 *ness Act (15 U.S.C. 636(a)(37)) that is made on or*
21 *after the date of enactment of this Act.*

22 (B) *ALLOWANCE.—A non-public school that*
23 *received a loan guaranteed under paragraph*
24 *(36) of section 7(a) of the Small Business Act*
25 *(15 U.S.C. 636(a)) that was made before the date*

1 *of enactment of this Act shall be eligible to re-*
2 *ceive services or assistance under this subsection.*

3 *(e) RESTRICTIONS.—*

4 *(1) Funds provided under this section shall not*
5 *be used—*

6 *(A) to provide direct or indirect financial*
7 *assistance to scholarship granting organizations*
8 *or related entities for elementary or secondary*
9 *education; or*

10 *(B) to provide or support vouchers, tuition*
11 *tax credit programs, education savings accounts,*
12 *scholarships, scholarship programs, or tuition-as-*
13 *sistance programs for elementary or secondary*
14 *education.*

15 *(2) EXCEPTION.—Notwithstanding paragraph*
16 *(1), a State may use funds provided under subsection*
17 *(a)(1) to provide assistance prohibited under para-*
18 *graph (1) only to students who receive or received*
19 *such assistance with funds provided under section*
20 *18002(a) of division B of the CARES Act (20 U.S.C.*
21 *3401 note), for the 2020–2021 school year and only*
22 *for the same assistance provided such students under*
23 *such section.*

24 *(3) RULE OF CONSTRUCTION.—Nothing in this*
25 *subsection shall be interpreted to apply any addi-*

1 *received under part A of title I of the ESEA of 1965 in*
2 *the most recent fiscal year.*

3 (c) *SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—*
4 *Each State shall allocate not less than 90 percent of the*
5 *grant funds awarded to the State under this section as sub-*
6 *grants to local educational agencies (including charter*
7 *schools that are local educational agencies) in the State in*
8 *proportion to the amount of funds such local educational*
9 *agencies and charter schools that are local educational*
10 *agencies received under part A of title I of the ESEA of*
11 *1965 in the most recent fiscal year.*

12 (d) *USES OF FUNDS.—A local educational agency that*
13 *receives funds under this section may use the funds for any*
14 *of the following:*

15 (1) *Any activity authorized by the ESEA of*
16 *1965, including the Native Hawaiian Education Act*
17 *and the Alaska Native Educational Equity, Support,*
18 *and Assistance Act (20 U.S.C. 6301 et seq.), the Indi-*
19 *viduals with Disabilities Education Act (20 U.S.C.*
20 *1400 et seq.) (“IDEA”), the Adult Education and*
21 *Family Literacy Act (20 U.S.C. 1400 et seq.), the*
22 *Carl D. Perkins Career and Technical Education Act*
23 *of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins Act”),*
24 *or subtitle B of title VII of the McKinney-Vento*
25 *Homeless Assistance Act (42 U.S.C. 11431 et seq.).*

1 (2) *Coordination of preparedness and response*
2 *efforts of local educational agencies with State, local,*
3 *Tribal, and territorial public health departments, and*
4 *other relevant agencies, to improve coordinated re-*
5 *sponses among such entities to prevent, prepare for,*
6 *and respond to coronavirus.*

7 (3) *Providing principals and others school lead-*
8 *ers with the resources necessary to address the needs*
9 *of their individual schools.*

10 (4) *Activities to address the unique needs of low-*
11 *income children or students, children with disabil-*
12 *ities, English learners, racial and ethnic minorities,*
13 *students experiencing homelessness, and foster care*
14 *youth, including how outreach and service delivery*
15 *will meet the needs of each population.*

16 (5) *Developing and implementing procedures*
17 *and systems to improve the preparedness and re-*
18 *sponse efforts of local educational agencies.*

19 (6) *Training and professional development for*
20 *staff of the local educational agency on sanitation*
21 *and minimizing the spread of infectious diseases.*

22 (7) *Purchasing supplies to sanitize and clean the*
23 *facilities of a local educational agency, including*
24 *buildings operated by such agency.*

1 (8) *Planning for, coordinating, and imple-*
2 *menting activities during long-term closures, includ-*
3 *ing providing meals to eligible students, providing*
4 *technology for online learning to all students, pro-*
5 *viding guidance for carrying out requirements under*
6 *the IDEA and ensuring other educational services can*
7 *continue to be provided consistent with all Federal,*
8 *State, and local requirements.*

9 (9) *Purchasing educational technology (includ-*
10 *ing hardware, software, and connectivity) for students*
11 *who are served by the local educational agency that*
12 *aids in regular and substantive educational inter-*
13 *action between students and their classroom instruc-*
14 *tors, including low-income students and children with*
15 *disabilities, which may include assistive technology or*
16 *adaptive equipment.*

17 (10) *Providing mental health services and sup-*
18 *ports.*

19 (11) *Planning and implementing activities re-*
20 *lated to summer learning and supplemental after-*
21 *school programs, including providing classroom in-*
22 *struction or online learning during the summer*
23 *months and addressing the needs of low-income stu-*
24 *dents, children with disabilities, English learners, mi-*

1 *grant students, students experiencing homelessness,*
2 *and children in foster care.*

3 *(12) Addressing learning loss among students,*
4 *including low-income students, children with disabili-*
5 *ties, English learners, racial and ethnic minorities,*
6 *students experiencing homelessness, and children and*
7 *youth in foster care, of the local educational agency,*
8 *including by—*

9 *(A) Administering and using high-quality*
10 *assessments that are valid and reliable, to accu-*
11 *rately assess students' academic progress and as-*
12 *sist educators in meeting students' academic*
13 *needs, including through differentiating instruc-*
14 *tion.*

15 *(B) Implementing evidence-based activities*
16 *to meet the comprehensive needs of students.*

17 *(C) Providing information and assistance*
18 *to parents and families on how they can effec-*
19 *tively support students, including in a distance*
20 *learning environment.*

21 *(D) Tracking student attendance and im-*
22 *proving student engagement in distance edu-*
23 *cation.*

24 *(13) School facility repairs and improvements to*
25 *enable operation of schools to reduce risk of virus*

1 *transmission and exposure to environmental health*
2 *hazards, and to support student health needs.*

3 *(14) Inspection, testing, maintenance, repair, re-*
4 *placement, and upgrade projects to improve the in-*
5 *door air quality in school facilities, including me-*
6 *chanical and non-mechanical heating, ventilation,*
7 *and air conditioning systems, filtering, purification*
8 *and other air cleaning, fans, control systems, and*
9 *window and door repair and replacement.*

10 *(15) Other activities that are necessary to main-*
11 *tain the operation of and continuity of services in*
12 *local educational agencies and continuing to employ*
13 *existing staff of the local educational agency.*

14 *(e) STATE FUNDING.—With funds not otherwise allo-*
15 *cated under subsection (c), a State may reserve not more*
16 *than one-half of 1 percent for administrative costs and the*
17 *remainder for emergency needs as determined by the state*
18 *educational agency to address issues responding to*
19 *coronavirus, including measuring and addressing learning*
20 *loss, which may be addressed through the use of grants or*
21 *contracts.*

22 *(f) REPORT.—A State receiving funds under this sec-*
23 *tion shall submit a report to the Secretary, not later than*
24 *6 months after receiving funding provided in this Act, in*
25 *such manner and with such subsequent frequency as the*

1 *Secretary may require, that provides a detailed accounting*
2 *of the use of funds provided under this section, including*
3 *how the State is using funds to measure and address learn-*
4 *ing loss among students disproportionately affected by*
5 *coronavirus and school closures, including low-income stu-*
6 *dents, children with disabilities, English learners, racial*
7 *and ethnic minorities, students experiencing homelessness,*
8 *and children and youth in foster care.*

9 *(g) REALLOCATION.—A State shall return to the Sec-*
10 *retary any funds received under this section that the State*
11 *does not award within 1 year of receiving such funds and*
12 *the Secretary shall reallocate such funds to the remaining*
13 *States in accordance with subsection (b).*

14 *HIGHER EDUCATION EMERGENCY RELIEF FUND*

15 *SEC. 314. (a) IN GENERAL.—From funds reserved*
16 *under section 311(b)(3) of this title the Secretary shall allo-*
17 *cate amounts to institutions of higher education with an*
18 *approved application as follows:*

19 *(1) 89 percent to each institution of higher edu-*
20 *cation as defined in section 101 or section 102(c) of*
21 *the HEA to prevent, prepare for, and respond to*
22 *coronavirus, by apportioning it—*

23 *(A) 37.5 percent according to the relative*
24 *share of full-time equivalent enrollment of stu-*
25 *dents who were Federal Pell Grant recipients*

1 *and who were not exclusively enrolled in dis-*
2 *tance education courses prior to the qualifying*
3 *emergency;*

4 *(B) 37.5 percent according to the relative*
5 *share of the total number of students who were*
6 *Federal Pell Grant recipients and who were not*
7 *exclusively enrolled in distance education courses*
8 *prior to the qualifying emergency;*

9 *(C) 11.5 percent according to the relative*
10 *share of full-time equivalent enrollment of stu-*
11 *dents who were not Federal Pell Grant recipients*
12 *and who were not exclusively enrolled in dis-*
13 *tance education courses prior to the qualifying*
14 *emergency;*

15 *(D) 11.5 percent according to the relative*
16 *share of the total number of students who were*
17 *not Federal Pell Grant recipients and who were*
18 *not exclusively enrolled in distance education*
19 *courses prior to the qualifying emergency;*

20 *(E) 1 percent according to the relative share*
21 *of full-time equivalent enrollment of students*
22 *who were Federal Pell grant recipients and who*
23 *were exclusively enrolled in distance education*
24 *courses prior to the qualifying emergency; and*

1 (F) 1 percent according to the relative share
2 of the total number of students who were Federal
3 Pell grant recipients and who were exclusively
4 enrolled in distance education courses prior to
5 the qualifying emergency.

6 (2) 7.5 percent for additional awards under
7 parts A and B of title III, parts A and B of title V,
8 and subpart 4 of part A of title VII of the HEA to
9 address needs directly related to coronavirus, that
10 shall be in addition to awards made in subsection
11 (a)(1), and allocated by the Secretary proportionally
12 to such programs based on the relative share of fund-
13 ing appropriated to such programs in the Further
14 Consolidated Appropriations Act, 2020 (Public Law
15 116–94) and distributed to eligible institutions of
16 higher education, except as otherwise provided in sub-
17 paragraphs (A) through (C), on the basis of the for-
18 mula described in subparagraphs (A) through (F) of
19 subsection (a)(1):

20 (A) Except as otherwise provided in sub-
21 paragraph (2)(B), for eligible institutions under
22 part B of title III and subpart 4 of part A of
23 title VII of the HEA, the Secretary shall allot to
24 each eligible institution an amount using the fol-
25 lowing formula:

1 (i) 70 percent according to a ratio
2 equivalent to the number of Pell Grant re-
3 cipients in attendance at such institution at
4 the end of the school year preceding the be-
5 ginning of the most recent fiscal year and
6 the total number of Pell Grant recipients at
7 all such institutions;

8 (ii) 20 percent according to a ratio
9 equivalent to the total number of students
10 enrolled at such institution at the end of the
11 school year preceding the beginning of that
12 fiscal year and the number of students en-
13 rolled at all such institutions; and

14 (iii) 10 percent according to a ratio
15 equivalent to the total endowment size at all
16 eligible institutions at the end of the school
17 year preceding the beginning of that fiscal
18 year and the total endowment size at such
19 institution;

20 (B) For eligible institutions under section
21 326 of the HEA, the Secretary shall allot to each
22 eligible institution an amount in proportion to
23 the award received from funding for such insti-
24 tutions in the Further Consolidated Appropria-
25 tions Act, 2020 (Public Law 116–94); and

1 (C) *For eligible institutions under section*
2 *316 of the HEA, the Secretary shall allot fund-*
3 *ing according to the formula in section 316(d)(3)*
4 *of the HEA.*

5 (3) *0.5 percent for part B of title VII of the*
6 *HEA for institutions of higher education that the Sec-*
7 *retary determines have, after allocating other funds*
8 *available under this section, the greatest unmet needs*
9 *related to coronavirus, including institutions of high-*
10 *er education with large populations of graduate stu-*
11 *dents and institutions of higher education that did*
12 *not otherwise receive an allocation under this section.*
13 *In awarding funds under this paragraph, the Sec-*
14 *retary shall publish an application for such funds no*
15 *later than 60 calendar days of enactment of this Act,*
16 *and shall provide a briefing to the Committees on Ap-*
17 *propriations of the House of Representatives and the*
18 *Senate no later than 7 days prior to publishing such*
19 *application.*

20 (4) *3 percent to institutions of higher education*
21 *as defined in section 102(b) of the HEA allocated on*
22 *the basis of the formula described in subparagraphs*
23 *(A) through (F) of subsection (a)(1).*

24 (b)(1) *DISTRIBUTION.—The funds made available to*
25 *each institution under subsection (a)(1) shall be distributed*

1 *by the Secretary using the same systems as the Secretary*
2 *otherwise distributes funding to institutions under title IV*
3 *of the HEA.*

4 (2) *The Secretary shall allocate amounts to insti-*
5 *tutions of higher education under this section, to the*
6 *extent practicable, as follows:*

7 (A) *under subsections (a)(1) and (a)(4)*
8 *within 30 calendar days of the date of enactment*
9 *of this Act;*

10 (B) *under subsection (a)(2) within 60 cal-*
11 *endar days of the date of enactment of this Act;*
12 *and*

13 (C) *under subsection (a)(3) within 120 cal-*
14 *endar days of enactment of this Act.*

15 (c) *USES OF FUNDS.—An institution of higher edu-*
16 *cation receiving funds under this section may use the funds*
17 *received to—*

18 (1) *defray expenses associated with coronavirus*
19 *(including lost revenue, reimbursement for expenses*
20 *already incurred, technology costs associated with a*
21 *transition to distance education, faculty and staff*
22 *trainings, and payroll);*

23 (2) *carry out student support activities author-*
24 *ized by the HEA that address needs related to*
25 *coronavirus; or*

1 (3) *provide financial aid grants to students (in-*
2 *cluding students exclusively enrolled in distance edu-*
3 *cation), which may be used for any component of the*
4 *student’s cost of attendance or for emergency costs*
5 *that arise due to coronavirus, such as tuition, food,*
6 *housing, health care (including mental health care),*
7 *or child care. In making financial aid grants to stu-*
8 *dents, an institution of higher education shall*
9 *prioritize grants to students with exceptional need,*
10 *such as students who receive Pell Grants.*

11 *(d) SPECIAL PROVISIONS.—*

12 (1) *A Historically Black College and University*
13 *or a Minority Serving Institution may use prior*
14 *awards provided under titles III, V, and VII of the*
15 *Higher Education Act to prevent, prepare for, and re-*
16 *spond to coronavirus.*

17 (2) *An institution of higher education awarded*
18 *funds under section 18004 of division B of the*
19 *CARES Act (Public Law 116–136) prior to the date*
20 *of enactment of this Act may use those funds under*
21 *the terms and conditions of section 314(c) of this title,*
22 *subject to the requirements in paragraph (5).*
23 *Amounts repurposed pursuant to this paragraph that*
24 *were previously designated by the Congress as an*
25 *emergency requirement pursuant to the Balanced*

1 *Budget and Emergency Deficit Control Act of 1985*
2 *are designated by the Congress as an emergency re-*
3 *quirement pursuant to section 251(b)(2)(A)(i) of the*
4 *Balanced Budget and Emergency Deficit Control Act*
5 *of 1985.*

6 (3) *No funds received by an institution of higher*
7 *education under this section shall be used to fund con-*
8 *tractors for the provision of pre-enrollment recruit-*
9 *ment activities; marketing or recruitment; endow-*
10 *ments; capital outlays associated with facilities re-*
11 *lated to athletics, sectarian instruction, or religious*
12 *worship; senior administrator or executive salaries,*
13 *benefits, bonuses, contracts, incentives; stock buybacks,*
14 *shareholder dividends, capital distributions, and stock*
15 *options; or any other cash or other benefit for a senior*
16 *administrator or executive.*

17 (4) *Any funds that remain available for obliga-*
18 *tion as of the date of enactment of this Act to carry*
19 *out section 18004(a)(1) of the CARES Act (Public*
20 *Law 116–136) or under the heading “Safe Schools*
21 *and Citizenship Education” of such Act shall be used*
22 *by the Secretary to carry out section 314(a)(1) of this*
23 *title: Provided, That amounts repurposed pursuant to*
24 *this paragraph that were previously designated by the*
25 *Congress as an emergency requirement pursuant to*

1 *the Balanced Budget and Emergency Deficit Control*
2 *Act of 1985 are designated by the Congress as an*
3 *emergency requirement pursuant to section*
4 *251(b)(2)(A)(i) of the Balanced Budget and Emer-*
5 *gency Deficit Control Act of 1985.*

6 (5) *Institutions of higher education receiving al-*
7 *locations under section 314(a)(1) of this title shall*
8 *provide at least the same amount of funding in emer-*
9 *gency financial aid grants to students as was re-*
10 *quired to be provided under sections 18004(a)(1) and*
11 *(c) of division B of the CARES Act (Public Law 116–*
12 *136). An institution of higher education that repur-*
13 *poses funds pursuant to paragraph (2) shall ensure*
14 *that not less than 50 percent of the funds received*
15 *under section 18004(a)(1) of division B of the*
16 *CARES Act (Public Law 116–136) are used for fi-*
17 *nancial aid grants to students under either section*
18 *18004(c) of division B of the CARES Act or section*
19 *314(c)(3) of this title, or a combination of those sec-*
20 *tions: Provided, That amounts repurposed pursuant*
21 *to this paragraph that were previously designated by*
22 *the Congress as an emergency requirement pursuant*
23 *to the Balanced Budget and Emergency Deficit Con-*
24 *trol Act of 1985 are designated by the Congress as an*
25 *emergency requirement pursuant to section*

1 *251(b)(2)(A)(i) of the Balanced Budget and Emer-*
2 *gency Deficit Control Act of 1985.*

3 *(6)(A) An institution of higher education that*
4 *was required to remit payment to the Internal Rev-*
5 *enue Service for the excise tax based on investment*
6 *income of private colleges and universities under sec-*
7 *tion 4968 of the Internal Revenue Code of 1986 for*
8 *tax year 2019 shall have its allocation under this sec-*
9 *tion reduced by 50 percent and may only use funds*
10 *for activities described in paragraph (c)(3), or for*
11 *sanitation, personal protective equipment, or other ex-*
12 *penses associated with the general health and safety*
13 *of the campus environment related to the qualifying*
14 *emergency. This paragraph shall not apply to an in-*
15 *stitution of higher education designated by the Sec-*
16 *retary as an eligible institution under section 448 of*
17 *the HEA.*

18 *(B) WAIVER AUTHORITY.—The Secretary*
19 *may waive the requirements of subparagraph (A)*
20 *if, upon application, an institution of higher*
21 *education demonstrates need (including need for*
22 *additional funding for financial aid grants to*
23 *students, payroll expenses, or other expenditures)*
24 *for the total amount of funds such institution is*
25 *allocated under section 314(a)(1) of this title.*

1 *The Secretary shall provide and make publicly*
2 *available a written justification for the denial of*
3 *any application for a waiver under this sub-*
4 *paragraph.*

5 *(7) An institution of higher education as defined*
6 *in section 102(b) of the HEA may only use funds re-*
7 *ceived under this section for activities described in*
8 *subsection (c)(3).*

9 *(8) An institution of higher education with an*
10 *approved application under section 18004(a) of divi-*
11 *sion B of the CARES Act (Public Law 116–136)*
12 *prior to the date of enactment of this Act shall not*
13 *be required to submit a new or revised application to*
14 *receive funds under this section provided such funds*
15 *are subject to the terms and conditions of this section.*

16 *(9) An institution of higher education receiving*
17 *funds under subsections (a)(1)(E) or (F) may only*
18 *use funds apportioned by such subparagraphs for ac-*
19 *tivities described in subsection (c)(3).*

20 *(e) REPORT.—An institution receiving funds under*
21 *this section shall submit a report to the Secretary, not later*
22 *than 6 months after receiving funding provided in this Act,*
23 *in such manner and with such subsequent frequency as the*
24 *Secretary may require, that provides a detailed accounting*
25 *of the use of funds provided under this section.*

1 (3) the term “Secretary” means the Secretary of
2 Education;

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

6 (5) the term “cost of attendance” has the mean-
7 ing given such term in section 472 of the HEA;

8 (6) the term “Non-public school” means a non-
9 public elementary and secondary school that—

10 (A) is accredited, licensed, or otherwise op-
11 erates in accordance with State law; and

12 (B) was in existence prior to the date of the
13 qualifying emergency for which grants are
14 awarded under this title;

15 (7) the term “public school” means a public ele-
16 mentary or secondary school;

17 (8) any other term used that is defined in section
18 8101 of the ESEA of 1965 shall have the meaning
19 given the term in such section; and

20 (9) the term “qualifying emergency” has the
21 meaning given the term in section 3502(a)(4) of the
22 Coronavirus Aid, Relief, and Economic Security Act
23 (Public Law 116–136).

MAINTENANCE OF EFFORT

1
2 *SEC. 317. (a) At the time of award of funds to carry*
3 *out sections 312 or 313 of this title, a State shall provide*
4 *assurances that such State will maintain support for ele-*
5 *mentary and secondary education, and for higher education*
6 *(which shall include State funding to institutions of higher*
7 *education and state need-based financial aid, and shall not*
8 *include support for capital projects or for research and de-*
9 *velopment or tuition and fees paid by students) in fiscal*
10 *year 2022 at least at the proportional levels of such State's*
11 *support for elementary and secondary education and for*
12 *higher education relative to such State's overall spending,*
13 *averaged over fiscal years 2017, 2018, and 2019.*

14 *(b) The Secretary may waive the requirement in sub-*
15 *section (a) for the purpose of relieving fiscal burdens on*
16 *States that have experienced a precipitous decline in finan-*
17 *cial resources.*

GALLAUDET UNIVERSITY

18
19 *For an additional amount for "Gallaudet University",*
20 *\$11,000,000, to remain available through September 30,*
21 *2022, to prevent, prepare for, and respond to coronavirus,*
22 *domestically or internationally, including to help defray the*
23 *expenses directly caused by coronavirus and to enable*
24 *grants to students for expenses directly related to*
25 *coronavirus and the disruption of university operations:*

1 *Provided, That such amount is designated by the Congress*
2 *as being for an emergency requirement pursuant to section*
3 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
4 *Deficit Control Act of 1985.*

5 *STUDENT AID ADMINISTRATION*

6 *For an additional amount for “Student Aid Adminis-*
7 *tration”, \$30,000,000, to remain available through Sep-*
8 *tember 30, 2022, to prevent, prepare for, and respond to*
9 *coronavirus, domestically or internationally: Provided,*
10 *That such amount is designated by the Congress as being*
11 *for an emergency requirement pursuant to section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985.*

14 *HOWARD UNIVERSITY*

15 *For an additional amount for “Howard University”,*
16 *\$20,000,000, to remain available through September 30,*
17 *2022, to prevent, prepare for, and respond to coronavirus,*
18 *domestically or internationally, including to help defray the*
19 *expenses directly caused by coronavirus and to enable*
20 *grants to students for expenses directly related to*
21 *coronavirus and the disruption of university operations:*
22 *Provided, That such amount is designated by the Congress*
23 *as being for an emergency requirement pursuant to section*
24 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985.*

1 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

2 *For an additional amount for “National Technical In-*
3 *stitute for the Deaf”, \$11,000,000, to remain available*
4 *through September 30, 2022, to prevent, prepare for, and*
5 *respond to coronavirus, domestically or internationally, in-*
6 *cluding to help defray the expenses directly caused by*
7 *coronavirus and to enable grants to students for expenses*
8 *directly related to coronavirus and the disruption of univer-*
9 *sity operations: Provided, That such amount is designated*
10 *by the Congress as being for an emergency requirement pur-*
11 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985.*

13 *INSTITUTE OF EDUCATION SCIENCES*

14 *For an additional amount for “Institute of Education*
15 *Sciences”, \$28,000,000, to remain available through Sep-*
16 *tember 30, 2022, to prevent, prepare for and respond to*
17 *coronavirus, domestically or internationally, for carrying*
18 *out the National Assessment of Educational Progress Au-*
19 *thorization Act: Provided, That such amount is designated*
20 *by the Congress as being for an emergency requirement pur-*
21 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985.*

1 *DEPARTMENTAL MANAGEMENT*2 *PROGRAM ADMINISTRATION*

3 *For an additional amount for “Program Administra-*
4 *tion”, \$15,000,000, to remain available through September*
5 *30, 2023, to prevent, prepare for, and respond to*
6 *coronavirus, domestically or internationally: Provided,*
7 *That such amount is designated by the Congress as being*
8 *for an emergency requirement pursuant to section*
9 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985.*

11 *OFFICE OF THE INSPECTOR GENERAL*

12 *For an additional amount for “Office of the Inspector*
13 *General”, \$5,000,000, to remain available until expended,*
14 *to prevent, prepare for, and respond to coronavirus, domes-*
15 *tically or internationally, including for salaries and ex-*
16 *penses necessary for oversight, investigations, and audits of*
17 *programs, grants, and projects funded in this Act to re-*
18 *spond to coronavirus: Provided, That such amount is des-*
19 *ignated by the Congress as being for an emergency require-*
20 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
21 *Budget and Emergency Deficit Control Act of 1985.*

22 *GENERAL PROVISION—THIS TITLE*

23 *SEC. 321. Not later than 30 days after the date of en-*
24 *actment of this Act, the Secretaries of Health and Human*
25 *Services and Education shall provide a detailed spend plan*

1 *of anticipated uses of funds made available in this title,*
2 *including estimated personnel and administrative costs, to*
3 *the Committees on Appropriations of the House of Rep-*
4 *resentatives and the Senate: Provided, That such plans shall*
5 *be updated and submitted to such Committees every 60 days*
6 *until September 30, 2024: Provided further, That the spend*
7 *plans shall be accompanied by a listing of each contract*
8 *obligation incurred that exceeds \$5,000,000 which has not*
9 *previously been reported, including the amount of each such*
10 *obligation.*

11 *TITLE IV*

12 *DEPARTMENT OF TRANSPORTATION*

13 *FEDERAL AVIATION ADMINISTRATION*

14 *GRANTS-IN-AID FOR AIRPORTS*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For an additional amount for “Grants-in-Aid for Air-*
17 *ports” \$2,000,000,000, to prevent, prepare for, and respond*
18 *to coronavirus: Provided, That amounts made available*
19 *under this heading in this Act shall be derived from the*
20 *general fund of the Treasury: Provided further, That funds*
21 *provided under this heading in this Act shall only be avail-*
22 *able to airports in categories defined in section 47102 of*
23 *title 49, United States Code: Provided further, That funds*
24 *provided under this heading in this Act shall not otherwise*
25 *be subject to the requirements of chapter 471 of such title:*

1 *Provided further, That notwithstanding the preceding pro-*
2 *viso, except for project eligibility, the requirements of chap-*
3 *ter 471 of such title shall apply to funds provided for any*
4 *contract awarded (after the date of enactment of this Act)*
5 *for airport development and funded under this heading:*
6 *Provided further, That funds provided under this heading*
7 *in this Act may not be used for any purpose not directly*
8 *related to the airport: Provided further, That no additional*
9 *funding shall be provided from funds made available under*
10 *this heading to any airport that was allocated in excess of*
11 *four years of operating funds under Public Law 116–136:*
12 *Provided further, That the Federal share payable of the*
13 *costs for which a grant is made under this heading in this*
14 *Act shall be 100 percent: Provided further, That, notwith-*
15 *standing any other provision of law, any funds appro-*
16 *priated under the heading “Grants-In-Aid for Airports” in*
17 *Public Law 116-136 that are unallocated as of the date of*
18 *enactment of this Act shall be added to and allocated under*
19 *paragraph (1) of this heading in this Act: Provided further,*
20 *That any funds obligated under Public Law 116–136 that*
21 *are recovered by or returned to the FAA shall be allocated*
22 *under paragraph (1) of this heading in this Act: Provided*
23 *further, That of the amounts appropriated under this head-*
24 *ing in this Act:*

1 (1) *Not less than \$1,750,000,000 shall be avail-*
2 *able for primary airports as defined in section*
3 *47102(16) of title 49, United States Code, and certain*
4 *cargo airports for costs related to operations, per-*
5 *sonnel, cleaning, sanitization, janitorial services, com-*
6 *bating the spread of pathogens at the airport, and*
7 *debt service payments: Provided, That such funds*
8 *shall not be subject to the reduced apportionments of*
9 *section 47114(f) of title 49, United States Code: Pro-*
10 *vided further, That such funds shall first be appor-*
11 *tioned as set forth in sections 47114(c)(1)(A),*
12 *47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), 47114(c)(2)(A),*
13 *47114(c)(2)(B), and 47114(c)(2)(E) of title 49,*
14 *United States Code: Provided further, That there shall*
15 *be no maximum apportionment limit: Provided fur-*
16 *ther, That any remaining funds after such apporportion-*
17 *ment shall be distributed to all sponsors of primary*
18 *airports (as defined in section 47102(16) of title 49,*
19 *United States Code) based on each such airport's pas-*
20 *senger enplanements compared to total passenger*
21 *enplanements of all airports defined in section*
22 *47102(16) of title 49, United States Code, for the most*
23 *recent calendar year enplanements upon which the*
24 *Secretary has apportioned funds pursuant to section*
25 *47114(c) of title 49, United States Code;*

1 (2) *Not less than \$45,000,000 shall be for general*
2 *aviation and commercial service airports that are not*
3 *primary airports as defined in paragraphs (7), (8),*
4 *and (16) of section 47102 of title 49, United States*
5 *Code, for costs related to operations, personnel, clean-*
6 *ing, sanitization, janitorial services, combating the*
7 *spread of pathogens at the airport, and debt service*
8 *payments: Provided, That not less than \$5,000,000 of*
9 *such funds shall be available to sponsors of non-pri-*
10 *mary airports, divided equally, that participate in*
11 *the FAA Contract Tower Program defined in section*
12 *47124 of title 49, United States Code, to cover lawful*
13 *expenses to support FAA contract tower operations:*
14 *Provided further, That the Secretary shall apportion*
15 *the remaining funds to each non-primary airport*
16 *based on the categories published in the most current*
17 *National Plan of Integrated Airport Systems, reflect-*
18 *ing the percentage of the aggregate published eligible*
19 *development costs for each such category, and then di-*
20 *viding the allocated funds evenly among the eligible*
21 *airports in each category, rounding up to the nearest*
22 *thousand dollars: Provided further, That any remain-*
23 *ing funds under this paragraph shall be distributed*
24 *as described in paragraph (1) under this heading in*
25 *this Act;*

1 (3) *Not less than \$200,000,000 shall be available*
2 *to sponsors of primary airports to provide relief from*
3 *rent and minimum annual guarantees to on-airport*
4 *car rental, on-airport parking, and in-terminal air-*
5 *port concessions (as defined in part 23 of title 49,*
6 *Code of Federal Regulations) located at primary air-*
7 *ports: Provided, That such funds shall be distributed*
8 *to all sponsors of primary airports (as defined in sec-*
9 *tion 47102(16) of title 49, United States Code) based*
10 *on each such airport's passenger enplanements com-*
11 *pared to total passenger enplanements of all airports*
12 *defined in section 47102(16) of title 49, United States*
13 *Code, for calendar year 2019: Provided further, That*
14 *as a condition of approving a grant under this para-*
15 *graph, the Secretary shall require the sponsor to pro-*
16 *vide such relief from the date of enactment of this Act*
17 *until the sponsor has provided relief equaling the total*
18 *grant amount, to the extent practicable and to the ex-*
19 *tent permissible under state laws, local laws, and ap-*
20 *plicable trust indentures: Provided further, That the*
21 *sponsor shall provide relief from rent and minimum*
22 *annual guarantee obligations to each eligible airport*
23 *concession in an amount that reflects each eligible*
24 *airport concession's proportional share of the total*
25 *amount of the rent and minimum annual guarantees*

1 *of all the eligible airport concessions at such airport:*
2 *Provided further, That, to the extent permissible*
3 *under this paragraph, airport sponsors shall*
4 *prioritize relief from rent and minimum annual*
5 *guarantee to minority-owned businesses: Provided*
6 *further, That only airport concessions that have cer-*
7 *tified they have not received a second draw or assist-*
8 *ance for a covered loan under section 7(a)(37) of the*
9 *Small Business Act (15 U.S.C. 636(a)(37)) that has*
10 *been applied toward rent or minimum annual guar-*
11 *antee costs shall be eligible for relief under this para-*
12 *graph and such concessions are hereby prohibited*
13 *from applying for a covered loan under such section*
14 *for rent or minimum annual guarantee costs: Pro-*
15 *vided further, That sponsors of primary airports may*
16 *retain up to 2 percent of the funds provided under*
17 *this paragraph to administer the relief required under*
18 *this paragraph; and*

19 *(4) Up to \$5,000,000 shall be available and*
20 *transferred to “Office of the Secretary, Salaries and*
21 *Expenses” to carry out the Small Community Air*
22 *Service Development Program: Provided, That in al-*
23 *locating funding made available in this or any pre-*
24 *vious Acts for such program for fiscal years 2019,*
25 *2020, and 2021, the Secretary of Transportation shall*

1 *give priority to communities or consortia of commu-*
2 *nities that have had air carrier service reduced or*
3 *suspended as a result of the coronavirus pandemic:*
4 *Provided further, That the Secretary shall publish*
5 *streamlined and expedited procedures for the sollicita-*
6 *tion of applications for assistance under this para-*
7 *graph not later than 60 days after the date of enact-*
8 *ment of this Act and shall make awards as soon as*
9 *practicable:*

10 *Provided further, That the Administrator of the Federal*
11 *Aviation Administration may retain up to 0.1 percent of*
12 *the funds provided under this heading in this Act to fund*
13 *the award and oversight by the Administrator of grants*
14 *made under this heading in this Act: Provided further, That*
15 *obligations of funds under this heading in this Act shall*
16 *not be subject to any limitations on obligations provided*
17 *in any Act making annual appropriations: Provided fur-*
18 *ther, That all airports receiving funds under this heading*
19 *in this Act shall continue to employ, through February 15,*
20 *2021, at least 90 percent of the number of individuals em-*
21 *ployed (after making adjustments for retirements or vol-*
22 *untary employee separations) by the airport as of March*
23 *27, 2020: Provided further, That the Secretary may waive*
24 *the workforce retention requirement in the preceding pro-*
25 *viso, if the Secretary determines the airport is experiencing*

1 *economic hardship as a direct result of the requirement, or*
2 *the requirement reduces aviation safety or security: Pro-*
3 *vided further, That the workforce retention requirement*
4 *shall not apply to nonhub airports or nonprimary airports*
5 *receiving funds under this heading in this Act: Provided*
6 *further, That the amounts repurposed under this heading*
7 *in this Act that were previously designated by the Congress*
8 *as an emergency requirement pursuant to the Balanced*
9 *Budget and Emergency Deficit Control Act of 1985 are des-*
10 *ignated by the Congress as an emergency requirement pur-*
11 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985: Provided further,*
13 *That such amount is designated by the Congress as being*
14 *for an emergency requirement pursuant to section*
15 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
16 *Deficit Control Act of 1985.*

17 *FEDERAL HIGHWAY ADMINISTRATION*

18 *HIGHWAY INFRASTRUCTURE PROGRAMS*

19 *For an additional amount for “Highway Infrastruc-*
20 *ture Programs”, \$10,000,000,000, to remain available until*
21 *September 30, 2024, to prevent, prepare for, and respond*
22 *to coronavirus: Provided, That the funds made available*
23 *under this heading in this Act shall be derived from the*
24 *general fund of the Treasury, shall be in addition to any*
25 *funds provided for fiscal year 2021 in this or any other*

1 *Act for “Federal-aid Highways” under chapters 1 or 2 of*
2 *title 23, United States Code, and shall not affect the dis-*
3 *tribution or amount of funds provided in the Transpor-*
4 *tation, Housing and Urban Development, and Related*
5 *Agencies Appropriations Act, 2021, or any other Act: Pro-*
6 *vided further, That section 1101(b) of Public Law 114–94*
7 *shall apply to funds made available under this heading in*
8 *this Act: Provided further, That notwithstanding chapter*
9 *1 or chapter 2 of title 23, United States Code, or any other*
10 *provision of law, in addition to other eligible uses described*
11 *under this heading in this Act, a State, territory, Puerto*
12 *Rico, or Indian Tribe may use funds made available under*
13 *this heading in this Act for costs related to preventive main-*
14 *tenance, routine maintenance, operations, personnel, in-*
15 *cluding salaries of employees (including those employees*
16 *who have been placed on administrative leave) or contrac-*
17 *tors, debt service payments, availability payments, and cov-*
18 *erage for other revenue losses: Provided further, That a*
19 *State, territory, Puerto Rico, or Indian Tribe may transfer*
20 *funds made available under this heading in this Act to*
21 *State, multi-state, international, or local public tolling*
22 *agencies that own or operate a tolled facility that is a pub-*
23 *lic road, bridge, or tunnel, or a ferry system that provides*
24 *a public transportation benefit, and that was in operation*
25 *within their State in fiscal year 2020: Provided further,*

1 *That funds transferred pursuant to the preceding proviso*
2 *may be used for costs related to operations, personnel, in-*
3 *cluding salaries of employees (including those employees*
4 *who have been placed on administrative leave) or contrac-*
5 *tors, debt service payments, availability payments, and cov-*
6 *erage for other revenue losses of a tolled facility or ferry*
7 *system, and that, notwithstanding the previous receipt of*
8 *Federal funds for such tolled facility or ferry system, for*
9 *funds made available under this heading in this Act, the*
10 *limitations on the use of revenues in subsections (a)(3) and*
11 *(c)(4) of section 129 of title 23, United States Code, shall*
12 *not apply with respect to the tolled facilities or ferry sys-*
13 *tems for which funding is transferred pursuant to the pre-*
14 *ceding proviso: Provided further, That of the funds made*
15 *available under this heading in this Act, \$9,840,057,332*
16 *shall be available for activities eligible under section 133(b)*
17 *of title 23, United States Code, \$114,568,862 shall be avail-*
18 *able for activities eligible under the Tribal Transportation*
19 *Program, as described in section 202 of such title,*
20 *\$35,845,307 shall be available for activities eligible under*
21 *the Puerto Rico Highway Program, as described in section*
22 *165(b)(2)(C)(iii) of such title; and \$9,528,499 shall be*
23 *available for activities eligible under the Territorial High-*
24 *way Program, as described in section 165(c)(6) of such title:*
25 *Provided further, That for the purposes of funds made*

1 *available under this heading in this Act the term “State”*
2 *means any of the 50 States or the District of Columbia:*
3 *Provided further, That, except as otherwise provided under*
4 *this heading in this Act, the funds made available under*
5 *this heading in this Act shall be administered as if appor-*
6 *tioned under chapter 1 of title 23, United States Code, ex-*
7 *cept that the funds made available under this heading in*
8 *this Act for activities eligible under the Tribal Transpor-*
9 *tation Program shall be administered as if allocated under*
10 *chapter 2 of title 23, United States Code: Provided further,*
11 *That the funds made available under this heading in this*
12 *Act for activities eligible under section 133(b) of title 23,*
13 *United States Code, shall be apportioned to the States in*
14 *the same ratio as the obligation limitation for fiscal year*
15 *2021 is distributed among the States in accordance with*
16 *the formula specified in section 120(a)(5) of the Transpor-*
17 *tation, Housing and Urban Development, and Related*
18 *Agencies Appropriations Act, 2021 and shall be appor-*
19 *tioned not later than 30 days after the date of enactment*
20 *of this Act: Provided further, That funds apportioned to a*
21 *State under this heading in this Act shall be suballocated*
22 *within the State to each area described in subsection*
23 *133(d)(1)(A)(i) of title 23, United States Code, in the same*
24 *ratio that funds suballocated to that area for fiscal year*
25 *2021 bears to the combined amount of funds apportioned*

1 *to the State under section 104(b)(2) of such title for fiscal*
2 *years 2020 and 2021: Provided further, That of funds made*
3 *available under this heading in this Act for activities eligi-*
4 *ble under section 133(b) of title 23, United States Code, any*
5 *such activity shall be subject to the requirements of section*
6 *133(i) of title 23, United States Code: Provided further,*
7 *That, except as provided in the following proviso, the funds*
8 *made available under this heading in this Act for activities*
9 *eligible under the Puerto Rico Highway Program and ac-*
10 *tivities eligible under the Territorial Highway Program*
11 *shall be administered as if allocated under sections 165(b)*
12 *and 165(c), respectively, of title 23, United States Code:*
13 *Provided further, That the funds made available under this*
14 *heading in this Act for activities eligible under the Puerto*
15 *Rico Highway Program shall not be subject to the require-*
16 *ments of sections 165(b)(2)(A) or 165(b)(2)(B) of title 23,*
17 *United States Code: Provided further, That for amounts*
18 *made available under this heading in this Act, the Federal*
19 *share of the costs shall be, at the option of the State, terri-*
20 *tory, Puerto Rico, or Indian Tribe, up to 100 percent: Pro-*
21 *vided further, That funds made available for preventive*
22 *maintenance, routine maintenance, operations, personnel,*
23 *including salaries of employees (including those employees*
24 *who have been placed on administrative leave) or contrac-*
25 *tors, debt service payments, availability payments, and cov-*

1 *erage for other revenue losses under this heading in this Act*
2 *are not required to be included in a metropolitan transpor-*
3 *tation plan, a long-range statewide transportation plan, a*
4 *transportation improvement program or a statewide trans-*
5 *portation improvement program under sections 134 or 135*
6 *of title 23, United States Code, or chapter 53 of title 49,*
7 *United States Code, as applicable: Provided further, That*
8 *unless otherwise specified, applicable requirements under*
9 *title 23, United States Code, shall apply to funds made*
10 *available under this heading in this Act: Provided further,*
11 *That, subject to the following proviso, the funds made avail-*
12 *able under this heading in this Act for activities eligible*
13 *under the Tribal Transportation Program, as described in*
14 *section 202 of title 23, United States Code, may not be set-*
15 *aside for administrative expenses as described in section*
16 *202(a)(6) of such title: Provided further, That the Adminis-*
17 *trator of the Federal Highway Administration may retain*
18 *up to \$10,000,000 of the total funds made available under*
19 *this heading in this Act, to fund the oversight by the Admin-*
20 *istrator of activities carried out with funds made available*
21 *under this heading in this Act: Provided further, That the*
22 *set-asides described in subparagraph (C) of section*
23 *202(b)(3) of title 23, United States Code, and subsections*
24 *(a)(6), (c), (d), and (e) of section 202 of such title shall*
25 *not apply to funds made available under this heading in*

1 *this Act for activities eligible under the Tribal Transpor-*
2 *tation Program: Provided further, That such amount is des-*
3 *ignated by the Congress as being for an emergency require-*
4 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
5 *Budget and Emergency Deficit Control Act of 1985.*

6 *FEDERAL RAILROAD ADMINISTRATION*
7 *NORTHEAST CORRIDOR GRANTS TO THE NATIONAL*
8 *RAILROAD PASSENGER CORPORATION*
9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For an additional amount for “Northeast Corridor*
11 *Grants to the National Railroad Passenger Corporation”,*
12 *\$655,431,000, to remain available until expended, to pre-*
13 *vent, prepare for, and respond to coronavirus, including to*
14 *enable the Secretary of Transportation to make or amend*
15 *existing grants to the National Railroad Passenger Cor-*
16 *poration for activities associated with the Northeast Cor-*
17 *ridor, as authorized by section 11101(a) of the Fixing*
18 *America’s Surface Transportation Act (division A of Public*
19 *Law 114–94): Provided, That not less than \$109,805,000*
20 *of the amounts made available under this heading in this*
21 *Act and the “National Network Grants to the National*
22 *Railroad Passenger Corporation” heading in this Act shall*
23 *be made available for use by the National Railroad Pas-*
24 *senger Corporation in lieu of capital payments from States*
25 *and commuter rail passenger transportation providers sub-*

1 *ject to the cost allocation policy developed pursuant to sec-*
2 *tion 24905(c) of title 49, United States Code: Provided fur-*
3 *ther, That, notwithstanding sections 24319(g) and*
4 *24905(c)(1)(A)(i) of title 49, United States Code, such use*
5 *of funds does not constitute cross-subsidization of commuter*
6 *rail passenger transportation: Provided further, That the*
7 *Secretary may retain up to \$2,030,000 of the amounts*
8 *made available under both this heading in this Act and the*
9 *“National Network Grants to the National Railroad Pas-*
10 *senger Corporation” heading in this Act to fund the costs*
11 *of project management and oversight of activities author-*
12 *ized by section 11101(c) of the Fixing America’s Surface*
13 *Transportation Act (division A of Public Law 114–94):*
14 *Provided further, That amounts made available under this*
15 *heading in this Act may be transferred to and merged with*
16 *amounts made available under the heading “National Net-*
17 *work Grants to the National Railroad Passenger Corpora-*
18 *tion” in this Act to prevent, prepare for, and respond to*
19 *coronavirus: Provided further, That such amount is des-*
20 *ignated by the Congress as being for an emergency require-*
21 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
22 *Budget and Emergency Deficit Control Act of 1985.*

1 NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD
2 PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “National Network
5 Grants to the National Railroad Passenger Corporation”,
6 \$344,569,000, to remain available until expended, to pre-
7 vent, prepare for, and respond to coronavirus, including to
8 enable the Secretary of Transportation to make or amend
9 existing grants to the National Railroad Passenger Cor-
10 poration for activities associated with the National Network
11 as authorized by section 11101(b) of the Fixing America’s
12 Surface Transportation Act (division A of Public Law 114–
13 94): Provided, That \$174,850,000 of the amounts made
14 available under this heading in this Act shall be made
15 available for use by the National Railroad Passenger Cor-
16 poration to be apportioned toward State payments required
17 by the cost methodology policy adopted pursuant to section
18 209 of the Passenger Rail Investment and Improvement Act
19 of 2008 (Public Law 110–432): Provided further, That a
20 State-supported route’s share of such funding under the pre-
21 ceding proviso shall consist of (1) 7 percent of the costs allo-
22 cated to the route in fiscal year 2019 under the cost method-
23 ology policy adopted pursuant to section 209 of the Pas-
24 senger Rail Investment and Improvement Act of 2008 (Pub-
25 lic Law 110–432), and (2) any remaining amounts under

1 *the preceding proviso shall be apportioned to a route in pro-*
2 *portion to its passenger revenue and other revenue allocated*
3 *to a State-supported route in fiscal year 2019 divided by*
4 *the total passenger revenue and other revenue allocated to*
5 *all State-supported routes in fiscal year 2019: Provided fur-*
6 *ther, That State-supported routes which terminated service*
7 *on or before February 1, 2020, shall not be included in the*
8 *cost and revenue calculations made pursuant to the pre-*
9 *ceding proviso: Provided further, That amounts made avail-*
10 *able under this heading in this Act may be transferred to*
11 *and merged with amounts made available under the head-*
12 *ing “Northeast Corridor Grants to the National Railroad*
13 *Passenger Corporation” in this Act to prevent, prepare for,*
14 *and respond to coronavirus: Provided further, That such*
15 *amount is designated by the Congress as being for an emer-*
16 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
17 *the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985.*

19 *FEDERAL TRANSIT ADMINISTRATION*

20 *TRANSIT INFRASTRUCTURE GRANTS*

21 *For an additional amount for “Transit Infrastructure*
22 *Grants”, \$14,000,000,000, to remain available until ex-*
23 *pendent, to prevent, prepare for, and respond to coronavirus:*
24 *Provided, That of the amounts appropriated under this*
25 *heading in this Act—*

1 (1) \$13,271,310,572 shall be for grants to recipi-
2 ents eligible under chapter 53 of title 49, United
3 States Code, and administered as if such funds were
4 provided under section 5307 of title 49, United States
5 Code (apportioned in accordance with section 5336 of
6 such title (other than subsections (h)(1) and (h)(4))),
7 and section 5337 of title 49, United States Code (ap-
8 portioned in accordance with such section), except
9 that funds apportioned under section 5337 shall be
10 added to funds apportioned under 5307 for adminis-
11 tration under 5307: Provided, That the Secretary of
12 Transportation (referred to under this heading in this
13 Act as the “Secretary”) shall allocate the amounts
14 provided in the preceding proviso under sections 5307
15 and 5337 of title 49, United States Code, in the same
16 ratio as funds were provided under the Further Con-
17 solidated Appropriations Act, 2020 (Public Law 116–
18 94; 133 Stat. 2534) and shall allocate such amounts
19 not later than 30 days after the date of enactment of
20 this Act: Provided further, That the amounts allocated
21 to any urbanized area from amounts made available
22 under this paragraph in this Act when combined with
23 the amounts allocated to that urbanized area from
24 funds appropriated under this heading in title XII of
25 division B of the CARES Act (Public Law 116–136;

1 *134 Stat. 599)) may not exceed 75 percent of that ur-*
2 *banized area's 2018 operating costs based on data*
3 *contained in the National Transit Database: Provided*
4 *further, That for any urbanized area for which the*
5 *calculation in the preceding proviso exceeds 75 per-*
6 *cent of the urbanized area's 2018 operating costs, the*
7 *Secretary shall distribute funds in excess of such per-*
8 *cent to urbanized areas for which the calculation in*
9 *the preceding proviso does not exceed 75 percent, in*
10 *the same proportion as amounts allocated under the*
11 *first proviso of this paragraph in this Act: Provided*
12 *further, That no recipient in an urbanized area may*
13 *receive more than \$4,000,000,000 from the amounts*
14 *allocated under this paragraph in this Act in com-*
15 *bination with the amounts provided under this head-*
16 *ing in title XII of division B of the CARES Act*
17 *(Public Law 116–136; 134 Stat. 599) until 75 percent*
18 *of the funds provided to the recipient under this head-*
19 *ing in such title XII are obligated and only after the*
20 *recipient certifies to the Secretary that the use of such*
21 *funds in excess of such amount is necessary to prevent*
22 *layoffs or furloughs directly related to demonstrated*
23 *revenue losses directly attributable to COVID–19;*
24 *(2) \$50,034,973 shall be for grants to recipients*
25 *or subrecipients eligible under section 5310 of title 49,*

1 *United States Code, and the Secretary shall apportion*
2 *such funds in accordance with such section: Provided,*
3 *That the Secretary shall allocate such funds in the*
4 *same ratio as funds were provided under the Further*
5 *Consolidated Appropriations Act, 2020 (Public Law*
6 *116–94; 133 Stat. 2534) and shall allocate such funds*
7 *not later than 30 days after the date of enactment of*
8 *this Act; and*

9 *(3) \$678,654,455 shall be for grants to recipients*
10 *or subrecipients eligible under section 5311 of title 49,*
11 *United States Code (other than subsections (b)(3),*
12 *(c)(1)(A), and (f)), and the Secretary shall apportion*
13 *such funds in accordance with such section: Provided,*
14 *That the Secretary shall allocate such funds in the*
15 *same ratio as funds were provided under the Further*
16 *Consolidated Appropriations Act, 2020 (Public Law*
17 *116–94; 133 Stat. 2534) and shall allocate funds*
18 *within 30 days of enactment of this Act: Provided*
19 *further, That the amounts allocated to any State (as*
20 *defined in section 5302 of title 49, United States*
21 *Code) for rural operating costs from amounts made*
22 *available under this heading in this Act when com-*
23 *bined with the amounts allocated to each such State*
24 *for rural operating costs from funds appropriated*
25 *under this heading in title XII of division B of the*

1 *CARES Act (Public Law 116–136; 134 Stat. 599)*
2 *may not exceed 125 percent of that State’s combined*
3 *2018 rural operating costs of the recipients and sub-*
4 *recipients in the State based on data contained in the*
5 *National Transit Database: Provided further, That*
6 *for any State for which the calculation in the pre-*
7 *ceding proviso exceeds 125 percent of the State’s com-*
8 *bined 2018 rural operating costs of the recipients and*
9 *subrecipients in the State, the Secretary shall dis-*
10 *tribute funds in excess of such percent to States for*
11 *which the calculation in the preceding proviso does*
12 *not exceed 125 percent in the same proportion as*
13 *amounts allocated under the first proviso of this*
14 *paragraph in this Act:*

15 *Provided further, That the Secretary shall not waive the*
16 *requirements of section 5333 of title 49, United States Code,*
17 *for funds appropriated under this heading in this Act or*
18 *for funds previously made available under section 5307 of*
19 *title 49, United States Code, or section 5311, 5337, or 5340*
20 *of such title as a result of COVID–19: Provided further,*
21 *That the provision of funds under this heading in this Act*
22 *shall not affect the ability of any other agency of the Gov-*
23 *ernment, including the Federal Emergency Management*
24 *Agency, a State agency, or a local governmental entity, or-*
25 *ganization, or person, to provide any other funds otherwise*

1 *authorized by law: Provided further, That notwithstanding*
2 *subsection (a)(1) or (b) of section 5307 of title 49, United*
3 *States Code, section 5310(b)(2)(A) of that title, or any pro-*
4 *vision of chapter 53 of that title, funds provided under this*
5 *heading in this Act are available for the operating expenses*
6 *of transit agencies related to the response to a COVID–19*
7 *public health emergency, including, beginning on January*
8 *20, 2020, reimbursement for operating costs to maintain*
9 *service and lost revenue due to the COVID–19 public health*
10 *emergency, including the purchase of personal protective*
11 *equipment, and paying the administrative leave of oper-*
12 *ations or contractor personnel due to reductions in service:*
13 *Provided further, That to the maximum extent possible,*
14 *funds made available under this heading in this Act and*
15 *in title XII of division B of the CARES Act (Public Law*
16 *116–136; 134 Stat. 599) shall be directed to payroll and*
17 *operations of public transit (including payroll and expenses*
18 *of private providers of public transportation), unless the re-*
19 *ipient certifies to the Secretary that the recipient has not*
20 *furloughed any employees: Provided further, That such op-*
21 *erating expenses are not required to be included in a trans-*
22 *portation improvement program, long-range transportation*
23 *plan, statewide transportation plan, or a statewide trans-*
24 *portation improvement program: Provided further, That*
25 *private providers of public transportation shall be consid-*

1 *ered eligible subrecipients of funding provided under this*
2 *heading in this Act and in title XII of division B of the*
3 *CARES Act (Public Law 116–136; 134 Stat. 599): Pro-*
4 *vided further, That unless otherwise specified, applicable re-*
5 *quirements under chapter 53 of title 49, United States Code,*
6 *shall apply to funding made available under this heading*
7 *in this Act, except that the Federal share of the costs for*
8 *which any grant is made under this heading in this Act*
9 *shall be, at the option of the recipient, up to 100 percent:*
10 *Provided further, That the amount made available under*
11 *this heading in this Act shall be derived from the general*
12 *fund of the Treasury and shall not be subject to any limita-*
13 *tion on obligations for transit programs set forth in any*
14 *Act: Provided further, That the Federal share of costs for*
15 *any unobligated grant funds under section 5310 of title 49,*
16 *United States Code, as of the date of enactment of this Act*
17 *shall be, at the option of the recipient, up to 100 percent:*
18 *Provided further, That of the amounts made available*
19 *under this heading in this Act, up to \$10,000,000 may be*
20 *retained by the Administrator of the Federal Transit Ad-*
21 *ministration to fund ongoing program management and*
22 *oversight activities described in sections 5334 and*
23 *5338(f)(2) of title 49, United States Code, and shall be in*
24 *addition to any other appropriations for such purpose: Pro-*
25 *vided further, That the amounts repurposed under this*

1 *heading in this Act that were previously designated by the*
2 *Congress as an emergency requirement pursuant to the Bal-*
3 *anced Budget and Emergency Deficit Control Act of 1985*
4 *are designated by the Congress as an emergency require-*
5 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
6 *Budget and Emergency Deficit Control Act of 1985: Pro-*
7 *vided further, That such amount is designated by the Con-*
8 *gress as being for an emergency requirement pursuant to*
9 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
10 *gency Deficit Control Act of 1985.*

11 *GENERAL PROVISION—THIS TITLE*

12 *SEC. 401. Amounts made available in this Act under*
13 *the headings “Northeast Corridor Grants to the National*
14 *Railroad Passenger Corporation” and “National Network*
15 *Grants to the National Railroad Passenger Corporation”*
16 *shall be used under the same conditions as section 22002*
17 *of title XII of division B of the Coronavirus Aid, Relief,*
18 *and Economic Security Act (Public Law 116–136), except*
19 *as otherwise noted in this Act: Provided, That the amounts*
20 *made available in this Act under such headings shall be*
21 *used by the National Railroad Passenger Corporation, to:*
22 *(1) prevent further employee furloughs that are a result of*
23 *efforts to prevent, prepare for, and respond to coronavirus;*
24 *and (2) prevent further reductions to the frequency of rail*
25 *service on any long-distance route (as defined in section*

1 24102 of title 49, United States Code) except in an emer-
2 gency or during maintenance or construction outages im-
3 pacting such routes: Provided further, That the coronavirus
4 shall not qualify as an emergency in the preceding proviso:
5 Provided further, That in the event of any National Rail-
6 road Passenger Corporation employee furloughs as a result
7 of efforts to prevent, prepare for, and respond to
8 coronavirus, the National Railroad Passenger Corporation
9 shall provide such employees the opportunity to be recalled
10 to work in accordance with their seniority and classifica-
11 tion of work, regardless of their time in the National Rail-
12 road Passenger Corporation's service, as intercity passenger
13 rail service is restored: Provided further, That the National
14 Railroad Passenger Corporation shall be prohibited from
15 contracting out any scope-covered work conducted by an
16 employee who was furloughed through reductions in the
17 workforce as a result of efforts to prevent, prepare for, and
18 respond to coronavirus, unless such contracting was in
19 place prior to March 1, 2020 or is done by agreement with
20 the Labor Organization representing such employee.

21

TITLE V

22

GENERAL PROVISIONS—THIS ACT

23

SEC. 501. Each amount appropriated or made avail-

24

able by this Act is in addition to amounts otherwise appro-

25

priated for the fiscal year involved.

1 *SEC. 502. No part of any appropriation contained in*
2 *this Act shall remain available for obligation beyond the*
3 *current fiscal year unless expressly so provided herein.*

4 *SEC. 503. Unless otherwise provided for by this Act,*
5 *the additional amounts appropriated by this Act to appro-*
6 *priations accounts shall be available under the authorities*
7 *and conditions applicable to such appropriations accounts*
8 *for fiscal year 2021.*

9 *SEC. 504. Any amount appropriated by this Act, des-*
10 *ignated by the Congress as an emergency requirement pur-*
11 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985 and subsequently*
13 *so designated by the President, and transferred pursuant*
14 *to transfer authorities provided by this Act shall retain such*
15 *designation.*

16 *SEC. 505. Solely for the purpose of calculating a*
17 *breach within a category for fiscal year 2021 pursuant to*
18 *section 251(a) or section 254 of the Balanced Budget and*
19 *Emergency Deficit Control Act of 1985, and notwith-*
20 *standing any other provision of this division, the budgetary*
21 *effects from this division shall be counted as amounts des-*
22 *ignated as being for an emergency requirement pursuant*
23 *to section 251(b)(2)(A) of such Act.*

24 *This division may be cited as the “Coronavirus Re-*
25 *sponse and Relief Supplemental Appropriations Act, 2021”.*

1 ***DIVISION*** ***N—ADDITIONAL***
2 ***CORONAVIRUS*** ***RESPONSE***
3 ***AND RELIEF***

4 ***TITLE I—HEALTHCARE***

5 ***SEC. 101. SUPPORTING PHYSICIANS AND OTHER PROFES-***
6 ***SIONALS IN ADJUSTING TO MEDICARE PAY-***
7 ***MENT CHANGES DURING 2021.***

8 *(a) IN GENERAL.—Section 1848 of the Social Security*
9 *Act (42 U.S.C. 1395w–4) is amended by adding at the end*
10 *the following new subsection:*

11 *“(t) SUPPORTING PHYSICIANS AND OTHER PROFES-*
12 *SIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES*
13 *DURING 2021.—*

14 *“(1) IN GENERAL.—In order to support physi-*
15 *cians and other professionals in adjusting to changes*
16 *in payment for physicians’ services during 2021, the*
17 *Secretary shall increase fee schedules under subsection*
18 *(b) that establish payment amounts for such services*
19 *furnished on or after January 1, 2021, and before*
20 *January 1, 2022, by 3.75 percent.*

21 *“(2) IMPLEMENTATION.—*

22 *“(A) ADMINISTRATION.—Notwithstanding*
23 *any other provision of law, the Secretary may*
24 *implement this subsection by program instruc-*
25 *tion or otherwise.*

1 “(B) *LIMITATION.*—*There shall be no ad-*
2 *ministrative or judicial review under section*
3 *1869, 1878 or otherwise of the fee schedules that*
4 *establish payment amounts calculated pursuant*
5 *to this subsection.*

6 “(C) *APPLICATION ONLY FOR 2021.*—*The in-*
7 *crease in fee schedules that establish payment*
8 *amounts under this subsection shall not be taken*
9 *into account in determining such fee schedules*
10 *that establish payment amounts for services fur-*
11 *nished in years after 2021.*

12 “(3) *FUNDING.*—*For purposes of increasing the*
13 *fee schedules that establish payment amounts pursu-*
14 *ant to this subsection—*

15 “(A) *there shall be transferred from the*
16 *General Fund of the Treasury to the Federal*
17 *Supplementary Medical Insurance Trust Fund*
18 *under section 1841, \$3,000,000,000, to remain*
19 *available until expended; and*

20 “(B) *in the event the Secretary determines*
21 *additional amounts are necessary, such amounts*
22 *shall be available from the Federal Supple-*
23 *mentary Medical Insurance Trust Fund.”.*

1 **(b) EXEMPTION OF ADDITIONAL EXPENDITURES FROM**
2 *PHYSICIAN FEE SCHEDULE BUDGET-NEUTRALITY.*—Such
3 *section 1848 is amended, in subsection (c)(2)(B)(iv)—*

4 *(1) in subclause (III), by striking “and” at the*
5 *end;*

6 *(2) in subclause (IV), by striking the period at*
7 *the end and inserting “; and”; and*

8 *(3) by adding at the end the following new sub-*
9 *clause:*

10 *“(V) subsection (t) shall not be*
11 *taken into account in applying clause*
12 *(ii)(II) for 2021.”.*

13 **(c) REPORT.**—Not later than April 1, 2022, the Sec-
14 *retary of Health and Human Services shall submit a report*
15 *to the Committee on Finance of the Senate and the Com-*
16 *mittee on Ways and Means and the Committee on Energy*
17 *and Commerce of the House of Representatives on the in-*
18 *crease in fee schedules that establish payment amounts for*
19 *physicians’ services under section 1848(t) of the Social Se-*
20 *curity Act, as added by subsection (a). Such report shall*
21 *include the aggregate amount of the increase in payment*
22 *amounts under such section, including information regard-*
23 *ing any payments made in excess of the amount of funding*
24 *provided under paragraph (3)(A) of such section.*

1 **SEC. 102. EXTENSION OF TEMPORARY SUSPENSION OF**
2 **MEDICARE SEQUESTRATION.**

3 (a) *IN GENERAL.*—Section 3709(a) of division A of the
4 *CARES Act* (2 U.S.C. 901a note) is amended by striking
5 “December 31, 2020” and inserting “March 31, 2021”.

6 (b) *EFFECTIVE DATE.*—The amendment made by sub-
7 section (a) shall take effect as if enacted as part of the
8 *CARES Act* (Public Law 116–136).

9 **TITLE II—ASSISTANCE TO INDI-**
10 **VIDUALS, FAMILIES, AND**
11 **BUSINESSES**

12 **Subtitle A—Unemployment**
13 **Insurance**

14 **CHAPTER 1—CONTINUED ASSISTANCE TO**
15 **UNEMPLOYED WORKERS**

16 **SEC. 200. SHORT TITLE.**

17 This chapter may be cited as the “Continued Assist-
18 ance for Unemployed Workers Act of 2020”.

19 **Subchapter I—Extension of CARES Act**
20 **Unemployment Provisions**

21 **SEC. 201. EXTENSION AND BENEFIT PHASEOUT RULE FOR**
22 **PANDEMIC UNEMPLOYMENT ASSISTANCE.**

23 (a) *IN GENERAL.*—Section 2102(c) of the *CARES Act*
24 (15 U.S.C. 9021(c)) is amended—

25 (1) in paragraph (1)—

1 (A) by striking “paragraph (2)” and insert-
2 ing “paragraphs (2) and (3)”; and

3 (B) in subparagraph (A)(ii), by striking
4 “December 31, 2020” and inserting “March 14,
5 2021”; and

6 (2) by redesignating paragraph (3) as para-
7 graph (4); and

8 (3) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) *TRANSITION RULE FOR INDIVIDUALS RE-*
11 *MAINING ENTITLED TO PANDEMIC UNEMPLOYMENT AS-*
12 *SISTANCE AS OF MARCH 14, 2021.—*

13 “(A) *IN GENERAL.—Subject to subpara-*
14 *graph (B), in the case of any individual who, as*
15 *of the date specified in paragraph (1)(A)(ii), is*
16 *receiving pandemic unemployment assistance but*
17 *has not yet exhausted all rights to such assist-*
18 *ance under this section, pandemic unemployment*
19 *assistance shall continue to be payable to such*
20 *individual for any week beginning on or after*
21 *such date for which the individual is otherwise*
22 *eligible for pandemic unemployment assistance.*

23 “(B) *TERMINATION.—Notwithstanding any*
24 *other provision of this subsection, no pandemic*

1 *unemployment assistance shall be payable for*
2 *any week beginning after April 5, 2021.”.*

3 (b) *INCREASE IN NUMBER OF WEEKS.—Section*
4 *2102(c)(2) of the CARES Act (15 U.S.C. 9021(c)(2)) is*
5 *amended—*

6 (1) *by striking “39 weeks” and inserting “50*
7 *weeks”;* and

8 (2) *by striking “39-week period” and inserting*
9 *“50-week period”.*

10 (c) *APPEALS.—*

11 (1) *IN GENERAL.—Section 2102(c) of the*
12 *CARES Act (15 U.S.C. 9021(c)), as amended by sub-*
13 *sections (a) and (b), is amended by adding at the end*
14 *the following:*

15 “(5) *APPEALS BY AN INDIVIDUAL.—*

16 “(A) *IN GENERAL.—An individual may ap-*
17 *peal any determination or redetermination re-*
18 *garding the rights to pandemic unemployment*
19 *assistance under this section made by the State*
20 *agency of any of the States.*

21 “(B) *PROCEDURE.—All levels of appeal*
22 *filed under this paragraph in the 50 states, the*
23 *District of Columbia, the Commonwealth of*
24 *Puerto Rico, and the Virgin Islands—*

1 “(i) shall be carried out by the appli-
2 cable State that made the determination or
3 redetermination; and

4 “(ii) shall be conducted in the same
5 manner and to the same extent as the appli-
6 cable State would conduct appeals of deter-
7 minations or redeterminations regarding
8 rights to regular compensation under State
9 law.

10 “(C) *PROCEDURE FOR CERTAIN TERRI-*
11 *TORIES.—With respect to any appeal filed in*
12 *Guam, American Samoa, the Commonwealth of*
13 *the Northern Mariana Islands, the Federated*
14 *States of Micronesia, Republic of the Marshall*
15 *Islands, and the Republic of Palau—*

16 “(i) lower level appeals shall be carried
17 out by the applicable entity within the
18 State;

19 “(ii) if a higher level appeal is allowed
20 by the State, the higher level appeal shall be
21 carried out by the applicability entity with-
22 in the State; and

23 “(iii) appeals described in clauses (i)
24 and (ii) shall be conducted in the same
25 manner and to the same extent as appeals

1 of regular unemployment compensation are
2 conducted under the unemployment com-
3 pensation law of Hawaii.”.

4 (2) *EFFECTIVE DATE.*—The amendment made by
5 paragraph (1) shall take effect as if enacted as part
6 of division A of the CARES Act (Public Law 116–
7 136), except that any decision issued on appeal or re-
8 view before the date of enactment of this Act shall not
9 be affected by the amendment made by paragraph (1).

10 (d) *WAIVER AUTHORITY FOR CERTAIN OVERPAYMENTS*
11 *OF PANDEMIC UNEMPLOYMENT ASSISTANCE.*—Section
12 2102(d) of the CARES Act (15 U.S.C. 9021(d)) is amended
13 by adding at the end the following:

14 “(4) *WAIVER AUTHORITY.*—In the case of indi-
15 viduals who have received amounts of pandemic un-
16 employment assistance to which they were not enti-
17 tled, the State shall require such individuals to repay
18 the amounts of such pandemic unemployment assist-
19 ance to the State agency, except that the State agency
20 may waive such repayment if it determines that—

21 “(A) the payment of such pandemic unem-
22 ployment assistance was without fault on the
23 part of any such individual; and

24 “(B) such repayment would be contrary to
25 equity and good conscience.”.

1 (e) *HOLD HARMLESS FOR PROPER ADMINISTRA-*
2 *TION.—In the case of an individual who is eligible to receive*
3 *pandemic unemployment assistance under section 2102 the*
4 *CARES Act (15 U.S.C. 9021) as of the day before the date*
5 *of enactment of this Act and on the date of enactment of*
6 *this Act becomes eligible for pandemic emergency unemploy-*
7 *ment compensation under section 2107 of the CARES Act*
8 *(15 U.S.C. 9025) by reason of the amendments made by*
9 *section 206(b) of this subtitle, any payment of pandemic*
10 *unemployment assistance under such section 2102 made*
11 *after the date of enactment of this Act to such individual*
12 *during an appropriate period of time, as determined by the*
13 *Secretary of Labor, that should have been made under such*
14 *section 2107 shall not be considered to be an overpayment*
15 *of assistance under such section 2102, except that an indi-*
16 *vidual may not receive payment for assistance under sec-*
17 *tion 2102 and a payment for assistance under section 2107*
18 *for the same week of unemployment.*

19 (f) *LIMITATION.—In the case of a covered individual*
20 *whose first application for pandemic unemployment assist-*
21 *ance under section 2102 of the CARES Act (15 U.S.C.*
22 *9021) is filed after the date of enactment of this Act, sub-*
23 *section (c)(1)(A)(i) of such section 2102 shall be applied by*
24 *substituting “December 1, 2020” for “January 27, 2020”.*

1 (g) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *sections (a), (b), (c), and (d) shall apply as if included in*
3 *the enactment of the CARES Act (Public Law 116–136),*
4 *except that no amount shall be payable by virtue of such*
5 *amendments with respect to any week of unemployment*
6 *commencing before the date of the enactment of this Act.*

7 **SEC. 202. EXTENSION OF EMERGENCY UNEMPLOYMENT RE-**
8 **LIEF FOR GOVERNMENTAL ENTITIES AND**
9 **NONPROFIT ORGANIZATIONS.**

10 Section 903(i)(1)(D) of the Social Security Act (42
11 U.S.C. 1103(i)(1)(D)) is amended by striking “December
12 31, 2020” and inserting “March 14, 2021”.

13 **SEC. 203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
14 **MENT COMPENSATION.**

15 (a) *IN GENERAL.*—Section 2104(e) of the CARES Act
16 (15 U.S.C. 9023(e)) is amended to read as follows:

17 “(e) *APPLICABILITY.*—An agreement entered into
18 under this section shall apply—

19 “(1) to weeks of unemployment beginning after
20 the date on which such agreement is entered into and
21 ending on or before July 31, 2020; and

22 “(2) to weeks of unemployment beginning after
23 December 26, 2020 (or, if later, the date on which
24 such agreement is entered into), and ending on or be-
25 fore March 14, 2021.”.

1 **(b) AMOUNT.**—

2 **(1) IN GENERAL.**—Section 2104(b) of the
3 **CARES Act (15 U.S.C. 9023(b)) is amended—**

4 **(A) in paragraph (1)(B), by striking “of**
5 **“\$600” and inserting “equal to the amount speci-**
6 **fied in paragraph (3)”;** and

7 **(B) by adding at the end the following new**
8 **paragraph:**

9 **“(3) AMOUNT OF FEDERAL PANDEMIC UNEM-**
10 **PLOYMENT COMPENSATION.—**

11 **“(A) IN GENERAL.—The amount specified**
12 **in this paragraph is the following amount:**

13 **“(i) For weeks of unemployment begin-**
14 **ning after the date on which an agreement**
15 **is entered into under this section and end-**
16 **ing on or before July 31, 2020, \$600.**

17 **“(ii) For weeks of unemployment be-**
18 **ginning after December 26, 2020 (or, if**
19 **later, the date on which such agreement is**
20 **entered into), and ending on or before**
21 **March 14, 2021, \$300.”.**

22 **(2) TECHNICAL AMENDMENT REGARDING APPLI-**
23 **CATION TO SHORT-TIME COMPENSATION PROGRAMS**
24 **AND AGREEMENTS.—Section 2104(i)(2) of the CARES**
25 **Act (15 U.S.C. 9023(i)(2)) is amended—**

1 (A) in subparagraph (C), by striking “and”
2 at the end;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; and”; and

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

6 “(E) short-time compensation under a
7 short-time compensation program (as defined in
8 section 3306(v) of the Internal Revenue Code of
9 1986).”.

10 **SEC. 204. EXTENSION OF FEDERAL FUNDING OF THE FIRST**
11 **WEEK OF COMPENSABLE REGULAR UNEM-**
12 **EMPLOYMENT FOR STATES WITH NO WAITING**
13 **WEEK.**

14 Section 2105 of the CARES Act (15 U.S.C. 9024) is
15 amended—

16 (1) in subsection (c)—

17 (A) in paragraph (1), by striking “There
18 shall be paid” and inserting “Except as provided
19 in paragraph (3), there shall be paid”; and

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

21 “(3) **PARTIAL REIMBURSEMENT.**—With respect
22 to compensation paid to individuals for weeks of un-
23 employment ending after December 31, 2020, para-
24 graph (1) shall be applied by substituting ‘50 percent’
25 for ‘100 percent.’; and

1 (2) in subsection (e)(2), by striking “December
2 31, 2020” and inserting “March 14, 2021”.

3 **SEC. 205. EXTENSION OF EMERGENCY STATE STAFFING**
4 **FLEXIBILITY.**

5 Section 4102(b) of the Families First Coronavirus Re-
6 sponse Act (26 U.S.C. 3304 note), in the second sentence,
7 is amended by striking “December 31, 2020” and inserting
8 “March 14, 2021”.

9 **SEC. 206. EXTENSION AND BENEFIT PHASEOUT RULE FOR**
10 **PANDEMIC EMERGENCY UNEMPLOYMENT**
11 **COMPENSATION.**

12 (a) *IN GENERAL.*—Section 2107(g) of the CARES Act
13 (15 U.S.C. 9025(g)) is amended to read as follows:

14 “(g) *APPLICABILITY.*—

15 “(1) *IN GENERAL.*—Except as provided in para-
16 graphs (2) and (3), an agreement entered into under
17 this section shall apply to weeks of unemployment—

18 “(A) beginning after the date on which such
19 agreement is entered into; and

20 “(B) ending on or before March 14, 2021.

21 “(2) *TRANSITION RULE FOR INDIVIDUALS RE-*
22 *MAINING ENTITLED TO PANDEMIC EMERGENCY UNEM-*
23 *PLOYMENT COMPENSATION AS OF MARCH 14, 2021.*—In
24 the case of any individual who, as of the date speci-
25 fied in paragraph (1)(B), is receiving Pandemic

1 *Emergency Unemployment Compensation but has not*
2 *yet exhausted all rights to such assistance under this*
3 *section, Pandemic Emergency Unemployment Com-*
4 *ensation shall continue to be payable to such indi-*
5 *vidual for any week beginning on or after such date*
6 *for which the individual is otherwise eligible for Pan-*
7 *demic Emergency Unemployment Compensation.*

8 “(3) *TERMINATION.*—*Notwithstanding any other*
9 *provision of this subsection, no Pandemic Emergency*
10 *Unemployment Compensation shall be payable for*
11 *any week beginning after April 5, 2021.”*

12 (i) *INCREASE IN NUMBER OF WEEKS.*—*Section*
13 *2107(b)(2) of the CARES Act (15 U.S.C. 9025(b)(2)) is*
14 *amended by striking “13” and inserting “24”.*

15 (c) *COORDINATION RULES.*—

16 (1) *COORDINATION OF PANDEMIC EMERGENCY*
17 *UNEMPLOYMENT COMPENSATION WITH REGULAR COM-*
18 *PENSATION.*—*Section 2107(b) of the CARES Act (15*
19 *U.S.C. 9025(b)) is amended by adding at the end the*
20 *following:*

21 “(4) *COORDINATION OF PANDEMIC EMERGENCY*
22 *UNEMPLOYMENT COMPENSATION WITH REGULAR COM-*
23 *PENSATION.*—

24 “(A) *IN GENERAL.*—*If—*

1 “(i) an individual has been determined
2 to be entitled to pandemic emergency unem-
3 ployment compensation with respect to a
4 benefit year;

5 “(ii) that benefit year has expired;

6 “(iii) that individual has remaining
7 entitlement to pandemic emergency unem-
8 ployment compensation with respect to that
9 benefit year; and

10 “(iv) that individual would qualify for
11 a new benefit year in which the weekly ben-
12 efit amount of regular compensation is at
13 least \$25 less than the individual’s weekly
14 benefit amount in the benefit year referred
15 to in clause (i),

16 then the State shall determine eligibility for com-
17 pensation as provided in subparagraph (B).

18 “(B) DETERMINATION OF ELIGIBILITY.—
19 For individuals described in subparagraph (A),
20 the State shall determine whether the individual
21 is to be paid pandemic emergency unemployment
22 compensation or regular compensation for a
23 week of unemployment using one of the following
24 methods:

1 “(i) *The State shall, if permitted by*
2 *State law, establish a new benefit year, but*
3 *defer the payment of regular compensation*
4 *with respect to that new benefit year until*
5 *exhaustion of all pandemic emergency un-*
6 *employment compensation payable with re-*
7 *spect to the benefit year referred to in sub-*
8 *paragraph (A)(i).*

9 “(ii) *The State shall, if permitted by*
10 *State law, defer the establishment of a new*
11 *benefit year (which uses all the wages and*
12 *employment which would have been used to*
13 *establish a benefit year but for the applica-*
14 *tion of this subparagraph), until exhaustion*
15 *of all pandemic emergency unemployment*
16 *compensation payable with respect to the*
17 *benefit year referred to in subparagraph*
18 *(A)(i).*

19 “(iii) *The State shall pay, if permitted*
20 *by State law—*

21 “(I) *regular compensation equal*
22 *to the weekly benefit amount estab-*
23 *lished under the new benefit year; and*

24 “(II) *pandemic emergency unem-*
25 *ployment compensation equal to the*

1 *difference between that weekly benefit*
 2 *amount and the weekly benefit amount*
 3 *for the expired benefit year.*

4 “(iv) *The State shall determine rights*
 5 *to pandemic emergency unemployment com-*
 6 *ensation without regard to any rights to*
 7 *regular compensation if the individual*
 8 *elects to not file a claim for regular com-*
 9 *ensation under the new benefit year.”.*

10 (2) *COORDINATION OF PANDEMIC EMERGENCY*
 11 *UNEMPLOYMENT COMPENSATION WITH EXTENDED*
 12 *COMPENSATION.—*

13 (A) *INDIVIDUALS RECEIVING EXTENDED*
 14 *COMPENSATION AS OF THE DATE OF ENACT-*
 15 *MENT.—Section 2107(a)(5) of the CARES Act*
 16 *(15 U.S.C. 9025(a)(5)) is amended—*

17 (i) *by striking “RULE.—An agree-*
 18 *ment” and inserting the following:*

19 “*RULES.—*

20 “*(A) IN GENERAL.—Subject to subpara-*
 21 *graph (B), an agreement”;* and

22 (ii) *by adding at the end the following:*

23 “*(B) SPECIAL RULE.—In the case of an in-*
 24 *dividual who is receiving extended compensation*
 25 *under the State law for the week that includes*

1 *the date of enactment of this subparagraph*
2 *(without regard to the amendments made by sub-*
3 *sections (a) and (b) of section 206 of the Contin-*
4 *ued Assistance for Unemployed Workers Act of*
5 *2020), such individual shall not be eligible to re-*
6 *ceive pandemic emergency unemployment com-*
7 *ensation by reason of such amendments until*
8 *such individual has exhausted all rights to such*
9 *extended benefits.”.*

10 *(B) ELIGIBILITY FOR EXTENDED COM-*
11 *PENSATION.—Section 2107(a) of the CARES Act*
12 *(15 U.S.C. 9025(a)) is amended by adding at the*
13 *end the following:*

14 *“(8) SPECIAL RULE FOR EXTENDED COMPENSA-*
15 *TION.—At the option of a State, for any weeks of un-*
16 *employment beginning after the date of the enactment*
17 *of this paragraph and before April 12, 2021, an indi-*
18 *vidual’s eligibility period (as described in section*
19 *203(c) of the Federal-State Extended Unemployment*
20 *Compensation Act of 1970 (26 U.S.C. 3304 note))*
21 *shall, for purposes of any determination of eligibility*
22 *for extended compensation under the State law of*
23 *such State, be considered to include any week which*
24 *begins—*

1 “(A) after the date as of which such indi-
2 vidual exhausts all rights to pandemic emergency
3 unemployment compensation; and

4 “(B) during an extended benefit period that
5 began on or before the date described in subpara-
6 graph (A).”.

7 (d) *EFFECTIVE DATE.*—

8 (1) *IN GENERAL.*—Except as provided in para-
9 graph (2), the amendments made by this section shall
10 apply as if included in the enactment of the CARES
11 Act (Public Law 116–136), except that no amount
12 shall be payable by virtue of such amendments with
13 respect to any week of unemployment commencing be-
14 fore the date of the enactment of this Act.

15 (2) *COORDINATION RULES.*—The amendments
16 made by subsection (c)(1) shall apply to individuals
17 whose benefit years, as described in section
18 2107(b)(4)(A)(ii) of the CARES Act, expire after the
19 date of enactment of this Act.

20 **SEC. 207. EXTENSION OF TEMPORARY FINANCING OF**
21 **SHORT-TIME COMPENSATION PAYMENTS IN**
22 **STATES WITH PROGRAMS IN LAW.**

23 Section 2108(b)(2) of the CARES Act (15 U.S.C.
24 9026(b)(2)) is amended by striking “December 31, 2020”
25 and inserting “March 14, 2021”.

1 **SEC. 208. EXTENSION OF TEMPORARY FINANCING OF**
2 **SHORT-TIME COMPENSATION AGREEMENTS**
3 **FOR STATES WITHOUT PROGRAMS IN LAW.**

4 *Section 2109(d)(2) of the CARES Act (15 U.S.C.*
5 *9027(d)(2)) is amended by striking “December 31, 2020”*
6 *and inserting “March 14, 2021”.*

7 **SEC. 209. TECHNICAL AMENDMENT TO REFERENCES TO**
8 **REGULATION IN CARES ACT.**

9 *(a) IN GENERAL.—Section 2102(h) of the CARES Act*
10 *(Public Law 116-136) is amended by striking “section 625”*
11 *in each place it appears and inserting “part 625”.*

12 *(b) EFFECTIVE DATE.—The amendment made by this*
13 *section shall take effect as if included in section 2102 of*
14 *the CARES Act (Public Law 116-136).*

15 **Subchapter II—Extension of FFCRA**
16 **Unemployment Provisions**

17 **SEC. 221. EXTENSION OF TEMPORARY ASSISTANCE FOR**
18 **STATES WITH ADVANCES.**

19 *Section 1202(b)(10)(A) of the Social Security Act (42*
20 *U.S.C. 1322(b)(10)(A)) is amended by striking “December*
21 *31, 2020” and inserting “March 14, 2021”.*

22 **SEC. 222. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
23 **TENDED UNEMPLOYMENT COMPENSATION.**

24 *Section 4105 of the Families First Coronavirus Re-*
25 *sponse Act (26 U.S.C. 3304 note) is amended—*

1 (1) *in subsection (a), by striking “December 31,*
2 *2020” and inserting “March 14, 2021”; and*

3 (2) *in subsection (b), by striking “ending on or*
4 *before December 31, 2020” and inserting “before*
5 *March 14, 2021”.*

6 ***Subchapter III—Continued Assistance to Rail***
7 ***Workers***

8 ***SEC. 231. SHORT TITLE.***

9 *This subchapter may be cited as the “Continued Assist-*
10 *ance to Rail Workers Act of 2020”.*

11 ***SEC. 232. ADDITIONAL ENHANCED BENEFITS UNDER THE***
12 ***RAILROAD UNEMPLOYMENT INSURANCE ACT.***

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

16 (1) *in the first sentence—*

17 (A) *by inserting “and for registration peri-*
18 *ods beginning after December 26, 2020, but on or*
19 *before March 14, 2021,” after “July 31, 2020,”;*

20 (B) *by striking “in the amount of \$1,200”;*
21 *and*

22 (C) *by striking “July 1, 2019” and insert-*
23 *ing “July 1, 2019, or July 1, 2020”; and*

24 (2) *by adding at the end the following: “For reg-*
25 *istration periods beginning on or after April 1, 2020,*

1 *but on or before July 31, 2020, the recovery benefit*
2 *payable under this subparagraph shall be in the*
3 *amount of \$1,200. For registration periods beginning*
4 *after December 26, 2020, but on or before March 14,*
5 *2021, the recovery benefit payable under this subpara-*
6 *graph shall be in the amount of \$600.”.*

7 **(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—**
8 *Funds appropriated under subparagraph (B) of section*
9 *2(a)(5) of the Railroad Unemployment Insurance Act (45*
10 *U.S.C. 352(a)(5)) shall be available to cover the cost of re-*
11 *covery benefits provided under such section 2(a)(5) by rea-*
12 *son of the amendments made by subsection (a) as well as*
13 *to cover the cost of such benefits provided under such section*
14 *2(a)(5) as in effect on the day before the date of enactment*
15 *of this Act.*

16 **SEC. 233. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
17 **THE RAILROAD UNEMPLOYMENT INSURANCE**
18 **ACT.**

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

22 **(1) in clause (i)—**

23 **(A) in subclause (I), by striking “130 days”**
24 **and inserting “185 days”;**

1 (B) in subclause (II), by striking “13 con-
2 secutive 14-day periods” and inserting “19 con-
3 secutive 14-day periods, except that no extended
4 benefit period shall end before 6 consecutive 14-
5 day periods after the date of enactment of the
6 Continued Assistance for Unemployed Workers
7 Act of 2020 have elapsed”;

8 (2) in clause (i), by striking “if such clause had
9 not been enacted.” and inserting “if such clause had
10 not been enacted and if—

11 “(A) subparagraph (A) were ap-
12 plied by substituting ‘120 days of un-
13 employment’ for ‘65 days of unemploy-
14 ment’; and

15 “(B) subparagraph (B) were ap-
16 plied by inserting ‘(or, in the case of
17 unemployment benefits, 12 consecutive
18 14-day periods, except that no extended
19 benefit period shall end before 6 con-
20 secutive 14-day periods after the date
21 of enactment of the Continued Assist-
22 ance for Unemployed Workers Act of
23 2020 have elapsed)’ after ‘7 consecutive
24 14-day periods.’”; and

25 (3) in clause (iii)—

1 (A) by striking “June 30, 2020” and insert-
2 ing “June 30, 2021”;

3 (B) by striking “no extended benefit period
4 under this paragraph shall begin after December
5 31, 2020” and inserting “the provisions of
6 clauses (i) and (ii) shall not apply to any em-
7 ployee whose extended benefit period under sub-
8 paragraph (B) begins after March 14, 2021, and
9 shall not apply to any employee with respect to
10 any registration period beginning after April 5,
11 2021.”; and

12 (C) by striking “clause (iv)” and inserting
13 “clause (v)”;

14 (4) by redesignating clause (iv) as clause (v);
15 and

16 (5) by inserting after clause (iii) the following:

17 “(iv) *TREATMENT OF CERTAIN CAL-*
18 *ENDAR DAYS.*—No calendar day occurring
19 during the period beginning on the first
20 date with respect to which the employee has
21 exhausted all rights to extended unemploy-
22 ment benefits under this paragraph as in ef-
23 fect on the day before the date of enactment
24 of the Continued Assistance for Unemployed
25 Workers Act of 2020 and ending with the

1 *ating instructions or regulations necessary to carry out this*
2 *section.*

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

11 **SEC. 235. TREATMENT OF PAYMENTS FROM THE RAILROAD**
12 **UNEMPLOYMENT INSURANCE ACCOUNT.**

13 (a) *IN GENERAL.—Section 256(i)(1) of the Balanced*
14 *Budget and Emergency Deficit Control Act of 1985 (2*
15 *U.S.C. 906(i)(1)) is amended—*

16 (1) *in subparagraph (B), by striking “and” at*
17 *the end;*

18 (2) *in subparagraph (C), by inserting “and” at*
19 *the end; and*

20 (3) *by inserting after subparagraph (C) the fol-*
21 *lowing new subparagraph:*

22 “(D) *any payment made from the Railroad Un-*
23 *employment Insurance Account (established by section*
24 *10 of the Railroad Unemployment Insurance Act) for*
25 *the purpose of carrying out the Railroad Unemploy-*

1 *ment Insurance Act, and funds appropriated or*
2 *transferred to or otherwise deposited in such Ac-*
3 *count,”.*

4 *(b) EFFECTIVE DATE.—The treatment of payments*
5 *made from the Railroad Unemployment Insurance Account*
6 *pursuant to the amendment made by subsection (a)—*

7 *(1) shall take effect 7 days after the date of the*
8 *enactment of this Act; and*

9 *(2) shall apply only to obligations incurred dur-*
10 *ing the period beginning on the effective date de-*
11 *scribed in paragraph (1) and ending on the date that*
12 *is 30 days after the date on which the national emer-*
13 *gency concerning the novel coronavirus disease*
14 *(COVID–19) outbreak declared by the President on*
15 *March 13, 2020, under the National Emergencies Act*
16 *(50 U.S.C. 1601 et seq.) terminates.*

17 *(c) SUNSET.—The amendments made by subsection (a)*
18 *shall be repealed on the date that is 30 days after the date*
19 *on which the national emergency concerning the novel*
20 *coronavirus disease (COVID–19) outbreak declared by the*
21 *President on March 13, 2020, under the National Emer-*
22 *gencies Act (50 U.S.C. 1601 et seq.) terminates.*

1 ***Subchapter IV—Improvements to Pandemic***
2 ***Unemployment Assistance to Strengthen***
3 ***Program Integrity***

4 ***SEC. 241. REQUIREMENT TO SUBSTANTIATE EMPLOYMENT***
5 ***OR SELF-EMPLOYMENT AND WAGES EARNED***
6 ***OR PAID TO CONFIRM ELIGIBILITY FOR PAN-***
7 ***DEMIC UNEMPLOYMENT ASSISTANCE.***

8 *(a) IN GENERAL.—Section 2102(a)(3)(A) of the*
9 *CARES Act (15 U.S.C. 9021(a)(3)(A)) is amended—*

10 *(1) in clause (i), by striking “and” at the end;*

11 *(2) by inserting after clause (ii) the following:*

12 *“(iii) provides documentation to sub-*
13 *stantiate employment or self-employment or*
14 *the planned commencement of employment*
15 *or self-employment not later than 21 days*
16 *after the later of the date on which the indi-*
17 *vidual submits an application for pandemic*
18 *unemployment assistance under this section*
19 *or the date on which an individual is di-*
20 *rected by the State Agency to submit such*
21 *documentation in accordance with section*
22 *625.6(e) of title 20, Code of Federal Regula-*
23 *tions, or any successor thereto, except that*
24 *such deadline may be extended if the indi-*
25 *vidual has shown good cause under applica-*

1 *ble State law for failing to submit such doc-*
2 *umentation; and”.*

3 *(b) APPLICABILITY.—*

4 *(1) IN GENERAL.—Subject to paragraphs (2) and*
5 *(3), the amendments made by subsection (a) shall*
6 *apply to any individual who files a new application*
7 *for pandemic unemployment assistance or claims*
8 *pandemic unemployment assistance for any week of*
9 *unemployment under section 2102 of the CARES Act*
10 *(15 U.S.C. 9021) on or after January 31, 2021.*

11 *(2) SPECIAL RULE.—An individual who received*
12 *pandemic unemployment assistance under section*
13 *2102 of the CARES Act (15 U.S.C. 9021) for any*
14 *week ending before the date of enactment of this Act*
15 *shall not be considered ineligible for such assistance*
16 *for such week solely by reason of failure to submit*
17 *documentation described in clause (iii) of subsection*
18 *(a)(3)(A) of such section 2102, as added by subsection*
19 *(a).*

20 *(3) PRIOR APPLICANTS.—With respect to an in-*
21 *dividual who applied for pandemic unemployment as-*
22 *sistance under section 2102 of the CARES Act (15*
23 *U.S.C. 9021) before January 31, 2021, and receives*
24 *such assistance on or after the date of enactment of*
25 *this Act, clause (iii) of subsection (a)(3)(A) of such*

1 *section shall be applied by substituting “90 days” for*
2 *“21 days”.*

3 **SEC. 242. REQUIREMENT FOR STATES TO VERIFY IDENTITY**
4 **OF APPLICANTS FOR PANDEMIC UNEMPLOY-**
5 **MENT ASSISTANCE.**

6 *(a) IN GENERAL.—Section 2102(f) of the CARES Act*
7 *(15 U.S.C. 9021(f)) is amended—*

8 *(1) in paragraph (1), by inserting “, including*
9 *procedures for identity verification or validation and*
10 *for timely payment, to the extent reasonable and*
11 *practicable” before the period at the end; and*

12 *(2) in paragraph (2)(B), by inserting “and ex-*
13 *penses related to identity verification or validation*
14 *and timely and accurate payment” before the period*
15 *at the end.*

16 *(b) APPLICABILITY.—The requirements imposed by the*
17 *amendments made by this section shall apply, with respect*
18 *to agreements made under section 2102 of the CARES Act,*
19 *beginning on the date that is 30 days after the date of enact-*
20 *ment of this Act.*

1 ***Subchapter V—Return to Work Reporting***
2 ***Requirement***

3 **SEC. 251. RETURN TO WORK REPORTING FOR CARES ACT**
4 **AGREEMENTS.**

5 (a) *IN GENERAL.*—Subtitle A of title II of division A
6 *of the CARES Act (Public Law 116–136) is amended by*
7 *adding at the end the following:*

8 **“SEC. 2117. RETURN TO WORK REPORTING.**

9 *“Each State participating in an agreement under any*
10 *of the preceding sections of this subtitle shall have in effect*
11 *a method to address any circumstances in which, during*
12 *any period during which such agreement is in effect, claim-*
13 *ants of unemployment compensation refuse to return to*
14 *work or to accept an offer of suitable work without good*
15 *cause. Such method shall include the following:*

16 *“(1) A reporting method for employers, such as*
17 *through a phone line, email, or online portal, to no-*
18 *tify the State agency when an individual refuses an*
19 *offer of employment.*

20 *“(2) A plain-language notice provided to such*
21 *claimants about State return to work laws, rights to*
22 *refuse to return to work or to refuse suitable work, in-*
23 *cluding what constitutes suitable work, and a claim-*
24 *ant’s right to refuse work that poses a risk to the*
25 *claimant’s health or safety, and information on con-*

1 *testing the denial of a claim that has been denied due*
2 *to a report by an employer that the claimant refused*
3 *to return to work or refused suitable work.”.*

4 **(b) EFFECTIVE DATE.**—*The requirements imposed by*
5 *this section shall take effect 30 days from the date of enact-*
6 *ment of this Act.*

7 ***Subchapter VI—Other Related Provisions and***
8 ***Technical Corrections***

9 ***SECTION 261. MIXED EARNER UNEMPLOYMENT COMPENSA-***
10 ***TION.***

11 **(a) IN GENERAL.**—*Section 2104(b) of the CARES Act*
12 *(15 U.S.C. 9023(b)(1)), as amended by section 1103, is fur-*
13 *ther amended—*

14 **(1) in paragraph (1)—**

15 **(A) in subparagraph (B), by striking the**
16 *period at the end and inserting “, plus”; and*

17 **(B) by adding at the end the following:**

18 **“(C) an additional amount of \$100 (in this**
19 *section referred to as ‘Mixed Earner Unemploy-*
20 *ment Compensation’) in any case in which the*
21 *individual received at least \$5,000 of self-em-*
22 *ployment income (as defined in section 1402(b)*
23 *of the Internal Revenue Code of 1986) in the*
24 *most recent taxable year ending prior to the in-*

1 *dividual’s application for regular compensa-*
2 *tion.”; and*

3 *(2) by adding at the end the following:*

4 *“(4) CERTAIN DOCUMENTATION REQUIRED.—An*
5 *agreement under this section shall include a require-*
6 *ment, similar to the requirement under section*
7 *2102(a)(3)(A)(iii), for the substantiation of self-em-*
8 *ployment income with respect to each applicant for*
9 *Mixed Earner Unemployment Compensation under*
10 *paragraph (1)(C).”.*

11 *(b) CONFORMING AMENDMENTS.—*

12 *(1) FEDERAL PANDEMIC UNEMPLOYMENT COM-*
13 *PENSATION.—Section 2104 of such Act is amended—*

14 *(A) by inserting “or Mixed Earner Unem-*
15 *ployment Compensation” after “Federal Pan-*
16 *demic Unemployment Compensation” each place*
17 *such term appears in subsection (b)(2), (c), or (f)*
18 *of such section;*

19 *(B) in subsection (d), by inserting “and*
20 *Mixed Earner Unemployment Compensation”*
21 *after “Federal Pandemic Unemployment Com-*
22 *ensation”; and*

23 *(C) in subsection (g), by striking “provide*
24 *that” and all that follows through the end and*
25 *inserting “provide that—*

1 “(1) the purposes of the preceding provisions of
2 this section, as such provisions apply with respect to
3 Federal Pandemic Unemployment Compensation,
4 shall be applied with respect to unemployment bene-
5 fits described in subsection (i)(2) to the same extent
6 and in the same manner as if those benefits were reg-
7 ular compensation; and

8 “(2) the purposes of the preceding provisions of
9 this section, as such provisions apply with respect to
10 Mixed Earner Unemployment Compensation, shall be
11 applied with respect to unemployment benefits de-
12 scribed in subparagraph (A), (B), (D), or (E) of sub-
13 section (i)(2) to the same extent and in the same
14 manner as if those benefits were regular compensa-
15 tion.”.

16 (2) *PANDEMIC EMERGENCY UNEMPLOYMENT*
17 *COMPENSATION.*—Section 2107(a)(4)(A) of such Act is
18 amended—

19 (A) in clause (i), by striking “and”;

20 (B) in clause (ii), by striking “section
21 2104;” and inserting “section 2104(b)(1)(B);
22 and”; and

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

1 “(iii) the amount (if any) of Mixed
2 Earner Unemployment Compensation under
3 section 2104(b)(1)(C);”.

4 (c) *STATE’S RIGHT OF NON-PARTICIPATION.*—Any
5 State participating in an agreement under section 2104 of
6 the CARES Act may elect to continue paying Federal Pan-
7 demic Unemployment Compensation under such agreement
8 without providing Mixed Earner Unemployment Com-
9 pensation pursuant to the amendments made by this sec-
10 tion. Such amendments shall apply with respect to such a
11 State only if the State so elects, in which case such amend-
12 ments shall apply with respect to weeks of unemployment
13 beginning on or after the later of the date of such election
14 or the date of enactment of this section.

15 **SEC. 262. LOST WAGES ASSISTANCE RECOUPMENT FAIR-**
16 **NESS.**

17 (a) *DEFINITIONS.*—In this section—

18 (1) the term “covered assistance” means assist-
19 ance provided for supplemental lost wages payments
20 under subsections (e)(2) and (f) of section 408 of the
21 Robert T. Stafford Disaster Relief and Emergency As-
22 sistance Act (42 U.S.C. 5174), as authorized under
23 the emergency declaration issued by the President on
24 March 13, 2020, pursuant to section 501(b) of such
25 Act (42 U.S.C. 5191(b)) and under any subsequent

1 *major disaster declaration under section 401 of such*
2 *Act (42 U.S.C. 5170) that supersedes such emergency*
3 *declaration; and*

4 (2) *the term “State” has the meaning given the*
5 *term in section 102 of the Robert T. Stafford Disaster*
6 *Relief and Emergency Assistance Act (42 U.S.C.*
7 *5122).*

8 **(b) WAIVER AUTHORITY FOR STATE LIABILITY.**—*In*
9 *the case of any individual who has received amounts of cov-*
10 *ered assistance to which the individual is not entitled, the*
11 *State shall require the individual to repay the amounts of*
12 *such assistance to the State agency, except that the State*
13 *agency may waive such repayment if the State agency de-*
14 *termines that—*

15 (1) *the payment of such covered assistance was*
16 *without fault on the part of the individual; and*

17 (2) *such repayment would be contrary to equity*
18 *and good conscience.*

19 **(c) WAIVER AUTHORITY FOR FEDERAL LIABILITY.**—
20 *Any waiver of debt issued by a State under subsection (b)*
21 *shall also waive the debt owed to the United States.*

22 **(d) REPORTING.**—

23 (1) **STATE REPORTING.**—*If a State issues a*
24 *waiver of debt under subsection (b), the State shall re-*

1 *port such waiver to the Administrator of the Federal*
2 *Emergency Management Agency.*

3 (2) *OIG REPORTING.*—*Not later than 6 months*
4 *after the date of enactment of this Act, the Inspector*
5 *General of the Department of Homeland Security*
6 *shall submit a report that assesses the efforts of the*
7 *States to waive recoupment related to lost wages as-*
8 *sistance under section 408 of the Robert T. Stafford*
9 *Disaster Relief and Emergency Assistance Act (42*
10 *U.S.C. 5174) to—*

11 (A) *the Committee on Homeland Security*
12 *and Governmental Affairs, the Committee on Fi-*
13 *nance, and the Subcommittee on Homeland Se-*
14 *curity of the Committee on Appropriations of the*
15 *Senate; and*

16 (B) *the Committee on Transportation and*
17 *Infrastructure, Committee on Ways and Means,*
18 *and the Subcommittee on Homeland Security of*
19 *the Committee on Appropriations of the House of*
20 *Representatives.*

1 **SEC. 263. CONTINUING ELIGIBILITY FOR CERTAIN RECIPI-**
2 **ENTS OF PANDEMIC UNEMPLOYMENT ASSIST-**
3 **ANCE.**

4 (a) *IN GENERAL.*—Section 2102(c) of the CARES Act
5 (15 U.S.C. 9021(c)), as amended by section 201, is further
6 amended by adding at the end the following:

7 “(6) *CONTINUED ELIGIBILITY FOR ASSIST-*
8 *ANCE.*—As a condition of continued eligibility for as-
9 sistance under this section, a covered individual shall
10 submit a recertification to the State for each week
11 after the individual’s 1st week of eligibility that cer-
12 tifies that the individual remains an individual de-
13 scribed in subsection (a)(3)(A)(ii) for such week.”.

14 (b) *EFFECTIVE DATE; SPECIAL RULE.*—

15 (1) *IN GENERAL.*—The amendment made by sub-
16 section (a) shall apply with respect to weeks begin-
17 ning on or after the date that is 30 days after the
18 date of enactment of this section.

19 (2) *SPECIAL RULE.*—In the case of any State
20 that made a good faith effort to implement section
21 2102 of division A of the CARES Act (15 U.S.C.
22 9021) in accordance with rules similar to those pro-
23 vided in section 625.6 of title 20, Code of Federal
24 Regulations, for weeks ending before the effective date
25 specified in paragraph (1), an individual who re-
26 ceived pandemic unemployment assistance from such

1 *State for any such week shall not be considered ineli-*
2 *gible for such assistance for such week solely by reason*
3 *of failure to submit a recertification described in sub-*
4 *section (c)(5) of such section 2102.*

5 **SEC. 264. TECHNICAL CORRECTION FOR NONPROFIT ORGA-**
6 **NIZATIONS CLASSIFIED AS FEDERAL TRUST**
7 **INSTRUMENTALITIES.**

8 *(a) IN GENERAL.—Section 903(i)(1) of the Social Se-*
9 *curity Act (42 U.S.C. 1103(i)(1)) is amended—*

10 *(1) in subparagraph (B), in the first sentence, by*
11 *inserting “and to service provided by employees of an*
12 *entity created by Public Law 85–874 (20 U.S.C. 76h*
13 *et seq.)” after “of such Code applies”; and*

14 *(2) in subparagraph (C), by inserting “or an en-*
15 *tity created by Public Law 85–874 (20 U.S.C. 76h et*
16 *seq.)” before the period at the end.*

17 *(b) EFFECTIVE DATE.—The amendments made by this*
18 *section shall take effect as if included in the enactment of*
19 *section 2103 of the CARES Act (Public Law 116–136).*

20 **SEC. 265. TECHNICAL CORRECTION FOR THE COMMON-**
21 **WEALTH OF NORTHERN MARIANA ISLANDS.**

22 *A Commonwealth Only Transitional Worker (as de-*
23 *finied in section 6(i)(2) of the Joint Resolution entitled “A*
24 *Joint Resolution to approve the ‘Covenant To Establish a*
25 *Commonwealth of the Northern Mariana Islands in Polit-*

1 ical Union with the United States of America’, and for
2 other purposes” (48 U.S.C. 1806)) shall be considered a
3 qualified alien under section 431 of Public Law 104-193
4 (8 U.S.C. 1641) for purposes of eligibility for a benefit
5 under section 2102 or 2104 of the CARES Act.

6 **SEC. 266. WAIVER TO PRESERVE ACCESS TO EXTENDED**
7 **BENEFITS IN HIGH UNEMPLOYMENT STATES.**

8 (a) *IN GENERAL.*—For purposes of determining the be-
9 ginning of an extended benefit period (or a high unemploy-
10 ment period) under the Federal-State Extended Unemploy-
11 ment Compensation Act of 1970 (26 U.S.C. 3304 note) dur-
12 ing the period beginning on November 1, 2020, and ending
13 December 31, 2021, section 203 of such Act may be applied
14 without regard to subsection (b)(1)(B) of such section.

15 (b) *RULEMAKING AUTHORITY; TECHNICAL ASSIST-*
16 *ANCE.*—The Secretary of Labor shall issue such rules or
17 other guidance as the Secretary determines may be nec-
18 essary for the implementation of subsection (a), and shall
19 provide technical assistance to States as needed to facilitate
20 such implementation.

21 **Subtitle B—COVID-related Tax**
22 **Relief Act of 2020**

23 **SEC. 271. SHORT TITLE; TABLE OF CONTENTS.**

24 (a) *SHORT TITLE.*—This subtitle may be cited as the
25 “COVID-related Tax Relief Act of 2020”.

1 **“SEC. 6428A. ADDITIONAL 2020 RECOVERY REBATES FOR IN-**
2 **DIVIDUALS.**

3 “(a) *IN GENERAL.*—*In addition to the credit allowed*
4 *under section 6428, in the case of an eligible individual,*
5 *there shall be allowed as a credit against the tax imposed*
6 *by subtitle A for the first taxable year beginning in 2020*
7 *an amount equal to the sum of—*

8 “(1) \$600 (\$1,200 in the case of eligible individ-
9 uals filing a joint return), plus

10 “(2) an amount equal to the product of \$600
11 multiplied by the number of qualifying children
12 (within the meaning of section 24(c)) of the taxpayer.

13 “(b) *TREATMENT OF CREDIT.*—*The credit allowed by*
14 *subsection (a) shall be treated as allowed by subpart C of*
15 *part IV of subchapter A of chapter 1.*

16 “(c) *LIMITATION BASED ON ADJUSTED GROSS IN-*
17 *COME.*—*The amount of the credit allowed by subsection (a)*
18 *(determined without regard to this subsection and sub-*
19 *section (e)) shall be reduced (but not below zero) by 5 per-*
20 *cent of so much of the taxpayer’s adjusted gross income as*
21 *exceeds—*

22 “(1) \$150,000 in the case of a joint return or a
23 surviving spouse (as defined in section 2(a)),

24 “(2) \$112,500 in the case of a head of household
25 (as defined in section 2(b)), and

1 “(3) \$75,000 in the case of a taxpayer not de-
2 scribed in paragraph (1) or (2).

3 “(d) *ELIGIBLE INDIVIDUAL*.—For purposes of this sec-
4 tion, the term ‘eligible individual’ means any individual
5 other than—

6 “(1) any nonresident alien individual,

7 “(2) any individual with respect to whom a de-
8 duction under section 151 is allowable to another tax-
9 payer for a taxable year beginning in the calendar
10 year in which the individual’s taxable year begins,
11 and

12 “(3) an estate or trust.

13 “(e) *COORDINATION WITH ADVANCE REFUNDS OF*
14 *CREDIT*.—

15 “(1) *IN GENERAL*.—The amount of the credit
16 which would (but for this paragraph) be allowable
17 under this section shall be reduced (but not below
18 zero) by the aggregate refunds and credits made or al-
19 lowed to the taxpayer under subsection (f). Any fail-
20 ure to so reduce the credit shall be treated as arising
21 out of a mathematical or clerical error and assessed
22 according to section 6213(b)(1).

23 “(2) *JOINT RETURNS*.—Except as otherwise pro-
24 vided by the Secretary, in the case of a refund or
25 credit made or allowed under subsection (f) with re-

1 *spect to a joint return, half of such refund or credit*
2 *shall be treated as having been made or allowed to*
3 *each individual filing such return.*

4 *“(f) ADVANCE REFUNDS AND CREDITS.—*

5 *“(1) IN GENERAL.—Each individual who was an*
6 *eligible individual for such individual’s first taxable*
7 *year beginning in 2019 shall be treated as having*
8 *made a payment against the tax imposed by chapter*
9 *1 for such taxable year in an amount equal to the ad-*
10 *vance refund amount for such taxable year.*

11 *“(2) ADVANCE REFUND AMOUNT.—For purposes*
12 *of paragraph (1), the advance refund amount is the*
13 *amount that would have been allowed as a credit*
14 *under this section for such taxable year if this section*
15 *(other than subsection (e) and this subsection) had*
16 *applied to such taxable year. For purposes of deter-*
17 *mining the advance refund amount with respect to*
18 *such taxable year—*

19 *“(A) any individual who was deceased be-*
20 *fore January 1, 2020, shall be treated for pur-*
21 *poses of applying subsection (g) in the same*
22 *manner as if the valid identification number of*
23 *such person was not included on the return of*
24 *tax for such taxable year, and*

1 “(B) *no amount shall be determined under*
2 *this subsection with respect to any qualifying*
3 *child of the taxpayer if—*

4 “(i) *the taxpayer was deceased before*
5 *January 1, 2020, or*

6 “(ii) *in the case of a joint return, both*
7 *taxpayers were deceased before January 1,*
8 *2020.*

9 “(3) *TIMING AND MANNER OF PAYMENTS.—*

10 “(A) *TIMING.—*

11 “(i) *IN GENERAL.—The Secretary*
12 *shall, subject to the provisions of this title,*
13 *refund or credit any overpayment attrib-*
14 *utable to this subsection as rapidly as pos-*
15 *sible.*

16 “(ii) *DEADLINE.—*

17 “(I) *IN GENERAL.—Except as pro-*
18 *vided in subclause (II), no refund or*
19 *credit shall be made or allowed under*
20 *this subsection after January 15, 2021.*

21 “(II) *EXCEPTION FOR MIRROR*
22 *CODE POSSESSIONS.—In the case of a*
23 *possession of the United States which*
24 *has a mirror code tax system (as such*
25 *terms are defined in section 272(c) of*

1 *the COVID-related Tax Relief Act of*
2 *2020), no refund or credit shall be*
3 *made or allowed under this subsection*
4 *after the earlier of—*

5 *“(aa) such date as is deter-*
6 *mined appropriate by the Sec-*
7 *retary, or*

8 *“(bb) September 30, 2021.*

9 *“(B) DELIVERY OF PAYMENTS.—Notwith-*
10 *standing any other provision of law, the Sec-*
11 *retary may certify and disburse refunds payable*
12 *under this subsection electronically to—*

13 *“(i) any account to which the payee*
14 *authorized, on or after January 1, 2019, the*
15 *delivery of a refund of taxes under this title*
16 *or of a Federal payment (as defined in sec-*
17 *tion 3332 of title 31, United States Code),*

18 *“(ii) any account belonging to a payee*
19 *from which that individual, on or after*
20 *January 1, 2019, made a payment of taxes*
21 *under this title, or*

22 *“(iii) any Treasury-sponsored account*
23 *(as defined in section 208.2 of title 31, Code*
24 *of Federal Regulations).*

1 “(C) *WAIVER OF CERTAIN RULES.*—Not-
2 withstanding section 3325 of title 31, United
3 States Code, or any other provision of law, with
4 respect to any payment of a refund under this
5 subsection, a disbursing official in the executive
6 branch of the United States Government may
7 modify payment information received from an
8 officer or employee described in section
9 3325(a)(1)(B) of such title for the purpose of fa-
10 cilitating the accurate and efficient delivery of
11 such payment. Except in cases of fraud or reck-
12 less neglect, no liability under sections 3325,
13 3527, 3528, or 3529 of title 31, United States
14 Code, shall be imposed with respect to payments
15 made under this subparagraph.

16 “(4) *NO INTEREST.*—No interest shall be allowed
17 on any overpayment attributable to this subsection.

18 “(5) *APPLICATION TO CERTAIN INDIVIDUALS*
19 *WHO DO NOT FILE A RETURN OF TAX FOR 2019.*—

20 “(A) *IN GENERAL.*—In the case of a speci-
21 fied individual who, at the time of any deter-
22 mination made pursuant to paragraph (3), has
23 not filed a tax return for the year described in
24 paragraph (1), the Secretary may use informa-

1 *tion with respect to such individual which is*
2 *provided by—*

3 *“(i) in the case of a specified social se-*
4 *curity beneficiary or a specified supple-*
5 *mental security income recipient, the Com-*
6 *missioner of Social Security,*

7 *“(ii) in the case of a specified railroad*
8 *retirement beneficiary, the Railroad Retire-*
9 *ment Board, and*

10 *“(iii) in the case of a specified veterans*
11 *beneficiary, the Secretary of Veterans Af-*
12 *fairs (in coordination with, and with the*
13 *assistance of, the Commissioner of Social*
14 *Security if appropriate).*

15 *“(B) SPECIFIED INDIVIDUAL.—For purposes*
16 *of this paragraph, the term ‘specified individual’*
17 *means any individual who is—*

18 *“(i) a specified social security bene-*
19 *ficiary,*

20 *“(ii) a specified supplemental security*
21 *income recipient,*

22 *“(iii) a specified railroad retirement*
23 *beneficiary, or*

24 *“(iv) a specified veterans beneficiary.*

1 “(C) *SPECIFIED SOCIAL SECURITY BENE-*
2 *FICIARY.—*

3 “(i) *IN GENERAL.—For purposes of*
4 *this paragraph, the term ‘specified social se-*
5 *curity beneficiary’ means any individual*
6 *who, for the last month for which the Sec-*
7 *retary has available information as of the*
8 *date of enactment of this section, is entitled*
9 *to any monthly insurance benefit payable*
10 *under title II of the Social Security Act (42*
11 *U.S.C. 401 et seq.), including payments*
12 *made pursuant to sections 202(d), 223(g),*
13 *and 223(i)(7) of such Act.*

14 “(ii) *EXCEPTION.—For purposes of*
15 *this paragraph, the term ‘specified social se-*
16 *curity beneficiary’ shall not include any in-*
17 *dividual if such benefit is not payable for*
18 *such month by reason of section*
19 *202(x)(1)(A) of the Social Security Act (42*
20 *U.S.C. 402(x)(1)(A)) or section 1129A of*
21 *such Act (42 U.S.C. 1320a–8a).*

22 “(D) *SPECIFIED SUPPLEMENTAL SECURITY*
23 *INCOME RECIPIENT.—*

24 “(i) *IN GENERAL.—For purposes of*
25 *this paragraph, the term ‘specified supple-*

1 *mental security income recipient*’ means
2 *any individual who, for the last month for*
3 *which the Secretary has available informa-*
4 *tion as of the date of enactment of this sec-*
5 *tion, is eligible for a monthly benefit pay-*
6 *able under title XVI of the Social Security*
7 *Act (42 U.S.C. 1381 et seq.), including—*

8 *“(I) payments made pursuant to*
9 *section 1614(a)(3)(C) of such Act (42*
10 *U.S.C. 1382c(a)(3)(C)),*

11 *“(II) payments made pursuant to*
12 *section 1619(a) (42 U.S.C. 1382h(a))*
13 *or subsections (a)(4), (a)(7), or (p)(7)*
14 *of section 1631 (42 U.S.C. 1383) of*
15 *such Act, and*

16 *“(III) State supplementary pay-*
17 *ments of the type referred to in section*
18 *1616(a) of such Act (42 U.S.C.*
19 *1382e(a)) (or payments of the type de-*
20 *scribed in section 212(a) of Public Law*
21 *93–66) which are paid by the Commis-*
22 *sioner under an agreement referred to*
23 *in such section 1616(a) (or section*
24 *212(a) of Public Law 93–66).*

1 “(i) *EXCEPTION.*—For purposes of
2 this paragraph, the term ‘specified supple-
3 mental security income recipient’ shall not
4 include any individual if such monthly ben-
5 efit is not payable for such month by reason
6 of section 1611(e)(1)(A) of the Social Secu-
7 rity Act (42 U.S.C. 1382(e)(1)(A)) or sec-
8 tion 1129A of such Act (42 U.S.C. 1320a-
9 8a).

10 “(E) *SPECIFIED RAILROAD RETIREMENT*
11 *BENEFICIARY.*—For purposes of this paragraph,
12 the term ‘specified railroad retirement bene-
13 ficiary’ means any individual who, for the last
14 month for which the Secretary has available in-
15 formation as of the date of enactment of this sec-
16 tion, is entitled to a monthly annuity or pension
17 payment payable (without regard to section
18 5(a)(ii) of the Railroad Retirement Act of 1974
19 (45 U.S.C. 231d(a)(ii))) under—

20 “(i) section 2(a)(1) of such Act (45
21 U.S.C. 231a(a)(1)),

22 “(ii) section 2(c) of such Act (45
23 U.S.C. 231a(c)),

24 “(iii) section 2(d)(1) of such Act (45
25 U.S.C. 231a(d)(1)), or

1 “(iv) section 7(b)(2) of such Act (45
2 U.S.C. 231f(b)(2)) with respect to any of the
3 benefit payments described in subparagraph
4 (C)(i).

5 “(F) SPECIFIED VETERANS BENEFICIARY.—

6 “(i) IN GENERAL.—For purposes of
7 this paragraph, the term ‘specified veterans
8 beneficiary’ means any individual who, for
9 the last month for which the Secretary has
10 available information as of the date of en-
11 actment of this section, is entitled to a com-
12 pensation or pension payment payable
13 under—

14 “(I) section 1110, 1117, 1121,
15 1131, 1141, or 1151 of title 38, United
16 States Code,

17 “(II) section 1310, 1312, 1313,
18 1315, 1316, or 1318 of title 38, United
19 States Code,

20 “(III) section 1513, 1521, 1533,
21 1536, 1537, 1541, 1542, or 1562 of
22 title 38, United States Code, or

23 “(IV) section 1805, 1815, or 1821
24 of title 38, United States Code,

1 to a veteran, surviving spouse, child, or
2 parent as described in paragraph (2), (3),
3 (4)(A)(ii), or (5) of section 101, title 38,
4 United States Code.

5 “(ii) *EXCEPTION.*—For purposes of
6 this paragraph, the term ‘specified veterans
7 beneficiary’ shall not include any indi-
8 vidual if such compensation or pension
9 payment is not payable, or was reduced, for
10 such month by reason of section 1505 or
11 5313 of title 38, United States Code.

12 “(G) *SUBSEQUENT DETERMINATIONS AND*
13 *REDETERMINATIONS NOT TAKEN INTO AC-*
14 *COUNT.*—For purposes of this section, any indi-
15 vidual’s status as a specified social security bene-
16 ficiary, a specified supplemental security income
17 recipient, a specified railroad retirement bene-
18 ficiary, or a specified veterans beneficiary shall
19 be unaffected by any determination or redeter-
20 mination of any entitlement to, or eligibility for,
21 any benefit, payment, or compensation, if such
22 determination or redetermination occurs after
23 the last month for which the Secretary has avail-
24 able information as of the date of enactment of
25 this section.

1 “(H) *PAYMENT TO REPRESENTATIVE PAY-*
2 *EES AND FIDUCIARIES.—*—

3 “(i) *IN GENERAL.—If the benefit, pay-*
4 *ment, or compensation referred to in sub-*
5 *paragraph (C)(i), (D)(i), (E), or (F)(i)*
6 *with respect to any specified individual is*
7 *paid to a representative payee or fiduciary,*
8 *payment by the Secretary under paragraph*
9 *(3) with respect to such specified individual*
10 *shall be made to such individual’s rep-*
11 *resentative payee or fiduciary and the en-*
12 *tire payment shall be used only for the ben-*
13 *efit of the individual who is entitled to the*
14 *payment.*

15 “(ii) *APPLICATION OF ENFORCEMENT*
16 *PROVISIONS.—*

17 “(I) *In the case of a payment de-*
18 *scribed in clause (i) which is made*
19 *with respect to a specified social secu-*
20 *rity beneficiary or a specified supple-*
21 *mental security income recipient, sec-*
22 *tion 1129(a)(3) of the Social Security*
23 *Act (42 U.S.C. 1320a–8(a)(3)) shall*
24 *apply to such payment in the same*
25 *manner as such section applies to a*

1 *payment under title II or XVI of such*
2 *Act.*

3 “(II) *In the case of a payment de-*
4 *scribed in clause (i) which is made*
5 *with respect to a specified railroad re-*
6 *tirement beneficiary, section 13 of the*
7 *Railroad Retirement Act (45 U.S.C.*
8 *2311) shall apply to such payment in*
9 *the same manner as such section ap-*
10 *plies to a payment under such Act.*

11 “(III) *In the case of a payment*
12 *described in clause (i) which is made*
13 *with respect to a specified veterans*
14 *beneficiary, sections 5502, 6106, and*
15 *6108 of title 38, United States Code,*
16 *shall apply to such payment in the*
17 *same manner as such sections apply to*
18 *a payment under such title.*

19 “(I) *INELIGIBILITY FOR SPECIAL RULE NOT*
20 *TO BE INTERPRETED AS GENERAL INELIGI-*
21 *BILITY.—An individual shall not fail to be treat-*
22 *ed as an eligible individual for purposes of this*
23 *subsection or subsection (a) merely because such*
24 *individual is not a specified individual (includ-*

1 ing by reason of subparagraph (C)(ii), (D)(ii),
2 or (F)(ii).

3 “(6) NOTICE TO TAXPAYER.—As soon as prac-
4 ticable after the date on which the Secretary distrib-
5 uted any payment to an eligible taxpayer pursuant
6 to this subsection, the Secretary shall send notice by
7 mail to such taxpayer’s last known address. Such no-
8 tice shall indicate the method by which such payment
9 was made, the amount of such payment, and a phone
10 number for the appropriate point of contact at the In-
11 ternal Revenue Service to report any failure to receive
12 such payment.

13 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

14 “(1) IN GENERAL.—In the case of a return other
15 than a joint return, the \$600 amount in subsection
16 (a)(1) shall be treated as being zero unless the tax-
17 payer includes the valid identification number of the
18 taxpayer on the return of tax for the taxable year.

19 “(2) JOINT RETURNS.—In the case of a joint re-
20 turn, the \$1,200 amount in subsection (a)(1) shall be
21 treated as being—

22 “(A) \$600 if the valid identification number
23 of only 1 spouse is included on the return of tax
24 for the taxable year, and

1 “(B) zero if the valid identification number
2 of neither spouse is so included.

3 “(3) *QUALIFYING CHILD*.—A qualifying child of
4 a taxpayer shall not be taken into account under sub-
5 section (a)(2) unless—

6 “(A) the taxpayer includes the valid identi-
7 fication number of such taxpayer (or, in the case
8 of a joint return, the valid identification number
9 of at least 1 spouse) on the return of tax for the
10 taxable year, and

11 “(B) the valid identification number of such
12 qualifying child is included on the return of tax
13 for the taxable year.

14 “(4) *VALID IDENTIFICATION NUMBER*.—

15 “(A) *IN GENERAL*.—For purposes of this
16 subsection, the term ‘valid identification number’
17 means a social security number (as such term is
18 defined in section 24(h)(7)).

19 “(B) *ADOPTION TAXPAYER IDENTIFICATION*
20 *NUMBER*.—For purposes of paragraph (3)(B), in
21 the case of a qualifying child who is adopted or
22 placed for adoption, the term ‘valid identifica-
23 tion number’ shall include the adoption taxpayer
24 identification number of such child.

1 “(5) *SPECIAL RULE FOR MEMBERS OF THE*
2 *ARMED FORCES.*—*Paragraph (2) shall not apply in*
3 *the case where at least 1 spouse was a member of the*
4 *Armed Forces of the United States at any time dur-*
5 *ing the taxable year and the valid identification*
6 *number of at least 1 spouse is included on the return*
7 *of tax for the taxable year.*

8 “(6) *COORDINATION WITH CERTAIN ADVANCE*
9 *PAYMENTS.*—*In the case of any payment under sub-*
10 *section (f) which is based on information provided*
11 *under paragraph (5) of such subsection, a valid iden-*
12 *tification number shall be treated for purposes of this*
13 *subsection as included on the taxpayer’s return of tax*
14 *if such valid identification number is provided pursu-*
15 *ant to subsection (f)(5).*

16 “(7) *MATHEMATICAL OR CLERICAL ERROR AU-*
17 *THORITY.*—*Any omission of a correct valid identifica-*
18 *tion number required under this subsection shall be*
19 *treated as a mathematical or clerical error for pur-*
20 *poses of applying section 6213(g)(2) to such omission.*

21 “(h) *REGULATIONS.*—*The Secretary shall prescribe*
22 *such regulations or other guidance as may be necessary to*
23 *carry out the purposes of this section, including any such*
24 *measures as are deemed appropriate to avoid allowing mul-*
25 *tiple credits or rebates to a taxpayer.”.*

1 **(b) ADMINISTRATIVE AMENDMENTS.—**

2 **(1) DEFINITION OF DEFICIENCY.—***Section*
3 *6211(b)(4)(A) is amended by striking “and 6428”*
4 *and inserting “6428, and 6428A”.*

5 **(2) MATHEMATICAL OR CLERICAL ERROR AU-**
6 **THORITY.—***Section 6213(g)(2)(L) is amended by*
7 *striking “or 6428” and inserting “6428, or 6428A”.*

8 **(c) TREATMENT OF POSSESSIONS.—**

9 **(1) PAYMENTS TO POSSESSIONS.—**

10 **(A) MIRROR CODE POSSESSION.—***The Sec-*
11 *retary of the Treasury shall pay to each posses-*
12 *sion of the United States which has a mirror*
13 *code tax system amounts equal to the loss (if*
14 *any) to that possession by reason of the amend-*
15 *ments made by this section. Such amounts shall*
16 *be determined by the Secretary of the Treasury*
17 *based on information provided by the govern-*
18 *ment of the respective possession.*

19 **(B) OTHER POSSESSIONS.—***The Secretary*
20 *of the Treasury shall pay to each possession of*
21 *the United States which does not have a mirror*
22 *code tax system amounts estimated by the Sec-*
23 *retary of the Treasury as being equal to the ag-*
24 *gregate benefits (if any) that would have been*
25 *provided to residents of such possession by reason*

1 *of the amendments made by this section if a mir-*
2 *ror code tax system had been in effect in such*
3 *possession. The preceding sentence shall not*
4 *apply unless the respective possession has a plan,*
5 *which has been approved by the Secretary of the*
6 *Treasury, under which such possession will*
7 *promptly distribute such payments to its resi-*
8 *dents.*

9 (2) *COORDINATION WITH CREDIT ALLOWED*
10 *AGAINST UNITED STATES INCOME TAXES.—No credit*
11 *shall be allowed against United States income taxes*
12 *under section 6428A of the Internal Revenue Code of*
13 *1986 (as added by this section) to any person—*

14 *(A) to whom a credit is allowed against*
15 *taxes imposed by the possession by reason of the*
16 *amendments made by this section, or*

17 *(B) who is eligible for a payment under a*
18 *plan described in paragraph (1)(B).*

19 (3) *DEFINITIONS AND SPECIAL RULES.—*

20 *(A) POSSESSION OF THE UNITED STATES.—*
21 *For purposes of this subsection, the term “posses-*
22 *sion of the United States” includes the Common-*
23 *wealth of Puerto Rico and the Commonwealth of*
24 *the Northern Mariana Islands.*

1 (B) *MIRROR CODE TAX SYSTEM.*—For pur-
2 poses of this subsection, the term “mirror code
3 tax system” means, with respect to any posses-
4 sion of the United States, the income tax system
5 of such possession if the income tax liability of
6 the residents of such possession under such sys-
7 tem is determined by reference to the income tax
8 laws of the United States as if such possession
9 were the United States.

10 (C) *TREATMENT OF PAYMENTS.*—For pur-
11 poses of section 1324 of title 31, United States
12 Code, the payments under this subsection shall be
13 treated in the same manner as a refund due
14 from a credit provision referred to in subsection
15 (b)(2) of such section.

16 (d) *ADMINISTRATIVE PROVISIONS.*—

17 (1) *EXCEPTION FROM REDUCTION OR OFFSET.*—
18 Any refund payable by reason of section 6428A(f) of
19 the Internal Revenue Code of 1986 (as added by this
20 section), or any such refund payable by reason of sub-
21 section (c) of this section, shall not be—

22 (A) subject to reduction or offset pursuant
23 to section 3716 or 3720A of title 31, United
24 States Code,

1 (B) *subject to reduction or offset pursuant*
2 *to subsection (c), (d), (e), or (f) of section 6402*
3 *of the Internal Revenue Code of 1986, or*

4 (C) *reduced or offset by other assessed Fed-*
5 *eral taxes that would otherwise be subject to levy*
6 *or collection.*

7 (2) *ASSIGNMENT OF BENEFITS.—*

8 (A) *IN GENERAL.—The right of any person*
9 *to any applicable payment shall not be transfer-*
10 *able or assignable, at law or in equity, and no*
11 *applicable payment shall be subject to, execution,*
12 *levy, attachment, garnishment, or other legal*
13 *process, or the operation of any bankruptcy or*
14 *insolvency law.*

15 (B) *ENCODING OF PAYMENTS.—In the case*
16 *of an applicable payment described in subpara-*
17 *graph (E)(iii)(I) that is paid electronically by*
18 *direct deposit through the Automated Clearing*
19 *House (ACH) network, the Secretary of the*
20 *Treasury (or the Secretary's delegate) shall—*

21 (i) *issue the payment using a unique*
22 *identifier that is reasonably sufficient to*
23 *allow a financial institution to identify the*
24 *payment as an applicable payment, and*

1 (ii) further encode the payment pursu-
2 ant to the same specifications as required
3 for a benefit payment defined in section
4 212.3 of title 31, Code of Federal Regula-
5 tions.

6 (C) GARNISHMENT.—

7 (i) ENCODED PAYMENTS.—In the case
8 of a garnishment order that applies to an
9 account that has received an applicable
10 payment that is encoded as provided in sub-
11 paragraph (B), a financial institution shall
12 follow the requirements and procedures set
13 forth in part 212 of title 31, Code of Fed-
14 eral Regulations, except—

15 (I) notwithstanding section 212.4
16 of title 31, Code of Federal Regulations
17 (and except as provided in subclause
18 (II)), a financial institution shall not
19 fail to follow the procedures of sections
20 212.5 and 212.6 of such title with re-
21 spect to a garnishment order merely
22 because such order has attached, or in-
23 cludes, a notice of right to garnish fed-
24 eral benefits issued by a State child
25 support enforcement agency, and

1 (II) a financial institution shall
2 not, with regard to any applicable
3 payment, be required to provide the
4 notice referenced in sections 212.6 and
5 212.7 of title 31, Code of Federal Regu-
6 lations.

7 (ii) OTHER PAYMENTS.—In the case of
8 a garnishment order (other than an order
9 that has been served by the United States)
10 that has been received by a financial insti-
11 tution and that applies to an account into
12 which an applicable payment that has not
13 been encoded as provided in subparagraph
14 (B) has been deposited electronically on any
15 date during the lookback period or into
16 which an applicable payment that has been
17 deposited by check on any date in the
18 lookback period, the financial institution,
19 upon the request of the account holder, shall
20 treat the amount of the funds in the account
21 at the time of the request, up to the amount
22 of the applicable payment (in addition to
23 any amounts otherwise protected under part
24 212 of title 31, Code of Federal Regula-
25 tions), as exempt from a garnishment order

1 *without requiring the consent of the party*
2 *-serving the garnishment order or the judg-*
3 *ment creditor.*

4 *(iii) LIABILITY.—A financial institu-*
5 *tion that acts in good faith in reliance on*
6 *clauses (i) or (ii) shall not be subject to li-*
7 *ability or regulatory action under any Fed-*
8 *eral or State law, regulation, court or other*
9 *order, or regulatory interpretation for ac-*
10 *tions concerning any applicable payments.*

11 *(D) NO RECLAMATION RIGHTS.—This para-*
12 *graph shall not alter the status of applicable*
13 *payments as tax refunds or other nonbenefit pay-*
14 *ments for purpose of any reclamation rights of*
15 *the Department of the Treasury or the Internal*
16 *Revenue Service as per part 210 of title 31, Code*
17 *of Federal Regulations.*

18 *(E) DEFINITIONS.—For purposes of this*
19 *paragraph—*

20 *(i) ACCOUNT HOLDER.—The term “ac-*
21 *count holder” means a natural person*
22 *whose name appears in a financial institu-*
23 *tion’s records as the direct or beneficial*
24 *owner of an account.*

1 (ii) *ACCOUNT REVIEW.*—*The term “ac-*
2 *count review” means the process of exam-*
3 *ining deposits in an account to determine if*
4 *an applicable payment has been deposited*
5 *into the account during the lookback period.*
6 *The financial institution shall perform the*
7 *account review following the procedures out-*
8 *lined in section 212.5 of title 31, Code of*
9 *Federal Regulations and in accordance with*
10 *the requirements of section 212.6 of title 31,*
11 *Code of Federal Regulations.*

12 (iii) *APPLICABLE PAYMENT.*—*The term*
13 *“applicable payment” means—*

14 (I) *any advance refund amount*
15 *paid pursuant to section 6428A(f) of*
16 *Internal Revenue Code of 1986 (as*
17 *added by this section),*

18 (II) *any payment made by a pos-*
19 *session of the United States with a*
20 *mirror code tax system (as defined in*
21 *subsection (c) of this section) pursuant*
22 *to such subsection which corresponds to*
23 *a payment described in subclause (I),*
24 *and*

1 (III) any payment made by a
2 possession of the United States without
3 a mirror code tax system (as so de-
4 fined) pursuant to subsection (c) of
5 this section.

6 (iv) *GARNISHMENT*.—The term “gar-
7 nishment” means execution, levy, attach-
8 ment, garnishment, or other legal process.

9 (v) *GARNISHMENT ORDER*.—The term
10 “garnishment order” means a writ, order,
11 notice, summons, judgment, levy, or similar
12 written instruction issued by a court, a
13 State or State agency, a municipality or
14 municipal corporation, or a State child
15 support enforcement agency, including a
16 lien arising by operation of law for overdue
17 child support or an order to freeze the assets
18 in an account, to effect a garnishment
19 against a debtor.

20 (vi) *LOOKBACK PERIOD*.—The term
21 “lookback period” means the two month pe-
22 riod that begins on the date preceding the
23 date of account review and ends on the cor-
24 responding date of the month two months
25 earlier, or on the last date of the month two

1 *months earlier if the corresponding date*
2 *does not exist.*

3 (3) *AGENCY INFORMATION SHARING AND ASSIST-*
4 *ANCE.—*

5 (A) *IN GENERAL.—The Commissioner of So-*
6 *cial Security, the Railroad Retirement Board,*
7 *and the Secretary of Veterans Affairs shall each*
8 *provide the Secretary of the Treasury (or the*
9 *Secretary's delegate) such information and as-*
10 *stance as the Secretary of the Treasury (or the*
11 *Secretary's delegate) may require for purposes*
12 *of—*

13 (i) *making payments under section*
14 *6428A(f) of the Internal Revenue Code of*
15 *1986 to individuals described in paragraph*
16 *(5)(A) thereof, or*

17 (ii) *providing administrative assist-*
18 *ance to a possession of the United States (as*
19 *defined in subsection (c)(3)(A)) to allow*
20 *such possession to promptly distribute pay-*
21 *ments under subsection (c) to its residents.*

22 (B) *EXCHANGE OF INFORMATION WITH POS-*
23 *SESSIONS.—Any information provided to the*
24 *Secretary of the Treasury (or the Secretary's del-*
25 *egate) pursuant to subparagraph (A)(ii) may be*

1 *exchanged with a possession of the United States*
2 *in accordance with the applicable tax coordina-*
3 *tion agreement for information exchange and ad-*
4 *ministrative assistance that the Internal Revenue*
5 *Service has agreed to with such possession.*

6 *(e) PUBLIC AWARENESS CAMPAIGN.—The Secretary of*
7 *the Treasury (or the Secretary’s delegate) shall conduct a*
8 *public awareness campaign, in coordination with the Com-*
9 *missioner of Social Security and the heads of other relevant*
10 *Federal agencies, to provide information regarding the*
11 *availability of the credit and rebate allowed under section*
12 *6428A of the Internal Revenue Code of 1986 (as added by*
13 *this section), including information with respect to individ-*
14 *uals who may not have filed a tax return for taxable year*
15 *2019.*

16 *(f) APPROPRIATIONS TO CARRY OUT REBATES AND*
17 *ADDRESS COVID-RELATED TAX ADMINISTRATION*
18 *ISSUES.—*

19 *(1) IN GENERAL.—Immediately upon the enact-*
20 *ment of this Act, the following sums are appropriated,*
21 *out of any money in the Treasury not otherwise ap-*
22 *propriated, for the fiscal year ending September 30,*
23 *2021:*

24 *(A) DEPARTMENT OF THE TREASURY.—*

1 (i) *For an additional amount for “De-*
2 *partment of the Treasury—Internal Rev-*
3 *enue Service—Taxpayer Services”,*
4 *\$178,335,000, to remain available until*
5 *September 30, 2021.*

6 (ii) *For an additional amount for*
7 *“Department of the Treasury—Internal*
8 *Revenue Service—Operations Support”,*
9 *\$273,237,000, to remain available until*
10 *September 30, 2021.*

11 (iii) *For an additional amount for*
12 *“Department of Treasury—Internal Rev-*
13 *enue Service—Enforcement”, \$57,428,000,*
14 *to remain available until September 30,*
15 *2021.*

16 *Amounts made available in appropriations*
17 *under this subparagraph may be transferred be-*
18 *tween such appropriations upon the advance no-*
19 *tification of the Committees on Appropriations*
20 *of the House of Representatives and the Senate.*
21 *Such transfer authority is in addition to any*
22 *other transfer authority provided by law.*

23 (B) *SOCIAL SECURITY ADMINISTRATION.—*
24 *For an additional amount for “Social Security*
25 *Administration—Limitation on Administrative*

1 *Expenses*”, \$38,000,000, to remain available
2 until September 30, 2021.

3 (C) *RAILROAD RETIREMENT BOARD.*—For
4 an additional amount for “*Railroad Retirement*
5 *Board—Limitation on Administration*”, \$8,300,
6 to remain available until September 30, 2021.

7 (2) *REPORTS.*—No later than 15 days after en-
8 actment of this Act, the Secretary of the Treasury
9 shall submit a plan to the Committees on Appropria-
10 tions of the House of Representatives and the Senate
11 detailing the expected use of the funds provided by
12 paragraph (1)(A). Beginning 90 days after enactment
13 of this Act, the Secretary of the Treasury shall submit
14 a quarterly report to the Committees on Appropria-
15 tions of the House of Representatives and the Senate
16 detailing the actual expenditure of funds provided by
17 paragraph (1)(A) and the expected expenditure of
18 such funds in the subsequent quarter.

19 (g) *CONFORMING AMENDMENTS.*—

20 (1) Paragraph (2) of section 1324(b) of title 31,
21 United States Code, is amended by inserting
22 “6428A,” after “6428.”

23 (2) The table of sections for subchapter B of
24 chapter 65 of subtitle F is amended by inserting after
25 the item relating to section 6428 the following:

“Sec. 6428A. Additional 2020 recovery rebates for individuals.”.

1 **SEC. 273. AMENDMENTS TO RECOVERY REBATES UNDER**
2 **THE CARES ACT.**

3 (a) *AMENDMENTS TO SECTION 6428 OF THE INTERNAL*
4 *REVENUE CODE OF 1986.*—Section 6428 is amended—

5 (1) in subsection (c)(1), by inserting “or a sur-
6 viving spouse (as defined in section 2(a))” after
7 “joint return”,

8 (2) in subsection (f)—

9 (A) in paragraph (3)(A), by striking “sec-
10 tion” and inserting “subsection”,

11 (B) in paragraph (4), by striking “section”
12 and inserting “subsection”, and

13 (C) by redesignating paragraph (6) as
14 paragraph (7) and by inserting after paragraph
15 (5) the following new paragraph:

16 “(6) *PAYMENT TO REPRESENTATIVE PAYEES AND*
17 *FIDUCIARIES.*—

18 “(A) *IN GENERAL.*—In the case of any indi-
19 vidual for which payment information is pro-
20 vided to the Secretary by the Commissioner of
21 Social Security, the Railroad Retirement Board,
22 or the Secretary of Veterans Affairs, the payment
23 by the Secretary under paragraph (3) with re-
24 spect to such individual may be made to such in-
25 dividual’s representative payee or fiduciary and
26 the entire payment shall be—

1 “(i) provided to the individual who is
2 entitled to the payment, or

3 “(ii) used only for the benefit of the in-
4 dividual who is entitled to the payment.

5 “(B) APPLICATION OF ENFORCEMENT PRO-
6 VISIONS.—

7 “(i) In the case of a payment described
8 in subparagraph (A) which is made with
9 respect to a social security beneficiary or a
10 supplemental security income recipient, sec-
11 tion 1129(a)(3) of the Social Security Act
12 (42 U.S.C. 1320a–8(a)(3)) shall apply to
13 such payment in the same manner as such
14 section applies to a payment under title II
15 or XVI of such Act.

16 “(ii) In the case of a payment de-
17 scribed in subparagraph (A) which is made
18 with respect to a railroad retirement bene-
19 ficiary, section 13 of the Railroad Retire-
20 ment Act (45 U.S.C. 231l) shall apply to
21 such payment in the same manner as such
22 section applies to a payment under such
23 Act.

24 “(iii) In the case of a payment de-
25 scribed in subparagraph (A) which is made

1 *with respect to a veterans beneficiary, sec-*
2 *tions 5502, 6106, and 6108 of title 38,*
3 *United States Code, shall apply to such*
4 *payment in the same manner as such sec-*
5 *tions apply to a payment under such title.”,*
6 *and*

7 *(3) by striking subsection (g) and inserting the*
8 *following:*

9 “(g) *IDENTIFICATION NUMBER REQUIREMENT.—*

10 “(1) *REQUIREMENTS FOR CREDIT.—Subject to*
11 *paragraph (2), with respect to the credit allowed*
12 *under subsection (a), the following provisions shall*
13 *apply:*

14 “(A) *IN GENERAL.—In the case of a return*
15 *other than a joint return, the \$1,200 amount in*
16 *subsection (a)(1) shall be treated as being zero*
17 *unless the taxpayer includes the valid identifica-*
18 *tion number of the taxpayer on the return of tax*
19 *for the taxable year.*

20 “(B) *JOINT RETURNS.—In the case of a*
21 *joint return, the \$2,400 amount in subsection*
22 *(a)(1) shall be treated as being—*

23 “(i) *\$1,200 if the valid identification*
24 *number of only 1 spouse is included on the*
25 *return of tax for the taxable year, and*

1 “(ii) zero if the valid identification
2 number of neither spouse is so included.

3 “(C) *QUALIFYING CHILD*.—A qualifying
4 child of a taxpayer shall not be taken into ac-
5 count under subsection (a)(2) unless—

6 “(i) the taxpayer includes the valid
7 identification number of such taxpayer (or,
8 in the case of a joint return, the valid iden-
9 tification number of at least 1 spouse) on
10 the return of tax for the taxable year, and

11 “(ii) the valid identification number of
12 such qualifying child is included on the re-
13 turn of tax for the taxable year.

14 “(2) *REQUIREMENTS FOR ADVANCE REFUNDS*.—
15 No refund shall be payable under subsection (f) to an
16 eligible individual who does not include on the return
17 of tax for the taxable year—

18 “(A) such individual’s valid identification
19 number,

20 “(B) in the case of a joint return, the valid
21 identification number of such individual’s
22 spouse, and

23 “(C) in the case of any qualifying child
24 taken into account under subsection (a)(2), the

1 *valid identification number of such qualifying*
2 *child.*

3 “(3) *VALID IDENTIFICATION NUMBER.*—

4 “(A) *IN GENERAL.*—*For purposes of this*
5 *subsection, the term ‘valid identification number’*
6 *means a social security number (as such term is*
7 *defined in section 24(h)(7)).*

8 “(B) *ADOPTION TAXPAYER IDENTIFICATION*
9 *NUMBER.*—*For purposes of paragraphs (1)(C)*
10 *and (2)(C), in the case of a qualifying child who*
11 *is adopted or placed for adoption, the term ‘valid*
12 *identification number’ shall include the adoption*
13 *taxpayer identification number of such child.*

14 “(4) *SPECIAL RULE FOR MEMBERS OF THE*
15 *ARMED FORCES.*—*Paragraphs (1)(B) and (2)(B) shall*
16 *not apply in the case where at least 1 spouse was a*
17 *member of the Armed Forces of the United States at*
18 *any time during the taxable year and the valid iden-*
19 *tification number of at least 1 spouse is included on*
20 *the return of tax for the taxable year.*

21 “(5) *MATHEMATICAL OR CLERICAL ERROR AU-*
22 *THORITY.*—*Any omission of a correct valid identifica-*
23 *tion number required under this subsection shall be*
24 *treated as a mathematical or clerical error for pur-*

1 *poses of applying section 6213(g)(2) to such omis-*
2 *sion.”.*

3 *(b) AMENDMENTS TO SECTION 2201 OF THE CARES*
4 *ACT.—Section 2201 of the CARES Act is amended—*

5 *(1) in subsection (d), by striking “Any credit or*
6 *refund allowed or made to any individual by reason*
7 *of section 6428 of the Internal Revenue Code of 1986*
8 *(as added by this section) or by reason of subsection*
9 *(c) of this section” and inserting “Any refund pay-*
10 *able by reason of section 6428(f) of the Internal Rev-*
11 *enue Code of 1986 (as added by this section), or any*
12 *such refund payable by reason of subsection (c) of this*
13 *section,” and*

14 *(2) in subsection (f)(1)(A)(i), by inserting after*
15 *“September 30, 2021” the following: “, of which up*
16 *to \$63,000,000 may be transferred to the “Depart-*
17 *ment of the Treasury—Bureau of the Fiscal Service—*
18 *Debt Collection” for necessary expenses related to the*
19 *implementation and operation of Governmentwide*
20 *debt collection activities pursuant to sections 3711(g),*
21 *3716, and 3720A of title 31, United States Code, and*
22 *subsections (c) through (f) of section 6402 of the Inter-*
23 *nal Revenue Code of 1986 to offset the loss resulting*
24 *from the coronavirus pandemic of debt collection re-*
25 *ceipts collected pursuant to such sections: Provided,*

1 *ment, disinfectant, and other supplies used for the preven-*
2 *tion of the spread of COVID–19 are treated as described*
3 *in section 62(a)(2)(D)(ii) of the Internal Revenue Code of*
4 *1986. Such regulations or other guidance shall apply to ex-*
5 *penses paid or incurred after March 12, 2020.*

6 **SEC. 276. CLARIFICATION OF TAX TREATMENT OF FORGIVE-**
7 **NESS OF COVERED LOANS.**

8 (a) ORIGINAL PAYCHECK PROTECTION PROGRAM
9 LOANS.—

10 (1) IN GENERAL.—*Subsection (i) of section 7A of*
11 *the Small Business Act, as redesignated, transferred,*
12 *and amended by the Economic Aid to Hard-Hit*
13 *Small Businesses, Nonprofits, and Venues Act, is*
14 *amended to read as follows:*

15 “(i) TAX TREATMENT.—*For purposes of the Internal*
16 *Revenue Code of 1986—*

17 “(1) *no amount shall be included in the gross in-*
18 *come of the eligible recipient by reason of forgiveness*
19 *of indebtedness described in subsection (b),*

20 “(2) *no deduction shall be denied, no tax at-*
21 *tribute shall be reduced, and no basis increase shall*
22 *be denied, by reason of the exclusion from gross in-*
23 *come provided by paragraph (1), and*

24 “(3) *in the case of an eligible recipient that is*
25 *a partnership or S corporation—*

1 “(A) any amount excluded from income by
2 reason of paragraph (1) shall be treated as tax
3 exempt income for purposes of sections 705 and
4 1366 of the Internal Revenue Code of 1986, and

5 “(B) except as provided by the Secretary of
6 the Treasury (or the Secretary’s delegate), any
7 increase in the adjusted basis of a partner’s in-
8 terest in a partnership under section 705 of the
9 Internal Revenue Code of 1986 with respect to
10 any amount described in subparagraph (A) shall
11 equal the partner’s distributive share of deduc-
12 tions resulting from costs giving rise to forgive-
13 ness described in subsection (b).”.

14 (2) *EFFECTIVE DATE.*—The amendment made by
15 this subsection shall apply to taxable years ending
16 after the date of the enactment of the CARES Act.

17 (b) *SUBSEQUENT PAYCHECK PROTECTION PROGRAM*
18 *LOANS.*—For purposes of the Internal Revenue Code of
19 1986, in the case of any taxable year ending after the date
20 of the enactment of this Act—

21 (1) no amount shall be included in the gross in-
22 come of an eligible entity (within the meaning of sub-
23 paragraph (J) of section 7(a)(37) of the Small Busi-
24 ness Act) by reason of forgiveness of indebtedness de-
25 scribed in clause (ii) of such subparagraph,

1 (2) *no deduction shall be denied, no tax attribute*
2 *shall be reduced, and no basis increase shall be de-*
3 *nied, by reason of the exclusion from gross income*
4 *provided by paragraph (1), and*

5 (3) *in the case of an eligible entity that is a*
6 *partnership or S corporation—*

7 (A) *any amount excluded from income by*
8 *reason of paragraph (1) shall be treated as tax*
9 *exempt income for purposes of sections 705 and*
10 *1366 of the Internal Revenue Code of 1986, and*

11 (B) *except as provided by the Secretary of*
12 *the Treasury (or the Secretary's delegate), any*
13 *increase in the adjusted basis of a partner's in-*
14 *terest in a partnership under section 705 of the*
15 *Internal Revenue Code of 1986 with respect to*
16 *any amount described in subparagraph (A) shall*
17 *equal the partner's distributive share of deduc-*
18 *tions resulting from costs giving rise to the for-*
19 *givenness of indebtedness referred to in paragraph*
20 (1).

21 **SEC. 277. EMERGENCY FINANCIAL AID GRANTS.**

22 (a) *IN GENERAL.—In the case of a student receiving*
23 *a qualified emergency financial aid grant—*

1 (1) *such grant shall not be included in the gross*
2 *income of such individual for purposes of the Internal*
3 *Revenue Code of 1986, and*

4 (2) *such grant shall not be treated as described*
5 *in subparagraph (A), (B), or (C) of section 25A(g)(2)*
6 *of such Code.*

7 (b) *DEFINITIONS.—For purposes of this subsection, the*
8 *term “qualified emergency financial aid grant” means—*

9 (1) *any emergency financial aid grant awarded*
10 *by an institution of higher education under section*
11 *3504 of the CARES Act,*

12 (2) *any emergency financial aid grant from an*
13 *institution of higher education made with funds made*
14 *available under section 18004 of the CARES Act, and*

15 (3) *any other emergency financial aid grant*
16 *made to a student from a Federal agency, a State, an*
17 *Indian tribe, an institution of higher education, or a*
18 *scholarship-granting organization (including a tribal*
19 *organization, as defined in section 4 of the Indian*
20 *Self-Determination and Education Assistance Act (25*
21 *U.S.C.5304)) for the purpose of providing financial*
22 *relief to students enrolled at institutions of higher*
23 *education in response to a qualifying emergency (as*
24 *defined in section 3502(a)(4) of the CARES Act).*

1 (c) *LIMITATION.*—*This section shall not apply to that*
2 *portion of any amount received which represents payment*
3 *for teaching, research, or other services required as a condi-*
4 *tion for receiving the qualified emergency financial aid*
5 *grant.*

6 (d) *EFFECTIVE DATE.*—*This section shall apply to*
7 *qualified emergency financial aid grants made after March*
8 *26, 2020.*

9 **SEC. 278. CLARIFICATION OF TAX TREATMENT OF CERTAIN**
10 **LOAN FORGIVENESS AND OTHER BUSINESS**
11 **FINANCIAL ASSISTANCE.**

12 (a) *UNITED STATES TREASURY PROGRAM MANAGE-*
13 *MENT AUTHORITY.*—*For purposes of the Internal Revenue*
14 *Code of 1986—*

15 (1) *no amount shall be included in the gross in-*
16 *come of a borrower by reason of forgiveness of indebt-*
17 *edness described in section 1109(d)(2)(D) of the*
18 *CARES Act,*

19 (2) *no deduction shall be denied, no tax attribute*
20 *shall be reduced, and no basis increase shall be de-*
21 *nied, by reason of the exclusion from gross income*
22 *provided by paragraph (1), and*

23 (3) *in the case of a borrower that is a partner-*
24 *ship or S corporation—*

1 (A) any amount excluded from income by
2 reason of paragraph (1) shall be treated as tax
3 exempt income for purposes of sections 705 and
4 1366 of the Internal Revenue Code of 1986, and

5 (B) except as provided by the Secretary of
6 the Treasury (or the Secretary's delegate), any
7 increase in the adjusted basis of a partner's in-
8 terest in a partnership under section 705 of the
9 Internal Revenue Code of 1986 with respect to
10 any amount described in subparagraph (A) shall
11 equal the partner's distributive share of deduc-
12 tions resulting from costs giving rise to forgive-
13 ness described in section 1109(d)(2)(D) of the
14 CARES Act.

15 (b) *EMERGENCY EIDL GRANTS AND TARGETED EIDL*
16 *ADVANCES.*—For purposes of the Internal Revenue Code of
17 1986—

18 (1) any advance described in section 1110(e) of
19 the CARES Act or any funding under section 331 of
20 the Economic Aid to Hard-Hit Small Businesses,
21 Nonprofits, and Venues Act shall not be included in
22 the gross income of the person that receives such ad-
23 vance or funding,

24 (2) no deduction shall be denied, no tax attribute
25 shall be reduced, and no basis increase shall be de-

1 *nied, by reason of the exclusion from gross income*
2 *provided by paragraph (1), and*

3 *(3) in the case of a partnership or S corporation*
4 *that receives such advance or funding—*

5 *(A) any amount excluded from income by*
6 *reason of paragraph (1) shall be treated as tax*
7 *exempt income for purposes of sections 705 and*
8 *1366 of the Internal Revenue Code of 1986, and*

9 *(B) the Secretary of the Treasury (or the*
10 *Secretary's delegate) shall prescribe rules for de-*
11 *termining a partner's distributive share of any*
12 *amount described in subparagraph (A) for pur-*
13 *poses of section 705 of the Internal Revenue Code*
14 *of 1986.*

15 *(c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For*
16 *purposes of the Internal Revenue Code of 1986—*

17 *(1) any payment described in section 1112(c) of*
18 *the CARES Act shall not be included in the gross in-*
19 *come of the person on whose behalf such payment is*
20 *made,*

21 *(2) no deduction shall be denied, no tax attribute*
22 *shall be reduced, and no basis increase shall be de-*
23 *nied, by reason of the exclusion from gross income*
24 *provided by paragraph (1), and*

1 (3) *in the case of a partnership or S corporation*
2 *on whose behalf of a payment described in section*
3 *1112(c) of the CARES Act is made—*

4 (A) *any amount excluded from income by*
5 *reason of paragraph (1) shall be treated as tax*
6 *exempt income for purposes of sections 705 and*
7 *1366 of the Internal Revenue Code of 1986, and*

8 (B) *except as provided by the Secretary of*
9 *the Treasury (or the Secretary's delegate), any*
10 *increase in the adjusted basis of a partner's in-*
11 *terest in a partnership under section 705 of the*
12 *Internal Revenue Code of 1986 with respect to*
13 *any amount described in subparagraph (A) shall*
14 *equal the sum of the partner's distributive share*
15 *of deductions resulting from interest and fees de-*
16 *scribed in section 1112(c) of the CARES Act and*
17 *the partner's share, as determined under section*
18 *752 of the Internal Revenue Code of 1986, of*
19 *principal described in section 1112(c) of the*
20 *CARES Act.*

21 (d) *GRANTS FOR SHUTTERED VENUE OPERATORS.—*

22 *For purposes of the Internal Revenue Code of 1986—*

23 (1) *any grant made under section 324 of the*
24 *Economic Aid to Hard-Hit Small Businesses, Non-*

1 *profits, and Venues Act shall not be included in the*
2 *gross income of the person that receives such grant,*

3 *(2) no deduction shall be denied, no tax attribute*
4 *shall be reduced, and no basis increase shall be de-*
5 *nyed, by reason of the exclusion from gross income*
6 *provided by paragraph (1), and*

7 *(3) in the case of a partnership or S corporation*
8 *that receives such grant—*

9 *(A) any amount excluded from income by*
10 *reason of paragraph (1) shall be treated as tax*
11 *exempt income for purposes of sections 705 and*
12 *1366 of the Internal Revenue Code of 1986, and*

13 *(B) the Secretary of the Treasury (or the*
14 *Secretary's delegate) shall prescribe rules for de-*
15 *termining a partner's distributive share of any*
16 *amount described in subparagraph (A) for pur-*
17 *poses of section 705 of the Internal Revenue Code*
18 *of 1986.*

19 *(e) EFFECTIVE DATES.—*

20 *(1) IN GENERAL.—Except as otherwise provided*
21 *in this subsection, subsections (a), (b), and (c) shall*
22 *apply to taxable years ending after the date of the en-*
23 *actment of the CARES Act.*

24 *(2) GRANTS FOR SHUTTERED VENUE OPERA-*
25 *TORS; TARGETED EIDL ADVANCES.—Subsection (d),*

1 **SEC. 281. ELECTION TO WAIVE APPLICATION OF CERTAIN**
2 **MODIFICATIONS TO FARMING LOSSES.**

3 (a) *IN GENERAL.*—Section 2303 of the CARES Act is
4 amended by adding at the end the following new subsection:

5 “(e) *SPECIAL RULES WITH RESPECT TO FARMING*
6 *LOSSES.*—

7 “(1) *ELECTION TO DISREGARD APPLICATION OF*
8 *AMENDMENTS MADE BY SUBSECTIONS (a) AND (b).*—

9 “(A) *IN GENERAL.*—If a taxpayer who has
10 a farming loss (within the meaning of section
11 172(b)(1)(B)(ii) of the Internal Revenue Code of
12 1986) for any taxable year beginning in 2018,
13 2019, or 2020 makes an election under this
14 paragraph, then—

15 “(i) the amendments made by sub-
16 section (a) shall not apply to any taxable
17 year beginning in 2018, 2019, or 2020, and

18 “(ii) the amendments made by sub-
19 section (b) shall not apply to any net oper-
20 ating loss arising in any taxable year be-
21 ginning in 2018, 2019, or 2020.

22 “(B) *ELECTION.*—

23 “(i) *IN GENERAL.*—Except as provided
24 in clause (ii)(II), an election under this
25 paragraph shall be made in such manner as

1 *may be prescribed by the Secretary. Such*
2 *election, once made, shall be irrevocable.*

3 “(ii) *TIME FOR MAKING ELECTION.*—

4 “(I) *IN GENERAL.*—*An election*
5 *under this paragraph shall be made by*
6 *the due date (including extensions of*
7 *time) for filing the taxpayer’s return*
8 *for the taxpayer’s first taxable year*
9 *ending after the date of the enactment*
10 *of the COVID-related Tax Relief Act of*
11 *2020.*

12 “(II) *PREVIOUSLY FILED RE-*
13 *TURNS.*—*In the case of any taxable*
14 *year for which the taxpayer has filed a*
15 *return of Federal income tax before the*
16 *date of the enactment of the COVID-re-*
17 *lated Tax Relief Act of 2020 which dis-*
18 *regards the amendments made by sub-*
19 *sections (a) and (b), such taxpayer*
20 *shall be treated as having made an*
21 *election under this paragraph unless*
22 *the taxpayer amends such return to re-*
23 *fect such amendments by the due date*
24 *(including extensions of time) for filing*
25 *the taxpayer’s return for the first tax-*

1 *able year ending after the date of the*
2 *enactment of the COVID-related Tax*
3 *Relief Act of 2020.*

4 “(C) *REGULATIONS.*—*The Secretary of the*
5 *Treasury (or the Secretary’s delegate) shall issue*
6 *such regulations and other guidance as may be*
7 *necessary to carry out the purposes of this para-*
8 *graph, including regulations and guidance relat-*
9 *ing to the application of the rules of section*
10 *172(a) of the Internal Revenue Code of 1986 (as*
11 *in effect before the date of the enactment of the*
12 *CARES Act) to taxpayers making an election*
13 *under this paragraph.*

14 “(2) *REVOCATION OF ELECTION TO WAIVE*
15 *CARRYBACK.*—*The last sentence of section 172(b)(3) of*
16 *the Internal Revenue Code of 1986 and the last sen-*
17 *tence of section 172(b)(1)(B) of such Code shall not*
18 *apply to any election—*

19 “(A) *which was made before the date of the*
20 *enactment of the COVID-related Tax Relief Act*
21 *of 2020, and*

22 “(B) *which relates to the carryback period*
23 *provided under section 172(b)(1)(B) of such Code*
24 *with respect to any net operating loss arising in*
25 *taxable years beginning in 2018 or 2019.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall take effect as if included in section 2303 of*
3 *the CARES Act.*

4 **SEC. 282. OVERSIGHT AND AUDIT REPORTING.**

5 Section 19010(a)(1) of the CARES Act is amended by
6 striking “and” at the end of subparagraph (F), by striking
7 “and” at the end of subparagraph (G), and by adding at
8 the end the following new subparagraphs:

9 “(H) the Committee on Finance of the Sen-
10 ate; and

11 “(I) the Committee on Ways and Means of
12 the House of Representatives; and”.

13 **SEC. 283. DISCLOSURES TO IDENTIFY TAX RECEIVABLES**
14 **NOT ELIGIBLE FOR COLLECTION PURSUANT**
15 **TO QUALIFIED TAX COLLECTION CONTRACTS.**

16 (a) *IN GENERAL.*—Section 1106 of the Social Security
17 Act (42 U.S.C. 1306) is amended by adding at the end the
18 following:

19 “(g) Notwithstanding any other provision of this sec-
20 tion, the Commissioner of Social Security shall enter into
21 an agreement with the Secretary of the Treasury under
22 which—

23 “(1) if the Secretary provides the Commissioner
24 with the information described in section 6103(k)(15)
25 of the Internal Revenue Code of 1986 with respect to

1 *any individual, the Commissioner shall indicate to*
2 *the Secretary as to whether such individual receives*
3 *disability insurance benefits under section 223 or*
4 *supplemental security income benefits under title XVI*
5 *(including State supplementary payments of the type*
6 *referred to in section 1616(a) or payments of the type*
7 *described in section 212(a) of Public Law 93-66);*

8 *“(2) appropriate safeguards are included to as-*
9 *sure that the indication described in paragraph (1)*
10 *will be used solely for the purpose of determining if*
11 *tax receivables involving such individual are not eli-*
12 *gible for collection pursuant to a qualified tax collec-*
13 *tion contract by reason of section 6306(d)(3)(E) of the*
14 *Internal Revenue Code of 1986; and*

15 *“(3) the Secretary shall pay the Commissioner of*
16 *Social Security the full costs (including systems and*
17 *administrative costs) of providing the indication de-*
18 *scribed in paragraph (1).”.*

19 *(b) AUTHORIZATION OF DISCLOSURE BY SECRETARY*
20 *OF THE TREASURY.—*

21 *(1) IN GENERAL.—Section 6103(k) is amended*
22 *by adding at the end the following new paragraph:*

23 *“(15) DISCLOSURES TO SOCIAL SECURITY AD-*
24 *MINISTRATION TO IDENTIFY TAX RECEIVABLES NOT*
25 *ELIGIBLE FOR COLLECTION PURSUANT TO QUALIFIED*

1 *TAX COLLECTION CONTRACTS.—In the case of any in-*
2 *dividual involved with a tax receivable which the Sec-*
3 *retary has identified for possible collection pursuant*
4 *to a qualified tax collection contract (as defined in*
5 *section 6306(b)), the Secretary may disclose the tax-*
6 *payer identity and date of birth of such individual to*
7 *officers, employees, and contractors of the Social Se-*
8 *curity Administration to determine if such tax receiv-*
9 *able is not eligible for collection pursuant to such a*
10 *qualified tax collection contract by reason of section*
11 *6306(d)(3)(E).”.*

12 (2) *CONFORMING AMENDMENTS RELATED TO*
13 *SAFEGUARDS.—*

14 (A) *Section 6103(a)(3) is amended by strik-*
15 *ing “or (14)” and inserting “(14), or (15)”.*

16 (B) *Section 6103(p)(4) is amended—*

17 (i) *by striking “(k)(8), (10) or (11)”*
18 *both places it appears and inserting “(k)(8),*
19 *(10), (11), or (15)”, and*

20 (ii) *by striking “any other person de-*
21 *scribed in subsection (k)(10)” each place it*
22 *appears and inserting “any other person*
23 *described in subsection (k)(10) or (15)”.*

1 (C) Section 7213(a)(2) is amended by strik-
2 ing “(k)(10), (13), or (14)” and inserting
3 “(k)(10), (13), (14), or (15)”.

4 (c) *EFFECTIVE DATE.*—The amendments made by this
5 section shall apply to disclosures made on or after the date
6 of the enactment of this Act.

7 **SEC. 284. MODIFICATION OF CERTAIN PROTECTIONS FOR**
8 **TAXPAYER RETURN INFORMATION.**

9 (a) *AMENDMENTS TO THE INTERNAL REVENUE CODE*
10 *OF 1986.*—

11 (1) *IN GENERAL.*—Subparagraph (D) of section
12 6103(l)(13) is amended—

13 (A) by inserting at the end of clause (iii)
14 the following new sentence: “Under such terms
15 and conditions as may be prescribed by the Sec-
16 retary, after consultation with the Department of
17 Education, an institution of higher education de-
18 scribed in subclause (I) or a State higher edu-
19 cation agency described in subclause (II) may
20 designate a contractor of such institution or state
21 agency to receive return information on behalf of
22 such institution or state agency to administer
23 aspects of the institution’s or state agency’s ac-
24 tivities for the application, award, and adminis-
25 tration of such financial aid.”, and

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

2 “(iv) *REDISCLASURE TO OFFICE OF IN-*
3 *SPECTOR GENERAL, INDEPENDENT AUDI-*
4 *TORS, AND CONTRACTORS.—Any return in-*
5 *formation which is redisclosed under clause*
6 *(iii)—*

7 “(I) *may be further disclosed by*
8 *persons described in subclauses (I),*
9 *(II), or (III) of clause (iii) or persons*
10 *designated in the last sentence of clause*
11 *(iii) to the Office of Inspector General*
12 *of the Department of Education and*
13 *independent auditors conducting au-*
14 *dits of such person’s administration of*
15 *the programs for which the return in-*
16 *formation was received, and*

17 “(II) *may be further disclosed by*
18 *persons described in subclauses (I),*
19 *(II), or (III) of clause (iii) to contrac-*
20 *tors of such entities,*

21 *but only to the extent necessary in carrying*
22 *out the purposes described in such clause*
23 *(iii).*

24 “(v) *REDISCLASURE TO FAMILY MEM-*
25 *BERS.—In addition to the purposes for*

1 *which information is disclosed and used*
2 *under subparagraphs (A) and (C), or redis-*
3 *closed under clause (iii), any return infor-*
4 *mation so disclosed or redisclosed may be*
5 *further disclosed to any individual certified*
6 *by the Secretary of Education as having*
7 *provided approval under paragraph (1) or*
8 *(2) of section 494(a) of the Higher Edu-*
9 *cation Act of 1965, as the case may be, for*
10 *disclosure related to the income-contingent*
11 *or income-based repayment plan under sub-*
12 *paragraph (A) or the eligibility for, and*
13 *amount of, Federal student financial aid*
14 *described in subparagraph (C).*

15 “(vi) *REDISCLASURE OF FAFSA INFOR-*
16 *MATION.—Return information received*
17 *under subparagraph (C) may be redisclosed*
18 *in accordance with subsection (c) of section*
19 *494 of the Higher Education Act of 1965*
20 *(as in effect on the date of enactment of the*
21 *COVID-related Tax Relief Act of 2020) to*
22 *carry out the purposes specified in such*
23 *subsection.”.*

24 (2) *CONFORMING AMENDMENT.—Subparagraph*
25 *(F) of section 6103(l)(13) is amended by inserting “,*

1 *and any redisclosure authorized under clause (iii),*
2 *(iv) (v), or (vi) of subparagraph (D),” after “ or (C)”.*

3 (3) *CONFIDENTIALITY OF RETURN INFORMA-*
4 *TION.—*

5 (A) *Section 6103(a)(3), as amended by sec-*
6 *tion 3516(a)(1) of the CARES Act, is amended*
7 *by striking “(13)(A), (13)(B), (13)(C),*
8 *(13)(D)(i),” and inserting “(13) (other than sub-*
9 *paragraphs (D)(v) and (D)(vi) thereof),”.*

10 (B) *Section 6103(p)(3)(A), as amended by*
11 *section 3516(a)(2) of such Act, is amended by*
12 *striking “(13)(A), (13)(B), (13)(C), (13)(D)(i),”*
13 *and inserting “(13)(D)(iv), (13)(D)(v),*
14 *(13)(D)(vi)”.*

15 (4) *EFFECTIVE DATE.—The amendments made*
16 *by this subsection shall apply to disclosures made*
17 *after the date of the enactment of the FUTURE Act*
18 *(Public Law 116–91).*

19 (b) *AMENDMENTS TO THE HIGHER EDUCATION ACT*
20 *OF 1965.—*

21 (1) *IN GENERAL.—Section 494 of the Higher*
22 *Education Act of 1965 (20 U.S.C. 1098h(a)) is*
23 *amended—*

24 (A) *in subsection (a)(1)—*

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, including return
3 information,” after “financial informa-
4 tion”;

5 (ii) in subparagraph (A)—

6 (I) in clause (i)—

7 (aa) by striking “subpara-
8 graph (B), the” and inserting the
9 following: “subparagraph (B)—
10 “(I) the”; and

11 (bb) by adding at the end the
12 following:

13 “(II) the return information of
14 such individuals may be redisclosed
15 pursuant to clauses (iii), (iv), (v), and
16 (vi) of section 6103(l)(13)(D) of the In-
17 ternal Revenue Code of 1986, for the
18 relevant purposes described in such sec-
19 tion; and”;

20 (II) in clause (ii), by striking
21 “such disclosure” and inserting “the
22 disclosures described in subclauses (I)
23 and (II) of clause (i)”;

24 (iii) in subparagraph (B), by striking
25 “disclosure described in subparagraph

1 (A)(i)” and inserting “disclosures described
2 in subclauses (I) and (II) of subparagraph
3 (A)(i)”;

4 (B) in subsection (a)(2)(A)(ii), by striking
5 “affirmatively approve the disclosure described
6 in paragraph (1)(A)(i) and agree that such ap-
7 proval shall serve as an ongoing approval of
8 such disclosure until the date on which the indi-
9 vidual elects to opt out of such disclosure” and
10 inserting “affirmatively approve the disclosures
11 described in subclauses (I) and (II) of paragraph
12 (1)(A)(i), to the extent applicable, and agree that
13 such approval shall serve as an ongoing approval
14 of such disclosures until the date on which the
15 individual elects to opt out of such disclosures”;
16 and

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

18 “(c) ACCESS TO FAFSA INFORMATION.—

19 “(1) REDISCLOSURE OF INFORMATION.—The in-
20 formation in a complete, unredacted Student Aid Re-
21 port (including any return information disclosed
22 under section 6103(l)(13) of the Internal Revenue
23 Code of 1986 (26 U.S.C. 6103(l)(13))) with respect to
24 an application described in subsection (a)(1) of an
25 applicant for Federal student financial aid—

1 “(A) upon request for such information by
2 such applicant, shall be provided to such appli-
3 cant by—

4 “(i) the Secretary; or

5 “(ii) in a case in which the Secretary
6 has requested that institutions of higher
7 education carry out the requirements of this
8 subparagraph, an institution of higher edu-
9 cation that has received such information;
10 and

11 “(B) with the written consent by the appli-
12 cant to an institution of higher education, may
13 be provided by such institution of higher edu-
14 cation as is necessary to a scholarship granting
15 organization (including a tribal organization
16 (defined in section 4 of the Indian Self-Deter-
17 mination and Education Assistance Act (25
18 U.S.C. 5304))), or to an organization assisting
19 the applicant in applying for and receiving Fed-
20 eral, State, local, or tribal assistance, that is des-
21 ignated by the applicant to assist the applicant
22 in applying for and receiving financial assist-
23 ance for any component of the applicant’s cost of
24 attendance (defined in section 472) at that insti-
25 tution.

1 “(2) *DISCUSSION OF INFORMATION.*—*A discus-*
2 *sion of the information in an application described in*
3 *subsection (a)(1) (including any return information*
4 *disclosed under section 6103(l)(13) of the Internal*
5 *Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) of an*
6 *applicant between an institution of higher education*
7 *and the applicant may, with the written consent of*
8 *the applicant, include an individual selected by the*
9 *applicant (such as an advisor) to participate in such*
10 *discussion.*

11 “(3) *RESTRICTION ON DISCLOSING INFORMA-*
12 *TION.*—*A person receiving information under para-*
13 *graph (1)(B) or (2) with respect to an applicant shall*
14 *not use the information for any purpose other than*
15 *the express purpose for which consent was granted by*
16 *the applicant and shall not disclose such information*
17 *to any other person without the express permission of,*
18 *or request by, the applicant.*

19 “(4) *DEFINITIONS.*—*In this subsection:*

20 “(A) *STUDENT AID REPORT.*—*The term*
21 *‘Student Aid Report’ has the meaning given the*
22 *term in section 668.2 of title 34, Code of Federal*
23 *Regulations (or successor regulations).*

24 “(B) *WRITTEN CONSENT.*—*The term ‘writ-*
25 *ten consent’ means a separate, written document*

1 *that is signed and dated (which may include by*
2 *electronic format) by an applicant, which—*

3 “(i) *indicates that the information*
4 *being disclosed includes return information*
5 *disclosed under section 6103(l)(13) of the*
6 *Internal Revenue Code of 1986 (26 U.S.C.*
7 *6103(l)(13)) with respect to the applicant;*

8 “(ii) *states the purpose for which the*
9 *information is being disclosed; and*

10 “(iii) *states that the information may*
11 *only be used for the specific purpose and no*
12 *other purposes.*

13 “(5) *RECORD KEEPING REQUIREMENT.—An in-*
14 *stitution of higher education shall—*

15 “(A) *keep a record of each written consent*
16 *made under this subsection for a period of at*
17 *least 3 years from the date of the student’s last*
18 *date of attendance at the institution; and*

19 “(B) *make each such record readily avail-*
20 *able for review by the Secretary.”.*

21 (2) *CONFORMING AMENDMENT.—Section*
22 *494(a)(3) of the Higher Education Act of 1965 (20*
23 *U.S.C. 1098h(a)(3)) is amended by striking “para-*
24 *graph (1)(A)(i)” both places the term appears and in-*
25 *serting “paragraph (1)(A)(i)(I)”.*

1 **SEC. 285. 2020 ELECTION TO TERMINATE TRANSFER PERIOD**
2 **FOR QUALIFIED TRANSFERS FROM PENSION**
3 **PLAN FOR COVERING FUTURE RETIREE**
4 **COSTS.**

5 (a) *IN GENERAL.*—Section 420(f) is amended by add-
6 *ing at the end the following new paragraph:*

7 “(7) *ELECTION TO END TRANSFER PERIOD.*—

8 “(A) *IN GENERAL.*—*In the case of an em-*
9 *ployer maintaining a plan which has made a*
10 *qualified future transfer under this subsection,*
11 *such employer may, not later than December 31,*
12 *2021, elect to terminate the transfer period with*
13 *respect to such transfer effective as of any tax-*
14 *able year specified by the taxpayer that begins*
15 *after the date of such election.*

16 “(B) *AMOUNTS TRANSFERRED TO PLAN ON*
17 *TERMINATION.*—*Any assets transferred to a*
18 *health benefits account, or an applicable life in-*
19 *surance account, in a qualified future transfer*
20 *(and any income allocable thereto) which are not*
21 *used as of the effective date of the election to ter-*
22 *minate the transfer period with respect to such*
23 *transfer under subparagraph (A), shall be trans-*
24 *ferred out of the account to the transferor plan*
25 *within a reasonable period of time. The transfer*
26 *required by this subparagraph shall be treated as*

1 *an employer reversion for purposes of section*
2 *4980 (other than subsection (d) thereof), unless*
3 *before the end of the 5-year period beginning*
4 *after the original transfer period an equivalent*
5 *amount is transferred back to such health bene-*
6 *fits account, or applicable life insurance account,*
7 *as the case may be. Any such transfer back pur-*
8 *suant to the preceding sentence may be made*
9 *without regard to section 401(h)(1).*

10 “(C) *MINIMUM COST REQUIREMENTS CON-*
11 *TINUE.—The requirements of subsection (c)(3)*
12 *and paragraph (2)(D) shall apply with respect*
13 *to a qualified future transfer without regard to*
14 *any election under subparagraph (A) with re-*
15 *spect to such transfer.*

16 “(D) *MODIFIED MAINTENANCE OF FUNDED*
17 *STATUS DURING ORIGINAL TRANSFER PERIOD.—*
18 *The requirements of paragraph (2)(B) shall*
19 *apply without regard to any such election, and*
20 *clause (i) thereof shall be applied by substituting*
21 *‘100 percent’ for ‘120 percent’ during the origi-*
22 *nal transfer period.*

23 “(E) *CONTINUED MAINTENANCE OF FUND-*
24 *ING STATUS AFTER ORIGINAL TRANSFER PE-*
25 *RIOD.—*

1 “(i) *IN GENERAL.*—*In the case of a*
 2 *plan with respect to which there is an excess*
 3 *described in paragraph (2)(B)(ii) as of the*
 4 *valuation date of the plan year in the last*
 5 *year of the original transfer period, para-*
 6 *graph (2)(B) shall apply for 5 years after*
 7 *the original transfer period in the same*
 8 *manner as during a transfer period by sub-*
 9 *stituting the applicable percentage for ‘120*
 10 *percent’ in clause (i) thereof.*

11 “(ii) *APPLICABLE PERCENTAGE.*—*For*
 12 *purposes of this subparagraph, the applica-*
 13 *ble percentage shall be determined under the*
 14 *following table:*

“For the valuation date of the plan year in the following year after the original transfer period: The applicable percentage is:

<i>1st</i>	<i>104 percent</i>
<i>2nd</i>	<i>108 percent</i>
<i>3rd</i>	<i>112 percent</i>
<i>4th</i>	<i>116 percent</i>
<i>5th</i>	<i>120 percent</i>

15 “(iii) *EARLY TERMINATION OF CONTIN-*
 16 *UED MAINTENANCE PERIOD WHEN 120 PER-*
 17 *CENT FUNDING REACHED.*—*If, as of the*
 18 *valuation date of any plan year in the first*
 19 *4 years after the original transfer period*
 20 *with respect to a qualified future transfer,*
 21 *there would be no excess determined under*

1 ~~ployer which” and all that follows and inserting~~
2 ~~“paid by an employer—~~

3 ~~“(1) which are required to be paid by reason of~~
4 ~~the Emergency Paid Sick Leave Act, or~~

5 ~~“(2) both—~~

6 ~~“(A) which would be so required to be paid~~
7 ~~if such Act were applied—~~

8 ~~“(i) by substituting ‘March 31, 2021’~~
9 ~~for ‘December 31, 2020’ in section 5109~~
10 ~~thereof, and~~

11 ~~“(ii) without regard to section~~
12 ~~5102(b)(3) thereof, and~~

13 ~~“(B) with respect to which all requirements~~
14 ~~of such Act (other than subsections (a) and (b)~~
15 ~~of section 5105 thereof, and determined by sub-~~
16 ~~stituting ‘To be compliant with section 5102, an~~
17 ~~employer may not’ for ‘It shall be unlawful for~~
18 ~~any employer to’ in section 5104 thereof) which~~
19 ~~would apply if so required are satisfied.”.~~

20 ~~(2) CREDIT FOR SICK LEAVE OF SELF-EMPLOYED~~
21 ~~INDIVIDUALS.—Section 7002(b)(2) of the Families~~
22 ~~First Coronavirus Response Act is amended to read~~
23 ~~as follows:~~

24 ~~“(2) either—~~

1 “(A) would be entitled to receive paid leave
2 during the taxable year pursuant to the Emer-
3 gency Paid Sick Leave Act if the individual were
4 an employee of an employer (other than himself
5 or herself), or

6 “(B) would be so entitled if—

7 “(i) such Act were applied by sub-
8 stituting ‘March 31, 2021’ for ‘December 31,
9 2020’ in section 5109 thereof, and

10 “(ii) the individual were an employee
11 of an employer (other than himself or her-
12 self).”.

13 (3) *PAYROLL CREDIT FOR PAID FAMILY LEAVE.*—

14 *Section 7003(c) of the Families First Coronavirus Re-*
15 *sponse Act is amended by striking “paid by an em-*
16 *ployer which” and all that follows and inserting*
17 *“paid by an employer—*

18 *“(1) which are required to be paid by reason of*
19 *the Emergency Family and Medical Leave Expansion*
20 *Act (including the amendments made by such Act), or*

21 *“(2) both—*

22 *“(A) which would be so required to be paid*
23 *if section 102(a)(1)(F) of the Family and Med-*
24 *ical Leave Act of 1993, as amended by the Emer-*
25 *gency Family and Medical Leave Expansion*

1 *Act, were applied by substituting ‘March 31,*
2 *2021’ for ‘December 31, 2020’, and*

3 *“(B) with respect to which all requirements*
4 *of the Family and Medical Leave Act of 1993*
5 *(other than section 107 thereof, and determined*
6 *by substituting ‘To be compliant with section*
7 *102(a)(1)(F), an employer may not’ for ‘It shall*
8 *be unlawful for any employer to’ each place it*
9 *appears in subsection (a) of section 105 thereof,*
10 *by substituting ‘made unlawful in this title or*
11 *described in this section’ for ‘made unlawful by*
12 *this title’ in paragraph (2) of such subsection,*
13 *and by substituting ‘To be compliant with sec-*
14 *tion 102(a)(1)(F), an employer may not’ for ‘It*
15 *shall be unlawful for any person to’ in subsection*
16 *(b) of such section) which relate to such section*
17 *102(a)(1)(F), and which would apply if so re-*
18 *quired, are satisfied.”.*

19 (4) *CREDIT FOR FAMILY LEAVE OF SELF-EM-*
20 *PLOYED INDIVIDUALS.—Section 7004(b)(2) of the*
21 *Families First Coronavirus Response Act is amended*
22 *to read as follows:*

23 *“(2) either—*

24 *“(A) would be entitled to receive paid leave*
25 *during the taxable year pursuant to the Emer-*

1 *gency Family and Medical Leave Expansion Act*
2 *if the individual were an employee of an em-*
3 *ployer (other than himself or herself), or*

4 “(B) would be so entitled if—

5 “(i) section 102(a)(1)(F) of the *Family*
6 *and Medical Leave Act of 1993, as amended*
7 *by the Emergency Family and Medical*
8 *Leave Expansion Act, were applied by sub-*
9 *stituting ‘March 31, 2021’ for ‘December 31,*
10 *2020’, and*

11 “(ii) the individual were an employee
12 of an employer (other than himself or her-
13 self).”.

14 (5) *COORDINATION WITH CERTAIN EMPLOYMENT*
15 *TAXES.—Section 7005(a) of the Families First*
16 *Coronavirus Response Act is amended by inserting*
17 *“(or, in the case of wages paid after December 31,*
18 *2020, and before April 1, 2021, with respect to which*
19 *a credit is allowed under section 7001 or 7003)” be-*
20 *fore “shall not be considered”.*

21 (c) *EFFECTIVE DATE.—The amendments made by this*
22 *section shall take effect as if included in the provisions of*
23 *the Families First Coronavirus Response Act to which they*
24 *relate.*

1 **SEC. 287. ELECTION TO USE PRIOR YEAR NET EARNINGS**
2 **FROM SELF-EMPLOYMENT IN DETERMINING**
3 **AVERAGE DAILY SELF-EMPLOYMENT INCOME**
4 **FOR PURPOSES OF CREDITS FOR PAID SICK**
5 **AND FAMILY LEAVE.**

6 (a) *CREDIT FOR SICK LEAVE.*—Section 7002(c) of the
7 *Families First Coronavirus Response Act* is amended by
8 adding at the end the following new paragraph:

9 “(4) *ELECTION TO USE PRIOR YEAR NET EARN-*
10 *INGS FROM SELF-EMPLOYMENT INCOME.*—In the case
11 of an individual who elects (at such time and in such
12 manner as the Secretary, or the Secretary’s delegate,
13 may provide) the application of this paragraph,
14 paragraph (2)(A) shall be applied by substituting ‘the
15 prior taxable year’ for ‘the taxable year.’”.

16 (b) *CREDIT FOR FAMILY LEAVE.*—Section 7004(c) of
17 the *Families First Coronavirus Response Act* is amended
18 by adding at the end the following new paragraph:

19 “(4) *ELECTION TO USE PRIOR YEAR NET EARN-*
20 *INGS FROM SELF-EMPLOYMENT INCOME.*—In the case
21 of an individual who elects (at such time and in such
22 manner as the Secretary, or the Secretary’s delegate,
23 may provide) the application of this paragraph,
24 paragraph (2)(A) shall be applied by substituting ‘the
25 prior taxable year’ for ‘the taxable year.’”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the provisions of*
3 *the Families First Coronavirus Response Act to which they*
4 *relate.*

5 **SEC. 288. CERTAIN TECHNICAL IMPROVEMENTS TO CRED-**
6 **ITS FOR PAID SICK AND FAMILY LEAVE.**

7 (a) *COORDINATION WITH APPLICATION OF CERTAIN*
8 *DEFINITIONS.*—

9 (1) *IN GENERAL.*—*Sections 7001(c) and 7003(c)*
10 *of the Families First Coronavirus Response Act are*
11 *each amended—*

12 (A) *by inserting “, determined without re-*
13 *gard to paragraphs (1) through (22) of section*
14 *3121(b) of such Code” after “as defined in sec-*
15 *tion 3121(a) of the Internal Revenue Code of*
16 *1986”, and*

17 (B) *by inserting “, determined without re-*
18 *gard to the sentence in paragraph (1) thereof*
19 *which begins ‘Such term does not include remun-*
20 *eration’” after “as defined in section 3231(e) of*
21 *the Internal Revenue Code”.*

22 (2) *CONFORMING AMENDMENTS.*—*Sections*
23 *7001(e)(3) and 7003(e)(3) of the Families First*
24 *Coronavirus Response Act are each amended by strik-*

1 *ing “Any term” and inserting “Except as otherwise*
2 *provided in this section, any term”.*

3 *(b) COORDINATION WITH EXCLUSION FROM EMPLOY-*
4 *MENT TAXES.—Sections 7001(c) and 7003(c) of the Fami-*
5 *lies First Coronavirus Response Act, as amended by sub-*
6 *section (a), are each amended—*

7 *(1) by inserting “and section 7005(a) of this*
8 *Act,” after “determined without regard to paragraphs*
9 *(1) through (22) of section 3121(b) of such Code”, and*

10 *(2) by inserting “and without regard to section*
11 *7005(a) of this Act” after “which begins ‘Such term*
12 *does not include remuneration’”.*

13 *(c) CLARIFICATION OF APPLICABLE RAILROAD RE-*
14 *TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections*
15 *7001(e) and 7003(e) of the Families First Coronavirus Re-*
16 *sponse Act, as amended by the preceding provisions of this*
17 *Act, are each amended by adding at the end the following*
18 *new paragraph:*

19 *“(4) REFERENCES TO RAILROAD RETIREMENT*
20 *TAX.—Any reference in this section to the tax imposed*
21 *by section 3221(a) of the Internal Revenue Code of*
22 *1986 shall be treated as a reference to so much of such*
23 *tax as is attributable to the rate in effect under sec-*
24 *tion 3111(a) of such Code.”.*

1 (d) *CLARIFICATION OF TREATMENT OF PAID LEAVE*
2 *FOR APPLICABLE RAILROAD RETIREMENT TAX.*—Section
3 7005(a) of the Families First Coronavirus Response Act is
4 amended by adding the following sentence at the end of such
5 subsection: “Any reference in this subsection to the tax im-
6 posed by section 3221(a) of such Code shall be treated as
7 a reference to so much of the tax as is attributable to the
8 rate in effect under section 3111(a) of such Code.”.

9 (e) *CLARIFICATION OF APPLICABLE RAILROAD RE-*
10 *TIREMENT TAX FOR HOSPITAL INSURANCE TAX CREDIT.*—
11 Section 7005(b)(1) of the Families First Coronavirus Re-
12 sponse Act is amended to read as follows:

13 “(1) *IN GENERAL.*—The credit allowed by section
14 7001 and the credit allowed by section 7003 shall
15 each be increased by the amount of the tax imposed
16 by section 3111(b) of the Internal Revenue Code of
17 1986 and so much of the taxes imposed under section
18 3221(a) of such Code as are attributable to the rate
19 in effect under section 3111(b) of such Code on quali-
20 fied sick leave wages, or qualified family leave wages,
21 for which credit is allowed under such section 7001
22 or 7003 (respectively).”.

23 (f) *EFFECTIVE DATE.*—The amendments made by this
24 section shall take effect as if included in the provisions of

1 *the Families First Coronavirus Response Act to which they*
2 *relate.*

3 **TITLE III—CONTINUING THE**
4 **PAYCHECK PROTECTION PRO-**
5 **GRAM AND OTHER SMALL**
6 **BUSINESS SUPPORT**

7 **SEC. 301. SHORT TITLE.**

8 *This title may be cited as the “Economic Aid to Hard-*
9 *Hit Small Businesses, Nonprofits, and Venues Act”.*

10 **SEC. 302. DEFINITIONS.**

11 *In this Act:*

12 (1) *ADMINISTRATION; ADMINISTRATOR.—The*
13 *terms “Administration” and “Administrator” mean*
14 *the Small Business Administration and the Adminis-*
15 *trator thereof, respectively.*

16 (2) *SMALL BUSINESS CONCERN.—The term*
17 *“small business concern” has the meaning given the*
18 *term in section 3 of the Small Business Act (15*
19 *U.S.C. 632).*

20 **SEC. 303. EMERGENCY RULEMAKING AUTHORITY.**

21 *Not later than 10 days after the date of enactment of*
22 *this Act, the Administrator shall issue regulations to carry*
23 *out this Act and the amendments made by this Act without*
24 *regard to the notice requirements under section 553(b) of*
25 *title 5, United States Code.*

1 **SEC. 304. ADDITIONAL ELIGIBLE EXPENSES.**

2 (a) *ALLOWABLE USE OF PPP LOAN.*—Section
3 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
4 636(a)(36)(F)(i)) is amended—

5 (1) in subclause (VI), by striking “and” at the
6 end;

7 (2) in subclause (VII), by striking the period at
8 the end and inserting a semicolon; and

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

10 “(VIII) covered operations ex-
11 penditures, as defined in section 7A(a);

12 “(IX) covered property damage
13 costs, as defined in section 7A(a);

14 “(X) covered supplier costs, as de-
15 fined in section 7A(a); and

16 “(XI) covered worker protection
17 expenditures, as defined in section
18 7A(a).”.

19 (b) *LOAN FORGIVENESS.*—

20 (1) *TRANSFER OF SECTION TO SMALL BUSINESS*
21 *ACT.*—

22 (A) *IN GENERAL.*—Section 1106 of the
23 CARES Act (15 U.S.C. 9005) is redesignated as
24 section 7A, transferred to the Small Business Act
25 (15 U.S.C. 631 et seq.), and inserted so as to ap-

1 *pear after section 7 of the Small Business Act*
2 *(15 U.S.C. 636).*

3 *(B) CONFORMING AMENDMENTS TO TRANS-*
4 *FERRED SECTION.—Section 7A of the Small*
5 *Business Act, as redesignated and transferred by*
6 *subparagraph (A) of this paragraph, is amend-*
7 *ed—*

8 *(i) in subsection (a)(1), by striking*
9 *“under paragraph (36) of section 7(a) of the*
10 *Small Business Act (15 U.S.C. 636(a)), as*
11 *added by section 1102” and inserting*
12 *“under section 7(a)(36)”;* and

13 *(ii) in subsection (c), by striking “of*
14 *the Small Business Act (15 U.S.C. 636(a))”*
15 *each place it appears.*

16 *(C) OTHER CONFORMING AMENDMENTS.—*

17 *(i) Section 1109(d)(2)(D) of the*
18 *CARES Act (15 U.S.C. 9008(d)(2)(D)) is*
19 *amended by striking “section 1106 of this*
20 *Act” and inserting “section 7A of the Small*
21 *Business Act”.*

22 *(ii) Section 7(a)(36) of the Small*
23 *Business Act (15 U.S.C. 636(a)(36)) is*
24 *amended—*

1 (I) in subparagraph (K), by strik-
2 ing “section 1106 of the CARES Act”
3 and inserting “section 7A”; and

4 (II) in subparagraph (M)—

5 (aa) by striking “section
6 1106 of the CARES Act” each
7 place it appears and inserting
8 “section 7A”; and

9 (bb) in clause (v), by striking
10 “section 1106(a) of the CARES
11 Act” and inserting “section
12 7A(a)”.

13 (2) *ADDITIONAL ELIGIBLE EXPENSES.*—Section
14 7A of the Small Business Act, as redesignated and
15 transferred by paragraph (1) of this subsection, is
16 amended—

17 (A) in subsection (a)—

18 (i) by redesignating paragraphs (6),
19 (7), and (8) as paragraphs (10), (11), and
20 (12), respectively;

21 (ii) by redesignating paragraph (5) as
22 paragraph (8);

23 (iii) by redesignating paragraph (4) as
24 paragraph (6);

1 *(iv) by redesignating paragraph (3) as*
2 *paragraph (4);*

3 *(v) by inserting after paragraph (2)*
4 *the following:*

5 “*(3) the term ‘covered operations expenditure’*
6 *means a payment for any business software or cloud*
7 *computing service that facilitates business operations,*
8 *product or service delivery, the processing, payment,*
9 *or tracking of payroll expenses, human resources,*
10 *sales and billing functions, or accounting or tracking*
11 *of supplies, inventory, records and expenses;”;*

12 *(vi) by inserting after paragraph (4),*
13 *as so redesignated, the following:*

14 “*(5) the term ‘covered property damage cost’*
15 *means a cost related to property damage and van-*
16 *dalism or looting due to public disturbances that oc-*
17 *curred during 2020 that was not covered by insurance*
18 *or other compensation;”;*

19 *(vii) by inserting after paragraph (6),*
20 *as so redesignated, the following:*

21 “*(7) the term ‘covered supplier cost’ means an*
22 *expenditure made by an entity to a supplier of goods*
23 *for the supply of goods that—*

1 “(A) are essential to the operations of the
2 entity at the time at which the expenditure is
3 made; and

4 “(B) is made pursuant to a contract, order,
5 or purchase order—

6 “(i) in effect at any time before the
7 covered period with respect to the applicable
8 covered loan; or

9 “(ii) with respect to perishable goods,
10 in effect before or at any time during the
11 covered period with respect to the applicable
12 covered loan;”;

13 (viii) by inserting after paragraph (8),
14 as so redesignated, the following:

15 “(9) the term ‘covered worker protection expendi-
16 ture’—

17 “(A) means an operating or a capital ex-
18 penditure to facilitate the adaptation of the busi-
19 ness activities of an entity to comply with re-
20 quirements established or guidance issued by the
21 Department of Health and Human Services, the
22 Centers for Disease Control, or the Occupational
23 Safety and Health Administration, or any
24 equivalent requirements established or guidance
25 issued by a State or local government, during the

1 *period beginning on March 1, 2020 and ending*
2 *the date on which the national emergency de-*
3 *clared by the President under the National*
4 *Emergencies Act (50 U.S.C. 1601 et seq.) with*
5 *respect to the Coronavirus Disease 2019*
6 *(COVID–19) expires related to the maintenance*
7 *of standards for sanitation, social distancing, or*
8 *any other worker or customer safety requirement*
9 *related to COVID–19;*

10 *“(B) may include—*

11 *“(i) the purchase, maintenance, or ren-*
12 *ovation of assets that create or expand—*

13 *“(I) a drive-through window facil-*
14 *ity;*

15 *“(II) an indoor, outdoor, or com-*
16 *bined air or air pressure ventilation or*
17 *filtration system;*

18 *“(III) a physical barrier such as*
19 *a sneeze guard;*

20 *“(IV) an expansion of additional*
21 *indoor, outdoor, or combined business*
22 *space;*

23 *“(V) an onsite or offsite health*
24 *screening capability; or*

1 “(VI) *other assets relating to the*
2 *compliance with the requirements or*
3 *guidance described in subparagraph*
4 *(A), as determined by the Adminis-*
5 *trator in consultation with the Sec-*
6 *retary of Health and Human Services*
7 *and the Secretary of Labor; and*

8 “(ii) *the purchase of—*

9 “(I) *covered materials described*
10 *in section 328.103(a) of title 44, Code*
11 *of Federal Regulations, or any suc-*
12 *cessor regulation;*

13 “(II) *particulate filtering face-*
14 *piece respirators approved by the Na-*
15 *tional Institute for Occupational Safe-*
16 *ty and Health, including those ap-*
17 *proved only for emergency use author-*
18 *ization; or*

19 “(III) *other kinds of personal pro-*
20 *ductive equipment, as determined by the*
21 *Administrator in consultation with the*
22 *Secretary of Health and Human Serv-*
23 *ices and the Secretary of Labor; and*

24 “(C) *does not include residential real prop-*
25 *erty or intangible property;”*; and

1 *(ix) in paragraph (11), as so redesign-*
2 *ated—*

3 *(I) in subparagraph (C), by strik-*
4 *ing “and” at the end;*

5 *(II) in subparagraph (D), by*
6 *striking “and” at the end; and*

7 *(III) by adding at the end the fol-*
8 *lowing:*

9 *“(E) covered operations expenditures;*

10 *“(F) covered property damage costs;*

11 *“(G) covered supplier costs; and*

12 *“(H) covered worker protection expendi-*
13 *tures; and”;*

14 *(B) in subsection (b), by adding at the end*
15 *the following:*

16 *“(5) Any covered operations expenditure.*

17 *“(6) Any covered property damage cost.*

18 *“(7) Any covered supplier cost.*

19 *“(8) Any covered worker protection expendi-*
20 *ture.”;*

21 *(C) in subsection (d)(8), by inserting “any*
22 *payment on any covered operations expenditure,*
23 *any payment on any covered property damage*
24 *cost, any payment on any covered supplier cost,*

1 *any payment on any covered worker protection*
2 *expenditure,” after “rent obligation,”; and*

3 *(D) in subsection (e)—*

4 *(i) in paragraph (2)—*

5 *(I) by inserting “purchase orders,*
6 *orders, invoices,” before “or other docu-*
7 *ments”;* and

8 *(II) by striking “covered lease ob-*
9 *ligations,” and inserting “covered rent*
10 *obligations, payments on covered oper-*
11 *ations expenditures, payments on cov-*
12 *ered property damage costs, payments*
13 *on covered supplier costs, payments on*
14 *covered worker protection expendi-*
15 *tures,”;* and

16 *(ii) in paragraph (3)(B), by inserting*
17 *“make payments on covered operations ex-*
18 *penditures, make payments on covered*
19 *property damage costs, make payments on*
20 *covered supplier costs, make payments on*
21 *covered worker protection expenditures,”*
22 *after “rent obligation,”.*

23 *(c) EFFECTIVE DATE; APPLICABILITY.—*

24 *(1) IN GENERAL.—Except as provided in para-*
25 *graph (2), the amendments made by subsections (a)*

1 *and (b) shall be effective as if included in the CARES*
2 *Act (Public Law 116–136; 134 Stat. 281) and shall*
3 *apply to any loan made pursuant to section 7(a)(36)*
4 *of the Small Business Act (15 U.S.C. 636(a)(36)) be-*
5 *fore, on, or after the date of enactment of this Act, in-*
6 *cluding forgiveness of such a loan.*

7 (2) *EXCLUSION OF LOANS ALREADY FORGIVEN.—*
8 *The amendments made by subsections (a) and (b)*
9 *shall not apply to a loan made pursuant to section*
10 *7(a)(36) of the Small Business Act (15 U.S.C.*
11 *636(a)(36)) for which the borrower received forgive-*
12 *ness before the date of enactment of this Act under*
13 *section 1106 of the CARES Act, as in effect on the*
14 *day before such date of enactment.*

15 **SEC. 305. HOLD HARMLESS.**

16 (a) *IN GENERAL.—*Subsection (h) of section 7A of the
17 *Small Business Act, as redesignated and transferred by sec-*
18 *tion 304 of this Act, is amended to read as follows:*

19 “(h) *HOLD HARMLESS.—*

20 “(1) *DEFINITION.—*In this subsection, the term
21 *‘initial or second draw PPP loan’ means a covered*
22 *loan or a loan under paragraph (37) of section 7(a).*

23 “(2) *RELIANCE.—*A lender may rely on any cer-
24 *tification or documentation submitted by an appli-*
25 *cant for an initial or second draw PPP loan or an*

1 *eligible recipient or eligible entity receiving initial or*
2 *second draw PPP loan that—*

3 *“(A) is submitted pursuant to all applicable*
4 *statutory requirements, regulations, and guid-*
5 *ance related to initial or second draw PPP loan,*
6 *including under paragraph (36) or (37) of sec-*
7 *tion 7(a) and under this section; and*

8 *“(B) attests that the applicant, eligible re-*
9 *ipient, or eligible entity, as applicable, has ac-*
10 *curately provided the certification or documenta-*
11 *tion to the lender in accordance with the statu-*
12 *tory requirements, regulations, and guidance de-*
13 *scribed in subparagraph (A).*

14 *“(3) NO ENFORCEMENT ACTION.—With respect to*
15 *a lender that relies on a certification or documenta-*
16 *tion described in paragraph (2) related to an initial*
17 *or second draw PPP loan, an enforcement action may*
18 *not be taken against the lender, and the lender shall*
19 *not be subject to any penalties relating to loan origi-*
20 *nation or forgiveness of the initial or second draw*
21 *PPP loan, if—*

22 *“(A) the lender acts in good faith relating*
23 *to loan origination or forgiveness of the initial*
24 *or second draw PPP loan based on that reliance;*
25 *and*

1 “(B) all other relevant Federal, State, local,
2 and other statutory and regulatory requirements
3 applicable to the lender are satisfied with respect
4 to the initial or second draw PPP loan.”.

5 (b) *EFFECTIVE DATE; APPLICABILITY.*—The amend-
6 ment made by subsection (a) shall be effective as if included
7 in the CARES Act (Public Law 116–136; 134 Stat. 281)
8 and shall apply to any loan made pursuant to section
9 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))
10 before, on, or after the date of enactment of this Act, includ-
11 ing forgiveness of such a loan.

12 **SEC. 306. SELECTION OF COVERED PERIOD FOR FORGIVE-**
13 **NESS.**

14 Section 7A of the Small Business Act, as redesignated
15 and transferred by section 304 of this Act, is amended—

16
17 (A) by amending paragraph (4) of sub-
18 section (a), as so redesignated by section 304(b)
19 of this Act, to read as follows:

20 “(4) the term ‘covered period’ means the pe-
21 riod—

22 “(A) beginning on the date of the origina-
23 tion of a covered loan; and

1 “(B) ending on a date selected by the eligi-
2 ble recipient of the covered loan that occurs dur-
3 ing the period—

4 “(i) beginning on the date that is 8
5 weeks after such date of origination; and

6 “(ii) ending on the date that is 24
7 weeks after such date of origination;” and

8 (1) by striking subsection (l).

9 **SEC. 307. SIMPLIFIED FORGIVENESS APPLICATION.**

10 (a) *IN GENERAL.*—Section 7A of the Small Business
11 Act, as redesignated and transferred by section 304 of this
12 Act, and as amended by section 306 of this Act, is amend-
13 ed—

14 (1) in subsection (e), in the matter preceding
15 paragraph (1), by striking “An eligible” and insert-
16 ing “Except as provided in subsection (l), an eligi-
17 ble”;

18 (2) in subsection (f), by inserting “or the certifi-
19 cation required under subsection (l), as applicable”
20 after “subsection (e)”; and

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

22 “(l) *SIMPLIFIED APPLICATION.*—

23 “(1) *COVERED LOANS UP TO \$150,000.*—

24 “(A) *IN GENERAL.*—With respect to a cov-
25 ered loan made to an eligible recipient that is

1 *not more than \$150,000, the covered loan*
2 *amount shall be forgiven under this section if the*
3 *eligible recipient—*

4 *“(i) signs and submits to the lender a*
5 *certification, to be established by the Ad-*
6 *ministrator not later than 24 days after the*
7 *date of enactment of the Economic Aid to*
8 *Hard-Hit Small Businesses, Nonprofits,*
9 *and Venues Act, which—*

10 *“(I) shall be not more than 1 page*
11 *in length; and*

12 *“(II) shall only require the eligi-*
13 *ble recipient to provide—*

14 *“(aa) a description of the*
15 *number of employees the eligible*
16 *recipient was able to retain be-*
17 *cause of the covered loan;*

18 *“(bb) the estimated amount*
19 *of the covered loan amount spent*
20 *by the eligible recipient on payroll*
21 *costs; and*

22 *“(cc) the total loan value;*

23 *“(ii) attests that the eligible recipient*
24 *has—*

1 “(I) accurately provided the re-
2 quired certification; and

3 “(II) complied with the require-
4 ments under section 7(a)(36); and

5 “(iii) retains records relevant to the
6 form that prove compliance with such re-
7 quirements—

8 “(I) with respect to employment
9 records, for the 4-year period following
10 submission of the form; and

11 “(II) with respect to other records,
12 for the 3-year period following submis-
13 sion of the form.

14 “(B) LIMITATION ON REQUIRING ADDI-
15 TIONAL MATERIALS.—An eligible recipient of a
16 covered loan that is not more than \$150,000
17 shall not, at the time of the application for for-
18 giveness, be required to submit any application
19 or documentation in addition to the certification
20 and information required to substantiate forgive-
21 ness.

22 “(C) RECORDS FOR OTHER REQUIRE-
23 MENTS.—Nothing in subparagraph (A) or (B)
24 shall be construed to exempt an eligible recipient
25 from having to provide documentation independ-

1 *ently to a lender to satisfy relevant Federal,*
2 *State, local, or other statutory or regulatory re-*
3 *quirements, or in connection with an audit as*
4 *authorized under subparagraph (E).*

5 “(D) *DEMOGRAPHIC INFORMATION.*—*The*
6 *certification established by the Administrator*
7 *under subparagraph (A) shall include a means*
8 *by which an eligible recipient may, at the discre-*
9 *tion of the eligible recipient, submit demographic*
10 *information of the owner of the eligible recipient,*
11 *including the sex, race, ethnicity, and veteran*
12 *status of the owner.*

13 “(E) *AUDIT AUTHORITY.*—*The Adminis-*
14 *trator may—*

15 “(i) *review and audit covered loans de-*
16 *scribed in subparagraph (A);*

17 “(ii) *access any records described in*
18 *subparagraph (A)(iii); and*

19 “(iii) *in the case of fraud, ineligibility,*
20 *or other material noncompliance with ap-*
21 *plicable loan or loan forgiveness require-*
22 *ments, modify—*

23 “(I) *the amount of a covered loan*
24 *described in subparagraph (A); or*

1 “(II) *the loan forgiveness amount*
2 *with respect to a covered loan described*
3 *in subparagraph (A).*

4 “(2) *COVERED LOANS OF MORE THAN \$150,000.—*

5 “(A) *IN GENERAL.—With respect to a cov-*
6 *ered loan in an amount that is more than*
7 *\$150,000, the eligible recipient shall submit to*
8 *the lender that is servicing the covered loan the*
9 *documentation described in subsection (e).*

10 “(B) *DEMOGRAPHIC INFORMATION.—The*
11 *process for submitting the documentation de-*
12 *scribed in subsection (e) shall include a means*
13 *by which an eligible recipient may, at the discre-*
14 *tion of the eligible recipient, submit demographic*
15 *information of the owner of the eligible recipient,*
16 *including the sex, race, ethnicity, and veteran*
17 *status of the owner.*

18 “(3) *FORGIVENESS AUDIT PLAN.—*

19 “(A) *IN GENERAL.—Not later than 45 days*
20 *after the date of enactment of the Economic Aid*
21 *to Hard-Hit Small Businesses, Nonprofits, and*
22 *Venues Act, the Administrator shall submit to*
23 *the Committee on Small Business and Entrepre-*
24 *neurship of the Senate and the Committee on*

1 *Small Business of the House of Representatives*
2 *an audit plan that details—*

3 “(i) *the policies and procedures of the*
4 *Administrator for conducting forgiveness re-*
5 *views and audits of covered loans; and*

6 “(ii) *the metrics that the Adminis-*
7 *trator shall use to determine which covered*
8 *loans will be audited.*

9 “(B) *REPORTS.—Not later than 30 days*
10 *after the date on which the Administrator sub-*
11 *mits the audit plan required under subpara-*
12 *graph (A), and each month thereafter, the Ad-*
13 *ministrator shall submit to the Committee on*
14 *Small Business and Entrepreneurship of the*
15 *Senate and the Committee on Small Business of*
16 *the House of Representatives a report on the for-*
17 *giveness review and audit activities of the Ad-*
18 *ministrator under this subsection, which shall*
19 *include—*

20 “(i) *the number of active reviews and*
21 *audits;*

22 “(ii) *the number of reviews and audits*
23 *that have been ongoing for more than 60*
24 *days; and*

1 “(iii) any substantial changes made to
2 the audit plan submitted under subpara-
3 graph (A).”.

4 (b) *EFFECTIVE DATE; APPLICABILITY.*—The amend-
5 ments made by subsection (a) shall be effective as if included
6 in the CARES Act (Public Law 116–136; 134 Stat. 281)
7 and shall apply to any loan made pursuant to section
8 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))
9 before, on, or after the date of enactment of this Act, includ-
10 ing forgiveness of such a loan.

11 **SEC. 308. SPECIFIC GROUP INSURANCE PAYMENTS AS PAY-**
12 **ROLL COSTS.**

13 (a) IN GENERAL.—Section
14 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15
15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by in-
16 serting “or group life, disability, vision, or dental insur-
17 ance” before “benefits”.

18 (b) *EFFECTIVE DATE; APPLICABILITY.*—The amend-
19 ment made by subsection (a) shall be effective as if included
20 in the CARES Act (Public Law 116–136; 134 Stat. 281)
21 and shall apply to any loan made pursuant to section
22 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))
23 before, on, or after the date of enactment of this Act, includ-
24 ing forgiveness of such a loan.

1 **SEC. 309. DEMOGRAPHIC INFORMATION.**

2 *On and after the date of enactment of this Act, any*
3 *loan origination application for a loan under paragraph*
4 *(36) or (37) of section 7(a) of the Small Business Act (15*
5 *U.S.C. 636(a)), as amended and added by this division,*
6 *shall include a means by which the applicant for the loan*
7 *may, at the discretion of the applicant, submit demographic*
8 *information of the owner of the recipient of the loan, includ-*
9 *ing the sex, race, ethnicity, and veteran status of the owner.*

10 **SEC. 310. CLARIFICATION OF AND ADDITIONAL LIMITA-**
11 **TIONS ON ELIGIBILITY.**

12 *(a) DATE IN OPERATION.—*

13 *(1) IN GENERAL.—Section 7(a)(36) of the Small*
14 *Business Act (15 U.S.C. 636(a)(36)) is amended by*
15 *adding at the end the following:*

16 *“(T) REQUIREMENT FOR DATE IN OPER-*
17 *ATION.—A business or organization that was not*
18 *in operation on February 15, 2020 shall not be*
19 *eligible for a loan under this paragraph.”.*

20 *(2) EFFECTIVE DATE; APPLICABILITY.—The*
21 *amendment made by paragraph (1) shall be effective*
22 *as if included in the CARES Act (Public Law 116-*
23 *136; 134 Stat. 281) and shall apply to any loan*
24 *made pursuant to section 7(a)(36) of the Small Busi-*
25 *ness Act (15 U.S.C. 636(a)(36)) before, on, or after*

1 *the date of enactment of this Act, including forgive-*
 2 *ness of such a loan.*

3 **(b) EXCLUSION OF ENTITIES RECEIVING SHUTTERED**
 4 **VENUE OPERATOR GRANTS.**—*Section 7(a)(36) of the Small*
 5 *Business Act (15 U.S.C. 636(a)(36)), as amended by sub-*
 6 *section (a) of this section, is amended by adding at the end*
 7 *the following:*

8 **“(U) EXCLUSION OF ENTITIES RECEIVING**
 9 **SHUTTERED VENUE OPERATOR GRANTS.**—*An eli-*
 10 *gible person or entity (as defined under of sec-*
 11 *tion 24 of the Economic Aid to Hard-Hit Small*
 12 *Businesses, Nonprofits, and Venues Act) that re-*
 13 *ceives a grant under such section 24 shall not be*
 14 *eligible for a loan under this paragraph.”.*

15 **SEC. 311. PAYCHECK PROTECTION PROGRAM SECOND**
 16 **DRAW LOANS.**

17 **(a) IN GENERAL.**—*Section 7(a) of the Small Business*
 18 *Act (15 U.S.C. 636(a)) is amended by adding at the end*
 19 *the following:*

20 **“(37) PAYCHECK PROTECTION PROGRAM SECOND**
 21 **DRAW LOANS.**—

22 **“(A) DEFINITIONS.**—*In this paragraph—*
 23 *“(i) the terms ‘eligible self-employed*
 24 *individual’, ‘housing cooperative’, ‘nonprofit*
 25 *organization’, ‘payroll costs’, ‘seasonal em-*

1 *ployer*, and *‘veterans organization’* have the
2 meanings given those terms in paragraph
3 (36), except that *‘eligible entity’* shall be
4 substituted for *‘eligible recipient’* each place
5 it appears in the definitions of those terms;

6 “(ii) the term *‘covered loan’* means a
7 loan made under this paragraph;

8 “(iii) the terms *‘covered mortgage obli-*
9 *gation’*, *‘covered operating expenditure’*,
10 *‘covered property damage cost’*, *‘covered rent*
11 *obligation’*, *‘covered supplier cost’*, *‘covered*
12 *utility payment’*, and *‘covered worker pro-*
13 *tection expenditure’* have the meanings
14 given those terms in section 7A(a);

15 “(iv) the term *‘eligible entity’*—

16 “(I) means any business concern,
17 nonprofit organization, housing cooper-
18 ative, veterans organization, Tribal
19 business concern, eligible self-employed
20 individual, sole proprietor, inde-
21 pendent contractor, or small agricul-
22 tural cooperative that—

23 “(aa) employs not more than
24 300 employees; and

1 “(bb)(AA) except as provided
2 in subitems (BB), (CC), and
3 (DD), had gross receipts during
4 the first, second, third, or, only
5 with respect to an application
6 submitted on or after January 1,
7 2021, fourth quarter in 2020 that
8 demonstrate not less than a 25
9 percent reduction from the gross
10 receipts of the entity during the
11 same quarter in 2019;

12 “(BB) if the entity was not
13 in business during the first or sec-
14 ond quarter of 2019, but was in
15 business during the third and
16 fourth quarter of 2019, had gross
17 receipts during the first, second,
18 third, or, only with respect to an
19 application submitted on or after
20 January 1, 2021, fourth quarter
21 of 2020 that demonstrate not less
22 than a 25 percent reduction from
23 the gross receipts of the entity
24 during the third or fourth quarter
25 of 2019;

1 “(CC) if the entity was not
2 in business during the first, sec-
3 ond, or third quarter of 2019, but
4 was in business during the fourth
5 quarter of 2019, had gross receipts
6 during the first, second, third, or,
7 only with respect to an applica-
8 tion submitted on or after Janu-
9 ary 1, 2021, fourth quarter of
10 2020 that demonstrate not less
11 than a 25 percent reduction from
12 the gross receipts of the entity
13 during the fourth quarter of 2019;
14 or

15 “(DD) if the entity was not
16 in business during 2019, but was
17 in operation on February 15,
18 2020, had gross receipts during
19 the second, third, or, only with re-
20 spect to an application submitted
21 on or after January 1, 2021,
22 fourth quarter of 2020 that dem-
23 onstrate not less than a 25 percent
24 reduction from the gross receipts

1 *of the entity during the first quar-*
2 *ter of 2020;*

3 *“(II) includes a business concern*
4 *or organization made eligible for a*
5 *loan under paragraph (36) under*
6 *clause (iii)(II), (iv)(IV), or (vii) of*
7 *subparagraph (D) of paragraph (36)*
8 *and that meets the requirements de-*
9 *scribed in items (aa) and (bb) of sub-*
10 *clause (I); and*

11 *“(III) does not include—*

12 *“(aa) any entity that is a*
13 *type of business concern (or would*
14 *be, if such entity were a business*
15 *concern) described in section*
16 *120.110 of title 13, Code of Fed-*
17 *eral Regulations (or in any suc-*
18 *cessor regulation or other related*
19 *guidance or rule that may be*
20 *issued by the Administrator) other*
21 *than a business concern described*
22 *in subsection (a) or (k) of such*
23 *section; or*

24 *“(bb) any business concern or*
25 *entity primarily engaged in polit-*

1 *ical or lobbying activities, which*
2 *shall include any entity that is*
3 *organized for research or for en-*
4 *gaging in advocacy in areas such*
5 *as public policy or political strat-*
6 *egy or otherwise describes itself as*
7 *a think tank in any public docu-*
8 *ments;*

9 *“(cc) any business concern or*
10 *entity—*

11 *“(AA) for which an en-*
12 *tity created in or organized*
13 *under the laws of the People’s*
14 *Republic of China or the*
15 *Special Administrative Re-*
16 *gion of Hong Kong, or that*
17 *has significant operations in*
18 *the People’s Republic of*
19 *China or the Special Admin-*
20 *istrative Region of Hong*
21 *Kong, owns or holds, directly*
22 *or indirectly, not less than*
23 *20 percent of the economic*
24 *interest of the business con-*
25 *cern or entity, including as*

1 *equity shares or a capital or*
2 *profit interest in a limited*
3 *liability company or part-*
4 *nership; or*

5 *“(BB) that retains, as a*
6 *member of the board of direc-*
7 *tors of the business concern,*
8 *a person who is a resident of*
9 *the People’s Republic of*
10 *China;*

11 *“(dd) any person required to*
12 *submit a registration statement*
13 *under section 2 of the Foreign*
14 *Agents Registration Act of 1938*
15 *(22 U.S.C. 612); or*

16 *“(ee) an eligible person or*
17 *entity (as defined under section*
18 *24 of the Economic Aid to Hard-*
19 *Hit Small Businesses, Nonprofits,*
20 *and Venues Act) that receives a*
21 *grant under such section 24; and*

22 *“(v) the term ‘Tribal business concern’*
23 *means a Tribal business concern described*
24 *in section 31(b)(2)(C).*

1 “(B) *LOANS*.—*Except as otherwise provided*
2 *in this paragraph, the Administrator may guar-*
3 *antee covered loans to eligible entities under the*
4 *same terms, conditions, and processes as a loan*
5 *made under paragraph (36).*

6 “(C) *MAXIMUM LOAN AMOUNT*.—

7 “(i) *IN GENERAL*.—*Except as otherwise*
8 *provided in this subparagraph, the max-*
9 *imum amount of a covered loan made to an*
10 *eligible entity is the lesser of—*

11 “(I) *the product obtained by mul-*
12 *tiplying—*

13 “(aa) *at the election of the el-*
14 *igible entity, the average total*
15 *monthly payment for payroll costs*
16 *incurred or paid by the eligible*
17 *entity during—*

18 “(AA) *the 1-year period*
19 *before the date on which the*
20 *loan is made; or*

21 “(BB) *calendar year*
22 *2019; by*

23 “(bb) *2.5; or*

24 “(II) *\$2,000,000.*

1 “(ii) *SEASONAL EMPLOYERS.*—*The*
2 *maximum amount of a covered loan made*
3 *to an eligible entity that is a seasonal em-*
4 *ployer is the lesser of—*

5 “(I) *the product obtained by mul-*
6 *tiplying—*

7 “(aa) *at the election of the el-*
8 *igible entity, the average total*
9 *monthly payments for payroll*
10 *costs incurred or paid by the eli-*
11 *gible entity for any 12-week pe-*
12 *riod between February 15, 2019*
13 *and February 15, 2020; by*

14 “(bb) *2.5; or*

15 “(II) *\$2,000,000.*

16 “(iii) *NEW ENTITIES.*—*The maximum*
17 *amount of a covered loan made to an eligi-*
18 *ble entity that did not exist during the 1-*
19 *year period preceding February 15, 2020 is*
20 *the lesser of—*

21 “(I) *the product obtained by mul-*
22 *tiplying—*

23 “(aa) *the quotient obtained*
24 *by dividing—*

1 “(AA) the sum of the
2 total monthly payments by
3 the eligible entity for payroll
4 costs paid or incurred by the
5 eligible entity as of the date
6 on which the eligible entity
7 applies for the covered loan;
8 by

9 “(BB) the number of
10 months in which those pay-
11 roll costs were paid or in-
12 curred; by

13 “(bb) 2.5; or

14 “(II) \$2,000,000.

15 “(iv) NAICS 72 ENTITIES.—The max-
16 imum amount of a covered loan made to an
17 eligible entity that is assigned a North
18 American Industry Classification System
19 code beginning with 72 at the time of dis-
20 bursal is the lesser of—

21 “(I) the product obtained by mul-
22 tiplying—

23 “(aa) at the election of the el-
24 igible entity, the average total
25 monthly payment for payroll costs

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1 incurred or paid by the eligible
2 entity during—

3 “(AA) the 1-year period
4 before the date on which the
5 loan is made; or

6 “(BB) calendar year
7 2019; by

8 “(bb) 3.5; or

9 “(II) \$2,000,000.

10 “(D) *BUSINESS CONCERNS WITH MORE*
11 *THAN 1 PHYSICAL LOCATION.*—

12 “(i) *IN GENERAL.*—*For a business con-*
13 *cern with more than 1 physical location, the*
14 *business concern shall be an eligible entity*
15 *if the business concern would be eligible for*
16 *a loan under paragraph (36) pursuant to*
17 *clause (iii) of subparagraph (D) of such*
18 *paragraph, as applied in accordance with*
19 *clause (ii) of this subparagraph, and meets*
20 *the revenue reduction requirements de-*
21 *scribed in item (bb) of subparagraph*
22 *(A)(iv)(I).*

23 “(ii) *SIZE LIMIT.*—*For purposes of ap-*
24 *plying clause (i), the Administrator shall*
25 *substitute ‘not more than 300 employees’ for*

1 *‘not more than 500 employees’ in para-*
2 *graph (36)(D)(iii).*

3 “(E) *WAIVER OF AFFILIATION RULES.—*

4 “(i) *IN GENERAL.—The waiver de-*
5 *scribed in paragraph (36)(D)(iv) shall*
6 *apply for purposes of determining eligi-*
7 *bility under this paragraph.*

8 “(ii) *SIZE LIMIT.—For purposes of ap-*
9 *plying clause (i), the Administrator shall*
10 *substitute ‘not more than 300 employees’ for*
11 *‘not more than 500 employees’ in subclause*
12 *(I) and (IV) of paragraph (36)(D)(iv).*

13 “(F) *LOAN NUMBER LIMITATION.—An eligi-*
14 *ble entity may only receive 1 covered loan.*

15 “(G) *EXCEPTION FROM CERTAIN CERTIFI-*
16 *CATION REQUIREMENTS.—An eligible entity ap-*
17 *plying for a covered loan shall not be required*
18 *to make the certification described in clause (iii)*
19 *or (iv) of paragraph (36)(G).*

20 “(H) *FEE WAIVER.—With respect to a cov-*
21 *ered loan—*

22 “(i) *in lieu of the fee otherwise appli-*
23 *cable under paragraph (23)(A), the Admin-*
24 *istrator shall collect no fee; and*

1 “(ii) *in lieu of the fee otherwise appli-*
2 *cable under paragraph (18)(A), the Admin-*
3 *istrator shall collect no fee.*

4 “(I) *GROSS RECEIPTS AND SIMPLIFIED CER-*
5 *TIFICATION OF REVENUE TEST.—*

6 “(i) *LOANS OF UP TO \$150,000.—For a*
7 *covered loan of not more than \$150,000, the*
8 *eligible entity—*

9 “(I) *may submit a certification*
10 *attesting that the eligible entity meets*
11 *the applicable revenue loss requirement*
12 *under subparagraph (A)(iv)(I)(bb);*
13 *and*

14 “(II) *if the eligible entity submits*
15 *a certification under subclause (I),*
16 *shall, on or before the date on which*
17 *the eligible entity submits an applica-*
18 *tion for forgiveness under subpara-*
19 *graph (J), produce adequate docu-*
20 *mentation that the eligible entity met*
21 *such revenue loss standard.*

22 “(ii) *FOR NONPROFIT AND VETERANS*
23 *ORGANIZATIONS.—For purposes of calcu-*
24 *lating gross receipts under subparagraph*
25 *(A)(iv)(I)(bb) for an eligible entity that is a*

1 *nonprofit organization, a veterans organiza-*
2 *tion, or an organization described in sub-*
3 *paragraph (A)(iv)(II), gross receipts means*
4 *gross receipts within the meaning of section*
5 *6033 of the Internal Revenue Code of 1986.*

6 “(J) *LOAN FORGIVENESS.*—

7 “(i) *DEFINITION OF COVERED PE-*
8 *RIOD.*—*In this subparagraph, the term ‘cov-*
9 *ered period’ has the meaning given that*
10 *term in section 7A(a).*

11 “(ii) *FORGIVENESS GENERALLY.*—*Ex-*
12 *cept as otherwise provided in this subpara-*
13 *graph, an eligible entity shall be eligible for*
14 *forgiveness of indebtedness on a covered loan*
15 *in the same manner as an eligible recipient*
16 *with respect to a loan made under para-*
17 *graph (36) of this section, as described in*
18 *section 7A.*

19 “(iii) *FORGIVENESS AMOUNT.*—*An eli-*
20 *gible entity shall be eligible for forgiveness*
21 *of indebtedness on a covered loan in an*
22 *amount equal to the sum of the following*
23 *costs incurred or expenditures made during*
24 *the covered period:*

1 “(I) *Payroll costs, excluding any*
2 *payroll costs that are—*

3 “(aa) *qualified wages, as de-*
4 *defined in subsection (c)(3) of sec-*
5 *tion 2301 of the CARES Act (26*
6 *U.S.C. 3111 note), taken into ac-*
7 *count in determining the credit*
8 *allowed under such section; or*

9 “(bb) *qualified wages taken*
10 *into account in determining the*
11 *credit allowed under subsection*
12 *(a) or (d) of section 303 of the*
13 *Taxpayer Certainty and Disaster*
14 *Relief Act of 2020.*

15 “(II) *Any payment of interest on*
16 *any covered mortgage obligation*
17 *(which shall not include any prepay-*
18 *ment of or payment of principal on a*
19 *covered mortgage obligation).*

20 “(III) *Any covered operations ex-*
21 *penditure.*

22 “(IV) *Any covered property dam-*
23 *age cost.*

24 “(V) *Any payment on any covered*
25 *rent obligation.*

1 “(VI) *Any covered utility pay-*
2 *ment.*

3 “(VII) *Any covered supplier cost.*

4 “(VIII) *Any covered worker pro-*
5 *tection expenditure.*

6 “(iv) *LIMITATION ON FORGIVENESS*
7 *FOR ALL ELIGIBLE ENTITIES.—Subject to*
8 *any reductions under section 7A(d), the for-*
9 *giveness amount under this subparagraph*
10 *shall be equal to the lesser of—*

11 “(I) *the amount described in*
12 *clause (i); and*

13 “(II) *the amount equal to the*
14 *quotient obtained by dividing—*

15 “(aa) *the amount of the cov-*
16 *ered loan used for payroll costs*
17 *during the covered period; and*

18 “(bb) *0.60.*

19 “(v) *SUBMISSION OF MATERIALS FOR*
20 *FORGIVENESS.—For purposes of applying*
21 *subsection (l)(1) of section 7A to a covered*
22 *loan of not more than \$150,000 under this*
23 *paragraph, an eligible entity may be re-*
24 *quired to provide, at the time of the appli-*
25 *cation for forgiveness, documentation re-*

1 *quired to substantiate revenue loss in ac-*
2 *cordance with subparagraph (I).*

3 “(K) *LENDER ELIGIBILITY.*—*Except as oth-*
4 *erwise provided in this paragraph, a lender ap-*
5 *proved to make loans under paragraph (36) may*
6 *make covered loans under the same terms and*
7 *conditions as in paragraph (36).*

8 “(L) *REIMBURSEMENT FOR LOAN PROC-*
9 *ESSING AND SERVICING.*—*The Administrator*
10 *shall reimburse a lender authorized to make a*
11 *covered loan—*

12 “(i) *for a covered loan of not more*
13 *than \$50,000, in an amount equal to the*
14 *lesser of—*

15 “(I) *50 percent of the balance of*
16 *the financing outstanding at the time*
17 *of disbursement of the covered loan; or*

18 “(II) *\$2,500;*

19 “(ii) *at a rate, based on the balance of*
20 *the financing outstanding at the time of*
21 *disbursement of the covered loan, of—*

22 “(I) *5 percent for a covered loan*
23 *of more than \$50,000 and not more*
24 *than \$350,000; and*

1 “(II) 3 percent for a covered loan
2 of more than \$350,000.

3 “(M) PUBLICATION OF GUIDANCE.—Not
4 later than 10 days after the date of enactment of
5 this paragraph, the Administrator shall issue
6 guidance addressing barriers to accessing capital
7 for minority, underserved, veteran, and women-
8 owned business concerns for the purpose of ensur-
9 ing equitable access to covered loans.

10 “(N) STANDARD OPERATING PROCEDURE.—
11 The Administrator shall, to the maximum extent
12 practicable, allow a lender approved to make
13 covered loans to use existing program guidance
14 and standard operating procedures for loans
15 made under this subsection.

16 “(O) SUPPLEMENTAL COVERED LOANS.—A
17 covered loan under this paragraph may only be
18 made to an eligible entity that—

19 “(i) has received a loan under para-
20 graph (36); and

21 “(ii) on or before the expected date on
22 which the covered loan under this para-
23 graph is disbursed to the eligible entity, has
24 used, or will use, the full amount of the loan
25 received under paragraph (36).”.

1 (b) *APPLICATION OF EXEMPTION BASED ON EM-*
2 *PLOYEE AVAILABILITY.*—

3 (1) *IN GENERAL.*—Section 7A(d) of the Small
4 *Business Act, as redesignated and transferred by sec-*
5 *tion 304 of this Act, is amended—*

6 (A) in paragraph (5)(B), by inserting “(or,
7 with respect to a covered loan made on or after
8 the date of enactment of the *Economic Aid to*
9 *Hard-Hit Small Businesses, Nonprofits, and*
10 *Venues Act, not later than the last day of the*
11 *covered period with respect to such covered*
12 *loan)” after “December 31, 2020” each place it*
13 *appears; and*

14 (B) in paragraph (7)—

15 (i) by inserting “(or, with respect to a
16 covered loan made on or after the date of
17 enactment of the *Economic Aid to Hard-Hit*
18 *Small Businesses, Nonprofits, and Venues*
19 *Act, ending on the last day of the covered*
20 *period with respect to such covered loan)”*
21 after “December 31, 2020” the first and
22 third places it appears; and

23 (ii) by inserting “(or, with respect to a
24 covered loan made on or after the date of
25 enactment of the *Economic Aid to Hard-Hit*

1 *Small Businesses, Nonprofits, and Venues*
2 *Act, on or before the last day of the covered*
3 *period with respect to such covered loan)”*
4 *after “December 31, 2020” the second place*
5 *it appears.*

6 (2) *MODIFICATION OF DATES.—The Adminis-*
7 *trator and the Secretary of the Treasury may jointly,*
8 *by regulation, modify any date in section 7A(d) of the*
9 *Small Business Act, as redesignated and transferred*
10 *by section 304 of this Act, other than a deadline es-*
11 *tablished under an amendment made by paragraph*
12 *(1), in a manner consistent with the purposes of the*
13 *Paycheck Protection Program to help businesses re-*
14 *tain workers and meet financial obligations.*

15 (c) *ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZA-*
16 *TIONS.—*

17 (1) *SENSE OF CONGRESS.—It is the sense of*
18 *Congress that the interim final rule of the Adminis-*
19 *tration entitled “Business Loan Program Temporary*
20 *Changes; Paycheck Protection Program” (85 Fed.*
21 *Reg. 20817 (April 15, 2020)) properly clarified the*
22 *eligibility of churches and religious organizations for*
23 *loans made under paragraph (36) of section 7(a) of*
24 *the Small Business Act (15 U.S.C. 636(a)).*

1 (2) *APPLICABILITY OF PROHIBITION.*—*The pro-*
2 *hibition on eligibility established by section*
3 *120.110(k) of title 13, Code of Federal Regulations, or*
4 *any successor regulation, shall not apply to a loan*
5 *under paragraph (36) of section 7(a) of the Small*
6 *Business Act (15 U.S.C. 636(a)).*

7 **SEC. 312. INCREASED ABILITY FOR PAYCHECK PROTECTION**
8 **PROGRAM BORROWERS TO REQUEST AN IN-**
9 **CREASE IN LOAN AMOUNT DUE TO UPDATED**
10 **REGULATIONS.**

11 (a) *DEFINITIONS.*—*In this section—*

12 (1) *the terms “covered loan” and “eligible recipi-*
13 *ent” have the meanings given those terms in*
14 *7(a)(36)(A) of the Small Business Act (15 U.S.C.*
15 *636(a)(36)(A)); and*

16 (2) *the term “included covered loan” means a*
17 *covered loan for which, as of the date of enactment of*
18 *this Act, the borrower had not received forgiveness*
19 *under section 1106 of the CARES Act, as in effect on*
20 *the day before such date of enactment.*

21 (b) *RULES OR GUIDANCE.*—*Not later than 17 days*
22 *after the date of enactment of this Act, and without regard*
23 *to the notice requirements under section 553(b) of title 5,*
24 *United States Code, the Administrator shall issue rules or*
25 *guidance to ensure that an eligible recipient of an included*

1 covered loan that returns amounts disbursed under the in-
2 cluded covered loan or does not accept the full amount of
3 the included covered loan for which the eligible recipient
4 was approved—

5 (1) in the case of an eligible recipient that re-
6 turned all or part of an included covered loan, the eli-
7 gible recipient may reapply for a covered loan for an
8 amount equal to the difference between the amount re-
9 tained and the maximum amount applicable; and

10 (2) in the case of an eligible recipient that did
11 not accept the full amount of an included covered
12 loan, the eligible recipient may request a modification
13 to increase the amount of the covered loan to the max-
14 imum amount applicable, subject to the requirements
15 of section 7(a)(36) of the Small Business Act (15
16 U.S.C. 636(a)(36)).

17 (c) *INTERIM FINAL RULES.*—Notwithstanding the in-
18 terim final rule issued by the Administration entitled
19 “Business Loan Program Temporary Changes; Paycheck
20 Protection Program—Loan Increases” (85 Fed. Reg. 29842
21 (May 19, 2020)), an eligible recipient of an included cov-
22 ered loan that is eligible for an increased covered loan
23 amount as a result of any interim final rule that allows
24 for covered loan increases may submit a request for an in-
25 crease in the included covered loan amount even if—

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1 “(II) reports farm income or ex-
2 penses on a Schedule F (or any equiva-
3 lent successor schedule); and

4 “(III) was in business as of Feb-
5 ruary 15, 2020.

6 “(ii) NO EMPLOYEES.—With respect to
7 covered recipient without employees, the
8 maximum covered loan amount shall be the
9 lesser of—

10 “(I) the sum of—

11 “(aa) the product obtained
12 by multiplying—

13 “(AA) the gross income
14 of the covered recipient in
15 2019, as reported on a
16 Schedule F (or any equiva-
17 lent successor schedule), that
18 is not more than \$100,000,
19 divided by 12; and

20 “(BB) 2.5; and

21 “(bb) the outstanding
22 amount of a loan under subsection
23 (b)(2) that was made during the
24 period beginning on January 31,
25 2020 and ending on April 3, 2020

1 *that the borrower intends to refi-*
2 *nance under the covered loan, not*
3 *including any amount of any ad-*
4 *vance under the loan that is not*
5 *required to be repaid; or*

6 “(II) \$2,000,000.

7 “(iii) *WITH EMPLOYEES.*—*With re-*
8 *spect to a covered recipient with employees,*
9 *the maximum covered loan amount shall be*
10 *calculated using the formula described in*
11 *subparagraph (E), except that the gross in-*
12 *come of the covered recipient described in*
13 *clause (ii)(I)(aa)(AA) of this subparagraph,*
14 *as divided by 12, shall be added to the sum*
15 *calculated under subparagraph (E)(i)(I).*

16 “(iv) *RECALCULATION.*—*A lender that*
17 *made a covered loan to a covered recipient*
18 *before the date of enactment of this subpara-*
19 *graph may, at the request of the covered re-*
20 *ipient—*

21 “(I) *recalculate the maximum*
22 *loan amount applicable to that covered*
23 *loan based on the formula described in*
24 *clause (ii) or (iii), as applicable, if*

1 *doing so would result in a larger cov-*
2 *ered loan amount; and*

3 *“(II) provide the covered recipient*
4 *with additional covered loan amounts*
5 *based on that recalculation.”.*

6 ***(b) EFFECTIVE DATE; APPLICABILITY.—***

7 ***(1) IN GENERAL.—****Except as provided in para-*
8 *graph (2), the amendments made by subsection (a)*
9 *shall be effective as if included in the CARES Act*
10 *(Public Law 116–136; 134 Stat. 281) and shall apply*
11 *to any loan made pursuant to section 7(a)(36) of the*
12 *Small Business Act (15 U.S.C. 636(a)(36)) before, on,*
13 *or after the date of enactment of this Act, including*
14 *forgiveness of such a loan.*

15 ***(2) EXCLUSION OF LOANS ALREADY FORGIVEN.—***
16 *The amendments made by subsection (a) shall not*
17 *apply to a loan made pursuant to section 7(a)(36) of*
18 *the Small Business Act (15 U.S.C. 636(a)(36)) for*
19 *which the borrower received forgiveness before the date*
20 *of enactment of this Act under section 1106 of the*
21 *CARES Act, as in effect on the day before such date*
22 *of enactment.*

1 **SEC. 314. FARM CREDIT SYSTEM INSTITUTIONS.**

2 (a) *DEFINITION OF FARM CREDIT SYSTEM INSTITU-*
3 *TION.—In this section, the term “Farm Credit System in-*
4 *stitution” —*

5 (1) *means an institution of the Farm Credit*
6 *System chartered under the Farm Credit Act of 1971*
7 *(12 U.S.C. 2001 et seq.); and*

8 (2) *does not include the Federal Agricultural*
9 *Mortgage Corporation.*

10 (b) *FACILITATION OF PARTICIPATION IN PPP AND*
11 *SECOND DRAW LOANS.—*

12 (1) *APPLICABLE RULES.—Solely with respect to*
13 *loans under paragraphs (36) and (37) of section 7(a)*
14 *of the Small Business Act (15 U.S.C. 636(a)), Farm*
15 *Credit Administration regulations and guidance*
16 *issued as of July 14, 2020, and compliance with such*
17 *regulations and guidance, shall be deemed function-*
18 *ally equivalent to requirements referenced in section*
19 *3(a)(iii)(II) of the interim final rule of the Adminis-*
20 *tration entitled “Business Loan Program Temporary*
21 *Changes; Paycheck Protection Program” (85 Fed.*
22 *Reg. 20811 (April 15, 2020)) or any similar require-*
23 *ment referenced in that interim final rule in imple-*
24 *menting such paragraph (37).*

25 (2) *APPLICABILITY OF CERTAIN LOAN REQUIRE-*
26 *MENTS.—For purposes of making loans under para-*

1 *graph (36) or (37) of section 7(a) of the Small Busi-*
2 *ness Act (15 U.S.C. 636(a)) or forgiving those loans*
3 *in accordance with section 7A of the Small Business*
4 *Act, as redesignated and transferred by section 304 of*
5 *this Act, and subparagraph (J) of such paragraph*
6 *(37), sections 4.13, 4.14, and 4.14A of the Farm Cred-*
7 *it Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (includ-*
8 *ing regulations issued under those sections) shall not*
9 *apply.*

10 (3) *RISK WEIGHT.—*

11 (A) *IN GENERAL.—With respect to the ap-*
12 *plication of Farm Credit Administration capital*
13 *requirements, a loan described in subparagraph*

14 (B)—

15 (i) *shall receive a risk weight of zero*
16 *percent; and*

17 (ii) *shall not be included in the cal-*
18 *culatation of any applicable leverage ratio or*
19 *other applicable capital ratio or calculation.*

20 (B) *LOANS DESCRIBED.—A loan referred to*
21 *in subparagraph (A) is—*

22 (i) *a loan made by a Farm Credit*
23 *Bank described in section 1.2(a) of the*
24 *Farm Credit Act of 1971 (12 U.S.C.*
25 *2002(a)) to a Federal Land Bank Associa-*

1 *tion, a Production Credit Association, or an*
2 *agricultural credit association described in*
3 *that section to make loans under paragraph*
4 *(36) or (37) of section 7(a) of the Small*
5 *Business Act (15 U.S.C. 636(a)) or forgive*
6 *those loans in accordance with section 7A of*
7 *the Small Business Act, as redesignated and*
8 *transferred by section 304 of this Act, and*
9 *subparagraph (J) of such paragraph (37);*
10 *or*

11 *(ii) a loan made by a Federal Land*
12 *Bank Association, a Production Credit As-*
13 *sociation, an agricultural credit association,*
14 *or the bank for cooperatives described in*
15 *section 1.2(a) of the Farm Credit Act of*
16 *1971 (12 U.S.C. 2002(a)) under paragraph*
17 *(36) or (37) of section 7(a) of the Small*
18 *Business Act (15 U.S.C. 636(a)).*

19 *(c) EFFECTIVE DATE; APPLICABILITY.—This section*
20 *shall be effective as if included in the CARES Act (Public*
21 *Law 116–136; 134 Stat. 281) and shall apply to any loan*
22 *made pursuant to section 7(a)(36) of the Small Business*
23 *Act (15 U.S.C. 636(a)(36)) before, on, or after the date of*
24 *enactment of this Act, including forgiveness of such a loan.*

1 **SEC. 315. DEFINITION OF SEASONAL EMPLOYER.**

2 (a) *PPP LOANS.*—Section 7(a)(36)(A) of the Small
3 *Business Act (15 U.S.C. 636(a)(36)(A))* is amended—

4 (1) *in clause (xi), by striking “and” at the end;*

5 (2) *in clause (xii), by striking the period at the*
6 *end and inserting a semicolon; and*

7 (3) *by adding at the end the following:*

8 “(xiii) the term ‘seasonal employer’
9 means an eligible recipient that—

10 “(I) does not operate for more
11 than 7 months in any calendar year;
12 or

13 “(II) during the preceding cal-
14 endar year, had gross receipts for any
15 6 months of that year that were not
16 more than 33.33 percent of the gross
17 receipts of the employer for the other 6
18 months of that year;”.

19 (b) *LOAN FORGIVENESS.*—Paragraph (12) of section
20 7A(a) of the *Small Business Act*, as so redesignated and
21 transferred by section 304 of this Act, is amended to read
22 as follows:

23 “(12) the terms ‘payroll costs’ and ‘seasonal em-
24 ployer’ have the meanings given those terms in section
25 7(a)(36).”.

1 (c) *EFFECTIVE DATE; APPLICABILITY.*—*The amend-*
2 *ments made by subsections (a) and (b) shall be effective as*
3 *if included in the CARES Act (Public Law 116–136; 134*
4 *Stat. 281) and shall apply to any loan made pursuant to*
5 *section 7(a)(36) of the Small Business Act (15 U.S.C.*
6 *636(a)(36)) before, on, or after the date of enactment of this*
7 *Act, including forgiveness of such a loan.*

8 **SEC. 316. HOUSING COOPERATIVES.**

9 Section 7(a)(36) of the Small Business Act (15 U.S.C.
10 636(a)(36)) is amended—

11 (1) in subparagraph (A), as amended by section
12 315(a) of this Act, by adding at the end the following:

13 “(xiv) the term ‘housing cooperative’
14 means a cooperative housing corporation
15 (as defined in section 216(b) of the Internal
16 Revenue Code of 1986) that employs not
17 more than 300 employees;” and

18 (2) in subparagraph (D)—

19 (A) in clause (i), by inserting “housing co-
20 operative,” before “veterans organization,” each
21 place it appears; and

22 (B) in clause (vi), by inserting “, a housing
23 cooperative,” before “a veterans organization”.

1 **SEC. 317. ELIGIBILITY OF NEWS ORGANIZATIONS FOR**
2 **LOANS UNDER THE PAYCHECK PROTECTION**
3 **PROGRAM.**

4 (a) *ELIGIBILITY OF INDIVIDUAL STATIONS, NEWS-*
5 *PAPERS, AND PUBLIC BROADCASTING ORGANIZATIONS.—*
6 *Section 7(a)(36)(D)(iii) of the Small Business Act (15*
7 *U.S.C. 636(a)(36)(D)(iii)) is amended—*

8 (1) *by striking “During the covered period” and*
9 *inserting the following:*

10 “(I) *IN GENERAL.—During the*
11 *covered period”;* and

12 (2) *by adding at the end the following*

13 “(II) *ELIGIBILITY OF NEWS ORGA-*
14 *NIZATIONS.—*

15 “(aa) *DEFINITION.—In this*
16 *subclause, the term ‘included busi-*
17 *ness concern’ means a business*
18 *concern, including any station*
19 *which broadcasts pursuant to a li-*
20 *cence granted by the Federal Com-*
21 *munications Commission under*
22 *title III of the Communications*
23 *Act of 1934 (47 U.S.C. 301 et*
24 *seq.) without regard for whether*
25 *such a station is a concern as de-*
26 *finied in section 121.105 of title*

1 13, *Code of Federal Regulations*,
2 *or any successor thereto—*

3 “(AA) *that employs not*
4 *more than 500 employees, or*
5 *the size standard established*
6 *by the Administrator for the*
7 *North American Industry*
8 *Classification System code*
9 *applicable to the business*
10 *concern, per physical loca-*
11 *tion of such business concern;*
12 *or*

13 “(BB) *any nonprofit or-*
14 *ganization or any organiza-*
15 *tion otherwise subject to sec-*
16 *tion 511(a)(2)(B) of the In-*
17 *ternal Revenue Code of 1986*
18 *that is a public broadcasting*
19 *entity (as defined in section*
20 *397(11) of the Communica-*
21 *tions Act of 1934 (47 U.S.C.*
22 *397(11))).*

23 “(bb) *ELIGIBILITY.—During*
24 *the covered period, an included*

1 *business concern shall be eligible*
2 *to receive a covered loan if—*

3 *“(AA) the included busi-*
4 *ness concern is majority*
5 *owned or controlled by a*
6 *business concern that is as-*
7 *signed a North American In-*
8 *dustry Classification System*
9 *code beginning with 511110*
10 *or 5151 or, with respect to a*
11 *public broadcasting entity*
12 *(as defined in section*
13 *397(11) of the Communica-*
14 *tions Act of 1934 (47 U.S.C.*
15 *397(11))), has a trade or*
16 *business that falls under such*
17 *a code; and*

18 *“(BB) the included*
19 *business concern makes a*
20 *good faith certification that*
21 *proceeds of the loan will be*
22 *used to support expenses at*
23 *the component of the in-*
24 *cluded business concern that*
25 *produces or distributes lo-*

1 *cally focused or emergency*
2 *information.”.*

3 *(b) ELIGIBILITY OF AFFILIATED ENTITIES.—Section*
4 *7(a)(36)(D)(iv) of the Small Business Act (15 U.S.C.*
5 *636(a)(36)(D)(iv)) is amended—*

6 *(1) in subclause (II), by striking “and” at the*
7 *end;*

8 *(2) in subclause (III), by striking the period at*
9 *the end and inserting “; and”; and*

10 *(3) by adding at the end the following:*

11 *“(IV)(aa) any business concern*
12 *(including any station which broad-*
13 *casts pursuant to a license granted by*
14 *the Federal Communications Commis-*
15 *sion under title III of the Communica-*
16 *tions Act of 1934 (47 U.S.C. 301 et*
17 *seq.) without regard for whether such a*
18 *station is a concern as defined in sec-*
19 *tion 121.105 of title 13, Code of Fed-*
20 *eral Regulations, or any successor*
21 *thereto) that employs not more than*
22 *500 employees, or the size standard es-*
23 *tablished by the Administrator for the*
24 *North American Industry Classifica-*
25 *tion System code applicable to the*

1 *business concern, per physical location*
2 *of such business concern and is major-*
3 *ity owned or controlled by a business*
4 *concern that is assigned a North Amer-*
5 *ican Industry Classification System*
6 *code beginning with 511110 or 5151;*
7 *or*

8 *“(bb) any nonprofit organization*
9 *that is assigned a North American In-*
10 *dustry Classification System code be-*
11 *ginning with 5151.”.*

12 *(c) APPLICATION OF PROHIBITION ON PUBLICLY*
13 *TRADED COMPANIES.—Clause (viii) of section 7(a)(36)(D)*
14 *of the Small Business Act (15 U.S.C. 636(a)(36)(D), as*
15 *added by section 342 of this Act is amended—*

16 *(1) by striking “Notwithstanding” and inserting*
17 *the following:*

18 *“(I) IN GENERAL.—Subject to*
19 *subclause (II), and notwithstanding”;*
20 *and*

21 *(2) by adding at the end—*

22 *“(II) RULE FOR AFFILIATED EN-*
23 *TITIES.—With respect to a business*
24 *concern made eligible by clause*
25 *(iii)(II) or clause (iv)(IV) of this sub-*

1 *paragraph, the Administrator shall not*
2 *consider whether any affiliated entity,*
3 *which for purposes of this subclause*
4 *shall include any entity that owns or*
5 *controls such business concern, is an*
6 *issuer.”.*

7 **SEC. 318. ELIGIBILITY OF 501(c)(6) AND DESTINATION MAR-**
8 **KETING ORGANIZATIONS FOR LOANS UNDER**
9 **THE PAYCHECK PROTECTION PROGRAM.**

10 *Section 7(a)(36) of the Small Business Act (15 U.S.C.*
11 *636(a)(36)) is amended—*

12 *(1) in subparagraph (A), as amended by section*
13 *316 of this Act, by adding at the end the following:*

14 *“(xv) the term ‘destination marketing*
15 *organization’ means a nonprofit entity that*
16 *is—*

17 *“(I) an organization described in*
18 *section 501(c) of the Internal Revenue*
19 *Code of 1986 and exempt from tax*
20 *under section 501(a) of such Code; or*

21 *“(II) a State, or a political sub-*
22 *division of a State (including any in-*
23 *strumentality of such entities)—*

24 *“(aa) engaged in marketing*
25 *and promoting communities and*

1 *facilities to businesses and leisure*
2 *travelers through a range of ac-*
3 *tivities, including—*

4 *“(AA) assisting with the*
5 *location of meeting and con-*
6 *vention sites;*

7 *“(BB) providing travel*
8 *information on area attrac-*
9 *tions, lodging accommoda-*
10 *tions, and restaurants;*

11 *“(CC) providing maps;*
12 *and*

13 *“(DD) organizing group*
14 *tours of local historical, rec-*
15 *reational, and cultural at-*
16 *tractions; or*

17 *“(bb) that is engaged in, and*
18 *derives the majority of the oper-*
19 *ating budget of the entity from*
20 *revenue attributable to, providing*
21 *live events; and”;* and

22 *(2) in subparagraph (D), as amended by section*
23 *316 of this Act—*

24 *(A) in clause (v), by inserting “or for pur-*
25 *poses of determining the number of employees of*

1 *a housing cooperative or a business concern or*
2 *organization made eligible for a loan under this*
3 *paragraph under clause (iii)(II), (iv)(IV), or*
4 *(vii),” after “clause (i)(I),”;*

5 *(B) in clause (vi), by inserting “a business*
6 *concern or organization made eligible for a loan*
7 *under this paragraph under clause (vii),” after*
8 *“a nonprofit organization,”; and*

9 *(C) by adding at the end the following:*

10 *“(vii) ELIGIBILITY FOR CERTAIN*
11 *501(c)(6) ORGANIZATIONS.—*

12 *“(I) IN GENERAL.—Any organiza-*
13 *tion that is described in section*
14 *501(c)(6) of the Internal Revenue Code*
15 *and that is exempt from taxation*
16 *under section 501(a) of such Code (ex-*
17 *cluding professional sports leagues and*
18 *organizations with the purpose of pro-*
19 *moting or participating in a political*
20 *campaign or other activity) shall be el-*
21 *igible to receive a covered loan if—*

22 *“(aa) the organization does*
23 *not receive more than 15 percent*
24 *of its receipts from lobbying ac-*
25 *tivities;*

1 “(bb) the lobbying activities
2 of the organization do not com-
3 prise more than 15 percent of the
4 total activities of the organization;

5 “(cc) the cost of the lobbying
6 activities of the organization did
7 not exceed \$1,000,000 during the
8 most recent tax year of the orga-
9 nization that ended prior to Feb-
10 ruary 15, 2020; and

11 “(dd) the organization em-
12 ploys not more than 300 employ-
13 ees.

14 “(II) DESTINATION MARKETING
15 ORGANIZATIONS.—Any destination
16 marketing organization shall be eligible
17 to receive a covered loan if—

18 “(aa) the destination mar-
19 keting organization does not re-
20 ceive more than 15 percent of its
21 receipts from lobbying activities;

22 “(bb) the lobbying activities
23 of the destination marketing orga-
24 nization do not comprise more

1 *than 15 percent of the total activi-*
2 *ties of the organization;*

3 *“(cc) the cost of the lobbying*
4 *activities of the destination mar-*
5 *keting organization did not exceed*
6 *\$1,000,000 during the most recent*
7 *tax year of the destination mar-*
8 *keting organization that ended*
9 *prior to February 15, 2020; and*

10 *“(dd) the destination mar-*
11 *keting organization employs not*
12 *more than 300 employees; and*

13 *“(ee) the destination mar-*
14 *keting organization—*

15 *“(AA) is described in*
16 *section 501(c) of the Internal*
17 *Revenue Code and is exempt*
18 *from taxation under section*
19 *501(a) of such Code; or*

20 *“(BB) is a quasi-gov-*
21 *ernmental entity or is a po-*
22 *litical subdivision of a State*
23 *or local government, includ-*
24 *ing any instrumentality of*
25 *those entities.”.*

1 **SEC. 319. PROHIBITION ON USE OF LOAN PROCEEDS FOR**
2 **LOBBYING ACTIVITIES.**

3 *Section 7(a)(36)(F) of the Small Business Act (15*
4 *U.S.C. 636(a)(36)(F)) is amended by adding at the end the*
5 *following:*

6 “(vi) *PROHIBITION.—None of the pro-*
7 *ceeds of a covered loan may be used for—*

8 “(I) *lobbying activities, as defined*
9 *in section 3 of the Lobbying Disclosure*
10 *Act of 1995 (2 U.S.C. 1602);*

11 “(II) *lobbying expenditures re-*
12 *lated to a State or local election; or*

13 “(III) *expenditures designed to in-*
14 *fluence the enactment of legislation,*
15 *appropriations, regulation, adminis-*
16 *trative action, or Executive order pro-*
17 *posed or pending before Congress or*
18 *any State government, State legisla-*
19 *ture, or local legislature or legislative*
20 *body.”.*

21 **SEC. 320. BANKRUPTCY PROVISIONS.**

22 (a) *IN GENERAL.—Section 364 of title 11, United*
23 *States Code, is amended by adding at the end the following:*

24 “(g)(1) *The court, after notice and a hearing, may au-*
25 *thorize a debtor in possession or a trustee that is authorized*
26 *to operate the business of the debtor under section 1183,*

1 1184, 1203, 1204, or 1304 of this title to obtain a loan
2 under paragraph (36) or (37) of section 7(a) of the Small
3 Business Act (15 U.S.C. 636(a)), and such loan shall be
4 treated as a debt to the extent the loan is not forgiven in
5 accordance with section 7A of the Small Business Act or
6 subparagraph (J) of such paragraph (37), as applicable,
7 with priority equal to a claim of the kind specified in sub-
8 section (c)(1) of this section.

9 “(2) The trustee may incur debt described in para-
10 graph (1) notwithstanding any provision in a contract,
11 prior order authorizing the trustee to incur debt under this
12 section, prior order authorizing the trustee to use cash col-
13 lateral under section 363, or applicable law that prohibits
14 the debtor from incurring additional debt.

15 “(3) The court shall hold a hearing within 7 days after
16 the filing and service of the motion to obtain a loan de-
17 scribed in paragraph (1). Notwithstanding the Federal
18 Rules of Bankruptcy Procedure, at such hearing, the court
19 may grant relief on a final basis.”.

20 (b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—
21 Section 503(b) of title 11, United States Code, is amend-
22 ed—

23 (1) in paragraph (8)(B), by striking “and” at
24 the end;

1 (2) *in paragraph (9), by striking the period at*
2 *the end and inserting “; and”; and*

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

4 “(10) *any debt incurred under section 364(g)(1)*
5 *of this title.”.*

6 (c) *CONFIRMATION OF PLAN FOR REORGANIZATION.—*

7 *Section 1191 of title 11, United States Code, is amended*
8 *by adding at the end the following:*

9 “(f) *SPECIAL PROVISION RELATED TO COVID–19*
10 *PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this*
11 *title and subsection (e) of this section, a plan that provides*
12 *for payment of a claim of a kind specified in section*
13 *503(b)(10) of this title may be confirmed under subsection*
14 *(b) of this section if the plan proposes to make payments*
15 *on account of such claim when due under the terms of the*
16 *loan giving rise to such claim.”.*

17 (d) *CONFIRMATION OF PLAN FOR FAMILY FARMERS*

18 *AND FISHERMEN.—Section 1225 of title 11, United States*
19 *Code, is amended by adding at the end the following:*

20 “(d) *Notwithstanding section 1222(a)(2) of this title*
21 *and subsection (b)(1) of this section, a plan that provides*
22 *for payment of a claim of a kind specified in section*
23 *503(b)(10) of this title may be confirmed if the plan pro-*
24 *poses to make payments on account of such claim when due*
25 *under the terms of the loan giving rise to such claim.”.*

1 (e) *CONFIRMATION OF PLAN FOR INDIVIDUALS.*—Sec-
2 tion 1325 of title 11, United States Code, is amended by
3 adding at the end the following:

4 “(d) Notwithstanding section 1322(a)(2) of this title
5 and subsection (b)(1) of this section, a plan that provides
6 for payment of a claim of a kind specified in section
7 503(b)(10) of this title may be confirmed if the plan pro-
8 poses to make payments on account of such claim when due
9 under the terms of the loan giving rise to such claim.”.

10 (f) *EFFECTIVE DATE; SUNSET.*—

11 (1) *EFFECTIVE DATE.*—The amendments made
12 by subsections (a) through (e) shall—

13 (A) take effect on the date on which the Ad-
14 ministrators submit to the Director of the Execu-
15 tive Office for United States Trustees a written
16 determination that, subject to satisfying any
17 other eligibility requirements, any debtor in pos-
18 session or trustee that is authorized to operate
19 the business of the debtor under section 1183,
20 1184, 1203, 1204, or 1304 of title 11, United
21 States Code, would be eligible for a loan under
22 paragraphs (36) and (37) of section 7(a) of the
23 Small Business Act (15 U.S.C. 636(a)); and

1 (B) apply to any case pending on or com-
2 menced on or after the date described in sub-
3 paragraph (A).

4 (2) *SUNSET.*—

5 (A) *IN GENERAL.*—If the amendments made
6 by subsections (a) through (e) take effect under
7 paragraph (1), effective on the date that is 2
8 years after the date of enactment of this Act—

9 (i) section 364 of title 11, United
10 States Code, is amended by striking sub-
11 section (g);

12 (ii) section 503(b) of title 11, United
13 States Code, is amended—

14 (I) in paragraph (8)(B), by add-
15 ing “and” at the end;

16 (II) in paragraph (9), by striking
17 “; and” at the end and inserting a pe-
18 riod; and

19 (III) by striking paragraph (10);

20 (iii) section 1191 of title 11, United
21 States Code, is amended by striking sub-
22 section (f);

23 (iv) section 1225 of title 11, United
24 States Code, is amended by striking sub-
25 section (d); and

1 (v) section 1325 of title 11, United
2 States Code, is amended by striking sub-
3 section (d).

4 (B) *APPLICABILITY.*—Notwithstanding the
5 amendments made by subparagraph (A) of this
6 paragraph, if the amendments made by sub-
7 sections (a) through (e) take effect under para-
8 graph (1) of this subsection, such amendments
9 shall apply to any case under title 11, United
10 States Code, commenced before the date that is 2
11 years after the date of enactment of this Act.

12 **SEC. 321. OVERSIGHT.**

13 (a) *COMPLIANCE WITH OVERSIGHT REQUIRE-*
14 *MENTS.*—

15 (1) *IN GENERAL.*—Except as provided in para-
16 graph (2), on and after the date of enactment of this
17 Act, the Administrator shall comply with any data or
18 information requests or inquiries made by the Comp-
19 troller General of the United States not later than 15
20 days (or such later date as the Comptroller General
21 may specify) after receiving the request or inquiry.

22 (2) *EXCEPTION.*—If the Administrator is unable
23 to comply with a request or inquiry described in
24 paragraph (1) before the applicable date described in
25 that paragraph, the Administrator shall, before such

1 applicable date, submit to the Committee on Small
2 Business and Entrepreneurship of the Senate and the
3 Committee on Small Business of the House of Rep-
4 resentatives a notification that includes a detailed
5 justification for the inability of the Administrator to
6 comply with the request or inquiry.

7 (b) *TESTIMONY.*—Not later than the date that is 120
8 days after the date of enactment of this Act, and not less
9 than twice each year thereafter until the date that is 2 years
10 after the date of enactment of this Act, the Administrator
11 and the Secretary of the Treasury shall testify before the
12 Committee on Small Business and Entrepreneurship of the
13 Senate and the Committee on Small Business of the House
14 of Representatives regarding implementation of this Act
15 and the amendments made by this Act.

16 **SEC. 322. CONFLICTS OF INTEREST.**

17 (a) *DEFINITIONS.*—In this section:

18 (1) *CONTROLLING INTEREST.*—The term “con-
19 trolling interest” means owning, controlling, or hold-
20 ing not less than 20 percent, by vote or value, of the
21 outstanding amount of any class of equity interest in
22 an entity.

23 (2) *COVERED ENTITY.*—

24 (A) *DEFINITION.*—The term “covered enti-
25 ty” means an entity in which a covered indi-

1 *vidual directly or indirectly holds a controlling*
2 *interest.*

3 (B) *TREATMENT OF SECURITIES.*—*For the*
4 *purpose of determining whether an entity is a*
5 *covered entity, the securities owned, controlled,*
6 *or held by 2 or more individuals who are related*
7 *as described in paragraph (3)(B) shall be aggre-*
8 *gated.*

9 (3) *COVERED INDIVIDUAL.*—*The term “covered*
10 *individual” means—*

11 (A) *the President, the Vice President, the*
12 *head of an Executive department, or a Member*
13 *of Congress; and*

14 (B) *the spouse, as determined under appli-*
15 *cable common law, of an individual described in*
16 *subparagraph (A).*

17 (4) *EXECUTIVE DEPARTMENT.*—*The term “Exec-*
18 *utive department” has the meaning given the term in*
19 *section 101 of title 5, United States Code.*

20 (5) *MEMBER OF CONGRESS.*—*The term “Member*
21 *of Congress” means a Member of the Senate or House*
22 *of Representatives, a Delegate to the House of Rep-*
23 *resentatives, and the Resident Commissioner from*
24 *Puerto Rico.*

1 (6) *EQUITY INTEREST.*—*The term “equity interest” means—*

2
3 (A) *a share in an entity, without regard to*
4 *whether the share is—*

5 (i) *transferable; or*

6 (ii) *classified as stock or anything*
7 *similar;*

8 (B) *a capital or profit interest in a limited*
9 *liability company or partnership; or*

10 (C) *a warrant or right, other than a right*
11 *to convert, to purchase, sell, or subscribe to a*
12 *share or interest described in subparagraph (A)*
13 *or (B), respectively.*

14 (b) *REQUIREMENT FOR DISCLOSURE REGARDING EX-*
15 *ISTING LOANS.*—*For any loan under paragraph (36) of sec-*
16 *tion 7(a) of the Small Business Act (15 U.S.C. 636(a))*
17 *made to a covered entity before the date of enactment of*
18 *this Act—*

19 (1) *if, before the date of enactment of this Act,*
20 *the covered entity submitted an application for for-*
21 *giveness under section 1106 of the CARES Act (15*
22 *U.S.C. 9005) (as such section was in effect on the day*
23 *before the date of enactment of this Act) with respect*
24 *to such loan, not later than 30 days after the date of*
25 *enactment of this Act, the principal executive officer,*

1 or individual performing a similar function, of the
2 covered entity shall disclose to the Administrator that
3 the entity is a covered entity; and

4 (2) if, on or after the date of enactment of this
5 Act, the covered entity submits an application for for-
6 giveness under section 7A of the Small Business Act,
7 as redesignated and transferred by section 304 of this
8 Act, with respect to such loan, not later than 30 days
9 after submitting the application, the principal execu-
10 tive officer, or individual performing a similar func-
11 tion, of the covered entity shall disclose to the Admin-
12 istrator that the entity is a covered entity.

13 (c) *BAN ON NEW LOANS.*—On and after the date of
14 enactment of this Act, a loan under paragraph (36) or (37)
15 of section 7(a) of the Small Business Act (15 U.S.C.
16 636(a)), as added and amended by this Act, may not be
17 made to a covered entity.

18 **SEC. 323. COMMITMENT AUTHORITY AND APPROPRIATIONS.**

19 (a) *COMMITMENT AUTHORITY.*—Section 1102(b) of the
20 CARES Act (Public Law 116–136) is amended—

21 (1) in paragraph (1)—

22 (A) in the paragraph heading, by inserting
23 “AND SECOND DRAW” after “PPP”;

24 (B) by striking “August 8, 2020” and in-
25 serting “March 31, 2021”;

1 (C) by striking “paragraph (36)” and in-
2 serting “paragraphs (36) and (37)”; and

3 (D) by striking “ \$659,000,000,000” and
4 inserting “ \$806,450,000,000”; and

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

6 “(3) 2021 7(a) LOAN PROGRAM LEVEL AND FUND-
7 ING.—Notwithstanding the amount authorized under
8 the heading ‘Small Business Administration—Busi-
9 ness Loans Program Account’ under the Financial
10 Services and General Government Appropriations
11 Act, 2021 for commitments for general business loans
12 authorized under paragraphs (1) through (35) of sec-
13 tion 7(a) of the Small Business Act (15 U.S.C.
14 636(a)), commitments for general business loans au-
15 thorized under paragraphs (1) through (35) of section
16 7(a) of the Small Business Act (15 U.S.C. 636(a))
17 shall not exceed \$75,000,000,000 for a combination of
18 amortizing term loans and the aggregated maximum
19 line of credit provided by revolving loans during the
20 period beginning on the date of enactment of this Act
21 and ending on September 30, 2021.”.

22 (b) CLARIFICATION OF SECONDARY MARKET CAP.—
23 Section 1107(b) of the CARES Act (15 U.S.C. 9006(b)) is
24 amended by inserting “with respect to loans under any

1 *paragraph of section 7(a) of the Small Business Act (15*
2 *U.S.C. 636(a))” before “shall not exceed”.*

3 *(c) RESCISSION.—With respect to unobligated balances*
4 *under the heading “Small Business Administration—Busi-*
5 *ness Loans Program Account, CARES Act” as of the day*
6 *before the date of enactment of this Act, \$146,500,000,000*
7 *shall be rescinded and deposited into the general fund of*
8 *the Treasury.*

9 *(d) DIRECT APPROPRIATIONS.—*

10 *(1) NEW DIRECT APPROPRIATIONS FOR PPP*
11 *LOANS, SECOND DRAW LOANS, AND THE MBDA.—There*
12 *is appropriated, out of amounts in the Treasury not*
13 *otherwise appropriated, for the fiscal year ending*
14 *September 30, 2021, to remain available until ex-*
15 *pended, for additional amounts—*

16 *(A) \$284,450,000,000 under the heading*
17 *“Small Business Administration—Business*
18 *Loans Program Account, CARES Act”, for the*
19 *cost of guaranteed loans as authorized under*
20 *paragraph (36) or (37) of section 7(a) of the*
21 *Small Business Act (15 U.S.C. 636(a)), as*
22 *amended and added by this Act, including the*
23 *cost of any modifications to any loans guaran-*
24 *teed under such paragraph (36) that were ap-*
25 *proved on or before August 8, 2020, of which—*

1 (i) *not less than \$15,000,000,000 shall*
2 *be for guaranteeing loans under such para-*
3 *graph (36) or (37) made by community fi-*
4 *nancial institutions, as defined in section*
5 *7(a)(36)(A) of the Small Business Act (15*
6 *U.S.C. 636(a)(36)(A));*

7 (ii) *not less than \$15,000,000,000 shall*
8 *be for guaranteeing loans under such para-*
9 *graph (36) or (37) made by—*

10 (I) *insured depository institutions*
11 *(as defined in section 3 of the Federal*
12 *Deposit Insurance Act (12 U.S.C.*
13 *1813)) with consolidated assets of less*
14 *than \$10,000,000,000;*

15 (II) *credit unions (as defined in*
16 *section 7(a)(36)(A) of the Small Busi-*
17 *ness Act (15 U.S.C. 636(a)(36)(A)))*
18 *with consolidated assets of less than*
19 *\$10,000,000,000; or*

20 (III) *institutions of the Farm*
21 *Credit System chartered under the*
22 *Farm Credit Act of 1971 (12 U.S.C.*
23 *2001 et seq.) with consolidated assets of*
24 *less than \$10,000,000,000 (not includ-*

1 *ing the Federal Agricultural Mortgage*
2 *Corporation);*

3 *(iii) not less than \$15,000,000,000*
4 *shall be for guaranteeing loans under para-*
5 *graph (36) of section 7(a) of the Small*
6 *Business Act (15 U.S.C. 636(a)), as amend-*
7 *ed by this Act, that are—*

8 *(I) made to eligible recipients*
9 *with not more than 10 employees; or*

10 *(II) in an amount that is not*
11 *more than \$250,000 and made to an*
12 *eligible recipient that is located in a*
13 *neighborhood that is a low-income*
14 *neighborhood or a moderate-income*
15 *neighborhood, for the purposes of the*
16 *Community Reinvestment Act of 1977*
17 *(12 U.S.C. 2901 et seq.);*

18 *(iv) not less than \$35,000,000,000 shall*
19 *be for guaranteeing loans under paragraph*
20 *(36) of section 7(a) of the Small Business*
21 *Act (15 U.S.C. 636(a)), as amended by this*
22 *Act, to eligible recipients that have not pre-*
23 *viously received a loan under such para-*
24 *graph (36); and*

1 (v) *not less than \$25,000,000,000 shall*
2 *be for guaranteeing loans under paragraph*
3 *(37) of section 7(a) of the Small Business*
4 *Act (15 U.S.C. 636(a)), as added by this*
5 *Act, that are—*

6 (I) *made to eligible entities with*
7 *not more than 10 employees; or*

8 (II) *in an amount that is not*
9 *more than \$250,000 and made to an*
10 *eligible entity that is located in a*
11 *neighborhood that is a low-income*
12 *neighborhood or a moderate-income*
13 *neighborhood, for the purposes of the*
14 *Community Reinvestment Act of 1977*
15 *(12 U.S.C. 2901 et seq.);*

16 (B) *\$25,000,000 under the heading “De-*
17 *partment of Commerce—Minority Business De-*
18 *velopment Agency” for the Minority Business*
19 *Development Centers Program, including Spe-*
20 *cialty Centers, for necessary expenses, including*
21 *any cost sharing requirements that may exist,*
22 *for assisting minority business enterprises to*
23 *prevent, prepare for, and respond to coronavirus,*
24 *including identifying and accessing local, State,*

1 *and Federal government assistance related to*
2 *such virus;*

3 (C) \$50,000,000 under the heading “Small
4 Business Administration—Salaries and Ex-
5 penses” for the cost of carrying out reviews and
6 audits of loans under subsection (l) of section 7A
7 of the Small Business Act, as redesignated,
8 transferred, and amended by this Act;

9 (D) \$20,000,000,000 under the heading
10 “Small Business Administration—Targeted
11 EIDL Advance” to carry out section 331 of this
12 Act, of which \$20,000,000 shall be made avail-
13 able to the Inspector General of the Small Busi-
14 ness Administration to prevent waste, fraud, and
15 abuse with respect to funding made available
16 under that section;

17 (E) \$57,000,000 for the program established
18 under section 7(m) of the Small Business Act (15
19 U.S.C. 636(m)) of which—

20 (i) \$50,000,000 shall be to provide
21 technical assistance grants under such sec-
22 tion 7(m) under the heading “Small Busi-
23 ness Administration—Entrepreneurial De-
24 velopment Programs”; and

1 (ii) \$7,000,000 shall be to provide di-
2 rect loans under such section 7(m) under
3 the heading “Small Business Administra-
4 tion—Business Loans Program Account”;

5 (F) \$1,918,000,000 under the heading
6 “Small Business Administration—Business
7 Loans Program Account” for the cost of guaran-
8 teed loans as authorized by paragraphs (1)
9 through (35) of section 7(a) of the Small Busi-
10 ness Act (15 U.S.C. 636(a)), including the cost
11 of carrying out sections 326, 327, and 328 of this
12 Act;

13 (G) \$3,500,000,000 under the heading
14 “Small Business Administration—Business
15 Loans Program Account, CARES Act” for car-
16 rying out section 325 of this Act; and

17 (H) \$15,000,000,000 under the heading
18 “Small Business Administration—Shuttered
19 Venue Operators” to carry out section 324 of this
20 Act.

21 (2) *MODIFICATION OF SET-ASIDES.*—

22 (A) *IN GENERAL.*—Notwithstanding para-
23 graph (1)(A), if the Administrator makes the de-
24 termination described in subparagraph (B) of
25 this paragraph, the Administrator may reduce

1 *the amount of any allocation under paragraph*
2 *(1)(A) to be such amount as the Administrator*
3 *may determine necessary.*

4 *(B) REQUIREMENTS FOR DETERMINA-*
5 *TION.—The determination described in this sub-*
6 *paragraph is a determination by the Adminis-*
7 *trator that—*

8 *(i) is not made earlier than 25 days*
9 *after the date of enactment of this Act;*

10 *(ii) it is not reasonably expected that*
11 *a type of entity described in paragraph*
12 *(1)(A) will make, or receive, as applicable,*
13 *the minimum amount of loans necessary to*
14 *meet the applicable allocation under para-*
15 *graph(1)(A); and*

16 *(iii) it is reasonably expected that the*
17 *total amount of loans guaranteed under*
18 *paragraph (36) or (37) of section 7(a) of the*
19 *Small Business Act (15 U.S.C. 636(a)), as*
20 *amended and added by this Act, will equal*
21 *substantially all of the amount permitted by*
22 *available funds by March 31, 2021.*

23 *(3) APPROPRIATIONS FOR THE OFFICE OF IN-*
24 *SPECTOR GENERAL.—*

1 (A) *IN GENERAL.*—*Effective on the date of*
2 *enactment of this Act, the remaining unobligated*
3 *balances of funds from amounts made available*
4 *for “Small Business Administration—Office of*
5 *Inspector General” under section 1107(a)(3) of*
6 *the CARES Act (15 U.S.C. 9006(a)(3)), are*
7 *hereby rescinded.*

8 (B) *FUNDING.*—

9 (i) *IN GENERAL.*—*There is appro-*
10 *propriated, for an additional amount, for the*
11 *fiscal year ending September 30, 2021, out*
12 *of amounts in the Treasury not otherwise*
13 *appropriated, an amount equal to the*
14 *amount rescinded under subparagraph (A),*
15 *to remain available until expended, under*
16 *the heading “Small Business Administra-*
17 *tion—Office of Inspector General”.*

18 (ii) *USE OF FUNDS.*—*The amounts*
19 *made available under clause (i) shall be*
20 *available for the same purposes, in addition*
21 *to other funds as may be available for such*
22 *purposes, and under the same authorities as*
23 *the amounts made available under section*
24 *1107(a)(3) of the CARES Act (15 U.S.C.*
25 *9006(a)(3)).*

1 **SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *ELIGIBLE PERSON OR ENTITY.—*

4 (A) *IN GENERAL.—The term “eligible per-*
5 *son or entity” means a live venue operator or*
6 *promoter, theatrical producer, or live performing*
7 *arts organization operator, a relevant museum*
8 *operator, a motion picture theatre operator, or a*
9 *talent representative that meets the following re-*
10 *quirements:*

11 (i) *The live venue operator or pro-*
12 *moter, theatrical producer, or live per-*
13 *forming arts organization operator, the rel-*
14 *evant museum operator, the motion picture*
15 *theatre operator, or the talent representa-*
16 *tive—*

17 (I) *was fully operational as a live*
18 *venue operator or promoter, theatrical*
19 *producer, or live performing arts orga-*
20 *nization operator, a relevant museum*
21 *operator, a motion picture theatre op-*
22 *erator, or a talent representative on*
23 *February 29, 2020; and*

24 (II) *has gross earned revenue dur-*
25 *ing the first, second, third, or, only*
26 *with respect to an application sub-*

1 *mitted on or after January 1, 2021,*
2 *fourth quarter in 2020 that dem-*
3 *onstrates not less than a 25 percent re-*
4 *duction from the gross earned revenue*
5 *of the live venue operator or promoter,*
6 *theatrical producer, or live performing*
7 *arts organization operator, the relevant*
8 *museum operator, the motion picture*
9 *theatre operator, or the talent rep-*
10 *resentative during the same quarter in*
11 *2019.*

12 *(ii) As of the date of the grant under*
13 *this section—*

14 *(I) the live venue operator or pro-*
15 *moter, theatrical producer, or live per-*
16 *forming arts organization operator is*
17 *or intends to resume organizing, pro-*
18 *moting, producing, managing, or*
19 *hosting future live events described in*
20 *paragraph (3)(A)(i);*

21 *(II) the motion picture theatre op-*
22 *erator is open or intends to reopen for*
23 *the primary purpose of public exhi-*
24 *bition of motion pictures;*

1 (III) *the relevant museum oper-*
2 *ator is open or intends to reopen; or*

3 (IV) *the talent representative is*
4 *representing or managing artists and*
5 *entertainers.*

6 (iii) *The venues at which the live venue*
7 *operator or promoter, theatrical producer,*
8 *or live performing arts organization oper-*
9 *ator promotes, produces, manages, or hosts*
10 *events described in paragraph (3)(A)(i) or*
11 *the artists and entertainers represented or*
12 *managed by the talent representative per-*
13 *form have the following characteristics:*

14 (I) *A defined performance and*
15 *audience space.*

16 (II) *Mixing equipment, a public*
17 *address system, and a lighting rig.*

18 (III) *Engages 1 or more individ-*
19 *uals to carry out not less than 2 of the*
20 *following roles:*

21 (aa) *A sound engineer.*

22 (bb) *A booker.*

23 (cc) *A promoter.*

24 (dd) *A stage manager.*

25 (ee) *Security personnel.*

1 (ff) *A box office manager.*

2 (IV) *There is a paid ticket or*
3 *cover charge to attend most perform-*
4 *ances and artists are paid fairly and*
5 *do not play for free or solely for tips,*
6 *except for fundraisers or similar chari-*
7 *table events.*

8 (V) *For a venue owned or oper-*
9 *ated by a nonprofit entity that pro-*
10 *duces free events, the events are pro-*
11 *duced and managed primarily by paid*
12 *employees, not by volunteers.*

13 (VI) *Performances are marketed*
14 *through listings in printed or elec-*
15 *tronic publications, on websites, by*
16 *mass email, or on social media.*

17 (iv) *A motion picture theatre or mo-*
18 *tion picture theatres operated by the motion*
19 *picture theatre operator have the following*
20 *characteristics:*

21 (I) *At least 1 auditorium that in-*
22 *cludes a motion picture screen and*
23 *fixed audience seating.*

1 (II) *A projection booth or space*
2 *containing not less than 1 motion pic-*
3 *ture projector.*

4 (III) *A paid ticket charge to at-*
5 *tend exhibition of motion pictures.*

6 (IV) *Motion picture exhibitions*
7 *are marketed through showtime listings*
8 *in printed or electronic publications,*
9 *on websites, by mass mail, or on social*
10 *media.*

11 (v) *The relevant museum or relevant*
12 *museums for which the relevant museum op-*
13 *erator is seeking a grant under this section*
14 *have the following characteristics:*

15 (I) *Serving as a relevant museum*
16 *as its principal business activity.*

17 (II) *Indoor exhibition spaces that*
18 *are a component of the principal busi-*
19 *ness activity and which have been sub-*
20 *jected to pandemic-related occupancy*
21 *restrictions.*

22 (III) *At least 1 auditorium, the-*
23 *ater, or performance or lecture hall*
24 *with fixed audience seating and reg-*
25 *ular programming.*

1 (vi)(I) *The live venue operator or pro-*
2 *moter, theatrical producer, or live per-*
3 *forming arts organization operator, the rel-*
4 *evant museum operator, the motion picture*
5 *theatre operator, or the talent representative*
6 *does not have, or is not majority owned or*
7 *controlled by an entity with, any of the fol-*
8 *lowing characteristics:*

9 (aa) *Being an issuer, the securi-*
10 *ties of which are listed on a national*
11 *securities exchange.*

12 (bb) *Receiving more than 10 per-*
13 *cent of gross revenue from Federal*
14 *funding during 2019, excluding*
15 *amounts received by the live venue op-*
16 *erator or promoter, theatrical pro-*
17 *ducer, or live performing arts organi-*
18 *zation operator, the relevant museum*
19 *operator, the motion picture theatre*
20 *operator, or the talent representative*
21 *under the Robert T. Stafford Disaster*
22 *Relief and Emergency Assistance Act*
23 *(42 U.S.C. 5121 et seq.).*

24 (II) *The live venue operator or pro-*
25 *moter, theatrical producer, or live per-*

1 *forming arts organization operator, the rel-*
2 *evant museum operator, the motion picture*
3 *theatre operator, or the talent representative*
4 *does not have, or is not majority owned or*
5 *controlled by an entity with, more than 2 of*
6 *the following characteristics:*

7 *(aa) Owning or operating venues,*
8 *relevant museums, motion picture the-*
9 *atres, or talent agencies or talent man-*
10 *agement companies in more than 1*
11 *country.*

12 *(bb) Owning or operating venues,*
13 *relevant museums, motion picture the-*
14 *atres, or talent agencies or talent man-*
15 *agement companies in more than 10*
16 *States.*

17 *(cc) Employing more than 500*
18 *employees as of February 29, 2020, de-*
19 *termined on a full-time equivalent*
20 *basis in accordance with subparagraph*
21 *(C).*

22 *(III) The live venue operator or pro-*
23 *moter, theatrical producer, or live per-*
24 *forming arts organization operator, the rel-*
25 *evant museum operator, the motion picture*

1 *theatre operator, or the talent representative*
2 *has not received, on or after the date of en-*
3 *actment of this Act, a loan guaranteed*
4 *under paragraph (36) or (37) of section*
5 *7(a) of the Small Business Act (15 U.S.C.*
6 *636(a)), as amended and added by this di-*
7 *vision.*

8 *(IV) For purposes of applying the*
9 *characteristics described in subclauses (I),*
10 *(II), and (III) to an entity owned by a*
11 *State or a political subdivision of a State,*
12 *the relevant entity—*

13 *(aa) shall be the live venue oper-*
14 *ator or promoter, theatrical producer,*
15 *or live performing arts organization*
16 *operator, the relevant museum oper-*
17 *ator, the motion picture theatre oper-*
18 *ator, or the talent representative; and*

19 *(bb) shall not include entities of*
20 *the State or political subdivision other*
21 *than the live venue operator or pro-*
22 *moter, theatrical producer, or live per-*
23 *forming arts organization operator, the*
24 *relevant museum operator, the motion*

1 *picture theatre operator, or the talent*
2 *representative.*

3 (B) *EXCLUSION.—The term “eligible person*
4 *or entity” shall not include a live venue operator*
5 *or promoter, theatrical producer, or live per-*
6 *forming arts organization operator, a relevant*
7 *museum operator, a motion picture theatre oper-*
8 *ator, or a talent representative that—*

9 (i) *presents live performances of a pru-*
10 *rient sexual nature; or*

11 (ii) *derives, directly or indirectly, more*
12 *than de minimis gross revenue through the*
13 *sale of products or services, or the presen-*
14 *tation of any depictions or displays, of a*
15 *prurient sexual nature.*

16 (C) *CALCULATION OF FULL-TIME EMPLOY-*
17 *EES.—For purposes of determining the number*
18 *of full-time equivalent employees under subpara-*
19 *graph (A)(vi)(II)(cc) of this paragraph and*
20 *under paragraph (2)(E)—*

21 (i) *any employee working not fewer*
22 *than 30 hours per week shall be considered*
23 *a full-time employee; and*

24 (ii) *any employee working not fewer*
25 *than 10 hours and fewer than 30 hours per*

1 *week shall be counted as one-half of a full-*
2 *time employee.*

3 *(D) MULTIPLE BUSINESS ENTITIES.—Each*
4 *business entity of an eligible person or entity*
5 *that also meets the requirements under subpara-*
6 *graph (A) and that is not described in subpara-*
7 *graph (B) shall be treated by the Administrator*
8 *as an independent, non-affiliated entity for the*
9 *purposes of this section.*

10 *(2) EXCHANGE; ISSUER; SECURITY.—The terms*
11 *“exchange”, “issuer”, and “security” have the mean-*
12 *ings given those terms in section 3(a) of the Securities*
13 *Exchange Act of 1934 (15 U.S.C. 78c(a)).*

14 *(3) LIVE VENUE OPERATOR OR PROMOTER, THE-*
15 *ATRICAL PRODUCER, OR LIVE PERFORMING ARTS OR-*
16 *GANIZATION OPERATOR.—The term “live venue oper-*
17 *ator or promoter, theatrical producer, or live per-*
18 *forming arts organization operator”—*

19 *(A) means—*

20 *(i) an individual or entity—*

21 *(I) that, as a principal business*
22 *activity, organizes, promotes, produces,*
23 *manages, or hosts live concerts, comedy*
24 *shows, theatrical productions, or other*

1 *events by performing artists for*
2 *which—*

3 *(aa) a cover charge through*
4 *ticketing or front door entrance*
5 *fee is applied; and*

6 *(bb) performers are paid in*
7 *an amount that is based on a per-*
8 *centage of sales, a guarantee (in*
9 *writing or standard contract), or*
10 *another mutually beneficial for-*
11 *mal agreement; and*

12 *(II) for which not less than 70*
13 *percent of the earned revenue of the in-*
14 *dividual or entity is generated through,*
15 *to the extent related to a live event de-*
16 *scribed in subclause (I), cover charges*
17 *or ticket sales, production fees or pro-*
18 *duction reimbursements, nonprofit edu-*
19 *cational initiatives, or the sale of event*
20 *beverages, food, or merchandise; or*

21 *(ii) an individual or entity that, as a*
22 *principal business activity, makes available*
23 *for purchase by the public an average of not*
24 *less than 60 days before the date of the event*
25 *tickets to events—*

1 (I) described in clause (i)(I); and
2 (II) for which performers are paid
3 in an amount that is based on a per-
4 centage of sales, a guarantee (in writ-
5 ing or standard contract), or another
6 mutually beneficial formal agreement;
7 and

8 (B) includes an individual or entity de-
9 scribed in subparagraph (A) that—

- 10 (i) operates for profit;
11 (ii) is a nonprofit organization;
12 (iii) is government-owned; or
13 (iv) is a corporation, limited liability
14 company, or partnership or operated as a
15 sole proprietorship.

16 (4) *MOTION PICTURE THEATRE OPERATOR*.—The
17 term “motion picture theatre operator” means an in-
18 dividual or entity that—

19 (A) as the principal business activity of the
20 individual or entity, owns or operates at least 1
21 place of public accommodation for the purpose of
22 motion picture exhibition for a fee; and

23 (B) includes an individual or entity de-
24 scribed in subparagraph (A) that—

- 25 (i) operates for profit;

- 1 (ii) is a nonprofit organization;
2 (iii) is government-owned; or
3 (iv) is a corporation, limited liability
4 company, or partnership or operated as a
5 sole proprietorship.

6 (5) *NATIONAL SECURITIES EXCHANGE.*—The
7 term “national securities exchange” means an ex-
8 change registered as a national securities exchange
9 under section 6 of the Securities Exchange Act of
10 1934 (15 U.S.C. 78f).

11 (6) *NONPROFIT.*—The term “nonprofit”, with re-
12 spect to an organization, means that the organization
13 is exempt from taxation under section 501(a) of the
14 Internal Revenue Code of 1986.

15 (7) *RELEVANT MUSEUM.*—The term “relevant
16 museum”—

17 (A) has the meaning given the term “mu-
18 seum” in section 273 of the Museum and Li-
19 brary Services Act (20 U.S.C. 9172); and

20 (B) shall not include any entity that is or-
21 ganized as a for-profit entity.

22 (8) *SEASONAL EMPLOYER.*—The term “seasonal
23 employer” has the meaning given that term in sub-
24 paragraph (A) of section 7(a)(36) of the Small Busi-
25 ness Act (15 U.S.C. 636(a)), as amended by this Act.

1 (9) *STATE*.—*The term “State” means—*

2 (A) *a State;*

3 (B) *the District of Columbia;*

4 (C) *the Commonwealth of Puerto Rico; and*

5 (D) *any other territory or possession of the*

6 *United States.*

7 (10) *TALENT REPRESENTATIVE*.—*The term “tal-*
8 *ent representative”—*

9 (A) *means an agent or manager that—*

10 (i) *as not less than 70 percent of the*
11 *operations of the agent or manager, is en-*
12 *gaged in representing or managing artists*
13 *and entertainers;*

14 (ii) *books or represents musicians, co-*
15 *medians, actors, or similar performing art-*
16 *ists primarily at live events in venues or at*
17 *festivals; and*

18 (iii) *represents performers described in*
19 *clause (ii) that are paid in an amount that*
20 *is based on the number of tickets sold, or a*
21 *similar basis; and*

22 (B) *includes an agent or manager described*
23 *in subparagraph (A) that—*

24 (i) *operates for profit;*

25 (ii) *is a nonprofit organization;*

- 1 (iii) is government-owned; or
2 (iv) is a corporation, limited liability
3 company, or partnership or operated as a
4 sole proprietorship.

5 (b) *AUTHORITY.*—

6 (1) *IN GENERAL.*—

7 (A) *ADMINISTRATION.*—*The Associate Ad-*
8 *ministrator for the Office of Disaster Assistance*
9 *of the Administration shall coordinate and for-*
10 *mulate policies relating to the administration of*
11 *grants made under this section.*

12 (B) *CERTIFICATION OF NEED.*—*An eligible*
13 *person or entity applying for a grant under this*
14 *section shall submit a good faith certification*
15 *that the uncertainty of current economic condi-*
16 *tions makes necessary the grant to support the*
17 *ongoing operations of the eligible person or enti-*
18 *ty.*

19 (2) *INITIAL GRANTS.*—

20 (A) *IN GENERAL.*—*The Administrator may*
21 *make initial grants to eligible persons or entities*
22 *in accordance with this section.*

23 (B) *INITIAL PRIORITIES FOR AWARDING*
24 *GRANTS.*—

1 (i) *FIRST PRIORITY IN AWARDING*
2 *GRANTS.—During the initial 14-day period*
3 *during which the Administrator awards*
4 *grants under this paragraph, the Adminis-*
5 *trator shall only award grants to an eligible*
6 *person or entity with revenue, during the*
7 *period beginning on April 1, 2020 and end-*
8 *ing on December 31, 2020, that is not more*
9 *than 10 percent of the revenue of the eligible*
10 *person or entity during the period begin-*
11 *ning on April 1, 2019 and ending on De-*
12 *cember 31, 2019, due to the COVID–19 pan-*
13 *demic.*

14 (ii) *SECOND PRIORITY IN AWARDING*
15 *GRANTS.—During the 14-day period imme-*
16 *diately following the 14-day period de-*
17 *scribed in clause (i), the Administrator*
18 *shall only award grants to an eligible per-*
19 *son or entity with revenue, during the pe-*
20 *riod beginning on April 1, 2020 and ending*
21 *on December 31, 2020, that is not more*
22 *than 30 percent of the revenue of the eligible*
23 *person or entity during the period begin-*
24 *ning on April 1, 2019 and ending on De-*

1 *ember 31, 2019, due to the COVID–19 pan-*
2 *demic.*

3 *(iii) DETERMINATION OF REVENUE.—*

4 *For purposes of clauses (i) and (ii)—*

5 *(I) any amounts received by an*
6 *eligible person or entity under the*
7 *CARES Act (Public Law 116–136; 134*
8 *Stat. 281) or an amendment made by*
9 *the CARES Act shall not be counted as*
10 *revenue of an eligible person or entity;*

11 *(II) the Administrator shall use*
12 *an accrual method of accounting for*
13 *determining revenue; and*

14 *(III) the Administrator may use*
15 *alternative methods to establish rev-*
16 *enue losses for an eligible person or en-*
17 *tity that is a seasonal employer and*
18 *that would be adversely impacted if*
19 *January, February, and March are ex-*
20 *cluded from the calculation of year-*
21 *over-year revenues.*

22 *(iv) LIMIT ON USE OF AMOUNTS FOR*
23 *PRIORITY APPLICANTS.—The Administrator*
24 *may use not more than 80 percent of the*
25 *amounts appropriated under section*

1 *323(d)(1)(H) of this Act to carry out this*
2 *section to make initial grants under this*
3 *paragraph to eligible persons or entities de-*
4 *scribed in clause (i) or (ii) of this subpara-*
5 *graph that apply for a grant under this*
6 *paragraph during the initial 28-day period*
7 *during which the Administrator awards*
8 *grants under this paragraph.*

9 *(C) GRANTS AFTER PRIORITY PERIODS.—*

10 *After the end of the initial 28-day period during*
11 *which the Administrator awards grants under*
12 *this paragraph, the Administrator may award*
13 *an initial grant to any eligible person or entity.*

14 *(D) LIMITS ON NUMBER OF INITIAL GRANTS*

15 *TO AFFILIATES.—Not more than 5 business enti-*
16 *ties of an eligible person or entity that would be*
17 *considered affiliates under the affiliation rules of*
18 *the Administration may receive a grant under*
19 *this paragraph.*

20 *(E) SET-ASIDE FOR SMALL EMPLOYERS.—*

21 *(i) IN GENERAL.—Subject to clause*
22 *(ii), not less than \$2,000,000,000 of the*
23 *total amount of grants made available*
24 *under this paragraph shall be awarded to*
25 *eligible persons or entities which employ not*

1 *more than 50 full-time employees, deter-*
2 *mined in accordance with subsection*
3 *(a)(1)(C).*

4 *(ii) TIME LIMIT.—Clause (i) shall not*
5 *apply on and after the date that is 60 days*
6 *after the Administrator begins awarding*
7 *grants under this section and, on and after*
8 *such date, amounts available for grants*
9 *under this section may be used for grants*
10 *under this section to any eligible person or*
11 *entity.*

12 (3) *SUPPLEMENTAL GRANTS.—*

13 *(A) IN GENERAL.—Subject to subparagraph*
14 *(B), the Administrator may make a supple-*
15 *mental grant in accordance with this section to*
16 *an eligible person or entity that receives a grant*
17 *under paragraph (2) if, as of April 1, 2021, the*
18 *revenues of the eligible person or entity for the*
19 *most recent calendar quarter are not more than*
20 *30 percent of the revenues of the eligible person*
21 *or entity for the corresponding calendar quarter*
22 *during 2019 due to the COVID–19 pandemic.*

23 *(B) PROCESSING TIMELY INITIAL GRANT AP-*
24 *PLICATIONS FIRST.—The Administrator may not*
25 *award a supplemental grant under subpara-*

1 *graph (A) until the Administrator has completed*
2 *processing (including determining whether to*
3 *award a grant) each application for an initial*
4 *grant under paragraph (2) that is submitted by*
5 *an eligible person or entity on or before the date*
6 *that is 60 days after the date on which the Ad-*
7 *ministrator begins accepting such applications.*

8 (4) *CERTIFICATION.*—*An eligible person or enti-*
9 *ty applying for a grant under this section that is an*
10 *eligible business described in the matter preceding*
11 *subclause (I) of section 4003(c)(3)(D)(i) of the*
12 *CARES Act (15 U.S.C. 9042(c)(3)(D)(i)), shall make*
13 *a good-faith certification described in subclauses (IX)*
14 *and (X) of such section.*

15 (c) *AMOUNT.*—

16 (1) *INITIAL GRANTS.*—

17 (A) *IN GENERAL.*—*A grant under sub-*
18 *section (b)(2) shall be in the amount equal to the*
19 *lesser of—*

20 (i)(I) *for an eligible person or entity*
21 *that was in operation on January 1, 2019,*
22 *the amount equal to 45 percent of the gross*
23 *earned revenue of the eligible person or enti-*
24 *ty during 2019; or*

1 (ii) for an eligible person or entity
2 that began operations after January 1,
3 2019, the amount equal to the product ob-
4 tained by multiplying—

5 (aa) the average monthly gross
6 earned revenue for each full month
7 during which the eligible person or en-
8 tity was in operation during 2019; by

9 (bb) 6; or

10 (ii) \$10,000,000.

11 (B) APPLICATION TO RELEVANT MUSEUM

12 OPERATORS.—A relevant museum operator may
13 not receive grants under subsection (b)(2) in a
14 total amount that is more than \$10,000,000 with
15 respect to all relevant museums operated by the
16 relevant museum operator.

17 (2) SUPPLEMENTAL GRANTS.—A grant under
18 subsection (b)(3) shall be in the amount equal to 50
19 percent of the grant received by the eligible person or
20 entity under subsection (b)(2).

21 (3) OVERALL MAXIMUMS.—The total amount of
22 grants received under paragraphs (2) and (3) of sub-
23 section (b) by an eligible person or entity shall be not
24 more than \$10,000,000.

25 (d) USE OF FUNDS.—

1 (1) *TIMING.*—

2 (A) *EXPENSES INCURRED.*—

3 (i) *IN GENERAL.*—*Except as provided*
4 *in clause (ii), amounts received under a*
5 *grant under this section may be used for*
6 *costs incurred during the period beginning*
7 *on March 1, 2020, and ending on December*
8 *31, 2021.*

9 (ii) *EXTENSION FOR SUPPLEMENTAL*
10 *GRANTS.*—*If an eligible person or entity re-*
11 *ceives a grant under subsection (b)(3),*
12 *amounts received under either grant under*
13 *this section may be used for costs incurred*
14 *during the period beginning on March 1,*
15 *2020, and ending on June 30, 2022.*

16 (B) *EXPENDITURE.*—

17 (i) *IN GENERAL.*—*Except as provided*
18 *in clause (ii), an eligible person or entity*
19 *shall return to the Administrator any*
20 *amounts received under a grant under this*
21 *section that are not expended on or before*
22 *the date that is 1 year after the date of dis-*
23 *bursement of the grant.*

24 (ii) *EXTENSION FOR SUPPLEMENTAL*
25 *GRANTS.*—*If an eligible person or entity re-*

1 *ceives a grant under subsection (b)(3), the*
2 *eligible person or entity shall return to the*
3 *Administrator any amounts received under*
4 *either grant under this section that are not*
5 *expended on or before the date that is 18*
6 *months after the date of disbursement to the*
7 *eligible person or entity of the grant under*
8 *subsection (b)(2).*

9 (2) *ALLOWABLE EXPENSES.—*

10 (A) *DEFINITIONS.—In this paragraph—*

11 *(i) the terms “covered mortgage obliga-*
12 *tion”, “covered rent obligation”, “covered*
13 *utility payment”, and “covered worker pro-*
14 *tection expenditure” have the meanings*
15 *given those terms in section 7A(a) of the*
16 *Small Business Act, as redesignated, trans-*
17 *ferred, and amended by this Act; and*

18 *(ii) the term “payroll costs” has the*
19 *meaning given that term in section*
20 *7(a)(36)(A) of the Small Business Act (15*
21 *U.S.C. 636(a)(36)(A).*

22 (B) *EXPENSES.—An eligible person or enti-*
23 *ty may use amounts received under a grant*
24 *under this section for—*

25 *(i) payroll costs;*

1 (ii) payments on any covered rent obli-
2 gation;

3 (iii) any covered utility payment;

4 (iv) scheduled payments of interest or
5 principal on any covered mortgage obliga-
6 tion (which shall not include any prepay-
7 ment of principal on a covered mortgage ob-
8 ligation);

9 (v) scheduled payments of interest or
10 principal on any indebtedness or debt in-
11 strument (which shall not include any pre-
12 payment of principal) incurred in the ordi-
13 nary course of business that is a liability of
14 the eligible person or entity and was in-
15 curred prior to February 15, 2020;

16 (vi) covered worker protection expendi-
17 tures;

18 (vii) payments made to independent
19 contractors, as reported on Form-1099
20 MISC, not to exceed a total of \$100,000 in
21 annual compensation for any individual
22 employee of an independent contractor; and

23 (viii) other ordinary and necessary
24 business expenses, including—

25 (I) maintenance expenses;

1 (II) *administrative costs, includ-*
2 *ing fees and licensing costs;*

3 (III) *State and local taxes and*
4 *fees;*

5 (IV) *operating leases in effect as*
6 *of February 15, 2020;*

7 (V) *payments required for insur-*
8 *ance on any insurance policy; and*

9 (VI) *advertising, production*
10 *transportation, and capital expendi-*
11 *tures related to producing a theatrical*
12 *or live performing arts production,*
13 *concert, exhibition, or comedy show, ex-*
14 *cept that a grant under this section*
15 *may not be used primarily for such ex-*
16 *penditures.*

17 (3) *PROHIBITED EXPENSES.—An eligible person*
18 *or entity may not use amounts received under a*
19 *grant under this section—*

20 (A) *to purchase real estate;*

21 (B) *for payments of interest or principal on*
22 *loans originated after February 15, 2020;*

23 (C) *to invest or re-lend funds;*

1 (D) for contributions or expenditures to, or
2 on behalf of, any political party, party com-
3 mittee, or candidate for elective office; or

4 (E) for any other use as may be prohibited
5 by the Administrator.

6 (e) *INCREASED OVERSIGHT OF SHUTTERED VENUE*
7 *OPERATOR GRANTS.*—The Administrator shall increase
8 oversight of eligible persons and entities receiving grants
9 under this section, which may include the following:

10 (1) *DOCUMENTATION.*—Additional documenta-
11 tion requirements that are consistent with the eligi-
12 bility and other requirements under this section, in-
13 cluding requiring an eligible person or entity that re-
14 ceives a grant under this section to retain records that
15 document compliance with the requirements for
16 grants under this section—

17 (A) with respect to employment records, for
18 the 4-year period following receipt of the grant;
19 and

20 (B) with respect to other records, for the 3-
21 year period following receipt of the grant.

22 (2) *REVIEWS OF USE.*—Reviews of the use of the
23 grant proceeds by an eligible person or entity to en-
24 sure compliance with requirements established under

1 *this section and by the Administrator, including that*
2 *the Administrator may—*

3 *(A) review and audit grants under this sec-*
4 *tion; and*

5 *(B) in the case of fraud or other material*
6 *noncompliance with respect to a grant under*
7 *this section—*

8 *(i) require repayment of misspent*
9 *funds; or*

10 *(ii) pursue legal action to collect funds.*

11 *(f) SHUTTERED VENUE OVERSIGHT AND AUDIT*
12 *PLAN.—*

13 *(1) IN GENERAL.—Not later than 45 days after*
14 *the date of enactment of this Act, the Administrator*
15 *shall submit to the Committee on Small Business and*
16 *Entrepreneurship of the Senate and the Committee on*
17 *Small Business of the House of Representatives an*
18 *audit plan that details—*

19 *(A) the policies and procedures of the Ad-*
20 *ministrator for conducting oversight and audits*
21 *of grants under this section; and*

22 *(B) the metrics that the Administrator shall*
23 *use to determine which grants under this section*
24 *will be audited pursuant to subsection (e).*

1 (2) *REPORTS.*—Not later than 60 days after the
2 date of enactment of this Act, and each month there-
3 after until the date that is 1 year after the date on
4 which all amounts made available under section
5 323(d)(1)(H) of this Act have been expended, the Ad-
6 ministrator shall submit to the Committee on Small
7 Business and Entrepreneurship of the Senate and the
8 Committee on Small Business of the House of Rep-
9 resentatives a report on the oversight and audit ac-
10 tivities of the Administrator under this subsection,
11 which shall include—

12 (A) the total number of initial grants ap-
13 proved and disbursed;

14 (B) the total amount of grants received by
15 each eligible person or entity, including any sup-
16 plemental grants;

17 (C) the number of active investigations and
18 audits of grants under this section;

19 (D) the number of completed reviews and
20 audits of grants under this section, including a
21 description of any findings of fraud or other ma-
22 terial noncompliance.

23 (E) any substantial changes made to the
24 oversight and audit plan submitted under para-
25 graph (1).

1 **SEC. 325. EXTENSION OF THE DEBT RELIEF PROGRAM.**

2 (a) *IN GENERAL.*—Section 1112 of the CARES Act (15
3 U.S.C. 9011) is amended—

4 (1) *in subsection (c)*—

5 (A) *by striking paragraph (1) and inserting*
6 *the following:*

7 “(1) *IN GENERAL.*—Subject to the other provi-
8 sions of this section, the Administrator shall pay the
9 principal, interest, and any associated fees that are
10 owed on a covered loan in a regular servicing status,
11 without regard to the date on which the covered loan
12 is fully disbursed, and subject to availability of funds,
13 as follows:

14 “(A) *With respect to a covered loan made*
15 *before the date of enactment of this Act and not*
16 *on deferment, the Administrator shall make those*
17 *payments as follows:*

18 “(i) *The Administrator shall make*
19 *those payments for the 6-month period be-*
20 *ginning with the next payment due on the*
21 *covered loan.*

22 “(ii) *In addition to the payments*
23 *under clause (i)*—

24 “(I) *with respect to a covered loan*
25 *other than a covered loan described in*
26 *paragraph (1)(A)(i) or (2) of sub-*

1 *section (a), the Administrator shall*
2 *make those payments for—*

3 *“(aa) the 3-month period be-*
4 *ginning with the first payment*
5 *due on the covered loan on or*
6 *after February 1, 2021; and*

7 *“(bb) an additional 5-month*
8 *period immediately following the*
9 *end of the 3-month period pro-*
10 *vided under item (aa) if the cov-*
11 *ered loan is made to a borrower*
12 *that, according to records of the*
13 *Administration, is assigned a*
14 *North American Industry Classi-*
15 *fication System code beginning*
16 *with 61, 71, 72, 213, 315, 448,*
17 *451, 481, 485, 487, 511, 512, 515,*
18 *532, or 812; and*

19 *“(II) with respect to a covered*
20 *loan described in paragraph (1)(A)(i)*
21 *or (2) of subsection (a), the Adminis-*
22 *trator shall make those payments for*
23 *the 8-month period beginning with the*
24 *first payment due on the covered loan*
25 *on or after February 1, 2021.*

1 “(B) *With respect to a covered loan made*
2 *before the date of enactment of this Act and on*
3 *deferment, the Administrator shall make those*
4 *payments as follows:*

5 “(i) *The Administrator shall make*
6 *those payments for the 6-month period be-*
7 *ginning with the next payment due on the*
8 *covered loan after the deferment period.*

9 “(ii) *In addition to the payments*
10 *under clause (i)—*

11 “(I) *with respect to a covered loan*
12 *other than a covered loan described in*
13 *paragraph (1)(A)(i) or (2) of sub-*
14 *section (a), the Administrator shall*
15 *make those payments for—*

16 “(aa) *the 3-month period (be-*
17 *ginning on or after February 1,*
18 *2021) beginning with the later*
19 *of—*

20 “(AA) *the next payment*
21 *due on the covered loan after*
22 *the deferment period; or*

23 “(BB) *the first month*
24 *after the Administrator has*

1 *completed the payments*
2 *under clause (i); and*

3 *“(bb) an additional 5-month*
4 *period immediately following the*
5 *end of the 3-month period pro-*
6 *vided under item (aa) if the cov-*
7 *ered loan is made to a borrower*
8 *that, according to records of the*
9 *Administration, is assigned a*
10 *North American Industry Classi-*
11 *fication System code beginning*
12 *with 61, 71, 72, 213, 315, 448,*
13 *451, 481, 485, 487, 511, 512, 515,*
14 *532, or 812; and*

15 *“(II) with respect to a loan de-*
16 *scribed in paragraph (1)(A)(i) or (2)*
17 *of subsection (a), the 8-month period*
18 *(beginning on or after February 1,*
19 *2021) beginning with the later of—*

20 *“(aa) the next payment due*
21 *on the covered loan after the*
22 *deferral period; or*

23 *“(bb) the first month after*
24 *the payments under clause (i) are*
25 *complete.*

1 “(C) *With respect to a covered loan made*
2 *during the period beginning on the date of enact-*
3 *ment of this Act and ending on the date that is*
4 *6 months after such date of enactment, for the 6-*
5 *month period beginning with the first payment*
6 *due on the covered loan.*

7 “(D) *With respect to a covered loan ap-*
8 *proved during the period beginning on February*
9 *1, 2021, and ending on September 30, 2021, for*
10 *the 6-month period beginning with the first pay-*
11 *ment due on the covered loan.”; and*

12 (B) *by adding at the end the following:*

13 “(4) *LIMITATION.—*

14 “(A) *IN GENERAL.—No single monthly pay-*
15 *ment of principal, interest, and associated fees*
16 *made by the Administrator under subparagraph*
17 *(A)(ii), (B)(ii), or (D) of paragraph (1) with re-*
18 *spect to a covered loan may be in a total amount*
19 *that is more than \$9,000.*

20 “(B) *TREATMENT OF ADDITIONAL AMOUNTS*
21 *OWED.—If, for a month, the total amount of*
22 *principal, interest, and associated fees that are*
23 *owed on a covered loan for which the Adminis-*
24 *tration makes payments under paragraph (1) is*
25 *more than \$9,000 the Administrator may require*

1 *the lender with respect to the covered loan to add*
2 *the amount by which those costs exceed \$9,000*
3 *for that month as interest to be paid by the bor-*
4 *rower with respect to the covered loan at the end*
5 *of the loan period.*

6 “(5) *ADDITIONAL PROVISIONS FOR NEW*
7 *LOANS.—With respect to a loan described in para-*
8 *graph (1)(C)—*

9 “(A) *the Administrator may further extend*
10 *the period described in paragraph (1)(C) if there*
11 *are sufficient funds to continue those payments;*
12 *and*

13 “(B) *during the underwriting process, a*
14 *lender of such a loan may consider the payments*
15 *under this section as part of a comprehensive re-*
16 *view to determine the ability to repay over the*
17 *entire period of maturity of the loan.*

18 “(6) *ELIGIBILITY.—Eligibility for a covered loan*
19 *to receive such payments of principal, interest, and*
20 *any associated fees under this subsection shall be*
21 *based on the date on which the covered loan is ap-*
22 *proved by the Administration.*

23 “(7) *AUTHORITY TO REVISE EXTENSIONS.—*

24 “(A) *IN GENERAL.—The Administrator*
25 *shall monitor whether amounts made available*

1 to make payments under this subsection are suf-
2 ficient to make the payments for the periods de-
3 scribed in paragraph (1).

4 “(B) *PLAN.*—If the Administrator deter-
5 mines under subparagraph (A) that the amounts
6 made available to make payments under this
7 subsection are insufficient, the Administrator
8 shall—

9 “(i) develop a plan to proportionally
10 reduce the number of months provided for
11 each period described in paragraph (1),
12 while ensuring all amounts made available
13 to make payments under this subsection are
14 fully expended; and

15 “(ii) before taking action under the
16 plan developed under clause (i), submit to
17 Congress a report regarding the plan, which
18 shall include the data that informs the plan.

19 “(8) *ADDITIONAL REQUIREMENTS.*—With respect
20 to the payments made under this subsection—

21 “(A) no lender may charge a late fee to a
22 borrower with respect to a covered loan during
23 any period in which the Administrator makes
24 payments with respect to the covered loan under
25 paragraph (1); and

1 “(B) the Administrator shall, with respect
2 to a covered loan, make all payments with re-
3 spect to the covered loan under paragraph (1)
4 not later than the 15th day of the applicable
5 month.

6 “(9) *RULE OF CONSTRUCTION.*—*Except as pro-*
7 *vided in paragraph (4), nothing in this subsection*
8 *may be construed to preclude a borrower from receiv-*
9 *ing full payments of principal, interest, and any as-*
10 *sociated fees authorized under this subsection with re-*
11 *spect to a covered loan.”;*

12 (2) *by redesignating subsection (f) as subsection*
13 *(i); and*

14 (3) *by inserting after subsection (e) the following:*

15 “(f) *ELIGIBILITY FOR NEW LOANS.*—*For each indi-*
16 *vidual lending program under this section, the Adminis-*
17 *trator may establish a minimum loan maturity period, tak-*
18 *ing into consideration the normal underwriting require-*
19 *ments for each such program, with the goal of preventing*
20 *abuse under the program.*

21 “(g) *LIMITATION ON ASSISTANCE.*—*A borrower may*
22 *not receive assistance under subsection (c) for more than*
23 *1 covered loan of the borrower described in paragraph*
24 *(1)(C) of that subsection.*

25 “(h) *REPORTING AND OUTREACH.*—

1 “(1) *UPDATED INFORMATION.*—

2 “(A) *IN GENERAL.*—Not later than 14 days
3 after the date of enactment of the *Economic Aid*
4 to *Hard-Hit Small Businesses, Nonprofits, and*
5 *Venues Act*, the Administrator shall make pub-
6 licly available information regarding the modi-
7 fications to the assistance provided under this
8 section under the amendments made by such Act.

9 “(B) *GUIDANCE.*—Not later than 21 days
10 after the date of enactment of the *Economic Aid*
11 to *Hard-Hit Small Businesses, Nonprofits, and*
12 *Venues Act* the Administrator shall issue guid-
13 ance on implementing the modifications to the
14 assistance provided under this section under the
15 amendments made by such Act.

16 “(2) *PUBLICATION OF LIST.*—Not later than
17 March 1, 2021, the Administrator shall transmit to
18 each lender of a covered loan a list of each borrower
19 of a covered loan that includes the North American
20 Industry Classification System code assigned to the
21 borrower, based on the records of the Administration,
22 to assist the lenders in identifying which borrowers
23 qualify for an extension of payments under subsection
24 (c).

1 “(3) *EDUCATION AND OUTREACH.*—*The Admin-*
2 *istrator shall provide education, outreach, and com-*
3 *munication to lenders, borrowers, district offices, and*
4 *resource partners of the Administration in order to*
5 *ensure full and proper compliance with this section,*
6 *encourage broad participation with respect to covered*
7 *loans that have not yet been approved by the Admin-*
8 *istrator, and help lenders transition borrowers from*
9 *subsidy payments under this section directly to a de-*
10 *ferred when suitable for the borrower.*

11 “(4) *NOTIFICATION.*—*Not later than 30 days*
12 *after the date of enactment of the Economic Aid to*
13 *Hard-Hit Small Businesses, Nonprofits, and Venues*
14 *Act, the Administrator shall mail a letter to each bor-*
15 *rower of a covered loan that includes—*

16 “(A) *an overview of assistance provided*
17 *under this section;*

18 “(B) *the rights of the borrower to receive*
19 *that assistance;*

20 “(C) *how to seek recourse with the Adminis-*
21 *trator or the lender of the covered loan if the bor-*
22 *rower has not received that assistance; and*

23 “(D) *the rights of the borrower to request a*
24 *loan deferral from a lender, and guidance on*
25 *how to do successfully transition directly to a*

1 *loan deferral once subsidy payments under this*
2 *section are concluded.*

3 “(5) *MONTHLY REPORTING.*—*Not later than the*
4 *15th of each month beginning after the date of enact-*
5 *ment of the Economic Aid to Hard-Hit Small Busi-*
6 *nesses, Nonprofits, and Venues Act, the Administrator*
7 *shall submit to Congress a report on assistance pro-*
8 *vided under this section, which shall include—*

9 “(A) *monthly and cumulative data on pay-*
10 *ments made under this section as of the date of*
11 *the report, including a breakdown by—*

12 “(i) *the number of participating bor-*
13 *rowers;*

14 “(ii) *the volume of payments made for*
15 *each type of covered loan; and*

16 “(iii) *the volume of payments made for*
17 *covered loans made before the date of enact-*
18 *ment of this Act and loans made after such*
19 *date of enactment;*

20 “(B) *the names of any lenders of covered*
21 *loans that have not submitted information on the*
22 *covered loans to the Administrator during the*
23 *preceding month; and*

1 “(C) an update on the education and out-
2 reach activities of the Administration carried out
3 under paragraph (3).”.

4 (b) *EFFECTIVE DATE; APPLICABILITY.*—The amend-
5 ments made by subsection (a) shall be effective as if included
6 in the CARES Act (Public Law 116–136; 134 Stat. 281).

7 **SEC. 326. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

8 (a) *7(a) LOAN GUARANTEES.*—

9 (1) *IN GENERAL.*—Section 7(a)(2)(A) of the
10 *Small Business Act* (15 U.S.C. 636(a)(2)(A)) is
11 amended by striking “), such participation by the Ad-
12 ministration shall be equal to” and all that follows
13 through the period at the end and inserting “or the
14 Community Advantage Pilot Program of the Admin-
15 istration), such participation by the Administration
16 shall be equal to 90 percent of the balance of the fi-
17 nancing outstanding at the time of disbursement of
18 the loan.”.

19 (2) *PROSPECTIVE REPEAL.*—Effective October 1,
20 2021, section 7(a)(2)(A) of the *Small Business Act*
21 (15 U.S.C. 636(a)(2)(A)), as amended by paragraph
22 (1), is amended to read as follows:

23 “(A) *IN GENERAL.*—Except as provided in
24 subparagraphs (B), (D), (E), and (F), in an
25 agreement to participate in a loan on a deferred

1 *basis under this subsection (including a loan*
2 *made under the Preferred Lenders Program),*
3 *such participation by the Administration shall*
4 *be equal to—*

5 “(i) 75 percent of the balance of the fi-
6 nancing outstanding at the time of dis-
7 bursement of the loan, if such balance ex-
8 ceeds \$150,000; or

9 “(ii) 85 percent of the balance of the fi-
10 nancing outstanding at the time of dis-
11 bursement of the loan, if such balance is less
12 than or equal to \$150,000.”.

13 ***(b) EXPRESS LOANS.—***

14 ***(1) LOAN AMOUNT.—****Section 1102(c)(2) of the*
15 ***CARES Act (Public Law 116–136; 15 U.S.C. 636***
16 ***note) is amended to read as follows:***

17 ***(2) PROSPECTIVE REPEAL.—****Effective on Octo-*
18 ***ber 1, 2021, section 7(a)(31)(D) of the Small Business***
19 ***Act (15 U.S.C. 636(a)(31)(D)) is amended by striking***
20 ***‘ \$1,000,000’ and inserting ‘ \$500,000’.***

21 ***(2) GUARANTEE RATES.—***

22 ***(A) TEMPORARY MODIFICATION.—****Section*
23 ***7(a)(31)(A)(iv) of the Small Business Act (15***
24 ***U.S.C. 636(a)(31)(A)(iv)) is amended by striking***
25 ***“with a guaranty rate of not more than 50 per-***

1 *cent.*” and inserting the following: “with a guar-
2 *antee rate—*

3 “(I) for a loan in an amount less
4 *than or equal to \$350,000, of not more*
5 *than 75 percent; and*

6 “(II) for a loan in an amount
7 *greater than \$350,000, of not more*
8 *than 50 percent.”.*

9 (B) *PROSPECTIVE REPEAL.—Effective Octo-*
10 *ber 1, 2021, section 7(a)(31)(A)(iv) of the Small*
11 *Business Act (15 U.S.C. 636(a)(31)(iv)), as*
12 *amended by subparagraph (A), is amended by*
13 *striking “guarantee rate” and all that follows*
14 *through the period at the end and inserting*
15 *“guarantee rate of not more than 50 percent.”.*

16 **SEC. 327. TEMPORARY FEE REDUCTIONS.**

17 (a) *ADMINISTRATIVE FEE WAIVER.—*

18 (1) *IN GENERAL.—During the period beginning*
19 *on the date of enactment of this Act and ending on*
20 *September 30, 2021, and to the extent that the cost*
21 *of such elimination or reduction of fees is offset by*
22 *appropriations, with respect to each loan guaranteed*
23 *under section 7(a) of the Small Business Act (15*
24 *U.S.C. 636(a)) (including a recipient of assistance*
25 *under the Community Advantage Pilot Program of*

1 *the Administration) for which an application is ap-*
2 *proved or pending approval on or after the date of en-*
3 *actment of this Act, the Administrator shall—*

4 *(A) in lieu of the fee otherwise applicable*
5 *under section 7(a)(23)(A) of the Small Business*
6 *Act (15 U.S.C. 636(a)(23)(A)), collect no fee or*
7 *reduce fees to the maximum extent possible; and*

8 *(B) in lieu of the fee otherwise applicable*
9 *under section 7(a)(18)(A) of the Small Business*
10 *Act (15 U.S.C. 636(a)(18)(A)), collect no fee or*
11 *reduce fees to the maximum extent possible.*

12 *(2) APPLICATION OF FEE ELIMINATIONS OR RE-*
13 *DUCTIONS.—To the extent that amounts are made*
14 *available to the Administrator for the purpose of fee*
15 *eliminations or reductions under paragraph (1), the*
16 *Administrator shall—*

17 *(A) first use any amounts provided to*
18 *eliminate or reduce fees paid by small business*
19 *borrowers under clauses (i) through (iii) of sec-*
20 *tion 7(a)(18)(A) of the Small Business Act (15*
21 *U.S.C. 636(a)(18)(A)), to the maximum extent*
22 *possible; and*

23 *(B) then use any amounts provided to*
24 *eliminate or reduce fees under 7(a)(23)(A) of the*
25 *Small Business Act (15 U.S.C. 636(a)(23)(A)).*

1 **(b) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN**
2 **PROGRAM.—**

3 **(1) IN GENERAL.—***During the period beginning*
4 *on the date of enactment of this Act and ending on*
5 *September 30, 2021, and to the extent the cost of such*
6 *elimination in fees is offset by appropriations, with*
7 *respect to each project or loan guaranteed by the Ad-*
8 *ministrator pursuant to title V of the Small Business*
9 *Investment Act of 1958 (15 U.S.C. 695 et seq.) for*
10 *which an application is approved or pending ap-*
11 *proval on or after the date of enactment of this Act—*

12 **(A)** *the Administrator shall, in lieu of the*
13 *fee otherwise applicable under section 503(d)(2)*
14 *of the Small Business Investment Act of 1958*
15 *(15 U.S.C. 697(d)(2)), collect no fee; and*

16 **(B)** *a development company shall, in lieu of*
17 *the processing fee under section 120.971(a)(1) of*
18 *title 13, Code of Federal Regulations (relating to*
19 *fees paid by borrowers), or any successor regula-*
20 *tion, collect no fee.*

21 **(2) REIMBURSEMENT FOR WAIVED FEES.—**

22 **(A) IN GENERAL.—***To the extent that the*
23 *cost of such payments is offset by appropria-*
24 *tions, the Administrator shall reimburse each de-*

1 *development company that does not collect a proc-*
2 *essing fee pursuant to paragraph (1)(B).*

3 *(B) AMOUNT.—The payment to a develop-*
4 *ment company under clause (i) shall be in an*
5 *amount equal to 1.5 percent of the net debenture*
6 *proceeds for which the development company*
7 *does not collect a processing fee pursuant to*
8 *paragraph (1)(B).*

9 **SEC. 328. LOW-INTEREST REFINANCING.**

10 *(a) LOW-INTEREST REFINANCING UNDER THE LOCAL*
11 *DEVELOPMENT BUSINESS LOAN PROGRAM.—*

12 *(1) REPEAL.—Section 521(a) of title V of divi-*
13 *sion E of the Consolidated Appropriations Act, 2016*
14 *(15 U.S.C. 696 note) is repealed.*

15 *(2) REFINANCING.—Section 502(7) of the Small*
16 *Business Investment Act of 1958 (15 U.S.C. 696(7))*
17 *is amended—*

18 *(A) in subparagraph (B), in the matter pre-*
19 *ceding clause (i), by striking “50” and inserting*
20 *“100”; and*

21 *(B) by adding at the end the following:*

22 *“(C) REFINANCING NOT INVOLVING EXPAN-*
23 *SIONS.—*

24 *“(i) DEFINITIONS.—In this subpara-*
25 *graph—*

1 “(I) the term ‘borrower’ means a
2 small business concern that submits an
3 application to a development company
4 for financing under this subparagraph;

5 “(II) the term ‘eligible fixed asset’
6 means tangible property relating to
7 which the Administrator may provide
8 financing under this section; and

9 “(III) the term ‘qualified debt’
10 means indebtedness—

11 “(aa) that was incurred not
12 less than 6 months before the date
13 of the application for assistance
14 under this subparagraph;

15 “(bb) that is a commercial
16 loan;

17 “(cc) the proceeds of which
18 were used to acquire an eligible
19 fixed asset;

20 “(dd) that was incurred for
21 the benefit of the small business
22 concern; and

23 “(ee) that is collateralized by
24 eligible fixed assets.

1 “(i) *AUTHORITY.*—A project that does
2 not involve the expansion of a small busi-
3 ness concern may include the refinancing of
4 qualified debt if—

5 “(I) the amount of the financing
6 is not more than 90 percent of the
7 value of the collateral for the financing,
8 except that, if the appraised value of
9 the eligible fixed assets serving as col-
10 lateral for the financing is less than
11 the amount equal to 125 percent of the
12 amount of the financing, the borrower
13 may provide additional cash or other
14 collateral to eliminate any deficiency;

15 “(II) the borrower has been in op-
16 eration for all of the 2-year period end-
17 ing on the date the loan application is
18 submitted; and

19 “(III) for a financing for which
20 the Administrator determines there
21 will be an additional cost attributable
22 to the refinancing of the qualified debt,
23 the borrower agrees to pay a fee in an
24 amount equal to the anticipated addi-
25 tional cost.

1 “(iii) *FINANCING FOR BUSINESS EX-*
2 *PENSES.—*

3 “(I) *FINANCING FOR BUSINESS*
4 *EXPENSES.—The Administrator may*
5 *provide financing to a borrower that*
6 *receives financing that includes a refi-*
7 *nancing of qualified debt under clause*
8 *(ii), in addition to the refinancing*
9 *under clause (ii), to be used solely for*
10 *the payment of business expenses.*

11 “(II) *APPLICATION FOR FINANC-*
12 *ING.—An application for financing*
13 *under subclause (I) shall include—*

14 “(aa) *a specific description*
15 *of the expenses for which the addi-*
16 *tional financing is requested; and*

17 “(bb) *an itemization of the*
18 *amount of each expense.*

19 “(III) *CONDITION ON ADDITIONAL*
20 *FINANCING.—A borrower may not use*
21 *any part of the financing under this*
22 *clause for non-business purposes.*

23 “(iv) *LOANS BASED ON JOBS.—*

24 “(I) *JOB CREATION AND RETEN-*
25 *TION GOALS.—*

1 “(aa) *IN GENERAL.*—*The Ad-*
2 *ministrator may provide financ-*
3 *ing under this subparagraph for a*
4 *borrower that meets the job cre-*
5 *ation goals under subsection (d)*
6 *or (e) of section 501.*

7 “(bb) *ALTERNATE JOB RE-*
8 *TENTION GOAL.*—*The Adminis-*
9 *trator may provide financing*
10 *under this subparagraph to a bor-*
11 *rower that does not meet the goals*
12 *described in item (aa) in an*
13 *amount that is not more than the*
14 *product obtained by multiplying*
15 *the number of employees of the*
16 *borrower by \$75,000.*

17 “(II) *NUMBER OF EMPLOYEES.*—
18 *For purposes of subclause (I), the num-*
19 *ber of employees of a borrower is equal*
20 *to the sum of—*

21 “(aa) *the number of full-time*
22 *employees of the borrower on the*
23 *date on which the borrower ap-*
24 *plies for a loan under this sub-*
25 *paragraph; and*

1 “(bb) the product obtained by
2 multiplying—

3 “(AA) the number of
4 part-time employees of the
5 borrower on the date on
6 which the borrower applies
7 for a loan under this sub-
8 paragraph, by

9 “(BB) the quotient ob-
10 tained by dividing the aver-
11 age number of hours each
12 part time employee of the
13 borrower works each week by
14 40.

15 “(v) TOTAL AMOUNT OF LOANS.—The
16 Administrator may provide not more than
17 a total of \$7,500,000,000 of financing under
18 this subparagraph for each fiscal year.”.

19 (b) EXPRESS LOAN AUTHORITY FOR ACCREDITED
20 LENDERS.—

21 (1) IN GENERAL.—Section 507 of the Small
22 Business Investment Act of 1958 (15 U.S.C. 697d) is
23 amended by striking subsection (e) and inserting the
24 following:

1 “(e) *EXPRESS LOAN AUTHORITY.*—A local develop-
2 ment company designated as an accredited lender in ac-
3 cordance with subsection (b)—

4 “(1) may—

5 “(A) approve, authorize, close, and service
6 covered loans that are funded with proceeds of a
7 debenture issued by the company; and

8 “(B) authorize the guarantee of a debenture
9 described in subparagraph (A); and

10 “(2) with respect to a covered loan, shall be sub-
11 ject to final approval as to eligibility of any guar-
12 antee by the Administration pursuant to section
13 503(a), but such final approval shall not include re-
14 view of decisions by the lender involving creditworthi-
15 ness, loan closing, or compliance with legal require-
16 ments imposed by law or regulation.

17 “(f) *DEFINITIONS.*—In this section—

18 “(1) the term ‘accredited lender certified com-
19 pany’ means a certified development company that
20 meets the requirements under subsection (b), includ-
21 ing a certified development company that the Admin-
22 istration has designated as an accredited lender under
23 that subsection;

24 “(2) the term ‘covered loan’—

1 “(A) means a loan made under section 502
2 in an amount that is not more than \$500,000;
3 and

4 “(B) does not include a loan made to a bor-
5 rower that is in an industry that has a high rate
6 of default, as annually determined by the Ad-
7 ministrators and reported in rules of the Admin-
8 istration; and

9 “(3) the term ‘qualified State or local develop-
10 ment company’ has the meaning given the term in
11 section 503(e).”.

12 (2) *PROSPECTIVE REPEAL.*—Effective on Sep-
13 tember 30, 2023, section 507 of the Small Business
14 Investment Act of 1958 (15 U.S.C. 697d), as amended
15 by paragraph (1), is amended by striking subsections
16 (e) and (f) and inserting the following:

17 “(e) *DEFINITION.*—In this section, the term ‘qualified
18 State or local development company’ has the meaning given
19 the term in section 503(e).”.

20 (c) *REFINANCING SENIOR PROJECT DEBT.*—During
21 the 1-year period beginning on the date of enactment of this
22 Act, a development company described in title V of the
23 Small Business Investment Act of 1958 (15 U.S.C. 695 et
24 seq.) is authorized to allow the refinancing of a senior loan
25 on an existing project in an amount that, when combined

1 *with the outstanding balance on the development company*
2 *loan, is not more than 90 percent of the total loan to value.*
3 *Proceeds of such refinancing can be used to support business*
4 *operating expenses.*

5 **SEC. 329. RECOVERY ASSISTANCE UNDER THE MICROLOAN**
6 **PROGRAM.**

7 *(a) LOANS TO INTERMEDIARIES.—*

8 *(1) IN GENERAL.—Section 7(m) of the Small*
9 *Business Act (15 U.S.C. 636(m)) is amended—*

10 *(A) in paragraph (3)(C)—*

11 *(i) by striking “and \$6,000,000” and*
12 *inserting “\$10,000,000 (in the aggregate)”;*
13 *and*

14 *(ii) by inserting before the period at*
15 *the end the following: “, and \$4,500,000 in*
16 *any of those remaining years”;*

17 *(B) in paragraph (4)—*

18 *(i) in subparagraph (A), by striking*
19 *“subparagraph (C)” each place that term*
20 *appears and inserting “subparagraphs (C)*
21 *and (G)”;*

22 *(ii) in subparagraph (C), by amending*
23 *clause (i) to read as follows:*

24 *“(i) IN GENERAL.—In addition to*
25 *grants made under subparagraph (A) or*

1 (G), each intermediary shall be eligible to
2 receive a grant equal to 5 percent of the
3 total outstanding balance of loans made to
4 the intermediary under this subsection if—

5 “(I) the intermediary provides not
6 less than 25 percent of its loans to
7 small business concerns located in or
8 owned by 1 or more residents of an
9 economically distressed area; or

10 “(II) the intermediary has a port-
11 folio of loans made under this sub-
12 section—

13 “(aa) that averages not more
14 than \$10,000 during the period of
15 the intermediary’s participation
16 in the program; or

17 “(bb) of which not less than
18 25 percent is serving rural areas
19 during the period of the
20 intermediary’s participation in
21 the program.”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(G) GRANT AMOUNTS BASED ON APPRO-
25 PRIATIONS.—In any fiscal year in which the

1 *amount appropriated to make grants under sub-*
2 *paragraph (A) is sufficient to provide to each*
3 *intermediary that receives a loan under para-*
4 *graph (1)(B)(i) a grant of not less than 25 per-*
5 *cent of the total outstanding balance of loans*
6 *made to the intermediary under this subsection,*
7 *the Administration shall make a grant under*
8 *subparagraph (A) to each intermediary of not*
9 *less than 25 percent and not more than 30 per-*
10 *cent of that total outstanding balance for the*
11 *intermediary.”; and*

12 *(C) in paragraph (11)—*

13 *(i) in subparagraph (C)(ii), by strik-*
14 *ing all after the semicolon and inserting*
15 *“and”; and*

16 *(ii) by striking all after subparagraph*
17 *(C) and inserting the following:*

18 *“(D) the term ‘economically distressed area’,*
19 *as used in paragraph (4), means a county or*
20 *equivalent division of local government of a*
21 *State in which the small business concern is lo-*
22 *cated, in which, according to the most recent*
23 *data available from the Bureau of the Census,*
24 *Department of Commerce, not less than 40 per-*

1 *cent of residents have an annual income that is*
2 *at or below the poverty level.”.*

3 (2) *PROSPECTIVE AMENDMENT.—Effective on*
4 *October 1, 2021, section 7(m)(3)(C) of the Small*
5 *Business Act (15 U.S.C. 636(m)(3)(C)), as amended*
6 *by paragraph (1)(A), is amended—*

7 (A) *by striking “ \$10,000,000” and by in-*
8 *serting “ \$7,000,000”; and*

9 (B) *by striking “ \$4,500,000” and inserting*
10 *“ \$3,000,000”.*

11 (b) *TEMPORARY WAIVER OF TECHNICAL ASSISTANCE*
12 *GRANTS MATCHING REQUIREMENTS AND FLEXIBILITY ON*
13 *PRE- AND POST-LOAN ASSISTANCE.—During the period be-*
14 *ginning on the date of enactment of this Act and ending*
15 *on September 30, 2021, the Administration shall waive—*

16 (1) *the requirement to contribute non-Federal*
17 *funds under section 7(m)(4)(B) of the Small Business*
18 *Act (15 U.S.C. 636(m)(4)(B)); and*

19 (2) *the limitation on amounts allowed to be ex-*
20 *pended to provide information and technical assist-*
21 *ance under clause (i) of section 7(m)(4)(E) of the*
22 *Small Business Act (15 U.S.C. 636(m)(4)(E)) and*
23 *enter into third party contracts for the provision of*
24 *technical assistance under clause (ii) of such section*
25 *7(m)(4)(E).*

1 (c) *TEMPORARY DURATION OF LOANS TO BOR-*
2 *ROWERS.*—

3 (1) *IN GENERAL.*—*During the period beginning*
4 *on the date of enactment of this Act and ending on*
5 *September 30, 2021, the duration of a loan made by*
6 *an eligible intermediary under section 7(m) of the*
7 *Small Business Act (15 U.S.C. 636(m))*—

8 (A) *to an existing borrower may be ex-*
9 *tended to not more than 8 years; and*

10 (B) *to a new borrower may be not more*
11 *than 8 years.*

12 (2) *REVERSION.*—*On and after October 1, 2021,*
13 *the duration of a loan made by an eligible inter-*
14 *mediary to a borrower under section 7(m) of the*
15 *Small Business Act (15 U.S.C. 636(m)) shall be 7*
16 *years or such other amount established by the Admin-*
17 *istrator.*

18 (d) *FUNDING.*—*Section 20 of the Small Business Act*
19 *(15 U.S.C. 631 note) is amended by adding at the end the*
20 *following:*

21 “(h) *MICROLOAN PROGRAM.*—*For each of fiscal years*
22 *2021 through 2025, the Administration is authorized to*
23 *make—*

24 “(1) *\$80,000,000 in technical assistance grants,*
25 *as provided in section 7(m); and*

1 “(2) \$110,000,000 in direct loans, as provided in
2 section 7(m).”.

3 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*
4 *tion to amounts provided under the Consolidated Appro-*
5 *priations Act, 2020 (Public Law 116–93; 133 Stat. 2317)*
6 *for the program established under section 7(m) of the Small*
7 *Business Act (15 U.S.C. 636(m)) and amounts provided for*
8 *fiscal year 2021 for that program, there is authorized to*
9 *be appropriated for fiscal year 2021, to remain available*
10 *until expended—*

11 (1) \$50,000,000 to provide technical assistance
12 grants under such section 7(m); and

13 (2) \$7,000,000 to provide direct loans under such
14 section 7(m).

15 **SEC. 330. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM.**

16 (a) *IN GENERAL.*—*The Administrator shall ensure*
17 *that a small business concern participating in the program*
18 *established under section 8(a) of the Small Business Act (15*
19 *U.S.C. 637(a)) on or before September 9, 2020, may elect*
20 *to extend such participation by a period of 1 year, regard-*
21 *less of whether the small business concern previously elected*
22 *to suspend participation in the program pursuant to guid-*
23 *ance of the Administrator.*

24 (b) *EMERGENCY RULEMAKING AUTHORITY.*—*Not later*
25 *than 15 days after the date of enactment of this Act, the*

1 *Administrator shall issue regulations to carry out this sec-*
2 *tion without regard to the notice requirements under section*
3 *553(b) of title 5, United States Code.*

4 **SEC. 331. TARGETED EIDL ADVANCE FOR SMALL BUSINESS**
5 **CONTINUITY, ADAPTATION, AND RESILIENCY.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *AGRICULTURAL ENTERPRISE.—The term*
8 *“agricultural enterprise” has the meaning given the*
9 *term in section 18(b) of the Small Business Act (15*
10 *U.S.C. 647(b)).*

11 (2) *COVERED ENTITY.—The term “covered enti-*
12 *ty”—*

13 (A) *means an eligible entity that—*

14 (i) *applies for a loan under section*
15 *7(b)(2) of the Small Business Act (15*
16 *U.S.C. 636(b)(2)) during the covered period,*
17 *including before the date of enactment of*
18 *this Act;*

19 (ii) *is located in a low-income commu-*
20 *nity;*

21 (iii) *has suffered an economic loss of*
22 *greater than 30 percent; and*

23 (iv) *employs not more than 300 em-*
24 *ployees; and*

1 (B) *except with respect to an entity in-*
2 *cluded under section 123.300(c) of title 13, Code*
3 *of Federal Regulations, or any successor regula-*
4 *tion, does not include an agricultural enterprise.*

5 (3) *COVERED PERIOD.—The term “covered pe-*
6 *riod” has the meaning given the term in section*
7 *1110(a)(1) of the CARES Act (15 U.S.C. 9009(a)(1)),*
8 *as amended by section 332 of this Act.*

9 (4) *ECONOMIC LOSS.—The term “economic loss”*
10 *means, with respect to a covered entity—*

11 (A) *the amount by which the gross receipts*
12 *of the covered entity declined during an 8-week*
13 *period between March 2, 2020, and December 31,*
14 *2021, relative to a comparable 8-week period im-*
15 *mediately preceding March 2, 2020, or during*
16 *2019; or*

17 (B) *if the covered entity is a seasonal busi-*
18 *ness concern, such other amount determined ap-*
19 *propriate by the Administrator.*

20 (5) *ELIGIBLE ENTITY.—The term “eligible enti-*
21 *ty” means an entity that, during the covered period,*
22 *is eligible for a loan made under section 7(b)(2) of the*
23 *Small Business Act (15 U.S.C. 636(b)(2)), as de-*
24 *scribed in section 1110(b) of the CARES Act (15*
25 *U.S.C. 9009(b)).*

1 (6) *LOW-INCOME COMMUNITY.*—*The term “low-*
2 *income community” has the meaning given the term*
3 *in section 45D(e) of the Internal Revenue Code of*
4 *1986.*

5 (b) *ENTITLEMENT TO FULL AMOUNT.*—

6 (1) *IN GENERAL.*—*Subject to paragraph (2), a*
7 *covered entity, after submitting a request to the Ad-*
8 *ministrator that the Administrator verifies under sub-*
9 *section (c), shall receive a total of \$10,000 under sec-*
10 *tion 1110(e) of the CARES Act (15 U.S.C. 9009(e)),*
11 *without regard to whether—*

12 (A) *the applicable loan for which the cov-*
13 *ered entity applies or applied under section*
14 *7(b)(2) of the Small Business Act (15 U.S.C.*
15 *636(b)(2)) is or was approved;*

16 (B) *the covered entity accepts or accepted*
17 *the offer of the Administrator with respect to an*
18 *approved loan described in subparagraph (A); or*

19 (C) *the covered entity has previously re-*
20 *ceived a loan under section 7(a)(36) of the Small*
21 *Business Act (15 U.S.C. 636(a)(36)).*

22 (2) *EFFECT OF PREVIOUSLY RECEIVED*
23 *AMOUNTS.*—

24 (A) *IN GENERAL.*—*With respect to a covered*
25 *entity that received an emergency grant under*

1 *section 1110(e) of the CARES Act (15 U.S.C.*
2 *9009(e)) before the date of enactment of this Act,*
3 *the amount of the payment that the covered enti-*
4 *ty shall receive under this subsection (after satis-*
5 *faction of the procedures required under sub-*
6 *paragraph (B)) shall be the difference between*
7 *\$10,000 and the amount of that previously re-*
8 *ceived grant.*

9 *(B) PROCEDURES.—If the Administrator*
10 *receives a request under paragraph (1) from a*
11 *covered entity described in subparagraph (A) of*
12 *this paragraph, the Administrator shall, not*
13 *later than 21 days after the date on which the*
14 *Administrator receives the request—*

15 *(i) perform the verification required*
16 *under subsection (c);*

17 *(ii) if the Administrator, under sub-*
18 *section (c), verifies that the entity is a cov-*
19 *ered entity, provide to the covered entity a*
20 *payment in the amount described in sub-*
21 *paragraph (A); and*

22 *(iii) with respect to a covered entity*
23 *that the Administrator determines is not*
24 *entitled to a payment under this section,*
25 *provide the covered entity with a notifica-*

1 *tion explaining why the Administrator*
2 *reached that determination.*

3 *(C) RULE OF CONSTRUCTION.—Nothing in*
4 *this paragraph may be construed to require any*
5 *entity that received an emergency grant under*
6 *section 1110(e) of the CARES Act (15 U.S.C.*
7 *9009(e)) before the date of enactment of this Act*
8 *to repay any amount of that grant.*

9 *(c) VERIFICATION.—In carrying out this section, the*
10 *Administrator shall require any information, including*
11 *any tax records, from an entity submitting a request under*
12 *subsection (b) that the Administrator determines to be nec-*
13 *essary to verify that the entity is a covered entity, without*
14 *regard to whether the entity has previously submitted such*
15 *information to the Administrator.*

16 *(d) ORDER OF PROCESSING.—The Administrator shall*
17 *process and approve requests for payments under subsection*
18 *(b) in the order that the Administrator receives the requests,*
19 *except that the Administrator shall give—*

20 *(1) first priority to covered entities described in*
21 *subsection (b)(2)(A); and*

22 *(2) second priority to covered entities that have*
23 *not received emergency grants under section 1110(e)*
24 *of the CARES Act (15 U.S.C. 9009(e)), as of the date*
25 *on which the Administrator receives such a request,*

1 *because of the unavailability of funding to carry out*
2 *such section 1110(e).*

3 *(e) APPLICABILITY.—In addition to any other restric-*
4 *tion imposed under this section, any eligibility restriction*
5 *applicable to a loan made under section 7(b)(2) of the Small*
6 *Business Act (15 U.S.C. 636(b)(2)), including any restric-*
7 *tion under section 123.300 or 123.301 of title 13, Code of*
8 *Federal Regulations, or any successor regulation, shall*
9 *apply with respect to funding provided under this section.*

10 *(f) NOTIFICATION REQUIRED.—The Administrator*
11 *shall provide notice to each of the following entities stating*
12 *that the entity may be eligible for a payment under this*
13 *section if the entity satisfies the requirements under clauses*
14 *(ii), (iii), and (iv) of subsection (a)(2)(A):*

15 *(1) Each entity that received an emergency grant*
16 *under section 1110(e) of the CARES Act (15 U.S.C.*
17 *9009(e)) before the date of enactment of this Act.*

18 *(2) Each entity that, before the date of enactment*
19 *of this Act—*

20 *(A) applied for a loan under section 7(b)(2)*
21 *of the Small Business Act (15 U.S.C. 636(b)(2));*
22 *and*

23 *(B) did not receive an emergency grant*
24 *under section 1110(e) of the CARES Act (15*

1 *U.S.C. 9009(e)) because of the unavailability of*
2 *funding to carry out such section 1110(e).*

3 *(g) ADMINISTRATION.—In carrying out this section,*
4 *the Administrator may rely on loan officers and other per-*
5 *sonnel of the Office of Disaster Assistance of the Adminis-*
6 *tration and other resources of the Administration, including*
7 *contractors of the Administration.*

8 *(h) AUTHORIZATION OF APPROPRIATIONS.—There are*
9 *authorized to be appropriated to the Administrator*
10 *\$20,000,000,000 to carry out this section—*

11 *(1) which shall remain available through Decem-*
12 *ber 31, 2021; and*

13 *(2) of which \$20,000,000 is authorized to be ap-*
14 *propriated to the Inspector General of the Adminis-*
15 *tration to prevent waste, fraud, and abuse with re-*
16 *spect to funding provided under this section.*

17 **SEC. 332. EMERGENCY EIDL GRANTS.**

18 *Section 1110 of the CARES Act (15 U.S.C. 9009) is*
19 *amended—*

20 *(1) in subsection (a)(1), by striking “December*
21 *31, 2020” and inserting “December 31, 2021”;*

22 *(2) in subsection (d), by striking paragraphs (1)*
23 *and (2) and inserting the following:*

24 *“(1) approve an applicant—*

1 “(A) based solely on the credit score of the
2 applicant; or

3 “(B) by using alternative appropriate meth-
4 ods to determine an applicant’s ability to repay;
5 and

6 “(2) use information from the Department of the
7 Treasury to confirm that—

8 “(A) an applicant is eligible to receive such
9 a loan; or

10 “(B) the information contained in an ap-
11 plication for such a loan is accurate.”; and

12 (3) in subsection (e)—

13 (A) in paragraph (1)—

14 (i) by striking “During the covered pe-
15 riod” and inserting the following:

16 “(A) *ADVANCES*.—During the covered pe-
17 riod”;

18 (ii) in subparagraph (A), as so des-
19 ignated, by striking “within 3 days after
20 the Administrator receives an application
21 from such applicant”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(B) *TIMING*.—With respect to each request
25 submitted to the Administrator under subpara-

1 *graph (A), the Administrator shall, not later*
2 *than 21 days after the date on which the Admin-*
3 *istrator receives the request—*

4 *“(i) verify whether the entity is an en-*
5 *tity that is eligible for a loan made under*
6 *section 7(b)(2) of the Small Business Act*
7 *(15 U.S.C. 636(b)(2)) during the covered pe-*
8 *riod, as described in subsection (b);*

9 *“(ii) if the Administrator, under clause*
10 *(i), verifies that the entity submitting the*
11 *request is an entity that is eligible, as de-*
12 *scribed in that clause, provide the advance*
13 *requested by the entity; and*

14 *“(iii) with respect to an entity that the*
15 *Administrator determines is not entitled to*
16 *receive an advance under this subsection,*
17 *provide the entity with a notification ex-*
18 *plaining why the Administrator reached*
19 *that determination.”;*

20 *(B) in paragraph (7), by striking “*
21 *\$20,000,000,000” and inserting “*
22 *\$40,000,000,000”; and*

23 *(C) in paragraph (8), by striking “Decem-*
24 *ber 31, 2020” and inserting “December 31,*
25 *2021”.*

1 **SEC. 333. REPEAL OF EIDL ADVANCE DEDUCTION.**

2 (a) *DEFINITIONS.*—*In this section—*

3 (1) *the term “covered entity” means an entity*
4 *that receives an advance under section 1110(e) of the*
5 *CARES Act (15 U.S.C. 9009(e)), including an entity*
6 *that received such an advance before the date of enact-*
7 *ment of this Act; and*

8 (2) *the term “covered period” has the meaning*
9 *given the term in section 1110(a)(1) of the CARES*
10 *Act (15 U.S.C. 9009(a)(1)), as amended by section*
11 *332 of this Act.*

12 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
13 *that borrowers of loans made under section 7(b)(2) of the*
14 *Small Business Act (15 U.S.C. 636(b)(2)) in response to*
15 *COVID–19 during the covered period should be made whole,*
16 *without regard to whether those borrowers are eligible for*
17 *forgiveness with respect to those loans.*

18 (c) *REPEAL.*—*Section 1110(e)(6) of the CARES Act*
19 *(15 U.S.C. 9009(e)(6)) is repealed.*

20 (d) *EFFECTIVE DATE; APPLICABILITY.*—*The amend-*
21 *ment made by subsection (c) shall be effective as if included*
22 *in the CARES Act (Public Law 116–136; 134 Stat. 281).*

23 (e) *RULEMAKING.*—

24 (1) *IN GENERAL.*—*Not later than 15 days after*
25 *the date of enactment of this Act, the Administrator*
26 *shall issue rules that ensure the equal treatment of all*

1 covered entities with respect to the amendment made
2 by subsection (c), which shall include consideration of
3 covered entities that, before the date of enactment of
4 this Act, completed the loan forgiveness process de-
5 scribed in section 1110(e)(6) of the CARES Act (15
6 U.S.C. 9009(e)(6)), as in effect before that date of en-
7 actment.

8 (2) NOTICE AND COMMENT.— The notice and
9 comment requirements under section 553 of title 5,
10 United States Code, shall not apply with respect to
11 the rules issued under paragraph (1).

12 **SEC. 334. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(a)**

13 **LOANS.**

14 Section 7(a)(7) of the Small Business Act (15 U.S.C.
15 636(a)(7)) is amended—

16 (1) by striking “The Administration” and in-
17 serting “(A) IN GENERAL.—The Administrator”;

18 (2) in subparagraph (A), as so designated, by in-
19 serting “and interest” after “principal”; and

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

21 “(B) DEFERRAL REQUIREMENTS.—With re-
22 spect to a deferral provided under this para-
23 graph, the Administrator may allow lenders
24 under this subsection—

1 “(i) to provide full payment deferment
2 relief (including payment of principal and
3 interest) for a period of not more than 1
4 year; and

5 “(ii) to provide an additional
6 deferment period if the borrower provides
7 documentation justifying such additional
8 deferment.

9 “(C) SECONDARY MARKET.—

10 “(i) IN GENERAL.—Except as provided
11 in clause (ii), if an investor declines to ap-
12 prove a deferral or additional deferment re-
13 quested by a lender under subparagraph
14 (B), the Administrator shall exercise the au-
15 thority to purchase the loan so that the bor-
16 rower may receive full payment deferment
17 relief (including payment of principal and
18 interest) or an additional deferment as de-
19 scribed in subparagraph (B).

20 “(ii) EXCEPTION.—If, in a fiscal year,
21 the Administrator determines that the cost
22 of implementing clause (i) is greater than
23 zero, the Administrator shall not implement
24 that clause.”.

1 **SEC. 335. DOCUMENTATION REQUIRED FOR CERTAIN ELIGI-**
2 **BLE RECIPIENTS.**

3 (a) *IN GENERAL.*—Section 7(a)(36)(D)(ii)(II) of the
4 *Small Business Act* (15 U.S.C. 636(a)(36)(D)(ii)(II)) is
5 amended by striking “as is necessary” and all that follows
6 through the period at the end and inserting “as determined
7 necessary by the Administrator and the Secretary, to estab-
8 lish the applicant as eligible.”.

9 (b) *EFFECTIVE DATE; APPLICABILITY.*—The amend-
10 ment made by subsection (a) shall be effective as if included
11 in the *CARES Act* (Public Law 116–136; 134 Stat. 281)
12 and shall apply to any loan made pursuant to section
13 7(a)(36) of the *Small Business Act* (15 U.S.C. 636(a)(36))
14 before, on, or after the date of enactment of this Act, includ-
15 ing forgiveness of such a loan.

16 **SEC. 336. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**
17 **PLOYERS.**

18 (a) *IN GENERAL.*—Section 7(a)(36)(E)(i)(I)(aa)(AA)
19 of the *Small Business Act* (15 U.S.C.
20 636(a)(36)(E)(i)(I)(aa)(AA)) is amended by striking “, in
21 the case of an applicant” and all that follows through “June
22 30, 2019” and inserting the following: “an applicant that
23 is a seasonal employer shall use the average total monthly
24 payments for payroll for any 12-week period selected by the
25 seasonal employer between February 15, 2019, and Feb-
26 ruary 15, 2020”.

1 **(b) EFFECTIVE DATE; APPLICABILITY.**—

2 **(1) IN GENERAL.**—*Except as provided in para-*
3 *graph (2), the amendment made by subsection (a)*
4 *shall be effective as if included in the CARES Act*
5 *(Public Law 116–136; 134 Stat. 281) and shall apply*
6 *to any loan made pursuant to section 7(a)(36) of the*
7 *Small Business Act (15 U.S.C. 636(a)(36)) before, on,*
8 *or after the date of enactment of this Act, including*
9 *forgiveness of such a loan.*

10 **(2) EXCLUSION OF LOANS ALREADY FORGIVEN.**—
11 *The amendment made by subsection (a) shall not*
12 *apply to a loan made pursuant to section 7(a)(36) of*
13 *the Small Business Act (15 U.S.C. 636(a)(36)) for*
14 *which the borrower received forgiveness before the date*
15 *of enactment of this Act under section 1106 of the*
16 *CARES Act, as in effect on the day before such date*
17 *of enactment.*

18 **SEC. 337. INCLUSION OF CERTAIN REFINANCING IN NON-**
19 **RECOURSE REQUIREMENTS.**

20 **(a) IN GENERAL.**—*Section 7(a)(36)(F)(v) of the Small*
21 *Business Act (15 U.S.C. 636(a)(36)(F)(v)) is amended by*
22 *striking “clause (i)” and inserting “clause (i) or (iv)”.*

23 **(b) EFFECTIVE DATE; APPLICABILITY.**—*The amend-*
24 *ment made by subsection (a) shall be effective as if included*
25 *in the CARES Act (Public Law 116–136; 134 Stat. 281)*

1 *and shall apply to any loan made pursuant to section*
2 *7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))*
3 *before, on, or after the date of enactment of this Act, includ-*
4 *ing forgiveness of such a loan.*

5 **SEC. 338. APPLICATION OF CERTAIN TERMS THROUGH LIFE**
6 **OF COVERED LOAN.**

7 *(a) IN GENERAL.—Section 7(a)(36) of the Small Busi-*
8 *ness Act (15 U.S.C. 636(a)(36)) is amended—*

9 *(1) in subparagraph (H), in the matter pre-*
10 *ceding clause (i), by striking “During the covered pe-*
11 *riod, with” and inserting “With”;*

12 *(2) in subparagraph (J), in the matter preceding*
13 *clause (i), by striking “During the covered period,*
14 *with” and inserting “With”; and*

15 *(3) in subparagraph (M)—*

16 *(A) in clause (ii), in the matter preceding*
17 *subclause (I), by striking “During the covered*
18 *period, the” and inserting “The”; and*

19 *(B) in clause (iii), by striking “During the*
20 *covered period, with” and inserting “With”.*

21 *(b) EFFECTIVE DATE; APPLICABILITY.—The amend-*
22 *ments made by subsection (a) shall be effective as if included*
23 *in the CARES Act (Public Law 116–136; 134 Stat. 281)*
24 *and shall apply to any loan made pursuant to section*
25 *7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))*

1 *before, on, or after the date of enactment of this Act, includ-*
2 *ing forgiveness of such a loan.*

3 **SEC. 339. INTEREST CALCULATION ON COVERED LOANS.**

4 (a) *DEFINITIONS.*—*In this section, the terms “covered*
5 *loan” and “eligible recipient” have the meanings given the*
6 *terms in section 7(a)(36)(A) of the Small Business Act (15*
7 *U.S.C. 636(a)(36)(A)).*

8 (b) *CALCULATION.*—*Section 7(a)(36)(L) of the Small*
9 *Business Act (15 U.S.C. 636(a)(36)(L)) is amended by in-*
10 *serting “, calculated on a non-compounding, non-adjustable*
11 *basis” after “4 percent”.*

12 (c) *APPLICABILITY.*—*The amendment made by sub-*
13 *section (b) may apply with respect to a covered loan made*
14 *before the date of enactment of this Act, upon the agreement*
15 *of the lender and the eligible recipient with respect to the*
16 *covered loan.*

17 **SEC. 340. REIMBURSEMENT FOR PROCESSING.**

18 (a) *REIMBURSEMENT.*—*Section 7(a)(36)(P) of the*
19 *Small Business Act (15 U.S.C. 636(a)(36)(P)) is amend-*
20 *ed—*

21 (1) *by amending clause (i) to read as follows:*

22 “(i) *IN GENERAL.*—*The Administrator*
23 *shall reimburse a lender authorized to make*
24 *a covered loan as follows:*

1 “(I) *With respect to a covered*
2 *loan made during the period beginning*
3 *on the date of enactment of this para-*
4 *graph and ending on the day before the*
5 *date of enactment of the Economic Aid*
6 *to Hard-Hit Small Businesses, Non-*
7 *profits, and Venues Act, the Adminis-*
8 *trator shall reimburse such a lender at*
9 *a rate, based on the balance of the fi-*
10 *nancing outstanding at the time of dis-*
11 *bursement of the covered loan, of—*

12 “(aa) *5 percent for loans of*
13 *not more than \$350,000;*

14 “(bb) *3 percent for loans of*
15 *more than \$350,000 and less than*
16 *\$2,000,000; and*

17 “(cc) *1 percent for loans of*
18 *not less than \$2,000,000.*

19 “(II) *With respect to a covered*
20 *loan made on or after the date of en-*
21 *actment of the Economic Aid to Hard-*
22 *Hit Small Businesses, Nonprofits, and*
23 *Venues Act, the Administrator shall re-*
24 *imburse such a lender—*

1 “(aa) for a covered loan of
2 not more than \$50,000, in an
3 amount equal to the lesser of—

4 “(AA) 50 percent of the
5 balance of the financing out-
6 standing at the time of dis-
7 bursement of the covered
8 loan; or

9 “(BB) \$2,500; and

10 “(bb) at a rate, based on the
11 balance of the financing out-
12 standing at the time of disburse-
13 ment of the covered loan, of—

14 “(AA) 5 percent for a
15 covered loan of more than
16 \$50,000 and not more than
17 \$350,000;

18 “(BB) 3 percent for a
19 covered loan of more than
20 \$350,000 and less than
21 \$2,000,000; and

22 “(CC) 1 percent for a
23 covered loan of not less than
24 \$2,000,000.”; and

25 (2) by amending clause (iii) to read as follows:

1 “(iii) *TIMING.*—A reimbursement de-
2 scribed in clause (i) shall be made not later
3 than 5 days after the reported disbursement
4 of the covered loan and may not be required
5 to be repaid by a lender unless the lender is
6 found guilty of an act of fraud in connec-
7 tion with the covered loan.”.

8 (b) *FEE LIMITS.*—

9 (1) *IN GENERAL.*—Section 7(a)(36)(P)(ii) of the
10 *Small Business Act (15 U.S.C. 636(a)(36)(P)(ii))* is
11 amended by adding at the end the following: “If an
12 eligible recipient has knowingly retained an agent,
13 such fees shall be paid by the eligible recipient and
14 may not be paid out of the proceeds of a covered loan.
15 A lender shall only be responsible for paying fees to
16 an agent for services for which the lender directly con-
17 tracts with the agent.”.

18 (2) *EFFECTIVE DATE; APPLICABILITY.*—The
19 amendment made by paragraph (1) shall be effective
20 as if included in the *CARES Act (Public Law 116-*
21 *136; 134 Stat. 281)* and shall apply to any loan
22 made pursuant to section 7(a)(36) of the *Small Busi-*
23 *ness Act (15 U.S.C. 636(a)(36))* before, on, or after
24 the date of enactment of this Act, including forgive-
25 ness of such a loan.

1 **SEC. 341. DUPLICATION REQUIREMENTS FOR ECONOMIC**
2 **INJURY DISASTER LOAN RECIPIENTS.**

3 *Section 7(a)(36)(Q) of the Small Business Act (15*
4 *U.S.C. 636(a)(36)(Q)) is amended by striking “during the*
5 *period beginning on January 31, 2020, and ending on the*
6 *date on which covered loans are made available”.*

7 **SEC. 342. PROHIBITION OF ELIGIBILITY FOR PUBLICLY-**
8 **TRADED COMPANIES.**

9 *Section 7(a)(36) of the Small Business Act (15 U.S.C.*
10 *636(a)(36)) is amended—*

11 *(1) in subparagraph (A), as amended by section*
12 *318 of this Act, by adding at the end the following:*

13 *“(xvi) the terms ‘exchange’, ‘issuer’,*
14 *and ‘security’ have the meanings given those*
15 *terms in section 3(a) of the Securities Ex-*
16 *change Act of 1934 (15 U.S.C. 78c(a)).”;*
17 *and*

18 *(2) in subparagraph (D), as amended by section*
19 *318 of this Act by adding at the end the following:*

20 *“(viii) INELIGIBILITY OF PUBLICLY-*
21 *TRADED ENTITIES.—Notwithstanding any*
22 *other provision of this paragraph, on and*
23 *after the date of enactment of the Economic*
24 *Aid to Hard-Hit Small Businesses, Non-*
25 *profits, and Venues Act, an entity that is*
26 *an issuer, the securities of which are listed*

1 *on an exchange registered as a national se-*
2 *curities exchange under section 6 of the Se-*
3 *curities Exchange Act of 1934 (15 U.S.C.*
4 *78f), shall be ineligible to receive a covered*
5 *loan under this paragraph.”.*

6 **SEC. 343. COVERED PERIOD FOR NEW PARAGRAPH (36)**
7 **LOANS.**

8 *(a) IN GENERAL.—Section 7(a)(36)(A)(iii) of the*
9 *Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is*
10 *amended by striking “December 31, 2020” and inserting*
11 *“March 31, 2021”.*

12 *(b) EFFECTIVE DATE; APPLICABILITY.—The amend-*
13 *ment made by subsection (a) shall be effective as if included*
14 *in the CARES Act (Public Law 116–136; 134 Stat. 281)*
15 *and shall apply to any loan made pursuant to section*
16 *7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))*
17 *before, on, or after the date of enactment of this Act, includ-*
18 *ing forgiveness of such a loan.*

19 **SEC. 344. APPLICABLE PERIODS FOR PRORATION.**

20 *Section 7(a)(36)(A)(viii) of the Small Business Act (15*
21 *U.S.C. 636(a)(36)(A)(viii)) is amended—*

22 *(1) in subclause (I)(bb), by striking “in 1 year,*
23 *as prorated for the covered period” and inserting “on*
24 *an annualized basis, as prorated for the period dur-*

1 *ing which the payments are made or the obligation to*
2 *make the payments is incurred”; and*

3 *(2) in subclause (II)—*

4 *(A) in item (aa), by striking “an annual*
5 *salary of \$100,000, as prorated for the covered*
6 *period” and inserting “ \$100,000 on an*
7 *annualized basis, as prorated for the period dur-*
8 *ing which the compensation is paid or the obli-*
9 *gation to pay the compensation is incurred”;*
10 *and*

11 *(B) in item (bb), by striking “covered” and*
12 *inserting “applicable”.*

13 **SEC. 345. EXTENSION OF WAIVER OF MATCHING FUNDS RE-**
14 **QUIREMENT UNDER THE WOMEN’S BUSINESS**
15 **CENTER PROGRAM.**

16 *(a) IN GENERAL.—Section 1105 of the CARES Act (15*
17 *U.S.C. 9004) is amended by striking “the 3-month period*
18 *beginning on the date of enactment of this Act” and insert-*
19 *ing “the period beginning on the date of enactment of this*
20 *Act and ending on June 30, 2021”.*

21 *(b) EFFECTIVE DATE; APPLICABILITY.—The amend-*
22 *ment made by subsection (a) shall be effective as if included*
23 *in the CARES Act (Public Law 116–136; 134 Stat. 281).*

1 **SEC. 346. CLARIFICATION OF USE OF CARES ACT FUNDS**
2 **FOR SMALL BUSINESS DEVELOPMENT CEN-**
3 **TERS.**

4 (a) *IN GENERAL.*—Section 1103(b)(3)(A) of the
5 CARES Act (15 U.S.C. 9002(b)(3)(A)) is amended—

6 (1) by striking “The Administration” and in-
7 serting the following:

8 “(i) *IN GENERAL.*—The Administra-
9 tion”; and

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

11 “(ii) *CLARIFICATION OF USE.*—Awards
12 made under clause (i) shall be in addition
13 to, and separate from, any amounts appro-
14 priated to make grants under section 21(a)
15 of the Small Business Act (15 U.S.C.
16 648(a)) and such an award may be used to
17 complement and support such a grant, ex-
18 cept that priority with respect to the receipt
19 of that assistance shall be given to small
20 business development centers that have been
21 affected by issues described in paragraph
22 (2).”.

23 (b) *EFFECTIVE DATE; APPLICABILITY.*—The amend-
24 ments made by subsection (a) shall be effective as if included
25 in the CARES Act (Public Law 116–136; 134 Stat. 281).

1 **SEC. 347. GAO REPORT.**

2 *Not later than 120 days after the date of enactment*
3 *of this Act, the Comptroller General of the United States*
4 *shall submit to the Committee on Small Business and En-*
5 *trepreneurship of the Senate and the Committee on Small*
6 *Business of the House of Representatives a report regarding*
7 *the use by the Administration of funds made available to*
8 *the Administration through supplemental appropriations*
9 *in fiscal year 2020, the purpose of which was for adminis-*
10 *trative expenses.*

11 **SEC. 348. EFFECTIVE DATE; APPLICABILITY.**

12 *Except as otherwise provided in this Act, this Act and*
13 *the amendments made by this Act shall take effect on the*
14 *date of enactment of this Act and apply to loans and grants*
15 *made on or after the date of enactment of this Act.*

16 **TITLE IV—TRANSPORTATION**
17 **Subtitle A—Airline Worker Support**
18 ***Extension***

19 **SEC. 401. DEFINITIONS.**

20 *Unless otherwise specified, the definitions in section*
21 *40102(a) of title 49, United States Code, shall apply to this*
22 *subtitle, except that in this subtitle—*

23 *(1) the term “catering functions” means prepa-*
24 *ration, assembly, or both, of food, beverages, provi-*
25 *sions and related supplies for delivery, and the deliv-*
26 *ery of such items, directly to aircraft or to a location*

1 *on or near airport property for subsequent delivery to*
2 *aircraft;*

3 (2) *the term “contractor” means—*

4 (A) *a person that performs, under contract*
5 *with a passenger air carrier conducting oper-*
6 *ations under part 121 of title 14, Code of Fed-*
7 *eral Regulations—*

8 (i) *catering functions; or*

9 (ii) *functions on the property of an*
10 *airport that are directly related to the air*
11 *transportation of persons, property, or*
12 *mail, including, but not limited to, the*
13 *loading and unloading of property on air-*
14 *craft, assistance to passengers under part*
15 *382 of title 14, Code of Federal Regulations,*
16 *security, airport ticketing and check-in*
17 *functions, ground-handling of aircraft, or*
18 *aircraft cleaning and sanitization functions*
19 *and waste removal; or*

20 (B) *a subcontractor that performs such*
21 *functions;*

22 (3) *the term “employee” means an individual,*
23 *other than a corporate officer, who is employed by an*
24 *air carrier or a contractor;*

1 (4) the term “recall” means the dispatch of a no-
2 tice by a passenger air carrier or a contractor, via
3 mail, courier, or electronic mail, to an involuntarily
4 furloughed employee notifying the employee that—

5 (A) the employee must, within a specified
6 period of time, elect either—

7 (i) to return to employment or bypass
8 return to employment, in accordance with
9 an applicable collective bargaining agree-
10 ment or, in the absence of a collective bar-
11 gaining agreement, company policy; or

12 (ii) to permanently separate from em-
13 ployment with the passenger air carrier or
14 contractor; and

15 (B) failure to respond within such time pe-
16 riod specified shall be considered an election
17 under subparagraph (A)(ii);

18 (5) the term “returning employee” means an in-
19 voluntarily furloughed employee who has elected to re-
20 turn to employment pursuant to a recall notice; and

21 (6) the term “Secretary” means the Secretary of
22 the Treasury.

23 **SEC. 402. PANDEMIC RELIEF FOR AVIATION WORKERS.**

24 (a) **FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,**
25 **SALARIES, AND BENEFITS.**—Notwithstanding any other

1 *provision of law, to preserve aviation jobs and compensate*
2 *air carrier industry workers, the Secretary shall provide fi-*
3 *nancial assistance that shall exclusively be used for the con-*
4 *tinuation of payment of employee wages, salaries, and bene-*
5 *fits to—*

6 (1) *passenger air carriers, in an aggregate*
7 *amount up to \$15,000,000,000; and*

8 (2) *contractors, in an aggregate amount up to*
9 *\$1,000,000,000.*

10 (b) *ADMINISTRATIVE EXPENSES.—Notwithstanding*
11 *any other provision of law, the Secretary may use funds*
12 *made available under section 4112(b) of the CARES Act*
13 *(15 U.S.C. 9072(b)) for costs and administrative expenses*
14 *associated with providing financial assistance under this*
15 *subtitle.*

16 **SEC. 403. PROCEDURES FOR PROVIDING PAYROLL SUP-**
17 **PORT.**

18 (a) *AWARDABLE AMOUNTS.—The Secretary shall pro-*
19 *vide financial assistance under this subtitle—*

20 (1) *to a passenger air carrier required to file re-*
21 *ports pursuant to part 241 of title 14, Code of Fed-*
22 *eral Regulations, as of March 27, 2020, in an amount*
23 *equal to—*

24 (A) *the amount such air carrier was ap-*
25 *proved to receive (without taking into account*

1 *any pro rata reduction) under section 4113 of*
2 *the CARES Act (15 U.S.C. 9073); or*

3 *(B) at the request of such air carrier, or in*
4 *the event such air carrier did not receive assist-*
5 *ance under section 4113 of the CARES Act (15*
6 *U.S.C. 9073), the amount of the salaries and*
7 *benefits reported by the air carrier to the De-*
8 *partment of Transportation pursuant to such*
9 *part 241, for the period from October 1, 2019,*
10 *through March 31, 2020;*

11 *(2) to a passenger air carrier that was not re-*
12 *quired to transmit reports under such part 241, as of*
13 *March 27, 2020, in an amount equal to—*

14 *(A) the amount such air carrier was ap-*
15 *proved to receive (without taking into account*
16 *any pro rata reduction) under section 4113 of*
17 *the CARES Act (15 U.S.C. 9073), plus an addi-*
18 *tional 15 percent of such amount;*

19 *(B) at the request of such air carrier, pro-*
20 *vided such air carrier received assistance under*
21 *section 4113 of the CARES Act (15 U.S.C.*
22 *9073), the sum of—*

23 *(i) the amount that such air carrier*
24 *certifies, using sworn financial statements*
25 *or other appropriate data, as the amount of*

1 *total salaries and related fringe benefits*
2 *that such air carrier incurred and would be*
3 *required to be reported to the Department of*
4 *Transportation pursuant to such part 241,*
5 *if such air carrier was required to transmit*
6 *such information during the period from*
7 *April 1, 2019, through September 30, 2019;*
8 *and*

9 *(ii) an additional amount equal to the*
10 *difference between the amount certified*
11 *under clause (i) and the amount the air*
12 *carrier received under section 4113 of the*
13 *CARES Act (15 U.S.C. 9073); or*

14 *(C) in the event such air carrier did not re-*
15 *ceive assistance under section 4113 of the*
16 *CARES Act (15 U.S.C. 9073), an amount that*
17 *such an air carrier certifies, using sworn finan-*
18 *cial statements or other appropriate data, as the*
19 *amount of total salaries and related fringe bene-*
20 *fits that such air carrier incurred and would be*
21 *required to be reported to the Department of*
22 *Transportation pursuant to such part 241, if*
23 *such air carrier was required to transmit such*
24 *information during the period from October 1,*
25 *2019, through March 31, 2020; and*

1 (3) *to a contractor in an amount equal to—*

2 (A) *the amount such contractor was ap-*
3 *proved to receive (without taking into account*
4 *any pro rata reduction) under section 4113 of*
5 *the CARES Act (15 U.S.C. 9073); or*

6 (B) *in the event such contractor did not re-*
7 *ceive assistance under section 4113 of the*
8 *CARES Act (15 U.S.C. 9073), an amount that*
9 *the contractor certifies, using sworn financial*
10 *statements or other appropriate data, as the*
11 *amount of wages, salaries, benefits, and other*
12 *compensation that such contractor paid the em-*
13 *ployees of such contractor during the period from*
14 *October 1, 2019, through March 31, 2020.*

15 (b) *DEADLINES AND PROCEDURES.—*

16 (1) *IN GENERAL.—*

17 (A) *FORMS; TERMS AND CONDITIONS.—Fi-*
18 *nancial assistance provided to a passenger air*
19 *carrier or contractor under this subtitle shall—*

20 (i) *be, to the maximum extent prac-*
21 *ticable, in the same form and on the same*
22 *terms and conditions (including require-*
23 *ments for audits and the clawback of any fi-*
24 *nancial assistance provided upon failure by*
25 *a passenger air carrier or contractor to*

1 *honor the assurances specified in section*
2 *404), as agreed to by the Secretary and the*
3 *recipient for assistance received under sec-*
4 *tion 4113 of the CARES Act (15 U.S.C.*
5 *9073), except if inconsistent with this sub-*
6 *title; or*

7 *(ii) in the event such a passenger air*
8 *carrier or a contractor did not receive as-*
9 *istance under section 4113 of the CARES*
10 *Act (15 U.S.C. 9073), be, to the maximum*
11 *extent practicable, in the same form and on*
12 *the same terms and conditions (including*
13 *requirements for audits and the clawback of*
14 *any financial assistance provided upon fail-*
15 *ure by a passenger air carrier or contractor*
16 *to honor the assurances specified in section*
17 *404), as agreed to by the Secretary and*
18 *similarly situated recipients of assistance*
19 *under such section 4113.*

20 *(B) PROCEDURES.—The Secretary shall, to*
21 *the maximum extent practicable, publish stream-*
22 *lined and expedited procedures not later than 5*
23 *days after the date of enactment of this subtitle*
24 *for passenger air carriers and contractors to sub-*

1 *mit requests for financial assistance under this*
2 *subtitle.*

3 (2) *DEADLINE FOR IMMEDIATE PAYROLL ASSIST-*
4 *ANCE.—Not later than 10 days after the date of enact-*
5 *ment of this subtitle, the Secretary shall make initial*
6 *payments to passenger air carriers and contractors*
7 *that submit requests for financial assistance approved*
8 *by the Secretary.*

9 (3) *SUBSEQUENT PAYMENTS.—The Secretary*
10 *shall determine an appropriate method for the timely*
11 *distribution of payments to passenger air carriers*
12 *and contractors with approved requests for financial*
13 *assistance from any funds remaining available after*
14 *providing initial financial assistance payments under*
15 *paragraph (2).*

16 (c) *PRO RATA REDUCTIONS.—The Secretary shall have*
17 *the authority to reduce, on a pro rata basis, the amounts*
18 *due to passenger air carriers and contractors under sub-*
19 *section (a) in order to address any shortfall in assistance*
20 *that would otherwise be provided under such subsection.*

21 (d) *AUDITS.—The Inspector General of the Depart-*
22 *ment of the Treasury shall audit certifications made under*
23 *subsection (a).*

1 **SEC. 404. REQUIRED ASSURANCES.**

2 (a) *IN GENERAL.*—*To be eligible for financial assist-*
3 *ance under this subtitle, a passenger air carrier or a con-*
4 *tractor shall enter into an agreement with the Secretary,*
5 *or otherwise certify in such form and manner as the Sec-*
6 *retary shall prescribe, that the passenger air carrier or con-*
7 *tractor shall—*

8 (1) *refrain from conducting involuntary fur-*
9 *loughs or reducing pay rates and benefits until—*

10 (A) *with respect to passenger air carriers,*
11 *March 31, 2021; or*

12 (B) *with respect to contractors, March 31,*
13 *2021, or the date on which the contractor ex-*
14 *pends such financial assistance, whichever is*
15 *later;*

16 (2) *ensure that neither the passenger air carrier*
17 *or contractor nor any affiliate of the passenger air*
18 *carrier or contractor may, in any transaction, pur-*
19 *chase an equity security of the passenger air carrier*
20 *or contractor or the parent company of the passenger*
21 *air carrier or contractor that is listed on a national*
22 *securities exchange through—*

23 (A) *with respect to passenger air carriers,*
24 *March 31, 2022; or*

25 (B) *with respect to contractors, March 31,*
26 *2022, or the date on which the contractor ex-*

1 *pend*s such financial assistance, whichever is
2 *later*;

3 (3) ensure that the passenger air carrier or con-
4 tractor shall not pay dividends, or make other capital
5 distributions, with respect to common stock (or equiv-
6 alent interest) of the air carrier or contractor
7 through—

8 (A) with respect to passenger air carriers,
9 March 31, 2022; or

10 (B) with respect to contractors, March 31,
11 2022, or the date on which the contractor ex-
12 pends such financial assistance, whichever is
13 *later*; and

14 (4) meet the requirements of sections 405 and
15 406.

16 (b) *RECALLS OF EMPLOYEES*.—An agreement or cer-
17 tification under this section shall require a passenger air
18 carrier or contractor to perform the following actions:

19 (1) In the case of a passenger air carrier or con-
20 tractor that received financial assistance under title
21 IV of the CARES Act—

22 (A) recall (as defined in section 401), not
23 later than 72 hours after executing such agree-
24 ment or certification, any employees involun-
25 tarily furloughed by such passenger air carrier

1 or contractor between October 1, 2020, and the
2 date such passenger air carrier or contractor en-
3 ters into an agreement with the Secretary with
4 respect to financial assistance under this subtitle;

5 (B) compensate returning employees for lost
6 pay and benefits (offset by any amounts received
7 by the employee from a passenger air carrier or
8 contractor as a result of the employee's furlough,
9 including, but not limited to, furlough pay, sev-
10 erance pay, or separation pay) between—

11 (i) in the case of a passenger air car-
12 rier, December 1, 2020, and the date on
13 which such passenger air carrier enters into
14 an agreement with the Secretary with re-
15 spect to financial assistance under this sub-
16 title; or

17 (ii) in the case of a contractor, the date
18 of enactment of this subtitle and the date on
19 which such contractor enters into an agree-
20 ment with the Secretary with respect to fi-
21 nancial assistance under this subtitle; and

22 (C) restore the rights and protections for
23 such returning employees as if such employees
24 had not been involuntarily furloughed.

1 (2) *In the case of a passenger air carrier or con-*
2 *tractor that did not receive financial assistance under*
3 *title IV of the CARES Act to—*

4 (A) *recall (as defined in section 401), with-*
5 *in 72 hours after executing such agreement or*
6 *certification, any employees involuntarily fur-*
7 *loughed by such passenger air carrier or con-*
8 *tractor between March 27, 2020, and the date*
9 *such passenger air carrier or contractor enters*
10 *into an agreement with the Secretary for finan-*
11 *cial assistance under this subtitle;*

12 (B) *compensate returning employees under*
13 *this paragraph for lost pay and benefits (offset*
14 *by any amounts received by the employee from*
15 *a passenger air carrier or contractor as a result*
16 *of the employee’s furlough, including, but not*
17 *limited to, furlough pay, severance pay, or sepa-*
18 *ration pay) between—*

19 (i) *in the case of a passenger air car-*
20 *rier, December 1, 2020, and the date such*
21 *passenger air carrier enters into an agree-*
22 *ment with the Secretary for financial assist-*
23 *ance under this subtitle; or*

24 (ii) *in the case of a contractor, the date*
25 *of enactment of this subtitle and the date on*

1 *which such contractor enters into an agree-*
2 *ment with the Secretary with respect to fi-*
3 *nancial assistance under this subtitle; and*

4 (C) *restore the rights and protections for*
5 *such returning employees as if such employees*
6 *had not been involuntarily furloughed.*

7 **SEC. 405. PROTECTION OF COLLECTIVE BARGAINING**
8 **AGREEMENTS.**

9 (a) *IN GENERAL.*—*Neither the Secretary, nor any*
10 *other actor, department, or agency of the Federal Govern-*
11 *ment, shall condition the issuance of financial assistance*
12 *under this subtitle on a passenger air carrier's or contrac-*
13 *tor's implementation of measures to enter into negotiations*
14 *with the certified bargaining representative of a craft or*
15 *class of employees of the passenger air carrier or contractor*
16 *under the Railway Labor Act (45 U.S.C. 151 et seq.) or*
17 *the National Labor Relations Act (29 U.S.C. 151 et seq.),*
18 *regarding pay or other terms and conditions of employ-*
19 *ment.*

20 (b) *PASSENGER AIR CARRIER PERIOD OF EFFECT.*—
21 *With respect to any passenger air carrier to which financial*
22 *assistance is provided under this subtitle, this section shall*
23 *be in effect with respect to the passenger air carrier for the*
24 *period beginning on the date on which the passenger air*

1 *carrier is first issued such financial assistance and ending*
2 *on March 31, 2021.*

3 (c) *CONTRACTOR PERIOD OF EFFECT.*—*With respect*
4 *to any contractor to which financial assistance is provided*
5 *under this subtitle, this section shall be in effect with respect*
6 *to the contractor beginning on the date on which the con-*
7 *tractor is first issued such financial assistance and ending*
8 *on March 31, 2021, or until the date on which all funds*
9 *are expended, whichever is later.*

10 **SEC. 406. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
11 **TION.**

12 (a) *IN GENERAL.*—*The Secretary may only provide fi-*
13 *ancial assistance under this subtitle to a passenger air*
14 *carrier or contractor after such carrier or contractor enters*
15 *into an agreement with the Secretary that provides that,*
16 *during the 2-year period beginning October 1, 2020, and*
17 *ending October 1, 2022—*

18 (1) *no officer or employee of the passenger air*
19 *carrier or contractor whose total compensation exceed-*
20 *ed \$425,000 in calendar year 2019 (other than an*
21 *employee whose compensation is determined through*
22 *an existing collective bargaining agreement entered*
23 *into prior to the date of enactment of this subtitle)*
24 *will receive from the passenger air carrier or con-*
25 *tractor—*

1 (A) total compensation that exceeds, during
2 any 12 consecutive months of such 2-year period,
3 the total compensation received by the officer or
4 employee from the passenger air carrier or con-
5 tractor in calendar year 2019; or

6 (B) severance pay or other benefits upon
7 termination of employment with the passenger
8 air carrier or contractor which exceeds twice the
9 maximum total compensation received by the of-
10 ficer or employee from the passenger air carrier
11 or contractor in calendar year 2019; and

12 (2) no officer or employee of the passenger air
13 carrier or contractor whose total compensation exceed-
14 ed \$3,000,000 in calendar year 2019 may receive dur-
15 ing any 12 consecutive months of such period total
16 compensation in excess of the sum of—

17 (A) \$3,000,000; and

18 (B) 50 percent of the excess over \$3,000,000
19 of the total compensation received by the officer
20 or employee from the passenger air carrier or
21 contractor in calendar year 2019.

22 (b) *TOTAL COMPENSATION DEFINED.*—In this section,
23 the term “total compensation” includes salary, bonuses,
24 awards of stock, and other financial benefits provided by

1 *a passenger air carrier or contractor to an officer or em-*
2 *ployee of the passenger air carrier or contractor.*

3 **SEC. 407. MINIMUM AIR SERVICE GUARANTEES.**

4 (a) *IN GENERAL.*—*The Secretary of Transportation is*
5 *authorized to require, to the extent reasonable and prac-*
6 *ticable, an air carrier provided financial assistance under*
7 *this subtitle to maintain scheduled air transportation, as*
8 *the Secretary of Transportation determines necessary, to en-*
9 *sure services to any point served by that air carrier before*
10 *March 1, 2020.*

11 (b) *REQUIRED CONSIDERATIONS.*—*When considering*
12 *whether to exercise the authority provided by this section,*
13 *the Secretary of Transportation shall take into consider-*
14 *ation the air transportation needs of small and remote com-*
15 *munities, the need to maintain well-functioning health care*
16 *supply chains, including medical devices and supplies, and*
17 *pharmaceutical supply chains.*

18 (c) *SUNSET.*—*The authority provided under this sec-*
19 *tion shall terminate on March 1, 2022, and any require-*
20 *ments issued by the Secretary of Transportation under this*
21 *section shall cease to apply after that date.*

22 (d) *SENSE OF CONGRESS.*—*It is the sense of Congress*
23 *that, when implementing this section, the Secretary of*
24 *Transportation should take into consideration the following:*

1 (1) *A number of airports and communities have*
2 *lost air service as a result of consolidated operations*
3 *by covered air carriers, as permitted by the Depart-*
4 *ment of Transportation, including smaller airports*
5 *that are located near larger airports.*

6 (2) *Airports covering common points, as deter-*
7 *mined by the Department of Transportation, do not*
8 *align with the grouping commonly used by many air*
9 *carriers, other Federal agencies, and distribution*
10 *channels used by consumers to purchase air travel.*

11 (3) *The demographic, geographic, economic, and*
12 *other characteristics of an area and affected commu-*
13 *nities when determining whether consolidated oper-*
14 *ations at a single airport effectively serve the needs of*
15 *the point.*

16 (4) *Maintaining a robust air transportation sys-*
17 *tem, including maintaining air service to airports*
18 *throughout the United States, plays an important role*
19 *in the effective distribution of a coronavirus vaccine.*

20 (5) *The objections from community respondents*
21 *on whether a specific airport should or should not be*
22 *included in a consolidated point, including those ob-*
23 *jections noting the importance of the required consid-*
24 *erations set forth in subsection (b).*

1 **SEC. 408. TAXPAYER PROTECTION.**

2 (a) *CARES ACT ASSISTANCE RECIPIENTS.*—With re-
3 spect to a recipient of financial assistance under section
4 4113 of the CARES Act (15 U.S.C. 9073) that receives fi-
5 nancial assistance under this subtitle, the Secretary may
6 receive warrants, options, preferred stock, debt securities,
7 notes, or other financial instruments issued by such recipi-
8 ent that are, to the maximum extent practicable, in the
9 same form and amount, and under the same terms and con-
10 ditions, as agreed to by the Secretary and such recipient
11 to provide appropriate compensation to the Federal Govern-
12 ment for the provision of the financial assistance under this
13 subtitle.

14 (b) *OTHER APPLICANTS.*—With respect to a recipient
15 of financial assistance under this subtitle that did not re-
16 ceive financial assistance under section 4113 of the CARES
17 Act (15 U.S.C. 9073), the Secretary may receive warrants,
18 options, preferred stock, debt securities, notes, or other fi-
19 nancial instruments issued by such recipient in a form and
20 amount that are, to the maximum extent practicable, under
21 the same terms and conditions as agreed to by the Secretary
22 and similarly situated recipients of financial assistance
23 under such section to provide appropriate compensation to
24 the Federal Government for the provision of the financial
25 assistance under this subtitle.

1 **SEC. 409. REPORTS.**

2 (a) *REPORT.*—Not later than May 1, 2021, the Sec-
3 retary shall submit to the Committee on Transportation
4 and Infrastructure and the Committee on Financial Serv-
5 ices of the House of Representatives and the Committee on
6 Commerce, Science, and Transportation and the Committee
7 on Banking, Housing, and Urban Affairs of the Senate a
8 report on the financial assistance provided to passenger air
9 carriers and contractors under this subtitle, that includes—

10 (1) a description of any financial assistance pro-
11 vided to passenger air carriers under this subtitle;

12 (2) any audits of passenger air carriers or con-
13 tractors receiving financial assistance under this sub-
14 title;

15 (3) any reports filed by passenger air carriers or
16 contractors receiving financial assistance under this
17 subtitle;

18 (4) any instances of non-compliance by pas-
19 senger air carriers or contractors receiving financial
20 assistance under this subtitle with the requirements of
21 this subtitle or agreements entered into with the Sec-
22 retary to receive such financial assistance; and

23 (5) information relating to any clawback of any
24 financial assistance provided to passenger air carriers
25 or contractors under this subtitle.

1 **(b) INTERNET UPDATES.**—*The Secretary shall update*
2 *the website of the Department of the Treasury, at minimum,*
3 *on a weekly basis as necessary to reflect new or revised dis-*
4 *tributions of financial assistance under this subtitle with*
5 *respect to each passenger air carrier or contractor that re-*
6 *ceives such assistance, the identification of any applicant*
7 *that applied for financial assistance under this subtitle, and*
8 *the date of application for such assistance.*

9 **(c) SUPPLEMENTAL UPDATE.**—*Not later than the last*
10 *day of the 1-year period following the date of enactment*
11 *of this subtitle, the Secretary shall update and submit to*
12 *the Committee on Transportation and Infrastructure and*
13 *the Committee on Financial Services of the House of Rep-*
14 *resentatives and the Committee on Commerce, Science, and*
15 *Transportation and the Committee on Banking, Housing,*
16 *and Urban Affairs of the Senate, the report submitted under*
17 *subsection (a).*

18 **(d) PROTECTION OF CERTAIN DATA.**—*The Secretary*
19 *may withhold information that would otherwise be required*
20 *to be made available under this section only if the Secretary*
21 *determines to withhold the information in accordance with*
22 *section 552 of title 5, United States Code.*

23 **SEC. 410. COORDINATION.**

24 *In implementing this subtitle, the Secretary shall co-*
25 *ordinate with the Secretary of Transportation.*

1 **SEC. 411. FUNDING.**

2 *There is appropriated, out of amounts in the Treasury*
3 *not otherwise appropriated, \$16,000,000,000 to carry out*
4 *this subtitle, to remain available until expended.*

5 **SEC. 412. CARES ACT AMENDMENTS.**

6 *(a) CONTINUED APPLICATION OF REQUIRED ASSUR-*
7 *ANCES.—Section 4114 of the CARES Act (15 U.S.C. 9074)*
8 *is amended by adding at the end the following new sub-*
9 *sections:*

10 *“(c) CONTINUED APPLICATION.—*

11 *“(1) IN GENERAL.—If, after the date of enact-*
12 *ment of this subsection, a contractor expends any*
13 *funds made available pursuant to section 4112 and*
14 *distributed pursuant to section 4113, the assurances*
15 *in paragraphs (1) through (3) of subsection (a) shall*
16 *continue to apply until the dates included in such*
17 *paragraphs, or the date on which the contractor fully*
18 *expends such financial assistance, whichever is later.*

19 *“(2) SPECIAL RULE.—Not later than April 5,*
20 *2021, each contractor described in section*
21 *4111(3)(A)(i) that has received funds pursuant to*
22 *such section 4112 shall report to the Secretary on the*
23 *amount of such funds that the contractor has ex-*
24 *pended through March 31, 2021. If the contractor has*
25 *expended an amount that is less than 100 percent of*
26 *the total amount of funds the contractor received*

1 *under such section, the Secretary shall initiate an ac-*
2 *tion to recover any funds that remain unexpended as*
3 *of April 30, 2021.*

4 *“(d) RECALL OF EMPLOYEES.—*

5 *“(1) IN GENERAL.—Subject to paragraph (2),*
6 *any contractor that has unspent financial assistance*
7 *provided under this subtitle as of the date of enact-*
8 *ment of this subsection and conducted involuntary*
9 *furloughs or reduced pay rates and benefits, between*
10 *March 27, 2020, and the date on which the contractor*
11 *entered into an agreement with the Secretary related*
12 *to financial assistance under this subtitle, shall recall*
13 *(as defined in section 4111) employees who were in-*
14 *voluntarily furloughed during such period by not*
15 *later than January 4, 2021.*

16 *“(2) WAIVER.—The Secretary of the Treasury*
17 *shall waive the requirement under paragraph (1) for*
18 *a contractor to recall employees if the contractor cer-*
19 *tifies that the contractor has or will have insufficient*
20 *remaining financial assistance provided under this*
21 *subtitle to keep recalled employees employed for more*
22 *than two weeks upon returning to work.*

23 *“(3) AUDITS.—The Inspector General of the De-*
24 *partment of the Treasury shall audit certifications*
25 *made under paragraph (2).”.*

1 (b) *DEFINITION OF RECALL.*—Section 4111 of the
2 *CARES Act (15 U.S.C. 9071)* is amended—

3 (1) *in paragraph (4) by striking “and” at the*
4 *end;*

5 (2) *by redesignating paragraph (5) as para-*
6 *graph (6); and*

7 (3) *by inserting after paragraph (4) the fol-*
8 *lowing:*

9 “(5) *the term ‘recall’ means the dispatch of a no-*
10 *tice by a contractor, via mail, courier, or electronic*
11 *mail, to an involuntarily furloughed employee noti-*
12 *fying the employee that—*

13 “(A) *the employee must, within a specified*
14 *period of time that is not less than 14 days, elect*
15 *either—*

16 “(i) *to return to employment or bypass*
17 *return to employment in accordance with*
18 *an applicable collective bargaining agree-*
19 *ment or, in the absence of a collective bar-*
20 *gaining agreement, company policy; or*

21 “(ii) *to permanently separate from em-*
22 *ployment with the contractor; and*

23 “(B) *failure to respond within such time*
24 *period specified will be deemed to be an election*
25 *under subparagraph (A)(i); and”.*

1 (c) *DEFINITION OF BUSINESSES CRITICAL TO MAIN-*
2 *TAINING NATIONAL SECURITY.*—Section 4002 of the
3 *CARES Act (15 U.S.C. 9041)* is amended by adding at the
4 *end the following:*

5 “(11) *AEROSPACE-RELATED BUSINESSES CRIT-*
6 *ICAL TO MAINTAINING NATIONAL SECURITY.*—The
7 *term ‘businesses critical to maintaining national se-*
8 *curity’ means those businesses that manufacture or*
9 *produce aerospace-related products, civil or defense,*
10 *including those that design, integrate, assemble, sup-*
11 *ply, maintain, and repair such products, and other*
12 *businesses involved in aerospace-related manufac-*
13 *turing or production as further defined by the Sec-*
14 *retary, in consultation with the Secretary of Defense*
15 *and the Secretary of Transportation. For purposes of*
16 *the preceding sentence, aerospace-related products in-*
17 *clude, but are not limited to, components, parts, or*
18 *systems of aircraft, aircraft engines, or appliances for*
19 *inclusion in an aircraft, aircraft engine, or appli-*
20 *ance.”.*

1 ***Subtitle B—Coronavirus Economic***
2 ***Relief for Transportation Serv-***
3 ***ices Act***

4 **SEC. 420. SHORT TITLE.**

5 *This subtitle may be cited as the “Coronavirus Eco-*
6 *nomic Relief for Transportation Services Act”.*

7 **SEC. 421. ASSISTANCE FOR PROVIDERS OF TRANSPOR-**
8 ***TATION SERVICES AFFECTED BY COVID-19.***

9 *(a) DEFINITIONS.—In this section:*

10 *(1) COVERED PERIOD.—The term “covered pe-*
11 *riod”, with respect to a provider of transportation*
12 *services, means the period—*

13 *(A) beginning on the date of enactment of*
14 *this Act; and*

15 *(B) ending on the later of—*

16 *(i) March 31, 2021; or*

17 *(ii) the date on which all funds pro-*
18 *vided to the provider of transportation serv-*
19 *ices under subsection (c) are expended.*

20 *(2) COVID-19.—The term “COVID-19” means*
21 *the Coronavirus Disease 2019.*

22 *(3) PAYROLL COSTS.—*

23 *(A) IN GENERAL.—The term “payroll costs”*
24 *means—*

1 (i) any payment to an employee of
2 compensation in the form of—

3 (I) salary, wage, commission, or
4 similar compensation;

5 (II) payment of a cash tip or an
6 equivalent;

7 (III) payment for vacation, pa-
8 rental, family, medical, or sick leave;

9 (IV) payment required for the
10 provision of group health care or other
11 group insurance benefits, including in-
12 surance premiums;

13 (V) payment of a retirement ben-
14 efit;

15 (VI) payment of a State or local
16 tax assessed on employees with respect
17 to compensation; or

18 (VII) paid administrative leave;
19 and

20 (ii) any payment of compensation to,
21 or income of, a sole proprietor or inde-
22 pendent contractor—

23 (I) that is—

24 (aa) a wage;

25 (bb) a commission;

- 1 (cc) income;
- 2 (dd) net earnings from self-
- 3 employment; or
- 4 (ee) similar compensation;
- 5 and
- 6 (II) in an amount equal to not
- 7 more than \$100,000 during 1 calendar
- 8 year, as prorated for the covered pe-
- 9 riod.

10 (B) *EXCLUSIONS.*—The term “payroll costs”

11 does not include—

- 12 (i) any compensation of an individual
- 13 employee in excess of an annual salary of
- 14 \$100,000, as prorated for the covered pe-
- 15 riod;
- 16 (ii) any tax imposed or withheld under
- 17 chapter 21, 22, or 24 of the Internal Rev-
- 18 enue Code of 1986 during the covered pe-
- 19 riod;
- 20 (iii) any compensation of an employee
- 21 whose principal place of residence is outside
- 22 the United States;
- 23 (iv) any qualified sick leave wages for
- 24 which a credit is allowed under section
- 25 7001 of the Families First Coronavirus Re-

1 *sponse Act (26 U.S.C. 3111 note; Public*
2 *Law 116–127);*

3 *(v) any qualified family leave wages*
4 *for which a credit is allowed under section*
5 *7003 of that Act (26 U.S.C. 3111 note; Pub-*
6 *lic Law 116–127); or*

7 *(vi) any bonus, raise in excess of infla-*
8 *tion, or other form of additional employee*
9 *compensation.*

10 *(4) PROVIDER OF TRANSPORTATION SERVICES.—*
11 *The term “provider of transportation services” means*
12 *an entity that—*

13 *(A) is established or organized—*

14 *(i) in the United States; or*

15 *(ii) pursuant to Federal law;*

16 *(B) has significant operations, and a ma-*
17 *jority of employees based, in the United States;*

18 *(C) was in operation on March 1, 2020;*

19 *and*

20 *(D) is the operator of—*

21 *(i) a vessel of the United States (as de-*
22 *finied in section 116 of title 46, United*
23 *States Code) that is—*

1 (I) a passenger vessel (as defined
2 in section 2101 of that title) carrying
3 fewer than 2,400 passengers;

4 (II) a small passenger vessel (as
5 defined in section 2101 of that title); or

6 (III) a vessel providing pilotage
7 services and regulated by a State in
8 accordance with chapter 85 of that
9 title;

10 (ii) a company providing transpor-
11 tation services using a bus characterized by
12 an elevated passenger deck located over a
13 baggage compartment (commonly known as
14 an “over-the-road bus”), including local and
15 intercity fixed-route service, commuter serv-
16 ice, and charter or tour service (including
17 tour or excursion service that includes fea-
18 tures in addition to bus transportation,
19 such as meals, lodging, admission to points
20 of interest or special attractions, or the serv-
21 ices of a guide);

22 (iii) a company providing transpor-
23 tation services using a school bus (as de-
24 fined in section 571.3 of title 49, Code of

1 *Federal Regulations (or successor regula-*
2 *tions)); or*

3 *(iv) any other passenger transportation*
4 *service company subject to regulation by the*
5 *Department of Transportation as the Sec-*
6 *retary, in consultation with the Secretary of*
7 *Transportation, determines to be appro-*
8 *priate.*

9 (5) *SECRETARY.*—*The term “Secretary” means*
10 *the Secretary of the Treasury.*

11 (b) *FUNDING.*—*Out of any funds in the Treasury not*
12 *otherwise appropriated, there are appropriated to provide*
13 *grants to eligible providers of transportation services under*
14 *this section, \$2,000,000,000 for fiscal year 2021, to remain*
15 *available until expended.*

16 (c) *PROVISION OF ASSISTANCE.*—

17 (1) *IN GENERAL.*—*The Secretary, in consultation*
18 *with the Secretary of Transportation, shall use the*
19 *amounts made available under subsection (b) to pro-*
20 *vide grants to eligible providers of transportation*
21 *services described in paragraph (2) that certify to the*
22 *Secretary that the providers of transportation services*
23 *have experienced a revenue loss of 25 percent or more,*
24 *on an annual basis, as a direct or indirect result of*
25 *COVID–19.*

1 (2) *DESCRIPTION OF ELIGIBLE PROVIDERS OF*
2 *TRANSPORTATION SERVICES.—*

3 (A) *IN GENERAL.—An eligible provider of*
4 *transportation services referred to in paragraph*
5 *(1) is—*

6 (i) *a provider of transportation serv-*
7 *ices that, on March 1, 2020—*

8 (I) *had 500 or fewer full-time,*
9 *part-time, or temporary employees;*
10 *and*

11 (II) *was not a subsidiary, parent,*
12 *or affiliate of any other entity with a*
13 *combined total workforce of more than*
14 *500 full-time, part-time, or temporary*
15 *employees; or*

16 (ii) *a provider of transportation serv-*
17 *ices that—*

18 (I) *on March 1, 2020, had more*
19 *than 500 full-time, part-time, or tem-*
20 *porary employees; and*

21 (II) *has not received assistance*
22 *under paragraph (1), (2), or (3) of sec-*
23 *tion 4003(b), or subtitle B of title IV*
24 *of division A, of the Coronavirus Aid,*

1 *Relief, and Economic Security Act*
2 *(Public Law 116–136; 134 Stat. 281).*

3 *(B) SCOPE OF ELIGIBILITY FOR CERTAIN*
4 *COMPANIES.—*

5 *(i) IN GENERAL.—A provider of trans-*
6 *portation services that has entered into or*
7 *maintains a contract or agreement de-*
8 *scribed in clause (ii) shall not be deter-*
9 *mined to be ineligible for assistance under*
10 *this subsection on the basis of that contract*
11 *or agreement, subject to clause (iv).*

12 *(ii) CONTRACT OR AGREEMENT DE-*
13 *SCRIBED.—A contract or agreement referred*
14 *to in clause (i) is a contract or agreement*
15 *for transportation services that is supported*
16 *by a public entity using funds received*
17 *under the Emergency Appropriations for*
18 *Coronavirus Health Response and Agency*
19 *Operations (division B of Public Law 116–*
20 *136; 134 Stat. 505).*

21 *(iii) ADJUSTMENT OF ASSISTANCE.—*
22 *The Secretary may reduce the amount of as-*
23 *sistance available under this subsection to a*
24 *provider of transportation services described*
25 *in clause (i) based on the amount of funds*

1 *provided under this section or the Emer-*
2 *gency Appropriations for Coronavirus*
3 *Health Response and Agency Operations*
4 *(division B of Public Law 116–136; 134*
5 *Stat. 505) that have supported a contract or*
6 *agreement described in clause (ii) to which*
7 *the provider of transportation services is a*
8 *party.*

9 *(iv) NOTICE REQUIREMENT.—A pro-*
10 *vider of transportation services that has en-*
11 *tered into or maintains a contract or agree-*
12 *ment described in clause (ii), and that ap-*
13 *plies for assistance under this subsection,*
14 *shall submit to the Secretary a notice de-*
15 *scribing the contract or agreement, includ-*
16 *ing the amount of funds provided for the*
17 *contract or agreement under this subsection*
18 *or the Emergency Appropriations for*
19 *Coronavirus Health Response and Agency*
20 *Operations (division B of Public Law 116–*
21 *136; 134 Stat. 505).*

22 (3) *AMOUNT.—*

23 *(A) FACTORS FOR CONSIDERATION.—In de-*
24 *termining the amount of assistance to be pro-*
25 *vided to an eligible provider of transportation*

1 *services under this subsection, the Secretary shall*
2 *take into consideration information provided by*
3 *the provider of transportation services, includ-*
4 *ing—*

5 *(i) the amount of debt owed by the pro-*
6 *vider of transportation services on major*
7 *equipment, if any;*

8 *(ii) other sources of Federal assistance*
9 *provided to the provider of transportation*
10 *services, if any; and*

11 *(iii) such other information as the Sec-*
12 *retary may require.*

13 *(B) LIMITATIONS.—*

14 *(i) AWARD.—The Secretary shall en-*
15 *sure that the amount of assistance provided*
16 *to a provider of transportation services*
17 *under this subsection, when combined with*
18 *any other Federal assistance provided in re-*
19 *sponse to COVID–19 under the Coronavirus*
20 *Aid, Relief, and Economic Security Act*
21 *(Public Law 116–136; 134 Stat. 281), the*
22 *Paycheck Protection Program and Health*
23 *Care Enhancement Act (Public Law 116–*
24 *139; 134 Stat. 620), or any other provision*
25 *of law, does not exceed the total amount of*

1 *revenue earned by the provider of transpor-*
2 *tation services during calendar year 2019.*

3 *(ii) CERTIFICATION.—A provider of*
4 *transportation services seeking assistance*
5 *under this subsection shall submit to the*
6 *Secretary—*

7 *(I) documentation describing the*
8 *total amount of revenue earned by the*
9 *provider of transportation services dur-*
10 *ing calendar year 2019; and*

11 *(II) a certification that the*
12 *amount of assistance sought under this*
13 *subsection, when combined with any*
14 *other Federal assistance described in*
15 *clause (i), does not exceed the total*
16 *amount of revenue earned by the pro-*
17 *vider of transportation services during*
18 *calendar year 2019.*

19 *(4) FORM OF ASSISTANCE.—The amounts made*
20 *available under subsection (b) shall be provided to eli-*
21 *gible providers of transportation services in the form*
22 *of grants.*

23 *(5) EQUAL ACCESS.—The Secretary shall ensure*
24 *equal access to the assistance provided under this sec-*
25 *tion to eligible providers of transportation services*

1 *that are small, minority-owned, and women-owned*
2 *businesses.*

3 (6) *CONDITIONS OF RECEIPT.—As a condition of*
4 *receipt of assistance under this subsection, the Sec-*
5 *retary shall require that a provider of transportation*
6 *services shall agree—*

7 (A) *subject to paragraph (7)—*

8 (i) *to commence using the funds, on a*
9 *priority basis and to the extent the funds*
10 *are available, to maintain through the ap-*
11 *plicable covered period, expenditures on*
12 *payroll costs for all employees as of the date*
13 *of enactment of this Act, after making any*
14 *adjustments required for—*

15 (I) *retirement; or*

16 (II) *voluntary employee separa-*
17 *tion;*

18 (ii) *not to impose, during the covered*
19 *period—*

20 (I) *any involuntary furlough; or*

21 (II) *any reduction in pay rates or*
22 *benefits for nonexecutive employees;*
23 *and*

24 (iii) *to recall or rehire any employees*
25 *laid off, furloughed, or terminated after*

1 *March 27, 2020, to the extent warranted by*
2 *increased service levels;*

3 *(B) to return to the Secretary any funds re-*
4 *ceived under this subsection that are not used by*
5 *the provider of transportation services by the*
6 *date that is 1 year after the date of receipt of the*
7 *funds; and*

8 *(C) to examine the anticipated expenditure*
9 *of the funds by the provider of transportation*
10 *services for the purposes described in subpara-*
11 *graph (A) not less frequently than once every 90*
12 *days after the date of receipt of the funds.*

13 (7) *RAMP-UP PERIOD.*—*The requirement de-*
14 *scribed in paragraph (6)(A)(iii) shall not apply to a*
15 *provider of transportation services until the later of—*

16 (A) *the date that is 30 days after the date*
17 *of receipt of the funds; and*

18 (B) *the date that is 90 days after the date*
19 *of enactment of this Act.*

20 (8) *ADDITIONAL CONDITIONS OF CERTAIN RE-*
21 *CEIPTS.*—

22 (A) *PRIORITIZATION OF PAYROLL COSTS.*—
23 *As a condition of receipt of a grant under this*
24 *subsection, the Secretary shall require that, ex-*
25 *cept as provided in subparagraph (B), a pro-*

1 *vider of transportation services shall agree to use*
2 *an amount equal to not less than 60 percent of*
3 *the funds on payroll costs of the provider of*
4 *transportation services.*

5 *(B) EXCEPTION.—Subparagraph (A) shall*
6 *not apply to a provider of transportation serv-*
7 *ices if the provider of transportation services cer-*
8 *tifies to the Secretary that, after making any ad-*
9 *justments required for retirement or voluntary*
10 *employee separation—*

11 *(i) each nonseasonal employee on the*
12 *payroll of the provider of transportation*
13 *services on January 1, 2020—*

14 *(I) if laid off, furloughed, or ter-*
15 *minated by the provider of transpor-*
16 *tation services as described in para-*
17 *graph (6)(A)(iii), is rehired, or has*
18 *been offered rehire, by the provider of*
19 *transportation services; and*

20 *(II) if rehired under clause (i) or*
21 *subject to a reduction in salary before*
22 *the date of receipt by the provider of*
23 *transportation services of assistance*
24 *under this subsection, receives not less*

1 *than 100 percent of the previous salary*
2 *of the employee;*

3 *(ii) the provider of transportation serv-*
4 *ices—*

5 *(I) is staffed at a level of full-time*
6 *equivalent, seasonal employees, on a*
7 *monthly basis, that is greater than or*
8 *equivalent to the level at which the*
9 *provider of transportation services was*
10 *staffed with full-time equivalent, sea-*
11 *sonal employees on a monthly basis*
12 *during calendar year 2019;*

13 *(II) is offering priority in rehiring*
14 *to seasonal employees that were*
15 *laid off, furloughed, terminated, or not*
16 *offered rehire in calendar year 2020, as*
17 *the provider of transportation services*
18 *achieves staffing at the level described*
19 *in subclause (I); and*

20 *(III) offers any seasonal employee*
21 *rehired under subclause (II) or subject*
22 *to a reduction in salary before the date*
23 *of receipt by the provider of transpor-*
24 *tation services of assistance under this*
25 *subsection not less than 100 percent of*

1 *the previous salary of the employee;*
2 *and*
3 *(iii) the provider of transportation*
4 *services will fully cover, through the appli-*
5 *cable covered period, all payroll costs associ-*
6 *ated with the staffing requirements de-*
7 *scribed in clauses (i) and (ii).*

8 (9) *FORMS; TERMS AND CONDITIONS.*—*A grant*
9 *provided under this section shall be in such form, sub-*
10 *ject to such terms and conditions, and contain such*
11 *covenants, representations, warranties, and require-*
12 *ments (including requirements for audits) as the Sec-*
13 *retary determines to be appropriate in accordance*
14 *with this section.*

15 (d) *ELIGIBLE ACTIVITIES.*—

16 (1) *IN GENERAL.*—*Subject to the priority de-*
17 *scribed in subsection (c)(6)(A), a provider of trans-*
18 *portation services shall use assistance provided under*
19 *subsection (c) only for—*

20 (A) *the payment of payroll costs;*

21 (B) *the acquisition of services, equipment,*
22 *including personal protective equipment, and*
23 *other measures needed to protect workers and*
24 *customers from COVID–19;*

1 (C) *continued operations and maintenance*
2 *during the applicable covered period of existing*
3 *capital equipment and facilities—*

4 (i) *including rent, leases, insurance,*
5 *and interest on regularly scheduled debt*
6 *service; but*

7 (ii) *not including any prepayment of,*
8 *or payment of principal on, a debt obliga-*
9 *tion, except for any principal on a debt ob-*
10 *ligation accrued by the provider of trans-*
11 *portation services directly to maintain the*
12 *expenditures of the provider of transpor-*
13 *tation services on payroll costs throughout*
14 *the COVID–19 pandemic; or*

15 (D) *the compensation of returning employ-*
16 *ees for lost pay and benefits during the COVID–*
17 *19 pandemic, subject to subsection (e).*

18 (2) *ELIGIBILITY.—The use of assistance provided*
19 *under subsection (c) for the compensation of returning*
20 *employees under paragraph (1)(D) shall be counted*
21 *toward the required amount of grants to be used on*
22 *payroll costs under subsection (c)(6)(A).*

23 (e) *COMPENSATION OF RETURNING EMPLOYEES.—*
24 *Notwithstanding any other provision of law, any compensa-*

1 *tion provided to a returning employee under subsection*
2 *(d)(1)(D)—*

3 *(1) shall be offset by—*

4 *(A) any amounts received by the employee*
5 *from the provider of transportation services as a*
6 *result of the layoff, furlough, or termination of*
7 *the employee or any failure to hire the employee*
8 *for seasonal employment during calendar year*
9 *2020, including—*

10 *(i) furlough pay;*

11 *(ii) severance pay; or*

12 *(iii) separation pay; and*

13 *(B) any amounts the employee received*
14 *from unemployment insurance; and*

15 *(2) shall not—*

16 *(A) be considered an overpayment for pur-*
17 *poses of any State or Federal unemployment*
18 *law; or*

19 *(B) be subject to any overpayment recovery*
20 *efforts by a State agency (as defined in section*
21 *205 of the Federal-State Extended Unemploy-*
22 *ment Compensation Act of 1970 (U.S.C. 3304*
23 *note)).*

24 *(f) ADMINISTRATIVE PROVISIONS.—*

1 (1) *IN GENERAL.*—*The Secretary may take such*
2 *actions as the Secretary determines to be necessary to*
3 *carry out this section, including—*

4 (A) *using direct hiring authority to hire*
5 *employees to administer this section;*

6 (B) *entering into contracts, including con-*
7 *tracts for services authorized by this section; and*

8 (C) *issuing such regulations and other guid-*
9 *ance as may be necessary or appropriate to*
10 *carry out the purposes of this section.*

11 (2) *ADMINISTRATIVE EXPENSES.*—*Of the funds*
12 *made available under this section, not more than*
13 *\$50,000,000 may be used by the Secretary for admin-*
14 *istrative expenses to carry out this section.*

15 (3) *AVAILABILITY FOR OBLIGATION.*—*The funds*
16 *made available under this section shall remain avail-*
17 *able for obligation until the date that is 3 years after*
18 *the date of enactment of this Act.*

19 ***Subtitle C—Motor Carrier Safety***
20 ***Grant Relief Act of 2020***

21 ***SEC. 440. SHORT TITLE.***

22 *This subtitle may be cited as the “Motor Carrier Safety*
23 *Grant Relief Act of 2020”.*

1 **SEC. 441. RELIEF FOR RECIPIENTS OF FINANCIAL ASSIST-**
2 **ANCE AWARDS FROM THE FEDERAL MOTOR**
3 **CARRIER SAFETY ADMINISTRATION.**

4 (a) *DEFINITION OF SECRETARY.*—*In this section, the*
5 *term “Secretary” means the Secretary of Transportation.*

6 (b) *RELIEF FOR RECIPIENTS OF FINANCIAL ASSIST-*
7 *ANCE AWARDED FOR FISCAL YEARS 2019 AND 2020.*—

8 (1) *IN GENERAL.*—*Notwithstanding any provi-*
9 *sion of chapter 311 of title 49, United States Code*
10 *(including any applicable period of availability*
11 *under section 31104(f) of that title), and any regula-*
12 *tions promulgated under that chapter and subject to*
13 *paragraph (2), the period of availability during*
14 *which a recipient may expend amounts made avail-*
15 *able to the recipient under a grant or cooperative*
16 *agreement described in subparagraphs (A) through*
17 *(E) shall be—*

18 (A) *for a grant made under section 31102*
19 *of that title (other than subsection (l) of that sec-*
20 *tion)—*

21 (i) *the fiscal year in which the Sec-*
22 *retary approves the financial assistance*
23 *agreement with respect to the grant; and*

24 (ii) *the following 2 fiscal years;*

1 (B) for a grant made or a cooperative
2 agreement entered into under section 31102(l)(2)
3 of that title—

4 (i) the fiscal year in which the Sec-
5 retary approves the financial assistance
6 agreement with respect to the grant or coop-
7 erative agreement; and

8 (ii) the following 3 fiscal years;

9 (C) for a grant made under section
10 31102(l)(3) of that title—

11 (i) the fiscal year in which the Sec-
12 retary approves the financial assistance
13 agreement with respect to the grant; and

14 (ii) the following 5 fiscal years;

15 (D) for a grant made under section 31103
16 of that title—

17 (i) the fiscal year in which the Sec-
18 retary approves the financial assistance
19 agreement with respect to the grant; and

20 (ii) the following 2 fiscal years; and

21 (E) for a grant made or a cooperative
22 agreement entered into under section 31313 of
23 that title—

24 (i) the year in which the Secretary ap-
25 proves the financial assistance agreement

1 *with respect to the grant or cooperative*
2 *agreement; and*

3 *(ii) the following 5 fiscal years.*

4 (2) *APPLICABILITY.—*

5 (A) *AMOUNTS AWARDED FOR FISCAL YEARS*
6 *2019 AND 2020.—The periods of availability de-*
7 *scribed in paragraph (1) shall apply only—*

8 *(i) to amounts awarded for fiscal year*
9 *2019 or 2020 under a grant or cooperative*
10 *agreement described in subparagraphs (A)*
11 *through (E) of that paragraph; and*

12 *(ii) for the purpose of expanding the*
13 *period of availability during which the re-*
14 *cipient may expend the amounts described*
15 *in clause (i).*

16 (B) *AMOUNTS AWARDED FOR OTHER*
17 *YEARS.—The periods of availability described in*
18 *paragraph (1) shall not apply to any amounts*
19 *awarded under a grant or cooperative agreement*
20 *described in subparagraphs (A) through (E) of*
21 *that paragraph for any fiscal year other than*
22 *fiscal year 2019 or 2020, and those amounts*
23 *shall be subject to the period of availability oth-*
24 *erwise applicable to those amounts under Federal*
25 *law.*

1 ***Subtitle D—Extension of Waiver***
2 ***Authority***

3 **SEC. 442. EXTENSION OF WAIVER AUTHORITY.**

4 *Notwithstanding any other provision of law, in fiscal*
5 *year 2021, the Secretary of Transportation may exercise the*
6 *authority provided by section 22005 of division B of the*
7 *CARES Act (23 U.S.C. 401 note; Public Law 116–136).*

8 ***TITLE V—BANKING***
9 ***Subtitle A—Emergency Rental***
10 ***Assistance***

11 **SEC. 501. EMERGENCY RENTAL ASSISTANCE.**

12 *(a) APPROPRIATION.—*

13 *(1) IN GENERAL.—Out of any money in the*
14 *Treasury of the United States not otherwise appro-*
15 *priated, there are appropriated for making payments*
16 *to eligible grantees under this section,*
17 *\$25,000,000,000 for fiscal year 2021.*

18 *(2) RESERVATION OF FUNDS FOR THE TERRI-*
19 *TORIES AND TRIBAL COMMUNITIES.—Of the amount*
20 *appropriated under paragraph (1), the Secretary*
21 *shall reserve—*

22 *(A) \$400,000,000 of such amount for mak-*
23 *ing payments under this section to the Common-*
24 *wealth of Puerto Rico, the United States Virgin*

1 *Islands, Guam, the Commonwealth of the North-*
2 *ern Mariana Islands, and American Samoa; and*

3 *(B) \$800,000,000 of such amount for mak-*
4 *ing payments under this section to eligible*
5 *grantees described in subparagraphs (C) and (D)*
6 *of subsection (k)(2); and*

7 *(C) \$15,000,000 for administrative expenses*
8 *of the Secretary described in subsection (h).*

9 *(b) PAYMENTS FOR RENTAL ASSISTANCE.—*

10 *(1) ALLOCATION AND PAYMENTS TO STATES AND*
11 *UNITS OF LOCAL GOVERNMENT.—*

12 *(A) IN GENERAL.—The amount appro-*
13 *priated under paragraph (1) of subsection (a)*
14 *that remains after the application of paragraph*
15 *(2) of such subsection shall be allocated and paid*
16 *to eligible grantees described in subparagraph*
17 *(B) in the same manner as the amount appro-*
18 *priated under subsection (a)(1) of section 601 of*
19 *the Social Security Act (42 U.S.C. 801) is allo-*
20 *cated and paid to States and units of local gov-*
21 *ernment under subsections (b) and (c) of such*
22 *section, and shall be subject to the same require-*
23 *ments, except that—*

24 *(i) the deadline for payments under*
25 *section 601(b)(1) of such Act shall, for pur-*

1 *poses of payments under this section, be*
2 *deemed to be not later than 30 days after*
3 *the date of enactment of this section;*

4 *(ii) the amount referred to in para-*
5 *graph (3) of section 601(c) of such Act shall*
6 *be deemed to be the amount appropriated*
7 *under paragraph (1) of subsection (a) of*
8 *this Act that remains after the application*
9 *of paragraph (2) of such subsection;*

10 *(iii) section 601(c) of the Social Secu-*
11 *rity Act shall be applied—*

12 *(I) by substituting “1 of the 50*
13 *States or the District of Columbia” for*
14 *“1 of the 50 States” each place it ap-*
15 *pears;*

16 *(II) in paragraph (2)(A), by sub-*
17 *stituting “ \$200,000,000” for “*
18 *\$1,250,000,000”;*

19 *(III) in paragraph (2)(B), by sub-*
20 *stituting “each of the 50 States and*
21 *District of Columbia” for “each of the*
22 *50 States”;*

23 *(IV) in paragraph (4), by sub-*
24 *stituting “excluding the Common-*
25 *wealth of Puerto Rico, the United*

1 *States Virgin Islands, Guam, the Com-*
2 *monwealth of the Northern Mariana*
3 *Islands, and American Samoa” for*
4 *“excluding the District of Columbia*
5 *and territories specified in subsection*
6 *(a)(2)(A)”*; and
7 *(V) without regard to paragraph*
8 *(6)*;
9 *(iv) section 601(d) of such Act shall*
10 *not apply to such payments; and*
11 *(v) section 601(e) shall be applied —*
12 *(I) by substituting “under section*
13 *501 of subtitle A of title V of division*
14 *N of the Consolidated Appropriations*
15 *Act, 2021” for “under this section”*;
16 *and*
17 *(II) by substituting “local govern-*
18 *ment elects to receive funds from the*
19 *Secretary under section 501 of subtitle*
20 *A of title V of division N of the Con-*
21 *solidated Appropriations Act, 2021*
22 *and will use the funds in a manner*
23 *consistent with such section” for “local*
24 *government’s proposed uses of the funds*
25 *are consistent with subsection (d)”*.

1 (B) *ELIGIBLE GRANTEES DESCRIBED.*—*The*
2 *eligible grantees described in this subparagraph*
3 *are the following:*

4 (i) *A State that is 1 of the 50 States*
5 *or the District of Columbia.*

6 (ii) *A unit of local government located*
7 *in a State described in clause (i).*

8 (2) *ALLOCATION AND PAYMENTS TO TRIBAL COM-*
9 *MUNITIES.*—

10 (A) *IN GENERAL.*—*From the amount re-*
11 *served under subsection (a)(2)(B), the Secretary*
12 *shall—*

13 (i) *pay the amount equal to 0.3 per-*
14 *cent of such amount to the Department of*
15 *Hawaiian Home Lands; and*

16 (ii) *subject to subparagraph (B), from*
17 *the remainder of such amount, allocate and*
18 *pay to each Indian tribe (or, if applicable,*
19 *the tribally designated housing entity of an*
20 *Indian tribe) that was eligible for a grant*
21 *under title I of the Native American Hous-*
22 *ing Assistance and Self-Determination Act*
23 *of 1996 (NAHASDA) (25 U.S.C. 4111 et*
24 *seq.) for fiscal year 2020 an amount that*
25 *bears the same proportion to the such re-*

1 *mainder as the amount each such Indian*
2 *tribe (or entity) was eligible to receive for*
3 *such fiscal year from the amount appro-*
4 *priated under paragraph (1) under the*
5 *heading “NATIVE AMERICAN PROGRAMS”*
6 *under the heading “PUBLIC AND INDIAN*
7 *HOUSING” of title II of division H of the*
8 *Further Consolidated Appropriations Act,*
9 *2020 (Public Law 116–94) to carry out the*
10 *Native American Housing Block Grants*
11 *program bears to the amount appropriated*
12 *under such paragraph for such fiscal year,*
13 *provided the Secretary shall be authorized*
14 *to allocate, in an equitable manner as deter-*
15 *mined by the Secretary, and pay any In-*
16 *Indian tribe that opted out of receiving a*
17 *grant allocation under the Native American*
18 *Housing Block Grants program formula in*
19 *fiscal year 2020, including by establishing a*
20 *minimum amount of payments to such In-*
21 *Indian tribe, provided such Indian tribe noti-*
22 *fies the Secretary not later than 30 days*
23 *after the date of enactment of this Act that*
24 *it intends to receive allocations and pay-*
25 *ments under this section.*

1 (B) *PRO RATA ADJUSTMENT; DISTRIBUTION*
2 *OF DECLINED FUNDS.*—

3 (i) *PRO RATA ADJUSTMENTS.*—*The*
4 *Secretary shall make pro rata reductions in*
5 *the amounts of the allocations determined*
6 *under clause (ii) of subparagraph (A) for*
7 *entities described in such clause as nec-*
8 *essary to ensure that the total amount of*
9 *payments made pursuant to such clause*
10 *does not exceed the remainder amount de-*
11 *scribed in such clause.*

12 (ii) *DISTRIBUTION OF DECLINED*
13 *FUNDS.*—*If the Secretary determines as of*
14 *30 days after the date of enactment of this*
15 *Act that an entity described in clause (ii)*
16 *of subparagraph (A) has declined to receive*
17 *its full allocation under such clause then,*
18 *not later than 15 days after such date, the*
19 *Secretary shall redistribute, on a pro rata*
20 *basis, such allocation among the other enti-*
21 *ties described in such clause that have not*
22 *declined to receive their allocations.*

23 (3) *ALLOCATIONS AND PAYMENTS TO TERRI-*
24 *TORIES.*—

1 (A) *IN GENERAL.*—From the amount re-
2 served under subsection (a)(2)(A), subject to sub-
3 paragraph (B), the Secretary shall allocate and
4 pay to each eligible grantee described in sub-
5 paragraph (C) an amount equal to the product
6 of—

7 (i) the amount so reserved; and

8 (ii) each such eligible grantee's share of
9 the combined total population of all such el-
10 ible grantees, as determined by the Sec-
11 retary.

12 (B) *ALLOCATION ADJUSTMENT.*—

13 (i) *REQUIREMENT.*—The sum of the
14 amounts allocated under subparagraph (A)
15 to all of the eligible grantees described in
16 clause (ii) of subparagraph (C) shall not be
17 less than the amount equal to 0.3 percent of
18 the amount appropriated under subsection
19 (a)(1).

20 (ii) *REDUCTION.*—The Secretary shall
21 reduce the amount of the allocation deter-
22 mined under subparagraph (A) for the eligi-
23 ble grantee described in clause (i) of sub-
24 paragraph (C) as necessary to meet the re-
25 quirement of clause (i).

1 (C) *ELIGIBLE GRANTEES DESCRIBED.*—*The*
2 *eligible grantees described in this subparagraph*
3 *are—*

4 *(i) the Commonwealth of Puerto Rico;*
5 *and*

6 *(ii) the United States Virgin Islands,*
7 *Guam, the Commonwealth of the Northern*
8 *Mariana Islands, and American Samoa.*

9 (c) *USE OF FUNDS.*—

10 (1) *IN GENERAL.*—*An eligible grantee shall only*
11 *use the funds provided from a payment made under*
12 *this section to provide financial assistance and hous-*
13 *ing stability services to eligible households.*

14 (2) *FINANCIAL ASSISTANCE.*—

15 (A) *IN GENERAL.*—*Not less than 90 percent*
16 *of the funds received by an eligible grantee from*
17 *a payment made under this section shall be used*
18 *to provide financial assistance to eligible house-*
19 *holds, including the payment of*

20 (i) *rent;*

21 (ii) *rental arrears;*

22 (iii) *utilities and home energy costs;*

23 (iv) *utilities and home energy costs ar-*
24 *rears; and*

1 (v) *other expenses related to housing*
2 *incurred due, directly or indirectly, to the*
3 *novel coronavirus disease (COVID-19) out-*
4 *break, as defined by the Secretary.*

5 *Such assistance shall be provided for a period*
6 *not to exceed 12 months except that grantees*
7 *may provide assistance for an additional 3*
8 *months only if necessary to ensure housing sta-*
9 *bility for a household subject to the availability*
10 *of funds.*

11 (B) *LIMITATION ON ASSISTANCE FOR PRO-*
12 *SPECTIVE RENT PAYMENTS.—*

13 (i) *IN GENERAL.—Subject to the excep-*
14 *tion in clause (ii), an eligible grantee shall*
15 *not provide an eligible household with fi-*
16 *nancial assistance for prospective rent pay-*
17 *ments for more than 3 months based on any*
18 *application by or on behalf of the household.*

19 (ii) *EXCEPTION.—For any eligible*
20 *household described in clause (i), such*
21 *household may receive financial assistance*
22 *for prospective rent payments for additional*
23 *months:*

1 (I) *subject to the availability of*
2 *remaining funds currently allocated to*
3 *the eligible grantee, and*

4 (II) *based on a subsequent appli-*
5 *cation for additional financial assist-*
6 *ance provided that the total months of*
7 *financial assistance provided to the*
8 *household do not exceed the total*
9 *months of assistance allowed under*
10 *subparagraph (A).*

11 (iii) *FURTHER LIMITATION.—To the*
12 *extent that applicants have rental arrears,*
13 *grantees may not make commitments for*
14 *prospective rent payments unless they have*
15 *also provided assistance to reduce an eligi-*
16 *ble household's rental arrears.*

17 (C) *DISTRIBUTION OF FINANCIAL ASSIST-*
18 *ANCE.—*

19 (i) *PAYMENTS.—*

20 (I) *IN GENERAL.—With respect to*
21 *financial assistance for rent and rental*
22 *arrears and utilities and home energy*
23 *costs and utility and home energy costs*
24 *arrears provided to an eligible house-*
25 *hold from a payment made under this*

1 *section, an eligible grantee shall make*
2 *payments to a lessor or utility pro-*
3 *vider on behalf of the eligible house-*
4 *hold, except that, if the lessor or utility*
5 *provider does not agree to accept such*
6 *payment from the grantee after out-*
7 *reach to the lessor or utility provider*
8 *by the grantee, the grantee may make*
9 *such payments directly to the eligible*
10 *household for the purpose of making*
11 *payments to the lessor or utility pro-*
12 *vider.*

13 *(II) RULE OF CONSTRUCTION.—*
14 *Nothing in this section shall be con-*
15 *strued to invalidate any otherwise le-*
16 *gitimate grounds for eviction.*

17 *(ii) DOCUMENTATION.—For any pay-*
18 *ments made by an eligible grantee to a les-*
19 *sor or utility provider on behalf of an eligi-*
20 *ble household, the eligible grantee shall pro-*
21 *vide documentation of such payments to*
22 *such household.*

23 *(3) HOUSING STABILITY SERVICES.—Not more*
24 *than 10 percent of funds received by an eligi-*
25 *ble grantee from a payment made under this section may be*

1 *used to provide eligible households with case manage-*
2 *ment and other services related to the novel*
3 *coronavirus disease (COVID-19) outbreak, as defined*
4 *by the Secretary, intended to help keep households*
5 *stably housed.*

6 (4) *PRIORITIZATION OF ASSISTANCE.—*

7 (A) *In reviewing applications for financial*
8 *assistance and housing stability services to eligi-*
9 *ble households from a payment made under this*
10 *section, an eligible grantee shall prioritize con-*
11 *sideration of the applications of an eligible*
12 *household that satisfies any of the following con-*
13 *ditions:*

14 (i) *The income of the household does*
15 *not exceed 50 percent of the area median in-*
16 *come for the household.*

17 (ii) *1 or more individuals within the*
18 *household are unemployed as of the date of*
19 *the application for assistance and have not*
20 *been employed for the 90-day period pre-*
21 *ceding such date.*

22 (B) *Nothing in this section shall be con-*
23 *strued to prohibit an eligible grantee from pro-*
24 *viding a process for the further prioritizing of*
25 *applications for financial assistance and housing*

1 *stability services from a payment made under*
2 *this section, including to eligible households in*
3 *which 1 or more individuals within the house-*
4 *hold were unable to reach their place of employ-*
5 *ment or their place of employment was closed be-*
6 *cause of a public health order imposed as a di-*
7 *rect result of the COVID-19 public health emer-*
8 *gency.*

9 (5) *ADMINISTRATIVE COSTS.—*

10 (A) *IN GENERAL.—Not more than 10 per-*
11 *cent of the amount paid to an eligible grantee*
12 *under this section may be used for administra-*
13 *tive costs attributable to providing financial as-*
14 *sistance and housing stability services under*
15 *paragraphs (2) and (3), respectively, including*
16 *for data collection and reporting requirements*
17 *related to such funds.*

18 (B) *NO OTHER ADMINISTRATIVE COSTS.—*
19 *Amounts paid under this section shall not be*
20 *used for any administrative costs other than to*
21 *the extent allowed under subparagraph (A).*

22 (d) *REALLOCATION OF UNUSED FUNDS.—Beginning*
23 *on September 30, 2021, the Secretary shall recapture excess*
24 *funds, as determined by the Secretary, not obligated by a*
25 *grantee for the purposes described under subsection (c) and*

1 *the Secretary shall reallocate and repay such amounts to*
2 *eligible grantees who, at the time of such reallocation, have*
3 *obligated at least 65 percent of the amount originally allo-*
4 *cated and paid to such grantee under subsection (b)(1), only*
5 *for the allowable uses described under subsection (c). The*
6 *amount of any such reallocation shall be determined based*
7 *on demonstrated need within a grantee's jurisdiction, as de-*
8 *termined by the Secretary.*

9 *(e) AVAILABILITY.—*

10 *(1) IN GENERAL.—Funds provided to an eligible*
11 *grantee under a payment made under this section*
12 *shall remain available through December 31, 2021.*

13 *(2) EXTENSION FOR FUNDS PROVIDED PURSUANT*
14 *TO A REALLOCATION OF UNUSED FUNDS.—For funds*
15 *reallocated to an eligible grantee pursuant to sub-*
16 *section (d), an eligible grantee may request, subject to*
17 *the approval of the Secretary, a 90-day extension of*
18 *the deadline established in paragraph (1).*

19 *(f) APPLICATION FOR ASSISTANCE BY LANDLORDS AND*
20 *OWNERS.—*

21 *(1) IN GENERAL.—Subject to paragraph (2),*
22 *nothing in this section shall preclude a landlord or*
23 *owner of a residential dwelling from—*

1 (A) assisting a renter of such dwelling in
2 applying for assistance from a payment made
3 under this section; or

4 (B) applying for such assistance on behalf
5 of a renter of such dwelling.

6 (2) *REQUIREMENTS FOR APPLICATIONS SUB-*
7 *MITTED ON BEHALF OF TENANTS.*—If a landlord or
8 owner of a residential dwelling submits an applica-
9 tion for assistance from a payment made under this
10 section on behalf of a renter of such dwelling—

11 (A) the landlord must obtain the signature
12 of the tenant on such application, which may be
13 documented electronically;

14 (B) documentation of such application shall
15 be provided to the tenant by the landlord; and

16 (C) any payments received by the landlord
17 from a payment made under this section shall be
18 used to satisfy the tenant's rental obligations to
19 the owner.

20 (g) *REPORTING REQUIREMENTS.*—

21 (1) *IN GENERAL.*—The Secretary, in consultation
22 with the Secretary of Housing and Urban Develop-
23 ment, shall provide public reports not less frequently
24 than quarterly regarding the use of funds made avail-
25 able under this section, which shall include, with re-

1 *spect to each eligible grantee under this section, both*
2 *for the past quarter and over the period for which*
3 *such funds are available—*

4 *(A) the number of eligible households that*
5 *receive assistance from such payments;*

6 *(B) the acceptance rate of applicants for as-*
7 *sistance;*

8 *(C) the type or types of assistance provided*
9 *to each eligible household;*

10 *(D) the average amount of funding provided*
11 *per eligible household receiving assistance;*

12 *(E) household income level, with such infor-*
13 *mation disaggregated for households with income*
14 *that—*

15 *(i) does not exceed 30 percent of the*
16 *area median income for the household;*

17 *(ii) exceeds 30 percent but does not ex-*
18 *ceed 50 percent of the area median income*
19 *for the household; and*

20 *(iii) exceeds 50 percent but does not ex-*
21 *ceed 80 percent of area median income for*
22 *the household; and*

23 *(F) the average number of monthly rental*
24 *or utility payments that were covered by the*

1 *funding amount that a household received, as ap-*
2 *plicable.*

3 (2) *DISAGGREGATION.*—*Each report under this*
4 *subsection shall disaggregate the information relating*
5 *to households provided under subparagraphs (A)*
6 *through (F) of paragraph (1) by the gender, race, and*
7 *ethnicity of the primary applicant for assistance in*
8 *such households.*

9 (3) *ALTERNATIVE REPORTING REQUIREMENTS*
10 *FOR CERTAIN GRANTEES.*—*The Secretary may estab-*
11 *lish alternative reporting requirements for grantees*
12 *described in subsection (b)(2).*

13 (4) *PRIVACY REQUIREMENTS.*—

14 (A) *IN GENERAL.*—*Each eligible grantee*
15 *that receives a payment under this section shall*
16 *establish data privacy and security requirements*
17 *for the information described in paragraph (1)*
18 *that—*

19 (i) *include appropriate measures to en-*
20 *sure that the privacy of the individuals and*
21 *households is protected;*

22 (ii) *provide that the information, in-*
23 *cluding any personally identifiable infor-*
24 *mation, is collected and used only for the*

1 *purpose of submitting reports under para-*
2 *graph (1); and*

3 *(iii) provide confidentiality protections*
4 *for data collected about any individuals*
5 *who are survivors of intimate partner vio-*
6 *lence, sexual assault, or stalking.*

7 *(B) STATISTICAL RESEARCH.—*

8 *(i) IN GENERAL.—The Secretary—*

9 *(I) may provide full and*
10 *unredacted information provided under*
11 *subparagraphs (A) through (F) of*
12 *paragraph (1), including personally*
13 *identifiable information, for statistical*
14 *research purposes in accordance with*
15 *existing law; and*

16 *(II) may collect and make avail-*
17 *able for statistical research, at the cen-*
18 *sus tract level, information collected*
19 *under subparagraph (A).*

20 *(ii) APPLICATION OF PRIVACY RE-*
21 *QUIREMENTS.—A recipient of information*
22 *under clause (i) shall establish for such in-*
23 *formation the data privacy and security re-*
24 *quirements described in subparagraph (A).*

1 (5) *NONAPPLICATION OF THE PAPERWORK RE-*
2 *DUCTION ACT.*—*Subchapter I of chapter 35 of title 44,*
3 *United States Code, shall not apply to the collection*
4 *of information for the reporting or research require-*
5 *ments specified in this subsection.*

6 (h) *ADMINISTRATIVE EXPENSES OF THE SEC-*
7 *RETARY.*—*Of the funds appropriated pursuant to sub-*
8 *section (a), not more than \$15,000,000 may be used for ad-*
9 *ministrative expenses of the Secretary in administering this*
10 *section, including technical assistance to grantees in order*
11 *to facilitate effective use of funds provided under this sec-*
12 *tion.*

13 (i) *Inspector General Oversight; Recoupment*

14 (1) *OVERSIGHT AUTHORITY.*—*The Inspector*
15 *General of the Department of the Treasury shall con-*
16 *duct monitoring and oversight of the receipt, disburse-*
17 *ment, and use of funds made available under this sec-*
18 *tion.*

19 (2) *RECOUPMENT.*—*If the Inspector General of*
20 *the Department of the Treasury determines that a*
21 *State, Tribal government, or unit of local government*
22 *has failed to comply with subsection (c), the amount*
23 *equal to the amount of funds used in violation of such*
24 *subsection shall be booked as a debt of such entity*
25 *owed to the Federal Government. Amounts recovered*

1 *under this subsection shall be deposited into the gen-*
2 *eral fund of the Treasury.*

3 (3) *APPROPRIATION.—Out of any money in the*
4 *Treasury of the United States not otherwise appro-*
5 *priated, there are appropriated to the Office of the In-*
6 *pector General of the Department of the Treasury,*
7 *\$6,500,000 to carry out oversight and recoupment ac-*
8 *tivities under this subsection. Amounts appropriated*
9 *under the preceding sentence shall remain available*
10 *until expended.*

11 (4) *AUTHORITY OF INSPECTOR GENERAL.—Noth-*
12 *ing in this subsection shall be construed to diminish*
13 *the authority of any Inspector General, including*
14 *such authority as provided in the Inspector General*
15 *Act of 1978 (5 U.S.C. App.)*

16 (j) *TREATMENT OF ASSISTANCE.—Assistance provided*
17 *to a household from a payment made under this section*
18 *shall not be regarded as income and shall not be regarded*
19 *as a resource for purposes of determining the eligibility of*
20 *the household or any member of the household for benefits*
21 *or assistance, or the amount or extent of benefits or assist-*
22 *ance, under any Federal program or under any State or*
23 *local program financed in whole or in part with Federal*
24 *funds.*

25 (k) *DEFINITIONS.—In this section:*

1 (1) *AREA MEDIAN INCOME.*—The term “area me-
2 dian income” means, with respect to a household, the
3 median income for the area in which the household is
4 located, as determined by the Secretary of Housing
5 and Urban Development.

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

8 (A) A State (as defined in section 601(g)(4)
9 of the Social Security Act (42 U.S.C. 801(g)(4)).

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

12 (C) An Indian tribe or its tribally des-
13 ignated housing entity (as such terms are defined
14 in section 4 of the Native American Housing As-
15 sistance and Self-Determination Act of 1996 (25
16 U.S.C. 4103)) that was eligible to receive a grant
17 under title I of such Act (25 U.S.C. 4111 et seq.)
18 for fiscal year 2020 from the amount appro-
19 priated under paragraph (1) under the heading
20 “NATIVE AMERICAN PROGRAMS” under the head-
21 ing “PUBLIC AND INDIAN HOUSING” of title II
22 of division H of the Further Consolidated Appro-
23 priations Act, 2020 (Public Law 116–94) to
24 carry out the Native American Housing Block
25 Grants program. For the avoidance of doubt, the

1 *term Indian tribe shall include Alaska native*
2 *corporations established pursuant to the Alaska*
3 *Native Claims Settlement Act (43 U.S.C. 1601 et*
4 *seq.).*

5 *(D) The Department of Hawaiian Home-*
6 *lands.*

7 (3) *ELIGIBLE HOUSEHOLD.—*

8 *(A) IN GENERAL.—The term “eligible house-*
9 *hold” means a household of 1 or more individ-*
10 *uals who are obligated to pay rent on a residen-*
11 *tial dwelling and with respect to which the eligi-*
12 *ble grantee involved determines—*

13 *(i) that 1 or more individuals within*
14 *the household has*

15 *(I) qualified for unemployment*
16 *benefits or*

17 *(II) experienced a reduction in*
18 *household income, incurred significant*
19 *costs, or experienced other financial*
20 *hardship due, directly or indirectly, to*
21 *the novel coronavirus disease (COVID–*
22 *19) outbreak, which the applicant shall*
23 *attest in writing;*

24 *(ii) that 1 or more individuals within*
25 *the household can demonstrate a risk of ex-*

1 *periencing homelessness or housing insta-*
2 *bility, which may include—*

3 *(I) a past due utility or rent no-*
4 *tice or eviction notice;*

5 *(II) unsafe or unhealthy living*
6 *conditions; or*

7 *(III) any other evidence of such*
8 *risk, as determined by the eligible*
9 *grantee involved; and*

10 *(iii) the household has a household in-*
11 *come that is not more than 80 percent of the*
12 *area median income for the household.*

13 *(B) EXCEPTION.—To the extent feasible, an*
14 *eligible grantee shall ensure that any rental as-*
15 *sistance provided to an eligible household pursu-*
16 *ant to funds made available under this section is*
17 *not duplicative of any other Federally funded*
18 *rental assistance provided to such household.*

19 *(C) INCOME DETERMINATION.—*

20 *(i) In determining the income of a*
21 *household for purposes of determining such*
22 *household's eligibility for assistance from a*
23 *payment made under this section (including*
24 *for purposes of subsection (c)(4)), the eligi-*
25 *ble grantee involved shall consider either*

1 (I) *the household’s total income*
2 *for calendar year 2020, or*

3 (II) *subject to clause (ii), suffi-*
4 *cient confirmation, as determined by*
5 *the Secretary, of the household’s month-*
6 *ly income at the time of application*
7 *for such assistance.*

8 (ii) *In the case of income determined*
9 *under subclause (II), the eligible grantee*
10 *shall be required to re-determine the eligi-*
11 *bility of a household’s income after each*
12 *such period of 3 months for which the*
13 *household receives assistance from a pay-*
14 *ment made under this section.*

15 (4) *INSPECTOR GENERAL.—The term “Inspector*
16 *General” means the Inspector General of the Depart-*
17 *ment of the Treasury.*

18 (5) *SECRETARY.—The term “Secretary” means*
19 *the Secretary of the Treasury.*

20 (6) *UNIT OF LOCAL GOVERNMENT.—The term*
21 *“unit of local government” has the meaning given*
22 *such term in paragraph (2) of section 601(g) of the*
23 *Social Security Act (42 U.S.C. 801(g)), except that,*
24 *in applying such term for purposes of this section,*

1 *such paragraph shall be applied by substituting*
2 *“200,000” for “500,000”.*

3 *(l) TERMINATION OF PROGRAM.—The authority of an*
4 *eligible grantee to make new obligations to provide pay-*
5 *ments under subsection (c) shall terminate on the date es-*
6 *tablished in subsection (e) for that eligible grantee. Amounts*
7 *not expended in accordance with this section shall revert*
8 *to the Department of the Treasury.*

9 **SEC. 502. EXTENSION OF EVICTION MORATORIUM.**

10 *The order issued by the Centers for Disease Control*
11 *and Prevention under section 361 of the Public Health*
12 *Service Act (42 U.S.C. 264), entitled “Temporary Halt in*
13 *Residential Evictions To Prevent the Further Spread of*
14 *COVID–19” (85 Fed. Reg. 55292 (September 4, 2020) is*
15 *extended through January 31, 2021, notwithstanding the*
16 *effective dates specified in such Order.*

17 ***Subtitle B—Community***
18 ***Development Investment***

19 **SEC. 520. PURPOSE.**

20 *The purpose of this subtitle is to establish emergency*
21 *programs to revitalize and provide long-term financial*
22 *products and service availability for, and provide invest-*
23 *ments in, low- and moderate-income and minority commu-*
24 *nities that have disproportionately suffered from the im-*
25 *pacts of the COVID–19 pandemic.*

1 **SEC. 521. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**
2 **TORS.**

3 (a) *IN GENERAL.*—*In exercising the authorities under*
4 *this subtitle and the amendments made by this subtitle, the*
5 *Secretary of the Treasury shall take into consideration in-*
6 *creasing the availability of affordable credit for consumers,*
7 *small businesses, and nonprofit organizations, including for*
8 *projects supporting affordable housing, community-serving*
9 *real estate, and other projects, that provide direct benefits*
10 *to low- and moderate-income communities, low-income and*
11 *underserved individuals, and minorities, that have dis-*
12 *proportionately suffered from the health and economic im-*
13 *pacts of the COVID–19 pandemic.*

14 (b) *REQUIREMENT FOR CREDITORS.*—*Any creditor*
15 *participating in a program established under this subtitle*
16 *or the amendments made by this subtitle shall fully comply*
17 *with all applicable statutory and regulatory requirements*
18 *relating to fair lending.*

19 **SEC. 522. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
20 **DISPROPORTIONATELY IMPACTED BY THE**
21 **COVID–19 PANDEMIC.**

22 (a) *IN GENERAL.*—*The Community Development*
23 *Banking and Financial Institutions Act of 1994 (12 U.S.C.*
24 *4701 et seq.) is amended by inserting after section 104 (12*
25 *U.S.C. 4703) the following:*

1 **“SEC. 104A. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
2 **DISPROPORTIONATELY IMPACTED BY THE**
3 **COVID-19 PANDEMIC.**

4 “(a) *DEFINITIONS.—In this section—*

5 “(1) *the term ‘bank holding company’ has the*
6 *meaning given the term in section 2 of the Bank*
7 *Holding Company Act of 1956 (12 U.S.C. 1841);*

8 “(2) *the term ‘eligible institution’ means any*
9 *low- and moderate-income community financial insti-*
10 *tution that is eligible to participate in the Program;*

11 “(3) *the term ‘Emergency Capital Investment*
12 *Fund’ means the Emergency Capital Investment*
13 *Fund established under subsection (b);*

14 “(4) *the term ‘low- and moderate-income com-*
15 *munity financial institution’ means any financial in-*
16 *stitution that is—*

17 “(A)(i) *a community development financial*
18 *institution; or*

19 “(ii) *a minority depository institution; and*

20 “(B)(i) *an insured depository institution*
21 *that is not controlled by a bank holding com-*
22 *pany or savings and loan holding company that*
23 *is also an eligible institution;*

24 “(ii) *a bank holding company;*

25 “(iii) *a savings and loan holding company;*

26 *or*

1 “(iv) a federally insured credit union;

2 “(5) the term ‘minority’ means any Black Amer-
3 ican, Native American, Hispanic American, Asian
4 American, Native Alaskan, Native Hawaiian, or Pa-
5 cific Islander;

6 “(6) the term ‘minority depository institution’
7 means an entity that is—

8 “(A) a minority depository institution, as
9 defined in section 308 of the *Financial Institu-*
10 *tions Reform, Recovery, and Enforcement Act of*
11 *1989 (12 U.S.C. 1463 note); or*

12 “(B) considered to be a minority depository
13 institution by—

14 “(i) the appropriate Federal banking
15 agency; or

16 “(ii) the National Credit Union Ad-
17 ministration, in the case of an insured cred-
18 it union; or

19 “(C) listed in the Federal Deposit Insurance
20 Corporation’s *Minority Depository Institutions*
21 *List published for the Third Quarter 2020.*

22 “(7) the term ‘Program’ means the *Emergency*
23 *Capital Investment Program established under sub-*
24 *section (b);*

1 “(8) the term ‘savings and loan holding com-
2 pany’ has the meaning given the term under section
3 10(a) of the Home Owners’ Loan Act (12 U.S.C.
4 1467a(a)); and

5 “(9) the ‘Secretary’ means the Secretary of the
6 Treasury.

7 “(b) *ESTABLISHMENT.*—

8 “(1) *FUND ESTABLISHED.*—There is established
9 in the Treasury of the United States a fund to be
10 known as the ‘Emergency Capital Investment Fund’,
11 which shall be administered by the Secretary.

12 “(2) *PROGRAM AUTHORIZED.*—The Secretary is
13 authorized to establish an emergency program known
14 as the ‘Emergency Capital Investment Program’ to
15 support the efforts of low- and moderate-income com-
16 munity financial institutions to, among other things,
17 provide loans, grants, and forbearance for small busi-
18 nesses, minority-owned businesses, and consumers, es-
19 pecially in low-income and underserved communities,
20 including persistent poverty counties, that may be
21 disproportionately impacted by the economic effects of
22 the COVID–19 pandemic, by providing direct and in-
23 direct capital investments in low- and moderate-in-
24 come community financial institutions consistent
25 with this section.

1 “(c) *PURCHASES.*—

2 “(1) *IN GENERAL.*—Subject to paragraph (2), the
3 *Emergency Capital Investment Fund* shall be avail-
4 able to the Secretary, without further appropriation
5 or fiscal year limitation, for the costs of purchases
6 (including commitments to purchase), and modifica-
7 tions of such purchases, of preferred stock and other
8 financial instruments from eligible institutions on
9 such terms and conditions as are determined by the
10 Secretary in accordance with this section.

11 “(2) *PURCHASE LIMIT.*—The aggregate amount
12 of purchases pursuant to paragraph (1) may not ex-
13 ceed \$9,000,000,000.

14 “(d) *APPLICATION.*—

15 “(1) *ACCEPTANCE.*—The Secretary shall begin
16 accepting applications for capital investments under
17 the Program not later than the end of the 30-day pe-
18 riod beginning on the date of enactment of this sec-
19 tion.

20 “(2) *CONSULTATION WITH REGULATORS.*—For
21 each eligible institution that applies to receive a cap-
22 ital investment under the Program, the Secretary
23 shall consult with the appropriate Federal banking
24 agency or the National Credit Union Administration,

1 *as applicable, to determine whether the eligible insti-*
2 *tution may receive such capital investment.*

3 “(3) *ELIGIBILITY.*—

4 “(A) *IN GENERAL.*—*Only low- and mod-*
5 *erate-income community financial institutions*
6 *shall be eligible to participate in the Program.*

7 “(B) *ADDITIONAL CRITERIA.*—*The Sec-*
8 *retary may establish additional criteria for par-*
9 *ticipation by an institution in the Program, as*
10 *the Secretary may determine appropriate in fur-*
11 *therance of the goals of the Program.*

12 “(4) *REQUIREMENT TO PROVIDE AN EMERGENCY*
13 *INVESTMENT LENDING PLAN FOR COMMUNITIES THAT*
14 *MAY BE DISPROPORTIONATELY IMPACTED BY THE*
15 *ECONOMIC EFFECTS OF THE COVID–19 PANDEMIC.*—

16 “(A) *IN GENERAL.*—*At the time that an ap-*
17 *plicant submits an application to the Secretary*
18 *for a capital investment under the Program, the*
19 *applicant shall provide the Secretary, along with*
20 *the appropriate Federal banking agency or the*
21 *National Credit Union Administration, as ap-*
22 *plicable, an investment and lending plan that—*

23 “(i) *demonstrates that not less than 30*
24 *percent of the lending of the applicant over*
25 *the past 2 fiscal years was made directly to*

1 *low- and moderate income borrowers, to*
2 *borrowers that create direct benefits for low-*
3 *and moderate-income populations, to other*
4 *targeted populations as defined by the*
5 *Fund, or any combination thereof, as meas-*
6 *ured by the total number and dollar*
7 *amount of loans;*

8 *“(ii) describes how the business strat-*
9 *egy and operating goals of the applicant*
10 *will address community development needs*
11 *in communities that may be disproportion-*
12 *ately impacted by the economic effects of*
13 *COVID–19, which includes the needs of*
14 *small businesses, consumers, nonprofit orga-*
15 *nizations, community development, and*
16 *other projects providing direct benefits to*
17 *low- and moderate-income communities,*
18 *low-income individuals, and minorities*
19 *within the minority, rural, and urban low-*
20 *income and underserved areas served by the*
21 *applicant;*

22 *“(iii) includes a plan to provide com-*
23 *munity outreach and communication, where*
24 *appropriate;*

1 “(iv) includes details on how the appli-
2 cant plans to expand or maintain signifi-
3 cant lending or investment activity in low-
4 or moderate-income minority communities,
5 especially those that may be disproportion-
6 ately impacted by COVID–19 to historically
7 disadvantaged borrowers, and to minorities
8 that have significant unmet capital or fi-
9 nancial services needs.

10 “(B) DOCUMENTATION.—In the case of an
11 applicant that is certified as a community devel-
12 opment financial institution as of the date of en-
13 actment of this subsection, for purposes of sub-
14 paragraph (A)(i), the Secretary may rely on doc-
15 umentation submitted by the applicant to the
16 Fund as part of certification compliance report-
17 ing.

18 “(5) INCENTIVES TO INCREASE LENDING AND
19 PROVIDE AFFORDABLE CREDIT.—

20 “(A) ISSUANCE AND PURCHASE OF PRE-
21 FERRED STOCK.—An eligible institution that the
22 Secretary approves for participation in the Pro-
23 gram may issue to the Secretary, and the Sec-
24 retary may purchase from such institution, pre-
25 ferred stock that—

1 “(i) provides that the preferred stock
2 will—

3 “(I) be repaid not later than the
4 end of the 10-year period beginning on
5 the date of the capital investment
6 under the Program; or

7 “(II) at the end of such 10-year
8 period, be subject to such additional
9 terms as the Secretary shall prescribe,
10 which shall include a requirement that
11 the stock shall carry the highest divi-
12 dend or interest rate payable; and

13 “(ii) provides that the term and condi-
14 tion described under clause (i) shall not
15 apply if the application of that term and
16 condition would adversely affect the capital
17 treatment of the stock under current or suc-
18 cessor applicable capital provisions com-
19 pared to a capital instrument with iden-
20 tical terms other than the term and condi-
21 tion described under clause (i).

22 “(B) *ALTERNATIVE FINANCIAL INSTRU-*
23 *MENTS.—If the Secretary determines that an in-*
24 *stitution cannot feasibly issue preferred stock as*
25 *provided under subparagraph (A), such institu-*

1 *tion may issue to the Secretary, and the Sec-*
2 *retary may purchase from such institution, a*
3 *subordinated debt instrument whose terms are, to*
4 *the extent possible, consistent with requirements*
5 *under the Program applicable to the terms of*
6 *preferred stock issued by institutions partici-*
7 *pating in the Program, with such adjustments as*
8 *the Secretary determines appropriate, including*
9 *by taking into account the tax treatment of pay-*
10 *ments made with respect to securities issued by*
11 *such eligible institution.*

12 “(6) *REQUIREMENTS ON PREFERRED STOCK AND*
13 *OTHER FINANCIAL INSTRUMENT.—Any financial in-*
14 *strument issued to the Secretary by a low- and mod-*
15 *erate-income community financial institution under*
16 *the Program shall provide the following:*

17 “(A) *No dividends, interest or other similar*
18 *required payments shall have a rate exceeding 2*
19 *percent per annum for the first 10 years.*

20 “(B) *The annual required payment rate of*
21 *dividends, interest, or other similar payments of*
22 *a low- and moderate-income community finan-*
23 *cial institution shall be adjusted downward as*
24 *follows, based on lending by the institution dur-*
25 *ing the most recent annual period compared to*

1 *lending by the institution during the annual pe-*
2 *riod ending on September 30, 2020:*

3 “(i) *No dividends, interest, or other*
4 *similar payments shall be due within the*
5 *first 24-month period after the capital in-*
6 *vestment by the Secretary.*

7 “(ii) *If the amount of lending by the*
8 *institution within minority, rural, and*
9 *urban low-income and underserved commu-*
10 *nities and to low- and moderate-income bor-*
11 *rowers has increased in amount between*
12 *200 percent and 400 percent of the amount*
13 *of the capital investment, the annual pay-*
14 *ment rate shall not exceed 1.25 percent per*
15 *annum.*

16 “(iii) *If the amount of lending by the*
17 *institution within minority, rural, and*
18 *urban low-income and underserved commu-*
19 *nities and to low- and moderate-income bor-*
20 *rowers has increased by more than 400 per-*
21 *cent of the capital investment, the annual*
22 *payment rate shall not exceed 0.5 percent*
23 *per annum.*

24 “(7) *CONTINGENCY OF PAYMENTS BASED ON CER-*
25 *TAIN FINANCIAL CRITERIA.—*

1 “(A) *DEFERRAL.*—Any annual payments
2 under this section shall be deferred in any quar-
3 ter or payment period if any of the following is
4 true:

5 “(i) *The low- and moderate-income*
6 *community institution fails to meet the Tier*
7 *1 capital ratio or similar ratio as deter-*
8 *mined by the Secretary.*

9 “(ii) *The low- and moderate-income*
10 *community financial institution fails to*
11 *achieve positive net income for the quarter*
12 *or payment period.*

13 “(iii) *The low- and moderate-income*
14 *community financial institution determines*
15 *that the payment would be detrimental to*
16 *the financial health of the institution and*
17 *the Chief Executive Officer and Chief Fi-*
18 *ancial Officer of the institution provide*
19 *written notice, in a form reasonably satis-*
20 *factory to the Secretary, of such determina-*
21 *tion and the basis thereof.*

22 “(B) *TESTING DURING NEXT PAYMENT PE-*
23 *RIOD.*—Any annual payment that is deferred
24 under this section shall—

1 “(i) be tested against the metrics de-
2 scribed in subparagraph (A) at the begin-
3 ning of the next payment period; and

4 “(ii) continue to be deferred until the
5 metrics described in that subparagraph are
6 no longer applicable.

7 “(8) *REQUIREMENTS IN CONNECTION WITH FAIL-*
8 *URE TO SATISFY PROGRAM GOALS.*—Any financial in-
9 strument issued to the Secretary by a low- and mod-
10 erate-income community financial institution under
11 the Program may include such additional terms and
12 conditions as the Secretary determines may be appro-
13 priate to provide the holders with rights in the event
14 that such institution fails to satisfy applicable re-
15 quirements under the Program or to protect the inter-
16 ests of the Federal Government.

17 “(e) *RESTRICTIONS.*—

18 “(1) *IN GENERAL.*—Each low- and moderate-in-
19 come community financial institution may only issue
20 financial instruments or senior preferred stock under
21 this subsection with an aggregate principal amount
22 (or comparable amount) that is—

23 “(A) not more than \$250,000,000; and

1 “(B)(i) not more than 7.5 percent of total
2 assets for an institution with assets of more than
3 \$2,000,000,000;

4 “(ii) not more than 15 percent of total as-
5 sets for an institution with assets of not less than
6 \$500,000,000 and not more than \$2,000,000,000;
7 and

8 “(iii) not more than 22.5 percent of total
9 assets for an institution with assets of less than
10 \$500,000,000.

11 “(2) SET-ASIDES.—Of the amounts made avail-
12 able under subsection (c)(2), not less than
13 \$4,000,000,000 shall be made available for eligible in-
14 stitutions with total assets of not more than
15 \$2,000,000,000 that timely apply to receive a capital
16 investment under the Program, of which not less than
17 \$2,000,000,000 shall be made available for eligible in-
18 stitutions with total assets of less than \$500,000,000
19 that timely apply to receive a capital investment
20 under the Program.

21 “(3) HOLDING OF INSTRUMENTS.—Holding any
22 instrument of a low- and moderate-income commu-
23 nity financial institution described in paragraph (1)
24 shall not give the Secretary or any successor that

1 *owns the instrument any rights over the management*
2 *of the institution in the ordinary course of business.*

3 *“(4) SALE OF INTEREST.—*

4 *“(A) IN GENERAL.—With respect to a cap-*
5 *ital investment made into a low- and moderate-*
6 *income community financial institution under*
7 *this section, the Secretary—*

8 *“(i) prior to any sale of such capital*
9 *investment to a third party, shall provide*
10 *the low- and moderate-income community*
11 *financial institution a right of first refusal*
12 *to buy back the investment under terms that*
13 *do not exceed a value as determined by an*
14 *independent third party;*

15 *“(ii) shall not sell more than 25 per-*
16 *cent of the outstanding equity interests of*
17 *any institution to a single third party*
18 *without the consent of such institution,*
19 *which may not be unreasonably withheld;*
20 *and*

21 *“(iii) with the permission of the insti-*
22 *tution, may transfer or sell the interest of*
23 *the Secretary in the capital investment for*
24 *no consideration or for a de minimis*
25 *amount to a mission aligned nonprofit af-*

1 *filiate of an applicant that is an insured*
2 *community development financial institu-*
3 *tion.*

4 “(B) *CALCULATION OF OWNERSHIP FOR MI-*
5 *NORITY DEPOSITORY INSTITUTIONS.—The cal-*
6 *culatation and determination of ownership thresh-*
7 *olds for a depository institution to qualify as a*
8 *minority depository institution shall exclude any*
9 *dilutive effect of equity investments by the Fed-*
10 *eral Government, including under the Program*
11 *or through the Fund.*

12 “(5) *REPAYMENT INCENTIVES.—The Secretary*
13 *may establish repayment incentives that will apply to*
14 *capital investments under the Program in a manner*
15 *that the Secretary determines to be consistent with the*
16 *purposes of the Program.*

17 “(f) *TREATMENT OF CAPITAL INVESTMENTS.—The*
18 *Secretary shall seek to establish the terms of preferred stock*
19 *issued under the Program to enable such preferred stock to*
20 *receive Tier 1 capital treatment.*

21 “(g) *OUTREACH TO MINORITY COMMUNITIES.—The*
22 *Secretary shall require low- and moderate-income commu-*
23 *nity financial institutions receiving capital investments*
24 *under the Program to provide community outreach and*
25 *communication, where appropriate, describing the avail-*

1 *ability and application process of receiving loans made pos-*
2 *sible by the Program through organizations, trade associa-*
3 *tions, and individuals that represent or work within or are*
4 *members of minority communities.*

5 “(h) *RESTRICTIONS.*—

6 “(1) *IN GENERAL.*—*Not later than the end of the*
7 *30-day period beginning on the date of enactment of*
8 *this section, the Secretary shall issue rules setting re-*
9 *strictions on executive compensation, share buybacks,*
10 *and dividend payments for recipients of capital in-*
11 *vestments under the Program.*

12 “(2) *CONFLICTS OF INTEREST.*—

13 “(A) *DEFINITIONS.*—*In this paragraph:*

14 “(i) *CONTROLLING INTEREST.*—*The*
15 *term ‘controlling interest’ means owning,*
16 *controlling, or holding not less than 20 per-*
17 *cent, by vote or value, of the outstanding*
18 *amount of any class of equity interest in an*
19 *entity.*

20 “(ii) *COVERED ENTITY.*—*The term*
21 *‘covered entity’ means an entity in which a*
22 *covered individual directly or indirectly*
23 *holds a controlling interest. For the purpose*
24 *of determining whether an entity is a cov-*
25 *ered entity, the securities owned, controlled,*

1 or held by 2 or more individuals who are
2 related as described in clause (iii)(II) shall
3 be aggregated.

4 “(iii) *COVERED INDIVIDUAL*.—The
5 term ‘covered individual’ means—

6 “(I) the President, the Vice Presi-
7 dent, the head of an Executive depart-
8 ment, or a Member of Congress; and

9 “(II) the spouse, child, son-in-law,
10 or daughter-in-law, as determined
11 under applicable common law, of an
12 individual described in subclause (i).

13 “(iv) *EXECUTIVE DEPARTMENT*.—The
14 term ‘Executive department’ has the mean-
15 ing given the term in section 101 of title 5,
16 United States Code.

17 “(v) *MEMBER OF CONGRESS*.—The
18 term ‘member of Congress’ means a member
19 of the Senate or House of Representatives, a
20 Delegate to the House of Representatives,
21 and the Resident Commissioner from Puerto
22 Rico.

23 “(vi) *EQUITY INTEREST*.—The term
24 ‘equity interest’ means—

1 “(I) a share in an entity, without
2 regard to whether the share is—

3 “(aa) transferable; or

4 “(bb) classified as stock or
5 anything similar;

6 “(II) a capital or profit interest
7 in a limited liability company or part-
8 nership; or

9 “(III) a warrant or right, other
10 than a right to convert, to purchase,
11 sell, or subscribe to a share or interest
12 described in subclause (I) or (II), re-
13 spectively.

14 “(B) *PROHIBITION.*—Notwithstanding any
15 other provision of this section, no covered entity
16 may be eligible for any investment made under
17 the Program.

18 “(C) *REQUIREMENT.*—The principal execu-
19 tive officer and the principal financial officer, or
20 individuals performing similar functions, of an
21 entity seeking to receive an investment made
22 under the Program shall, before that investment
23 is approved, certify to the Secretary and the ap-
24 propriate Federal banking agency or the Na-
25 tional Credit Union Administration, as applica-

1 *ble, that the entity is eligible to receive the in-*
2 *vestment, including that the entity is not a cov-*
3 *ered entity.*

4 “(i) *INELIGIBILITY OF CERTAIN INSTITUTIONS.—An*
5 *institution shall be ineligible to participate in the Program*
6 *if such institution is designated in Troubled Condition by*
7 *the appropriate Federal banking agency or the National*
8 *Credit Union Administration, as applicable, or is subject*
9 *to a formal enforcement action with its primary Federal*
10 *regulator that addresses unsafe or unsound lending prac-*
11 *tices.*

12 “(j) *TERMINATION OF INVESTMENT AUTHORITY.—*

13 “(1) *IN GENERAL.—The authority to make new*
14 *capital investments in low- and moderate-income*
15 *community financial institutions, including commit-*
16 *ments to purchase preferred stock or other instru-*
17 *ments, provided under the Program shall terminate*
18 *on the date that is 6 months after the date on which*
19 *the national emergency concerning the novel*
20 *coronavirus disease (COVID–19) outbreak declared by*
21 *the President on March 13, 2020 under the National*
22 *Emergencies Act (50 U.S.C. 1601 et seq.) terminates.*

23 “(2) *RULE OF CONSTRUCTION.—Nothing in this*
24 *subsection may be construed to limit any other au-*

1 *thority of the Secretary not described in paragraph*
2 *(1).*

3 *“(k) COLLECTION OF DATA.—Notwithstanding the*
4 *Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—*

5 *“(1) any low- and moderate-income community*
6 *financial institution may collect data described in*
7 *section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))*
8 *from borrowers and applicants for credit for the sole*
9 *purpose and exclusive use of monitoring compliance*
10 *under the plan required under subsection (d)(4); and*

11 *“(2) a low- and moderate-income community fi-*
12 *nancial institution that collects the data described in*
13 *paragraph (1) shall not be subject to adverse action*
14 *related to that collection by the Bureau of Consumer*
15 *Financial Protection or any other Federal agency.*

16 *“(l) DEPOSIT OF FUNDS.—All funds received by the*
17 *Secretary in connection with purchases made pursuant this*
18 *section, including interest payments, dividend payments,*
19 *and proceeds from the sale of any financial instrument,*
20 *shall be deposited into the Fund and used to provide finan-*
21 *cial and technical assistance pursuant to section 108, except*
22 *that subsection (e) of that section shall be waived.*

23 *“(m) DIRECT APPROPRIATION.—There is appro-*
24 *priated, out of amounts in the Treasury not otherwise ap-*
25 *propriated, for fiscal year 2021, \$9,000,000,000, to remain*

1 *available until expended and to be deposited in the Emer-*
2 *gency Capital Investment Fund, to carry out this section.*

3 “(n) *ADMINISTRATIVE EXPENSES.—Funds appro-*
4 *priated pursuant to subsection (m) may be used for admin-*
5 *istrative expenses, including the costs of modifying such in-*
6 *vestments, and reasonable costs of administering the Pro-*
7 *gram of making, holding, managing, and selling the capital*
8 *investments.*

9 “(o) *ADMINISTRATIVE PROVISIONS.—The Secretary*
10 *may take such actions as the Secretary determines nec-*
11 *essary to carry out the authorities in this section, including*
12 *the following:*

13 “(1) *The Secretary may use the services of any*
14 *agency or instrumentality of the United States or*
15 *component thereof on a reimbursable basis, and any*
16 *such agency or instrumentality or component thereof*
17 *is authorized to provide services as requested by the*
18 *Secretary using all authorities vested in or delegated*
19 *to that agency, instrumentality, or component.*

20 “(2) *The Secretary may enter into contracts, in-*
21 *cluding contracts for services authorized by section*
22 *3109 of title 5, United States Code.*

23 “(3) *The Secretary may designate any bank, sav-*
24 *ings association, trust company, security broker or*
25 *dealer, asset manager, or investment adviser as a fi-*

1 *nancial agent of the Federal Government and such in-*
2 *stitution shall perform all such reasonable duties re-*
3 *lated to this section as financial agent of the Federal*
4 *Government as may be required. The Secretary shall*
5 *have authority to amend existing agreements with fi-*
6 *nancial agents to perform reasonable duties related to*
7 *this section.*

8 *“(4) The Secretary may exercise any rights re-*
9 *ceived in connection with any preferred stock or other*
10 *financial instruments or assets purchased or acquired*
11 *pursuant to the authorities granted under this sec-*
12 *tion.*

13 *“(5) The Secretary may manage any assets pur-*
14 *chased under this section, including revenues and*
15 *portfolio risks therefrom.*

16 *“(6) The Secretary may sell, dispose of, transfer,*
17 *exchange or enter into securities loans, repurchase*
18 *transactions, or other financial transactions in regard*
19 *to, any preferred stock or other financial instrument*
20 *or asset purchased or acquired under this section,*
21 *upon terms and conditions and at a price determined*
22 *by the Secretary.*

23 *“(7) The Secretary may manage or prohibit con-*
24 *flicts of interest that may arise in connection with the*

1 *administration and execution of the authorities pro-*
2 *vided under this section.*

3 “(8) *The Secretary may establish and use vehi-*
4 *cles to purchase, hold, and sell preferred stock or other*
5 *financial instruments and issue obligations.*

6 “(9) *The Secretary may issue such regulations*
7 *and other guidance as may be necessary or appro-*
8 *priate to define terms or carry out the authorities or*
9 *purposes of this section.*

10 “(10) *The Secretary is authorized to use direct*
11 *hiring authority to hire employees to administer this*
12 *section.”.*

13 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
14 *table of contents in section 1(b) of the Riegle Community*
15 *Development and Regulatory Improvement Act of 1994 is*
16 *amended by inserting after the item relating to section 104*
17 *the following:*

“104A. Capital investments for neighborhoods disproportionately impacted by the
COVID–19 pandemic.”.

18 **SEC. 523. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**
19 **NITIES RESPONDING TO THE COVID–19 PAN-**
20 **DEMIC.**

21 (a) *DIRECT APPROPRIATION.—There is appropriated,*
22 *out of amounts in the Treasury not otherwise appropriated,*
23 *for the fiscal year 2021, \$3,000,000,000 under the heading*
24 **“DEPARTMENT OF TREASURY—COMMUNITY DEVEL-**

1 **OPMENT FINANCIAL INSTITUTIONS FUND PROGRAM**
2 **ACCOUNT, EMERGENCY SUPPORT”** to carry out this
3 section, of which—

4 (1) up to \$1,250,000,000, shall remain available
5 until September 30, 2021, to support, prepare for,
6 and respond to the economic impact of the
7 coronavirus, provided that the Fund shall—

8 (A) provide grants funded under this para-
9 graph using a formula that takes into account
10 criteria such as certification status, financial
11 and compliance performance, portfolio and bal-
12 ance sheet strength, a diversity of CDFI business
13 model types, and program capacity, of which not
14 less than \$25,000,000 may be for grants to ben-
15 efit Native American, Native Hawaiian, and
16 Alaska Native communities; and

17 (B) make funds available under this para-
18 graph not later than 60 days after the date of
19 enactment of this Act; and

20 (2) up to \$1,750,000,000, shall remain available
21 until expended, to provide grants to CDFIs to respond
22 to the economic impact of the COVID–19 pandemic—

23 (A) to expand lending, grant making, or in-
24 vestment activity in low- or moderate-income
25 minority communities and to minorities that

1 *have significant unmet capital or financial serv-*
2 *ices needs;*

3 *(B) using criteria such as certification sta-*
4 *tus, financial and compliance performance, port-*
5 *folio and balance sheet strength, a diversity of*
6 *CDFI business model types, status as a minority*
7 *lending institution, and program capacity, as*
8 *well as experience making loans and investments*
9 *to those areas and populations identified in this*
10 *paragraph; and*

11 *(C) of which up to \$1,200,000,000, shall be*
12 *for providing financial assistance, technical as-*
13 *sistance, awards, training and outreach pro-*
14 *grams to recipients that are minority lending*
15 *institutions.*

16 ***(b) ADMINISTRATIVE EXPENSES.—Funds appro-***
17 ***priated pursuant to subsection (a) may be used for admin-***
18 ***istrative expenses, including administration of Fund pro-***
19 ***grams and the New Markets Tax Credit Program under sec-***
20 ***tion 45D of the Internal Revenue Code of 1986.***

21 ***(c) DEFINITIONS.—In this section:***

22 ***(1) CDFI.—The term “CDFI” means a commu-***
23 ***nity development financial institution, as defined in***
24 ***section 103 of the Community Development Banking***

1 *and Financial Institutions Act of 1994 (12 U.S.C.*
2 *4702).*

3 (2) *FUND.*—*The term “Fund” means the Com-*
4 *munity Development Financial Institutions Fund es-*
5 *tablished under section 104(a) of the Community De-*
6 *velopment Banking and Financial Institutions Act of*
7 *1994 (12 U.S.C. 4703(a)).*

8 (3) *MINORITY.*—*The term “minority” means any*
9 *Black American, Hispanic American, Asian Amer-*
10 *ican, Native American, Native Alaskan, Native Ha-*
11 *waiian, or Pacific Islander.*

12 (4) *MINORITY LENDING INSTITUTION.*—*The term*
13 *“minority lending institution” means a CDFI—*

14 (A) *with respect to which a majority of both*
15 *the number dollar volume of arm’s-length, on-*
16 *balance sheet financial products of the CDFI are*
17 *directed at minorities or majority minority cen-*
18 *sus tracts or equivalents; and*

19 (B) *that—*

20 (i) *is a minority depository institu-*
21 *tion, as defined in section 308(b) of the Fi-*
22 *nancial Institutions Reform, Recovery, and*
23 *Enforcement Act of 1989 (12 U.S.C. 1463*
24 *note), or otherwise considered to be a mi-*
25 *nority depository institution by the appro-*

1 *priate Federal banking agency, as defined*
2 *in section 3 of the Federal Deposit Insur-*
3 *ance Act (12 U.S.C. 1813), or by the Na-*
4 *tional Credit Union Administration, as ap-*
5 *plicable; or*

6 *(ii) meets standards for accountability*
7 *to minority populations as determined by*
8 *the Administrator.*

9 *(d) COLLECTION OF DATA.—With respect to a CDFI*
10 *that receives funds under this section, notwithstanding the*
11 *Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—*

12 *(1) the CDFI may collect data described in sec-*
13 *tion 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))*
14 *from borrowers and applicants for credit for the sole*
15 *purpose and exclusive use to ensure that targeted pop-*
16 *ulations and low-income residents of investment areas*
17 *are adequately served; and*

18 *(2) the CDFI that collects the data described in*
19 *paragraph (1) shall not be subject to adverse action*
20 *related to that collection by the Bureau of Consumer*
21 *Financial Protection or any other Federal agency.*

22 **SEC. 524. INSPECTOR GENERAL OVERSIGHT.**

23 *(a) IN GENERAL.—The Inspector General of the De-*
24 *partment of the Treasury shall conduct, supervise, and co-*
25 *ordinate audits and investigations of any program estab-*

1 lished under this subtitle or the amendments made by this
2 subtitle.

3 (b) *REPORTING.*—*The Inspector General of the Depart-*
4 *ment of the Treasury shall submit to the Committee on Fi-*
5 *ancial Services of the House of Representatives and the*
6 *Committee on Banking, Housing, and Urban Affairs of the*
7 *Senate and the Secretary of the Treasury not less frequently*
8 *than 2 times per year a report relating to the oversight pro-*
9 *vided by the Office of the Inspector General, including any*
10 *recommendations for improvements to the programs de-*
11 *scribed in subsection (a).*

12 **SEC. 525. STUDY AND REPORT WITH RESPECT TO IMPACT**
13 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
14 **COME AND MINORITY COMMUNITIES.**

15 (a) *STUDY.*—*The Secretary of the Treasury shall con-*
16 *duct a study of the impact of the programs established*
17 *under this subtitle or any amendment made by this subtitle*
18 *on low- and moderate-income and minority communities.*

19 (b) *REPORT.*—*Not later than 18 months after the date*
20 *of enactment of this Act, the Secretary of the Treasury shall*
21 *submit to the Committee on Financial Services of the House*
22 *of Representatives and the Committee on Banking, Hous-*
23 *ing, and Urban Affairs of the Senate a report on the results*
24 *of the study conducted pursuant to subsection (a), which*

1 *shall include, to the extent possible, the results of the study*
2 *disaggregated by ethnic group.*

3 (c) *INFORMATION PROVIDED TO THE SECRETARY.—*
4 *Eligible institutions that participate in any of the pro-*
5 *grams described in subsection (a) shall provide the Sec-*
6 *retary of the Treasury with such information as the Sec-*
7 *retary may require to carry out the study required by this*
8 *section.*

9 ***Subtitle C—Miscellaneous***

10 ***SEC. 540. EXTENSIONS OF TEMPORARY RELIEF AND EMER-***
11 ***GENCY AUTHORITIES.***

12 (a) *IN GENERAL.—Title IV of the CARES Act (15*
13 *U.S.C. 9041 et seq.) is amended—*

14 (1) *in section 4014(b) (15 U.S.C. 9052(b))—*

15 (A) *in paragraph (1), by inserting “the*
16 *first day of the fiscal year of the insured deposi-*
17 *tory institution, bank holding company, or any*
18 *affiliate thereof that begins after” before “the*
19 *date”; and*

20 (B) *in paragraph (2), by striking “Decem-*
21 *ber 31, 2020” and inserting “January 1, 2022”;*
22 *and*

23 (2) *in section 4016(b)(2), by striking “2020”*
24 *and inserting “2021”.*

1 (b) *TEMPORARY CREDIT UNION PROVISIONS.*—Section
2 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C.
3 1795f(a)(4)(A)) is amended by striking “December 31,
4 2020” and inserting “December 31, 2021”.

5 **SEC. 541. EXTENSION OF TEMPORARY RELIEF FROM TROU-**
6 **BLED DEBT RESTRUCTURINGS AND INSURER**
7 **CLARIFICATION.**

8 Section 4013 of the CARES Act (15 U.S.C. 9051) is
9 amended—

10 (1) by inserting “, including an insurance com-
11 pany,” after “institution” each place the term ap-
12 pears;

13 (2) in subsection (a)(1), by striking “December
14 31, 2020” and inserting “January 1, 2022”;

15 (3) in subsection (b)(1)(B), by inserting “under
16 United States Generally Accepted Accounting Prin-
17 ciples” after “purposes”; and

18 (4) in subsection (d)(1), by inserting “, includ-
19 ing insurance companies,” after “institutions”.

20 **SEC. 542. HEALTHCARE OPERATING LOSS LOANS.**

21 (a) *DEFINITIONS.*—In this section:

22 (1) *OPERATING LOSS.*—The term “operating
23 loss” has the meaning given the term in section
24 223(d) of the National Housing Act (12 U.S.C.
25 1715n(d)).

1 (2) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Housing and Urban Development.*

3 (b) *AUTHORIZATION TO PROVIDE MORTGAGE INSUR-*
4 *ANCE.*—*Notwithstanding any other provision of law, for fis-*
5 *cal years 2020 and 2021, in addition to the authority pro-*
6 *vided to insure operating loss loans under section 223(d)*
7 *of the National Housing Act (12 U.S.C. 1715n(d)), the Sec-*
8 *retary may insure or enter into commitments to ensure*
9 *mortgages under such section 223(d) with respect to*
10 *healthcare facilities—*

11 (1) *insured under section 232 or section 242 of*
12 *the National Housing Act (12 U.S.C. 1715w, 1715z–*
13 *7);*

14 (2) *that were financially sound immediately*
15 *prior to the President’s March 13, 2020 Proclamation*
16 *on Declaring a National Emergency Concerning the*
17 *Novel Coronavirus Disease (COVID–19) Outbreak;*

18 (3) *that have exhausted all other forms of assist-*
19 *ance; and*

20 (4) *subject to—*

21 (A) *the limitation for new commitments to*
22 *guarantee loans insured under the General and*
23 *Special Risk Insurance Funds under the heading*
24 *“General and Special Risk Program Account”*
25 *for fiscal years 2020 and 2021; and*

1 (B) the underwriting parameters and other
2 terms and conditions that the Secretary deter-
3 mines appropriate through guidance.

4 (c) *AMOUNT OF LOAN.*—After all other realized or rea-
5 sonably anticipated assistance (including reimbursements,
6 loans, or other payments from other Federal sources) are
7 taken into account, a loan insured under subsection (b)
8 shall be in an amount not exceeding the lesser of—

9 (1) the temporary losses or additional expenses
10 incurred or expected to be incurred by the healthcare
11 facility as a result of the impact of the circumstances
12 giving rise to the President’s March 13, 2020 Procla-
13 mation on Declaring a National Emergency Con-
14 cerning the Novel Coronavirus Disease (COVID–19)
15 Outbreak; or

16 (2) the amount expected to be needed to cover the
17 sum of—

18 (A) 1 year of principal and interest pay-
19 ments for the existing loans of the healthcare fa-
20 cility insured by the Secretary;

21 (B) 1 year of principal and interest pay-
22 ments for the loan pursuant to this section;

23 (C) 1 year of mortgage insurance premiums
24 for the loans described in subparagraphs (A) and
25 (B);

1 (D) 1 year of monthly deposits to reserve
2 accounts required by the Secretary for the loans
3 described in subparagraphs (A) and (B);

4 (E) 1 year of property taxes and insurance
5 for the healthcare facility; and

6 (F) transaction costs, including legal fees,
7 for the loans described in subparagraphs (A) and
8 (B).

9 **TITLE VI—LABOR PROVISIONS**

10 **SEC. 601. JOB CORPS FLEXIBILITIES.**

11 (a) *ENROLLMENT.*—During the period beginning on
12 the date of enactment of this Act and ending when all quali-
13 fying emergencies have expired, notwithstanding any other
14 provision of law, the requirements described in sections
15 145(a)(2)(A) and 152(b)(2)(B) of the Workforce Innovation
16 and Opportunity Act (29 U.S.C. 3195(a)(2)(A),
17 3202(b)(2)(B)) shall be applicable only for enrollees in the
18 Job Corps—

19 (1) participating on-site at a Job Corps center;

20 or

21 (2) returning to on-site participation at a Job
22 Corps center after participating in distance learning.

23 (b) *ELIGIBILITY.*—During a qualifying emergency or
24 the 1-year period immediately following the expiration of
25 the qualifying emergency, an individual who would be older

1 *than the age of 24 on the date the individual enrolls in*
 2 *the Job Corps is eligible to enroll in the Job Corps, notwith-*
 3 *standing section 144(a)(1)(A) of the Workforce Innovation*
 4 *and Opportunity Act (29 U.S.C. 3194(a)(1)(A)), as long*
 5 *as—*

6 *(1) the individual applies for enrollment by the*
 7 *date that is 6 months after the date of enactment of*
 8 *this Act, and is not older than age 24 on the date of*
 9 *application; and*

10 *(2) the individual attains the age of 25 during*
 11 *the qualifying emergency or the 1-year period imme-*
 12 *diately following the expiration of the qualifying*
 13 *emergency.*

14 *(c) QUALIFYING EMERGENCY DEFINED.—In this sec-*
 15 *tion, the term “qualifying emergency” has the meaning*
 16 *given the term in section 3502(a)(4) of the Coronavirus Aid,*
 17 *Relief, and Economic Security Act (Public Law 116–136).*

18 **TITLE VII—NUTRITION AND**

19 **AGRICULTURE RELIEF**

20 **Subtitle A—Nutrition**

21 **CHAPTER 1—SUPPLEMENTAL NUTRITION**

22 **ASSISTANCE PROGRAM**

23 **SEC. 701. DEFINITIONS.**

24 *In this chapter—*

1 (1) *COVID-19 PUBLIC HEALTH EMERGENCY.*—*The*
2 *term “COVID-19 public health emergency” means a*
3 *public health emergency declared or renewed by the*
4 *Secretary of Health and Human Services under sec-*
5 *tion 319 of the Public Health Service Act (42 U.S.C.*
6 *247d) based on an outbreak of coronavirus disease*
7 *2019 (COVID-19).*

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

10 (3) *SUPPLEMENTAL NUTRITION ASSISTANCE PRO-*
11 *GRAM.*—*The term “supplemental nutrition assistance*
12 *program” has the meaning given such term in section*
13 *3(t) of the Food and Nutrition Act of 2008 (7 U.S.C.*
14 *2012(t)).*

15 (4) *SNAP.*—*The term “SNAP” refers to the sup-*
16 *plemental nutrition assistance program.*

17 **SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
18 **GRAM.**

19 (a) *VALUE OF BENEFITS.*—*Notwithstanding any other*
20 *provision of law, beginning on January 1, 2021, and for*
21 *each subsequent month through June 30, 2021, the value*
22 *of benefits determined under section 8(a) of the Food and*
23 *Nutrition Act of 2008 (7 U.S.C. 15 2017(a)) shall be cal-*
24 *culated using 115 percent of the June 2020 value of the*
25 *thrifty food plan (as defined in section 3 of such Act (7*

1 *U.S.C. 2012)) if the value of the benefits would be greater*
2 *under that calculation than in the absence of this sub-*
3 *section.*

4 *(b) REQUIREMENTS FOR THE SECRETARY.—In car-*
5 *rying out this section, the Secretary shall—*

6 *(1) consider the benefit increases described in*
7 *subsection (a) to be a “mass change”;*

8 *(2) require a simple process for States to notify*
9 *households of the increase in benefits;*

10 *(3) consider section 16(c)(3)(A) of the Food and*
11 *Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to*
12 *apply to any errors in the implementation of this sec-*
13 *tion without regard to the 120-day limit described in*
14 *that section; and*

15 *(4) disregard the additional amount of benefits*
16 *that a household receives as a result of this section in*
17 *determining the amount of overissuances under sec-*
18 *tion 13 of the Food and Nutrition Act of 2008 (7*
19 *U.S.C. 2022).*

20 *(c) ADMINISTRATIVE EXPENSES.—*

21 *(1) IN GENERAL.—For the costs of State admin-*
22 *istrative expenses associated with carrying out this*
23 *section and administering the supplemental nutrition*
24 *assistance program established under the Food and*
25 *Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during*

1 *the COVID-19 public health emergency, the Secretary*
2 *shall make available \$100,000,000 for fiscal year*
3 *2021.*

4 (2) *TIMING.*—*Not later than 60 days after the*
5 *date of the enactment of this Act, the Secretary shall*
6 *make available to States amounts for fiscal year 2021*
7 *under paragraph (1).*

8 (3) *ALLOCATION OF FUNDS.*—*Funds described in*
9 *paragraph (1) shall be made available as grants to*
10 *State agencies for fiscal year 2021 as follows:*

11 (A) *75 percent of the amounts available for*
12 *fiscal year 2021 shall be allocated to States based*
13 *on the share of each State of households that par-*
14 *ticipate in the supplemental nutrition assistance*
15 *program as reported to the Department of Agri-*
16 *culture for the most recent 12-month period for*
17 *which data are available, adjusted by the Sec-*
18 *retary (as of the date of the enactment of this*
19 *Act) for participation in disaster programs*
20 *under section 5(h) of the Food and Nutrition Act*
21 *of 2008 (7 U.S.C. 2014(h)); and*

22 (B) *25 percent of the amounts available for*
23 *fiscal year 2021 shall be allocated to States based*
24 *on the increase in the number of households that*
25 *participate in the supplemental nutrition assist-*

1 *ance program as reported to the Department of*
2 *Agriculture over the most recent 12-month period*
3 *for which data are available, adjusted by the*
4 *Secretary (as of the date of the enactment of this*
5 *Act) for participation in disaster programs*
6 *under section 5(h) of the Food and Nutrition Act*
7 *of 2008 (7 U.S.C. 2014(h)).*

8 *(d) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A*
9 *Federal pandemic unemployment compensation payment*
10 *made to an individual under section 2104 of the*
11 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
12 *lic Law 116–136) shall not be regarded as income and shall*
13 *not be regarded as a resource for the month of receipt and*
14 *the following 9 months, for the purpose of determining eligi-*
15 *bility of such individual or any other individual for benefits*
16 *or assistance, or the amount of benefits or assistance, under*
17 *any programs authorized under the Food and Nutrition Act*
18 *of 2008 (7 U.S.C. 2011 et seq.).*

19 *(e) PROVISIONS FOR IMPACTED STUDENTS.—*

20 *(1) IN GENERAL.—Notwithstanding any other*
21 *provision of law, not later than 20 days after the date*
22 *of the enactment of this Act, eligibility for supple-*
23 *mental nutrition assistance program benefits shall not*
24 *be limited under section 6(e) of the Food and Nutri-*

1 *tion Act of 2008 (7 U.S.C. 2015(e)) for an individual*
2 *who—*

3 *(A) is enrolled at least half-time in an in-*
4 *stitution of higher education; and*

5 *(B)(i) is eligible to participate in a State or*
6 *federally financed work study program during*
7 *the regular school year as determined by the in-*
8 *stitution of higher education; or*

9 *(ii) in the current academic year, has an*
10 *expected family contribution of \$0 as determined*
11 *in accordance with part F of title IV of the*
12 *Higher Education Act of 195 (20 U.S.C. 1087kk*
13 *et. seq.).*

14 *(2) SUNSET.—*

15 *(A) INITIAL APPLICATIONS.—The eligibility*
16 *standards authorized under paragraph (1) shall*
17 *be in effect for initial applications for the sup-*
18 *plemental nutrition assistance program until 30*
19 *days after the COVID–19 public health emer-*
20 *gency is lifted.*

21 *(B) RECERTIFICATIONS.—The eligibility*
22 *standards authorized under paragraph (1) shall*
23 *be in effect until the first recertification of a*
24 *household beginning no earlier than 30 days*

1 *after the COVID–19 public health emergency is*
2 *lifted.*

3 (3) *GUIDANCE.—*

4 (A) *IN GENERAL.—Not later than 10 days*
5 *after the date of enactment of this Act, the Sec-*
6 *retary shall issue guidance to State agencies on*
7 *the temporary student eligibility requirements*
8 *established under this subsection.*

9 (B) *COORDINATION WITH THE DEPARTMENT*
10 *OF EDUCATION.—The Secretary of Education, in*
11 *consultation with the Secretary of Agriculture*
12 *and institutions of higher education, shall carry*
13 *out activities to inform applicants for Federal*
14 *student financial aid under the Higher Edu-*
15 *cation Act of 1965 (20 U.S.C. 1001 et seq.) and*
16 *students at institutions of higher education of the*
17 *temporary student eligibility requirements estab-*
18 *lished under this subsection.*

19 (f) *REPORT.—Not later than July 31, 2021, the Sec-*
20 *retary shall submit to the Committee on Agriculture of the*
21 *House of Representatives and the Committee on Agri-*
22 *culture, Nutrition, and Forestry of the Senate a report that*
23 *accounts for both the redemption rate and account balances*
24 *for each month during the period specified in subsection*
25 *(a).*

1 (g) *LIMITATION ON QUALITY CONTROL WAIVERS.*—
2 Section 4603(a)(2) of the Continuing Appropriations Act,
3 2021 and Other Extensions Act (Public Law 116-159) is
4 amended by striking “September 30, 2021” and inserting
5 “June 30, 2021”.

6 (h) *FUNDING.*—There are hereby appropriated to the
7 Secretary, out of any money not otherwise appropriated,
8 such sums as may be necessary to carry out this section.

9 **SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PUR-**
10 **CHASING AND TECHNOLOGY IMPROVEMENTS.**

11 (a) *RESOURCES FOR SNAP ONLINE PURCHASING.*—
12 Not later than 60 days after the date of enactment of this
13 Act, the Secretary shall provide—

14 (1) *additional support for the Food and Nutri-*
15 *tion Service to conduct end-to-end testing in the on-*
16 *line production environment; and*

17 (2) *technical assistance to educate retailers on*
18 *the process and technical requirements for the online*
19 *acceptance of SNAP benefits and to support and expe-*
20 *dite SNAP online purchasing.*

21 (b) *SNAP ONLINE PURCHASING ASSISTANCE FOR DI-*
22 *RECT-MARKETING FARMERS AND FARMERS’ MARKETS.*—
23 The Secretary, on a competitive basis, shall enter into coop-
24 erative agreements with, or provide grants to, not more
25 than 5 eligible entities to build out functionality, and pro-

1 *vide assistance to direct-marketing farmers and farmers’*
2 *markets to accept SNAP benefits through online trans-*
3 *actions.*

4 (1) *SELECTION PRIORITY.*—*The Secretary shall*
5 *prioritize eligible entities with experience building on-*
6 *line purchasing platforms for technology solutions for*
7 *farmers’ markets and direct-marketing farmers.*

8 (2) *DEFINITION OF ELIGIBLE ENTITY.*—*In this*
9 *subsection, the term “eligible entity” means a non-*
10 *profit entity with experience building online pur-*
11 *chasing platforms or technology solutions, or with ex-*
12 *perience working with commercial entities that have*
13 *experience building online purchasing platforms or*
14 *technology solutions.*

15 (c) *ISSUANCE INNOVATION AND TECHNOLOGY IM-*
16 *PROVEMENT SUPPORT.*—*The Secretary shall—*

17 (1) *review technological developments, including*
18 *developments related to security and privacy, sur-*
19 *rounding mobile payment technology, to support the*
20 *mobile technologies demonstration projects and the use*
21 *of mobile technologies authorized under section*
22 *7(k)(14) of the Food and Nutrition Act of 2008; and*

23 (2) *test methods to modernize electronic benefit*
24 *transfer technology for the purpose of improving the*

1 *security and integrity of the electronic benefits trans-*
2 *fer system.*

3 *(d) REPORT.—Not later than January 31, 2022, and*
4 *annually thereafter until all funds provided under sub-*
5 *section (e) have been expended, the Secretary shall submit*
6 *to the Committee on Agriculture of the House of Representa-*
7 *tives and the Committee on Agriculture, Nutrition, and*
8 *Forestry of the Senate a report that includes—*

9 *(1) a description of the activities conducted*
10 *under subsections (a), (b), and (c);*

11 *(2) a description of any grants, cooperative*
12 *agreements, or contracts awarded under this section;*

13 *(3) an analysis of the technological developments*
14 *surrounding mobile payment technology; and*

15 *(4) a summary of EBT modernization testing re-*
16 *sults under subsection (c)(2).*

17 *(e) FUNDING.—*

18 *(1) APPROPRIATIONS.—There is hereby appro-*
19 *propriated to the Secretary, out of any money in the*
20 *Treasury not otherwise appropriated, \$5,000,000 to*
21 *be available until expended to carry out this section.*

22 *(2) USE OF FUNDS.—With respect to the funds*
23 *appropriated under paragraph (1), the Secretary*
24 *shall use—*

1 (A) not more than \$1,000,000 for purposes
2 described in subsection (a); and

3 (B) not more than \$1,000,000 for purposes
4 described in subsection (b).

5 **SEC. 704. NUTRITION ASSISTANCE PROGRAMS.**

6 In addition to amounts otherwise made available,
7 \$614,000,000, to remain available through September 30,
8 2021, shall be available for the Secretary of Agriculture to
9 provide grants to the Commonwealth of the Northern Mar-
10 iana Islands, Puerto Rico, and American Samoa for nutri-
11 tion assistance in response to a COVID-19 public health
12 emergency, of which \$14,000,000 shall be available for the
13 Commonwealth of the Northern Mariana Islands.

14 **CHAPTER 2—COMMODITY DISTRIBUTION**
15 **PROGRAMS**

16 **SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.**

17 For an additional amount for the “Commodity Assist-
18 ance Program” for the emergency food assistance program
19 as authorized by section 27(a) of the Food and Nutrition
20 Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of
21 the Emergency Food Assistance Act of 1983 (7 U.S.C.
22 7508(a)(1)), \$400,000,000, to remain available through
23 September 30, 2021: Provided, That of the funds made
24 available in this section, the Secretary may use up to 20

1 *percent for costs associated with the distribution of com-*
2 *modities.*

3 **SEC. 712. COMMODITY SUPPLEMENTAL ASSISTANCE PRO-**
4 **GRAM.**

5 *In addition to amounts otherwise made available,*
6 *\$13,000,000, to remain available through September 30,*
7 *2021, shall be available for the Secretary of Agriculture for*
8 *the Commodity Supplemental Food Program as authorized*
9 *by section 4(a) of the Agriculture and Consumer Protection*
10 *Act of 1973 (7 U.S.C. 612c note): Provided, That of the*
11 *funds made available in this section, up to 20 percent shall*
12 *be available for State administrative expenses.*

13 **CHAPTER 3—CHILD NUTRITION**

14 **SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE.**

15 *Section 1101 of the Families First Coronavirus Re-*
16 *sponse Act (Public Law 116-127; 7 U.S.C. 2011 note) is*
17 *amended—*

18 *(1) in subsection (f), by amending paragraph (2)*
19 *to read as follows:*

20 *“(2) SIMPLIFYING ASSUMPTIONS FOR SCHOOL*
21 *YEAR 2020-2021.—For purposes of this section, a State*
22 *agency may develop and use simplifying assumptions*
23 *(including a State or local public health ordinance*
24 *developed in response to COVID–19) and the best fea-*
25 *sibly available data to determine the status of a school*

1 *or covered child care facility as opened, closed, or op-*
2 *erating with a reduced number of days or hours, es-*
3 *tablish State or regionally-based benefits levels, iden-*
4 *tify eligible children and children eligible for assist-*
5 *ance under subsection (h), and establish eligibility pe-*
6 *riods for eligible children and children eligible for as-*
7 *istance under subsection (h).”; and*

8 *(2) in subsection (h)—*

9 *(A) in paragraph (1), by inserting “or the*
10 *area of a child’s residence” after “schools in the*
11 *area of a covered child care facility”;*

12 *(B) in paragraph (2), by inserting “or for*
13 *each day that a school in the area of a covered*
14 *child care facility or the area of the child’s resi-*
15 *dence is closed or has reduced attendance or*
16 *hours for at least 5 consecutive days” before the*
17 *period at the end; and*

18 *(C) by adding at the end the following:*

19 *“(4) DEEMED POPULATION.—For purposes of an*
20 *approved State agency plan described in paragraph*
21 *(1) or an approved amendment to such a plan de-*
22 *scribed in such paragraph, the Secretary of Agri-*
23 *culture shall deem any child who has not attained the*
24 *age of 6 as a child who is enrolled in a covered child*
25 *care facility.”; and*

1 (3) *in subsection (j), by inserting “for State*
2 *agencies, other agencies of the State, local units, and*
3 *schools” after “administrative expenses”.*

4 **SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**
5 **GRAMS DURING COVID-19 PANDEMIC.**

6 (a) *USE OF CERTAIN APPROPRIATIONS TO COVER*
7 *EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL*
8 *PROGRAMS.—*

9 (1) *IN GENERAL.—*

10 (A) *REQUIRED ALLOTMENTS.—Notwith-*
11 *standing any other provision of law, the Sec-*
12 *retary shall allocate to each State that partici-*
13 *pates in the reimbursement program under para-*
14 *graph (3) such amounts as may be necessary to*
15 *carry out reimbursements under such paragraph*
16 *for each reimbursement month, including, subject*
17 *to paragraph (5)(B), administrative expenses*
18 *necessary to make such reimbursements.*

19 (B) *GUIDANCE WITH RESPECT TO PRO-*
20 *GRAM.—Not later than 30 days after the date of*
21 *the enactment of this section, the Secretary shall*
22 *issue guidance with respect to the reimbursement*
23 *program under paragraph (3).*

24 (2) *REIMBURSEMENT PROGRAM APPLICATION.—*
25 *To participate in the reimbursement program under*

1 *paragraph (3), not later than 30 days after the date*
2 *described in paragraph (1)(B), a State shall submit*
3 *an application to the Secretary that includes a plan*
4 *to calculate and disburse reimbursements under the*
5 *reimbursement program under paragraph (3).*

6 (3) *REIMBURSEMENT PROGRAM.—Subject to*
7 *paragraphs (4) and (5)(D), using the amounts allo-*
8 *cated under paragraph (1)(A), a State participating*
9 *in the reimbursement program under this paragraph*
10 *shall make reimbursements for emergency operational*
11 *costs for each reimbursement month as follows:*

12 (A) *For each new school food authority in*
13 *the State for the reimbursement month, an*
14 *amount equal to 55 percent of the amount equal*
15 *to—*

16 (i) *the average monthly amount such*
17 *new school food authority was reimbursed*
18 *under the reimbursement sections for meals*
19 *and supplements served by such new school*
20 *food authority during the alternate period;*
21 *minus*

22 (ii) *the amount such new school food*
23 *authority was reimbursed under the reim-*
24 *bursement sections for meals and supple-*

1 *ments served by such new school food au-*
2 *thority during such reimbursement month.*

3 *(B) For each school food authority not de-*
4 *scribed in subparagraph (A) in the State for the*
5 *reimbursement month, an amount equal to 55*
6 *percent of—*

7 *(i) the amount such school food author-*
8 *ity was reimbursed under the reimburse-*
9 *ment sections for meals and supplements*
10 *served by such school food authority for the*
11 *month beginning one year before such reim-*
12 *bursement month; minus*

13 *(ii) the amount such school food au-*
14 *thority was reimbursed under the reim-*
15 *bursement sections for meals and supple-*
16 *ments served by such school food authority*
17 *during such reimbursement month.*

18 *(4) SPECIAL RULES RELATING TO REIMBURSE-*
19 *MENT CALCULATION.—*

20 *(A) EFFECT OF NEGATIVE NUMBER.—If a*
21 *subtraction performed under subparagraph (A)*
22 *or (B) of paragraph (3) results in a negative*
23 *number, the reimbursement amount calculated*
24 *under such subparagraph shall equal zero.*

1 (B) *SPECIAL TREATMENT OF MARCH,*
2 *2020.—In the case of a reimbursement under sub-*
3 *paragraph (A) or (B) of paragraph (3) for the*
4 *reimbursement month of March, 2020, the reim-*
5 *bursement amount shall be equal to the amount*
6 *determined under such a subparagraph for such*
7 *month, divided by 2.*

8 (5) *TREATMENT OF FUNDS.—*

9 (A) *AVAILABILITY.—Funds allocated to a*
10 *State under paragraph (1)(A) shall remain*
11 *available until September 30, 2021.*

12 (B) *ADMINISTRATIVE EXPENSES.—A State*
13 *may reserve not more than 1 percent of the funds*
14 *allocated under paragraph (1)(A) for adminis-*
15 *trative expenses to carry out this subsection.*

16 (C) *UNEXPENDED BALANCE.—On March*
17 *31, 2022, any amounts allocated to a State*
18 *under paragraph (1)(A) or reimbursed to a*
19 *school food authority or new school food author-*
20 *ity under paragraph (3) that are unexpended by*
21 *such State, school food authority, or new school*
22 *food authority shall revert to the Secretary.*

23 (D) *LIMITATION ON USE OF FUNDS.—Funds*
24 *allocated to a State under paragraph (1)(A) may*

1 *only be made available to a school food authority*
2 *or new school food authority that—*

3 *(i) submits a claim to such State for*
4 *meals, supplements, or administrative costs*
5 *with respect to a month occurring during*
6 *the period beginning September 1, 2020 and*
7 *ending December 31, 2020; or*

8 *(ii) provides an assurance to such*
9 *State that the school food authority or new*
10 *school food authority will submit a claim to*
11 *such State for meals, supplements, or ad-*
12 *ministrative costs with respect to a month*
13 *occurring during the first full semester (or*
14 *equivalent term) after the conclusion of the*
15 *public health emergency, as determined by*
16 *such State.*

17 *(6) REPORTS.—Each State that carries out a re-*
18 *imbursement program under paragraph (3) shall, not*
19 *later than March 31, 2022, submit a report to the*
20 *Secretary that includes a summary of the use of such*
21 *funds by the State and each school food authority and*
22 *new school food authority in such State.*

23 *(b) USE OF CERTAIN APPROPRIATIONS TO COVER*
24 *CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE*

1 *OPERATIONAL EMERGENCY COSTS DURING COVID-19*
2 *PANDEMIC.—*

3 (1) *IN GENERAL.—*

4 (A) *REQUIRED ALLOTMENTS.—Notwith-*
5 *standing any other provision of law, the Sec-*
6 *retary shall allocate to each State that partici-*
7 *pates in the reimbursement program under para-*
8 *graph (3) such amounts as may be necessary to*
9 *carry out reimbursements under such paragraph*
10 *for each reimbursement month, including, subject*
11 *to paragraph (5)(C), administrative expenses*
12 *necessary to make such reimbursements.*

13 (B) *GUIDANCE WITH RESPECT TO PRO-*
14 *GRAM.—Not later than 30 days after the date of*
15 *the enactment of this section, the Secretary shall*
16 *issue guidance with respect to the reimbursement*
17 *program under paragraph (3).*

18 (2) *REIMBURSEMENT PROGRAM APPLICATION.—*
19 *To participate in the reimbursement program under*
20 *paragraph (3), not later than 30 days after the date*
21 *described in paragraph (1)(B), a State shall submit*
22 *an application to the Secretary that includes a plan*
23 *to calculate and disburse reimbursements under the*
24 *reimbursement program under paragraph (3).*

1 (3) *REIMBURSEMENT AMOUNT.*—*Subject to para-*
2 *graphs (4) and (5)(E), using the amounts allocated*
3 *under paragraph (1)(A), a State participating in the*
4 *reimbursement program under this paragraph shall*
5 *make reimbursements for child care operational emer-*
6 *gency costs for each reimbursement month as follows:*

7 (A) *For each new covered institution in the*
8 *State for the reimbursement month, an amount*
9 *equal to 55 percent of—*

10 (i) *the average monthly amount such*
11 *new covered institution was reimbursed*
12 *under subsection (c) and subsection (f) of*
13 *section 17 of the Richard B. Russell Na-*
14 *tional School Lunch Act (42 U.S.C. 1766)*
15 *for meals and supplements served by such*
16 *new covered institution during the alternate*
17 *period; minus*

18 (ii) *the amount such new covered insti-*
19 *tution was reimbursed under such section*
20 *for meals and supplements served by such*
21 *new covered institution during such reim-*
22 *bursement month.*

23 (B) *For each covered institution not de-*
24 *scribed in subparagraph (A) in the State for the*

1 *reimbursement month, an amount equal to 55*
2 *percent of—*

3 *(i) the amount such covered institution*
4 *was reimbursed under subsection (c) and*
5 *subsection (f) of section 17 of the Richard*
6 *B. Russell National School Lunch Act (42*
7 *U.S.C. 1766) for meals and supplements*
8 *served by such covered institution during*
9 *the month beginning one year before such*
10 *reimbursement month; minus*

11 *(ii) the amount such covered institu-*
12 *tion was reimbursed under such section for*
13 *meals and supplements served by such cov-*
14 *ered institution during such reimbursement*
15 *month.*

16 *(C) For each new sponsoring organization*
17 *of a family or group day care home in the State*
18 *for the reimbursement month, an amount equal*
19 *to 55 percent of—*

20 *(i) the average monthly amount such*
21 *new sponsoring organization of a family or*
22 *group day care home was reimbursed under*
23 *section 17(f)(3)(B) of the Richard B. Russell*
24 *National School Lunch Act (42 U.S.C.*

1 1766(f)(3)(B)) for administrative funds for
2 the alternate period; minus

3 (ii) the amount such new sponsoring
4 organization of a family or group day care
5 home was reimbursed under such section for
6 administrative funds for the reimbursement
7 month.

8 (D) For each sponsoring organization of a
9 family or group day care home not described in
10 subparagraph (C) in the State for the reimburse-
11 ment month, an amount equal to 55 percent of—

12 (i) the amount such sponsoring organi-
13 zation of a family or group day care home
14 was reimbursed under section 17(f)(3)(B) of
15 the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1766(f)(3)(B)) for ad-
17 ministrative funds for the month beginning
18 one year before such reimbursement month;
19 minus

20 (ii) the amount such sponsoring orga-
21 nization of a family or group day care
22 home was reimbursed under such section for
23 administrative funds for such reimburse-
24 ment month.

1 (4) *SPECIAL RULES RELATING TO REIMBURSE-*
2 *MENT CALCULATION.—*

3 (A) *EFFECT OF NEGATIVE NUMBER.—If a*
4 *subtraction performed under subparagraph (A),*
5 *(B), (C), or (D) of paragraph (3) results in a*
6 *negative number, the reimbursement amount cal-*
7 *culated under such subparagraph shall equal*
8 *zero.*

9 (B) *SPECIAL TREATMENT OF MARCH,*
10 *2020.—In the case of a reimbursement under sub-*
11 *paragraph (A), (B), (C), or (D) of paragraph (3)*
12 *for the reimbursement month of March, 2020, the*
13 *reimbursement amount shall be equal to the*
14 *amount determined under such a subparagraph*
15 *for such month, divided by 2.*

16 (5) *TREATMENT OF FUNDS.—*

17 (A) *AVAILABILITY.—Funds allocated to a*
18 *State under paragraph (1)(A) shall remain*
19 *available until September 30, 2021.*

20 (B) *UNAFFILIATED CENTER.—In the case of*
21 *a covered institution or a new covered institu-*
22 *tion that is an unaffiliated center that is spon-*
23 *sored by a sponsoring organization and receives*
24 *funds for a reimbursement month under sub-*
25 *paragraph (A) or (B) of paragraph (3), such un-*

1 *affiliated center shall provide to such sponsoring*
2 *organization an amount of such funds as agreed*
3 *to by the sponsoring organization and the unaf-*
4 *filiated center, except such amount may not be*
5 *greater be than 15 percent of such funds.*

6 (C) *ADMINISTRATIVE EXPENSES.—A State*
7 *may reserve not more than 1 percent of the funds*
8 *allocated under paragraph (1)(A) for adminis-*
9 *trative expenses to carry out this subsection.*

10 (D) *UNEXPENDED BALANCE.—On March*
11 *31, 2022, any amounts allocated to a State*
12 *under paragraph (1)(A) or reimbursed to a new*
13 *covered institution, covered institution, new*
14 *sponsoring organization of a family or group*
15 *day care home, or sponsoring organization of a*
16 *family or group day care home that are unex-*
17 *pended by such State, new covered institution,*
18 *covered institution, new sponsoring organization*
19 *of a family or group day care home, or spon-*
20 *soring organization of a family or group day*
21 *care home, shall revert to the Secretary.*

22 (E) *LIMITATION ON USE OF FUNDS.—Funds*
23 *allocated to a State under paragraph (1)(A) may*
24 *only be made available to a new covered institu-*
25 *tion, covered institution, new sponsoring organi-*

1 *zation of a family or group day care home, or*
2 *sponsoring organization of a family or group*
3 *day care home that—*

4 *(i) submits a claim to such State for*
5 *meals, supplements, or administrative costs*
6 *with respect to a month occurring during*
7 *the period beginning September 1, 2020 and*
8 *ending December 31, 2020; or*

9 *(ii) provides an assurance to such*
10 *State that the new covered institution, cov-*
11 *ered institution, new sponsoring organiza-*
12 *tion of a family or group day care home, or*
13 *sponsoring organization of a family or*
14 *group day care home will submit a claim to*
15 *such State for meals, supplements, or ad-*
16 *ministrative costs with respect to a month*
17 *occurring within 90 days after the conclu-*
18 *sion of the public health emergency.*

19 *(6) REPORTS.—Each State that carries out a re-*
20 *imbursement program under paragraph (3) shall, not*
21 *later than March 31, 2022, submit a report to the*
22 *Secretary that includes a summary of the use of such*
23 *funds by the State and each new covered institution,*
24 *covered institution, new sponsoring organization of a*

1 *family or group day care home, or sponsoring organi-*
2 *zation of a family or group day care home.*

3 (c) *FUNDING.*—*There are appropriated to the Sec-*
4 *retary, out of any funds in the Treasury not otherwise ap-*
5 *propriated, such sums as are necessary to carry out this*
6 *section.*

7 (d) *DEFINITIONS.*—*In this section:*

8 (1) *ALTERNATE PERIOD.*—*The term “alternate*
9 *period” means the period beginning January 1, 2020*
10 *and ending February 29, 2020.*

11 (2) *EMERGENCY OPERATIONAL COSTS.*—*The*
12 *term “emergency operational costs” means the costs*
13 *incurred by a school food authority or new school food*
14 *authority—*

15 (A) *during a public health emergency;*

16 (B) *that are related to the ongoing oper-*
17 *ation, modified operation, or temporary suspen-*
18 *sion of operation (including administrative*
19 *costs) of such school food authority or new school*
20 *food authority; and*

21 (C) *except as provided under subsection (a),*
22 *that are not reimbursed under a Federal grant.*

23 (3) *CHILD CARE OPERATIONAL EMERGENCY*
24 *COSTS.*—*The term “child care operational emergency*
25 *costs” means the costs under the child and adult care*

1 *food program under section 17 of the Richard B. Rus-*
2 *sell National School Lunch Act (42 U.S.C. 1766) in-*
3 *curring by a new covered institution, covered institu-*
4 *tion, new sponsoring organization of a family or*
5 *group day care home, or sponsoring organization of*
6 *a family or group day care home—*

7 *(A) during a public health emergency;*

8 *(B) that are related to the ongoing oper-*
9 *ation, modified operation, or temporary suspen-*
10 *sion of operation (including administrative*
11 *costs) of such new covered institution, covered in-*
12 *stitution, new sponsoring organization of a fam-*
13 *ily or group day care home, sponsoring organi-*
14 *zation of a family or group day care home, or*
15 *sponsoring organization of an unaffiliated cen-*
16 *ter; and*

17 *(C) except as provided under subsection (b),*
18 *that are not reimbursed under a Federal grant.*

19 *(4) COVERED INSTITUTION.—The term “covered*
20 *institution” means—*

21 *(A) an institution (as defined in section*
22 *17(a)(2) of the Richard B. Russell National*
23 *School Lunch Act (42 U.S.C. 1766(a)(2))); and*

24 *(B) a family or group day care home.*

1 (5) *NEW COVERED INSTITUTION.*—*The term*
2 *“new covered institution” means a covered institution*
3 *for which no reimbursements were made for meals*
4 *and supplements under section 17(c) or (f) of the*
5 *Richard B. Russell National School Lunch Act (42*
6 *U.S.C. 1766) with respect to the previous reimburse-*
7 *ment period.*

8 (6) *NEW SCHOOL FOOD AUTHORITY.*—*The term*
9 *“new school food authority” means a school food au-*
10 *thority for which no reimbursements were made under*
11 *the reimbursement sections with respect to the pre-*
12 *vious reimbursement period.*

13 (7) *NEW SPONSORING ORGANIZATION OF A FAM-*
14 *ILY OR GROUP DAY CARE.*—*The term “new sponsoring*
15 *organization of a family or group day care” means*
16 *a sponsoring organization of a family or group day*
17 *care home for which no reimbursements for adminis-*
18 *trative funds were made under section 17(f)(3)(B) of*
19 *the Richard B. Russell National School Lunch Act*
20 *(42 U.S.C. 1766(f)(3)(B)) for the previous reimburse-*
21 *ment period.*

22 (8) *PREVIOUS REIMBURSEMENT PERIOD.*—*The*
23 *term “previous reimbursement period” means the pe-*
24 *riod beginning March 1, 2019 and ending June 30,*
25 *2019.*

1 (9) *PUBLIC HEALTH EMERGENCY.*—*The term*
2 *“public health emergency” means a public health*
3 *emergency declared pursuant to section 319 of the*
4 *Public Health Service Act (42 U.S.C. 247d) resulting*
5 *from the COVID–19 pandemic or any renewal of such*
6 *declaration pursuant to such section 319.*

7 (10) *REIMBURSEMENT MONTH.*—*The term “re-*
8 *imbursement month” means March 2020, April 2020,*
9 *May 2020, and June 2020.*

10 (11) *REIMBURSEMENT SECTIONS.*—*The term*
11 *“reimbursement sections” means—*

12 (A) *section 4(b), section 11(a)(2), section*
13 *13, and section 17A(c) of the Richard B. Russell*
14 *National School Lunch Act (42 U.S.C. 1753(b);*
15 *42 U.S.C. 1759a(a)(2); 42 U.S.C. 1761; 42*
16 *U.S.C. 1766a(c)); and*

17 (B) *section 4 of the Child Nutrition Act (42*
18 *U.S.C. 1773).*

19 (12) *SECRETARY.*—*The term “Secretary” means*
20 *the Secretary of Agriculture.*

21 (13) *STATE.*— *The term “State” has the mean-*
22 *ing given such term in section 12(d)(8) of the Richard*
23 *B. Russell National School Lunch Act (42 U.S.C.*
24 *1760(d)(8)).*

1 **SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIV-**
2 **ERY IN THE SPECIAL SUPPLEMENTAL NUTRI-**
3 **TION PROGRAM.**

4 (a) *ESTABLISHMENT OF TASK FORCE.*—Not later than
5 90 days after the date of the enactment of this section, the
6 Secretary shall establish a task force on supplemental foods
7 delivery in the special supplemental nutrition program (in
8 this section referred to as the “Task Force”).

9 (b) *MEMBERSHIP.*—

10 (1) *COMPOSITION.*—The Task Force shall be com-
11 posed of at least 1 member but not more than 3 mem-
12 bers appointed by the Secretary from each of the fol-
13 lowing:

14 (A) Retailers of supplemental foods.

15 (B) Representatives of State agencies.

16 (C) Representatives of Indian State agen-
17 cies.

18 (D) Representatives of local agencies.

19 (E) Technology companies with experience
20 maintaining the special supplemental nutrition
21 program information systems and technology,
22 including management information systems or
23 electronic benefit transfer services.

24 (F) Manufacturers of supplemental foods,
25 including infant formula.

1 (G) *Participants in the special supple-*
2 *mental nutrition program from diverse locations.*

3 (H) *Other organizations that have experi-*
4 *ence with and knowledge of the special supple-*
5 *mental nutrition program.*

6 (2) *LIMITATION ON MEMBERSHIP.—The Task*
7 *Force shall be composed of not more than 20 members.*

8 (c) *DUTIES.—*

9 (1) *STUDY.—The Task Force shall study meas-*
10 *ures to streamline the redemption of supplemental*
11 *foods benefits that promote convenience, safety, and*
12 *equitable access to supplemental foods, including in-*
13 *fant formula, for participants in the special supple-*
14 *mental nutrition program, including—*

15 (A) *online and telephonic ordering and*
16 *curbside pickup of, and payment for, supple-*
17 *mental foods;*

18 (B) *online and telephonic purchasing of*
19 *supplemental foods;*

20 (C) *home delivery of supplemental foods;*

21 (D) *self checkout for purchases of supple-*
22 *mental foods; and*

23 (E) *other measures that limit or eliminate*
24 *consumer presence in a physical store.*

1 (2) *REPORT BY TASK FORCE.*—Not later than
2 *September 30, 2021, the Task Force shall submit to*
3 *the Secretary a report that includes—*

4 (A) *the results of the study required under*
5 *paragraph (1); and*

6 (B) *recommendations with respect to such*
7 *results.*

8 (3) *REPORT BY SECRETARY.*—Not later than 45
9 *days after receiving the report required under para-*
10 *graph (2), the Secretary shall—*

11 (A) *submit to Congress a report that in-*
12 *cludes—*

13 (i) *a plan with respect to carrying out*
14 *the recommendations received by the Sec-*
15 *retary in such report under paragraph (2);*
16 *and*

17 (ii) *an assessment of whether legisla-*
18 *tive changes are necessary to carry out such*
19 *plan; and*

20 (B) *notify the Task Force of the submission*
21 *of the report required under subparagraph (A).*

22 (4) *PUBLICATION.*—*The Secretary shall make*
23 *publicly available on the website of the Department of*
24 *Agriculture—*

1 (A) the report received by the Secretary
2 under paragraph (2); and

3 (B) the report submitted by the Secretary
4 under paragraph (3)(A).

5 (d) *TERMINATION.*—The Task Force shall terminate on
6 the date the Secretary submits the report required under
7 paragraph (3)(A).

8 (e) *NONAPPLICABILITY OF FACA.*—The Federal Advi-
9 sory Committee Act (5 U.S.C. App.) shall not apply to the
10 Task Force.

11 (f) *DEFINITIONS.*—In this section:

12 (1) *LOCAL AGENCY.*—The term “local agency”
13 has the meaning given the term in section 17(b) of the
14 Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

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

17 (3) *SPECIAL SUPPLEMENTAL NUTRITION PRO-*
18 *GRAM.*—The term “special supplemental nutrition
19 program” means the special supplemental nutrition
20 program under section 17 of the Child Nutrition Act
21 of 1966 (42 U.S.C. 1786).

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

1 (5) *SUPPLEMENTAL FOODS.*—*The term “supple-*
2 *mental foods” has the meaning given the term in sec-*
3 *tion 17(b) of the Child Nutrition Act of 1966 (42*
4 *U.S.C. 1786(b)).*

5 **CHAPTER 4—OTHER MATTERS**

6 **SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS.**

7 *For an additional amount for nutrition services under*
8 *the Older Americans Act of 1965, \$175,000,000: Provided,*
9 *That of the amount made available under this heading in*
10 *this Act, \$168,000,000 shall be for subparts 1 and 2 of part*
11 *C of title III of such Act and \$7,000,000 shall be for nutri-*
12 *tion services under title VI of such Act: Provided further,*
13 *That State matching requirements under sections*
14 *304(d)(1)(D) and 309(b)(2) of such Act shall not apply to*
15 *funds made available under this heading.*

16 **SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS**
17 **ACT.**

18 (a) *NUTRITION SERVICES TRANSFER CRITERIA.*—
19 *With respect to funds appropriated under paragraph (1)*
20 *or (2) of section 303(b) of the Older Americans Act of 1965*
21 *(42 U.S.C. 3023(b)) received by a State for fiscal year 2021,*
22 *the Secretary shall allow a State agency or an area agency*
23 *on aging, without prior approval, to transfer not more than*
24 *100 percent of the funds received, notwithstanding the limi-*
25 *tation on transfer authority provided in subparagraph (A)*

1 *of section 308(b)(4) of the Older Americans Act of 1965 (42*
2 *U.S.C. 3028(b)(4)) and without regard to subparagraph (B)*
3 *of such section, by the State agency or area agency on*
4 *aging, respectively, and attributable to funds appropriated*
5 *under paragraph (1) or (2) of section 303(b) of such Act,*
6 *between subpart 1 and subpart 2 of part C (42 U.S.C.*
7 *3030d–2 et seq.) for such use as the State agency or area*
8 *agency on aging, respectively, considers appropriate to meet*
9 *the needs of the State or area served.*

10 **(b) HOME-DELIVERED NUTRITION SERVICES WAIV-**
11 *ER.—For purposes of determining eligibility for the deliv-*
12 *ery of nutrition services under section 337 of the Older*
13 *Americans Act of 1965 (42 U.S.C. 3030g), with funds re-*
14 *ceived by a State under the Older Americans Act of 1965*
15 *(42 U.S.C. 2001 et seq.) for fiscal 2021, the State shall treat*
16 *an older individual who is unable to obtain nutrition be-*
17 *cause the individual is practicing social distancing due to*
18 *the public health emergency in the same manner as the*
19 *State treats an older individual who is homebound by rea-*
20 *son of illness.*

21 **(c) DIETARY GUIDELINES WAIVER.—To facilitate im-**
22 *plementation of subparts 1 and 2 of part C of title III of*
23 *the Older Americans Act of 1965 (42 U.S.C. 3030d–2 et*
24 *seq.), with funds received by a State for fiscal year 2021,*
25 *the Assistant Secretary for Aging may waive, but continue*

1 *to make every effort practicable to encourage the restoration*
2 *of, the applicable requirements for meals provided under*
3 *such subparts comply with the requirements of clauses (i)*
4 *and (ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g–*
5 *21(2)(A)).*

6 ***Subtitle B—Agriculture***

7 ***CHAPTER 1—AGRICULTURAL PROGRAMS***

8 ***SEC. 751. OFFICE OF THE SECRETARY.***

9 *There is appropriated, out of any funds in the Treas-*
10 *ury not otherwise appropriated, for an additional amount*
11 *for the “Office of the Secretary”, \$11,187,500,000, to re-*
12 *main available until expended, to prevent, prepare for, and*
13 *respond to coronavirus by providing support for agricul-*
14 *tural producers, growers, and processors impacted by*
15 *coronavirus, including producers and growers of specialty*
16 *crops, non-specialty crops, dairy, livestock, and poultry,*
17 *producers that supply local food systems, including farmers*
18 *markets, restaurants, and schools, and growers who produce*
19 *livestock or poultry under a contract for another entity:*
20 *Provided, That from the amounts provided in this section,*
21 *the Secretary of Agriculture shall make supplemental pay-*
22 *ments to producers of price trigger crops for the 2020 crop*
23 *year under section 9.202 of title 7, Code of Federal Regula-*
24 *tions, on eligible acres of the crop, in an amount equal to*
25 *\$20 per eligible acre: Provided further, That from the*

1 amounts provided in this section, the Secretary of Agri-
2 culture shall make supplemental payments to producers of
3 flat-rate crops for the 2020 crop year under section 9.202
4 of title 7, Code of Federal Regulations, on eligible acres of
5 the crop, in an amount equal to \$20 per eligible acre: Pro-
6 vided further, That for the purposes of determining the
7 amount of eligible sales under section 9.202(i) of title 7,
8 Code of Federal Regulations, the Secretary of Agriculture
9 shall also include indemnities received under crop insur-
10 ance under the Federal Crop Insurance Act (7 U.S.C. 1501
11 et seq.) and payments made or calculated under the non-
12 insured crop disaster assistance program established by sec-
13 tion 196 of the Federal Agriculture Improvement and Re-
14 form Act of 1996 (7 U.S.C. 7333) and the wildfire and hur-
15 ricane indemnity plus program under subpart O of part
16 760 of title 7, Code of Federal Regulations: Provided fur-
17 ther, That for the purposes of determining the amount of
18 eligible sales under section 9.202(i) of title 7, Code of Fed-
19 eral Regulations, the Secretary of Agriculture may allow
20 producers to substitute 2018 sales for such commodities for
21 2019 sales: Provided further, That from the amounts pro-
22 vided in this section, the Secretary of Agriculture shall
23 make payments to producers of livestock or poultry (not in-
24 cluding any packer (as defined in section 201 of the Packers
25 and Stockyards Act, 1921 (7 U.S.C. 191)) or live poultry

1 dealer (as defined in section 2(a) of that Act (7 U.S.C.
2 182(a)))) for losses of livestock or poultry depopulated before
3 the date of enactment of this Act due to insufficient proc-
4 essing access, based on 80 percent of the fair market value
5 of any livestock or poultry so depopulated, and for the cost
6 of such depopulation (other than costs for which the pro-
7 ducer has been compensated under the environmental qual-
8 ity incentives program under subchapter A of chapter 4 of
9 subtitle D of title XII of the Food Security Act of 1985 (16
10 U.S.C. 3839aa et seq.)): Provided further, That in deter-
11 mining the cost of depopulation under the preceding pro-
12 viso, the Secretary of Agriculture may take into consider-
13 ation whether a producer has been compensated for the costs
14 of such depopulation by any State program: Provided fur-
15 ther, That from the amounts provided in this section, the
16 Secretary of Agriculture shall make payments to producers
17 of cattle described in paragraphs (2), (3), and (4) of section
18 9.102(i) of title 7, Code of Federal Regulations, in an
19 amount equal to the product obtained by multiplying the
20 number of such cattle in inventory during the time period
21 specified in paragraph (c)(2) of that section by 50 percent
22 of the payment rate calculated by subtracting the applicable
23 CCC payment rate specified in paragraph (h) of that sec-
24 tion and the applicable payment rate specified in section
25 9.202(c) of that title from the applicable CARES Act pay-

1 *ment rate specified in section 9.102(h) of that title: Pro-*
2 *vided further, That from the amounts provided in this sec-*
3 *tion, the Secretary of Agriculture shall make payments to*
4 *producers of cattle described in paragraphs (1) and (5) of*
5 *section 9.102(i) of title 7, Code of Federal Regulations, in*
6 *an amount equal to the product obtained by multiplying*
7 *the number of such cattle in inventory during the time pe-*
8 *riod specified in paragraph (c)(2) of that section by 25 per-*
9 *cent of the payment rate calculated by subtracting the ap-*
10 *plicable CCC payment rate specified in paragraph (h) of*
11 *that section and the applicable payment rate specified in*
12 *section 9.202(c) of that title (if applicable) from the appli-*
13 *cable CARES Act payment rate specified in section*
14 *9.102(h) of that title: Provided further, That from the*
15 *amounts provided in this section, the Secretary of Agri-*
16 *culture shall use not more than \$1,000,000,000 to make*
17 *payments to contract growers of livestock and poultry to*
18 *cover not more than 80 percent of revenue losses, as deter-*
19 *mined by the Secretary of Agriculture, for the period begin-*
20 *ning on January 1, 2020, and ending on the date of enact-*
21 *ment of this Act: Provided further, That from the amounts*
22 *provided in this section, the Secretary of Agriculture shall*
23 *use not less than \$20,000,000 to improve and maintain ani-*
24 *mal disease prevention and response capacity: Provided*
25 *further, That from the amounts provided in this section,*

1 *the Secretary of Agriculture shall make payments to domes-*
2 *tic users of upland cotton and extra-long staple cotton for*
3 *the period beginning on March 1, 2020, and ending on De-*
4 *cember 31, 2020, in an amount equal to the product ob-*
5 *tained by multiplying 10 by the product obtained by multi-*
6 *plying 6 cents per pound by the average monthly consump-*
7 *tion of the domestic user for the period beginning on Janu-*
8 *ary 1, 2017, and ending on December 31, 2019: Provided*
9 *further, That notwithstanding paragraph (e) of section 9.7*
10 *of title 7, Code of Federal Regulations (or any successor*
11 *regulation), and subject to the availability of funds, taking*
12 *into account the requirements of the other provisos in this*
13 *section, for purposes of providing assistance under subparts*
14 *B and C of part 9 of that title, the Secretary of Agriculture*
15 *shall make additional payments to ensure that such assist-*
16 *ance more closely aligns with the calculated gross payment*
17 *or revenue losses of any person or entity, except that such*
18 *assistance shall not exceed the calculated gross payment or*
19 *80 percent of the loss, as determined by the Secretary of*
20 *Agriculture, of any entity or persons, and that for the pur-*
21 *poses of determining income derived from farming, ranch-*
22 *ing, and forestry under paragraph (d) of that section, the*
23 *Secretary of Agriculture shall broadly consider income de-*
24 *rived from agricultural sales (including gains), agricultural*
25 *services, the sale of agricultural real estate, and prior year*

1 *net operating loss carryforward as such income: Provided*
2 *further, That from the amounts provided in this section,*
3 *the Secretary of Agriculture may provide support to proc-*
4 *essors for losses of crops due to insufficient processing ac-*
5 *cess: Provided further, That the Secretary of Agriculture*
6 *may extend the term of a marketing assistance loan author-*
7 *ized by section 1201 of the Agricultural Act of 2014 (7*
8 *U.S.C. 9031), notwithstanding section 1203(b) of that Act*
9 *(7 U.S.C. 9033(b)), for any loan commodity to 12 months:*
10 *Provided further, That the authority provided by the pre-*
11 *vious proviso shall expire on September 30, 2021: Provided*
12 *further, That from the amounts provided in this section,*
13 *the Secretary of Agriculture shall use not less than*
14 *\$1,500,000,000 to purchase food and agricultural products,*
15 *including seafood, to purchase and distribute agricultural*
16 *products (including fresh produce, dairy, and meat prod-*
17 *ucts) to individuals in need, including through delivery to*
18 *nonprofit organizations that can receive, store, and dis-*
19 *tribute food items, and for grants and loans to small or*
20 *midsized food processors or distributors, seafood processing*
21 *facilities and processing vessels, farmers markets, producers,*
22 *or other organizations to respond to coronavirus, including*
23 *for measures to protect workers against the Coronavirus*
24 *Disease 2019 (COVID–19): Provided further, That not later*
25 *than 30 days after the date of enactment of this Act and*

1 *prior to issuing solicitations for contracts under the pre-*
2 *vious proviso, the Secretary of Agriculture shall conduct a*
3 *preliminary review of actions necessary to improve*
4 *COVID–19-related food purchasing, including reviewing co-*
5 *ordination, specifications, quality, and fairness of pur-*
6 *chases, including the distribution of purchased commodities,*
7 *including the fairness of food distribution, such as whether*
8 *rural communities received adequate support, the degree to*
9 *which transportation costs were sufficient to reach all areas,*
10 *whether food safety was adequate in the distribution of food,*
11 *and the degree to which local purchases of food were made:*
12 *Provided further, That from the amounts provided in this*
13 *section, the Secretary of Agriculture may use not more than*
14 *\$200,000,000 to provide relief to timber harvesting and tim-*
15 *ber hauling businesses that have, as a result of the COVID–*
16 *19 pandemic, experienced a loss of not less than 10 percent*
17 *in gross revenue during the period beginning on January*
18 *1, 2020, and ending on December 1, 2020, as compared to*
19 *the gross revenue of that timber harvesting or hauling busi-*
20 *ness during the same period in 2019: Provided further, That*
21 *in making direct support payments in this section, the Sec-*
22 *retary of Agriculture may take into account price differen-*
23 *tiation factors for each commodity based on specialized va-*
24 *rieties, local markets, and farm practices, such as certified*
25 *organic farms (as defined in section 2103 of the Organic*

1 *Foods Production Act of 1990 (7 U.S.C. 6502))*: *Provided*
2 *further, That using amounts provided in this section, the*
3 *Secretary of Agriculture may make payments to producers*
4 *of advanced biofuel, biomass-based diesel, cellulosic biofuel,*
5 *conventional biofuel, or renewable fuel (as such terms are*
6 *defined in section 211(o)(1) of the Clean Air Act (42 U.S.C.*
7 *7545(o)(1))) produced in the United States, for unexpected*
8 *market losses as a result of COVID–19: Provided further,*
9 *That the Secretary of Agriculture may make recourse loans*
10 *available to dairy product processors, packagers, or mer-*
11 *chandisers impacted by COVID–19: Provided further, That*
12 *each reference in this section to a section or other provision*
13 *of the Code of Federal Regulations shall be considered to*
14 *be a reference to that section or other provision as in effect*
15 *on the date of enactment of this Act.*

16 **SEC. 752. SPECIALTY CROP BLOCK GRANTS.**

17 *Due to the impacts of COVID–19 on specialty crops,*
18 *there is appropriated, out of any funds in the Treasury not*
19 *otherwise appropriated, for Specialty Crop Block Grants*
20 *under section 101 of the Specialty Crops Competitiveness*
21 *Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465),*
22 *\$100,000,000, to remain available until expended.*

23 **SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.**

24 *Due to the impacts that COVID–19 has had on many*
25 *local agriculture markets, there is appropriated, out of any*

1 *funds in the Treasury not otherwise appropriated, for the*
2 *Local Agriculture Market Program established under sec-*
3 *tion 210A of the Agricultural Marketing Act of 1946 (7*
4 *U.S.C. 1627c), \$100,000,000, to remain available until ex-*
5 *pended: Provided, That notwithstanding any other provi-*
6 *sion of law, the Secretary of Agriculture may reduce the*
7 *amount of matching funds otherwise required under that*
8 *section 210A to an amount not greater than 10 percent of*
9 *the total amount of the Federal funds obligated under this*
10 *section only during the public health emergency declared*
11 *by the Secretary of Health and Human Services under sec-*
12 *tion 319 of the Public Health Service Act (42 U.S.C. 247d)*
13 *on January 31, 2020, with respect to COVID–19 (or any*
14 *renewal of that declaration): Provided further, That such*
15 *match may be an in-kind contribution.*

16 **SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUT-**
17 **REACH PROGRAM.**

18 *Due to the impacts of COVID–19 on certain producers,*
19 *there is appropriated, out of any funds in the Treasury not*
20 *otherwise appropriated, for the Farming Opportunities*
21 *Training and Outreach Program under section 2501 of the*
22 *Food, Agriculture, Conservation, and Trade Act of 1990 (7*
23 *U.S.C. 2279), \$75,000,000, to remain available until ex-*
24 *pended: Provided, That notwithstanding any other provi-*
25 *sion of law, the Secretary of Agriculture may reduce the*

1 *amount of matching funds otherwise required under that*
2 *section 2501 to an amount not greater than 10 percent of*
3 *the total amount of the Federal funds obligated under this*
4 *section only during the public health emergency declared*
5 *by the Secretary of Health and Human Services under sec-*
6 *tion 319 of the Public Health Service Act (42 U.S.C. 247d)*
7 *on January 31, 2020, with respect to COVID–19 (or any*
8 *renewal of that declaration): Provided further, That such*
9 *match may be an in-kind contribution: Provided further,*
10 *That the Secretary of Agriculture may waive any max-*
11 *imum grant amount otherwise applicable to grants pro-*
12 *vided using such amounts.*

13 **SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PRO-**
14 **GRAM.**

15 *There is appropriated, out of any funds in the Treas-*
16 *ury not otherwise appropriated, for the Gus Schumacher*
17 *Nutrition Incentive Program under section 4405 of the*
18 *Food, Conservation, and Energy Act of 2008 (7 U.S.C.*
19 *7517), \$75,000,000, to remain available until expended:*
20 *Provided, That notwithstanding any other provision of law,*
21 *the Secretary of Agriculture may reduce the amount of*
22 *matching funds otherwise required under that section 4405*
23 *to an amount not greater than 10 percent of the total*
24 *amount of the Federal funds obligated under this section*
25 *only during the public health emergency declared by the*

1 *Secretary of Health and Human Services under section 319*
2 *of the Public Health Service Act (42 U.S.C. 247d) on Janu-*
3 *ary 31, 2020, with respect to COVID–19 (or any renewal*
4 *of that declaration): Provided further, That such match*
5 *may be an in-kind contribution: Provided further, That the*
6 *Secretary of Agriculture may waive any maximum grant*
7 *amount otherwise applicable to grants provided under this*
8 *section: Provided further, That the Secretary of Agriculture*
9 *may use such amounts to provide additional funding to on-*
10 *going grants provided under such Program before the date*
11 *of enactment of this Act.*

12 **SEC. 756. RESEARCH.**

13 *There is appropriated, out of any funds in the Treas-*
14 *ury not otherwise appropriated, \$20,000,000 for fiscal year*
15 *2021 and each fiscal year thereafter for the Agricultural*
16 *Research Service to address gaps in nutrition research at*
17 *the critical intersections of responsive agriculture, quality*
18 *food production, and human nutrition and health.*

19 **CHAPTER 2—SUPPORT FOR DAIRY,**
20 **LIVESTOCK, AND FARM STRESS**

21 **SEC. 760. DEFINITIONS.**

22 *In this chapter:*

23 *(1) The term “COVID–19” means the disease*
24 *caused by SARS–CoV–2, or any viral strain mutat-*
25 *ing therefrom with pandemic potential.*

1 (2) *The term “COVID–19 public health emer-*
2 *gency” means the public health emergency declared by*
3 *the Secretary of Health and Human Services under*
4 *section 319 of the Public Health Service Act (42*
5 *U.S.C. 247d) on January 31, 2020, with respect to*
6 *COVID–19 (or any renewal of that declaration).*

7 (3) *The term “Secretary” means the Secretary of*
8 *Agriculture.*

9 **SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**
10 **MENTS.**

11 (a) *IN GENERAL.—The Secretary shall provide supple-*
12 *mental dairy margin coverage payments to participating*
13 *eligible dairy operations described in subsection (b)(1)*
14 *whenever the average actual dairy production margin (as*
15 *defined in section 1401 of the Agricultural Act of 2014 (7*
16 *U.S.C. 9051)) for a month is less than the coverage level*
17 *threshold selected by such eligible dairy operation under sec-*
18 *tion 1406 of that Act (7 U.S.C. 9056).*

19 (b) *ELIGIBLE DAIRY OPERATION DESCRIBED.—*

20 (1) *IN GENERAL.—An eligible dairy operation*
21 *described in this subsection is a dairy operation*
22 *that—*

23 (A) *is located in the United States; and*

24 (B) *during a calendar year in which such*
25 *dairy operation is a participating dairy oper-*

1 *ation (as defined in section 1401 of the Agricultural*
2 *tural Act of 2014 (7 U.S.C. 9051)), has a pro-*
3 *duction history established under the dairy mar-*
4 *gin coverage program under section 1405 of the*
5 *Agricultural Act of 2014 (7 U.S.C. 9055) of less*
6 *than 5,000,000 pounds, as determined in accord-*
7 *ance with subsection (c) of such section 1405.*

8 (2) *LIMITATION ON ELIGIBILITY.—An eligible*
9 *dairy operation shall only be eligible for payments*
10 *under this section during a calendar year in which*
11 *such eligible dairy operation is enrolled in the dairy*
12 *margin coverage (as defined in section 1401 of the*
13 *Agricultural Act of 2014 (7 U.S.C. 9051)).*

14 (c) *SUPPLEMENTAL PRODUCTION HISTORY CALCULA-*
15 *TION.—*

16 (1) *IN GENERAL.—For purposes of determining*
17 *the supplemental production history of an eligible*
18 *dairy operation under this section, such dairy oper-*
19 *ation’s supplemental production history shall be equal*
20 *to 75 percent of the amount described in paragraph*
21 *(2) with respect to such dairy operation.*

22 (2) *AMOUNT.—The amount referred to in para-*
23 *graph (1) is, with respect to an eligible dairy oper-*
24 *ation, the amount equal to—*

1 (A) *the production volume of such dairy op-*
2 *eration for the 2019 milk marketing year; minus*

3 (B) *the dairy margin coverage production*
4 *history of such dairy operation established under*
5 *section 1405 of the Agricultural Act of 2014 (7*
6 *U.S.C. 9055).*

7 (d) *COVERAGE PERCENTAGE.—*

8 (1) *IN GENERAL.—For purposes of calculating*
9 *payments to be issued under this section during a cal-*
10 *endar year, an eligible dairy operation’s coverage per-*
11 *centage shall be equal to the coverage percentage se-*
12 *lected by such eligible dairy operation with respect to*
13 *such calendar year under section 1406 of the Agricul-*
14 *tural Act of 2014 (7 U.S.C. 9056).*

15 (2) *5 MILLION POUND LIMITATION.—*

16 (A) *IN GENERAL.—The Secretary shall not*
17 *provide supplemental dairy margin coverage on*
18 *an eligible dairy operation’s actual production*
19 *for a calendar year such that the total covered*
20 *production history of such dairy operation ex-*
21 *ceeds 5,000,000 pounds.*

22 (B) *DETERMINATION OF AMOUNT.—In cal-*
23 *culating the total covered production history of*
24 *an eligible dairy operation under subparagraph*
25 *(A), the Secretary shall multiply the coverage*

1 percentage selected by such operation under sec-
2 tion 1406 of the Agricultural Act of 2014 (7
3 U.S.C. 9056) by the sum of—

4 (i) the supplemental production history
5 calculated under subsection (c) with respect
6 to such dairy operation; and

7 (ii) the dairy margin coverage produc-
8 tion history described in subsection
9 (c)(2)(B) with respect to such dairy oper-
10 ation.

11 (e) *PREMIUM COST.*—The premium cost for an eligible
12 dairy operation under this section for a calendar year shall
13 be equal to the product of multiplying—

14 (1) the Tier I premium cost calculated with re-
15 spect to such dairy operation for such year under sec-
16 tion 1407(b) of the Agricultural Act of 2014 (7 U.S.C.
17 9057(b)); by

18 (2) the supplemental production history with re-
19 spect to such dairy operation calculated under sub-
20 section (c) (such that total covered production history
21 does not exceed 5,000,000 pounds).

22 (f) *REGULATIONS.*—Not later than 45 days after the
23 date of the enactment of this section, the Secretary shall
24 issue regulations to carry out this section.

1 (g) *PROHIBITION WITH RESPECT TO DAIRY MARGIN*
2 *COVERAGE ENROLLMENT.*—

3 (1) *IN GENERAL.*—*The Secretary may not reopen*
4 *or otherwise provide a special enrollment for dairy*
5 *margin coverage (as defined in section 1401 of the*
6 *Agricultural Act of 2014 (7 U.S.C. 9051)) for pur-*
7 *poses of establishing eligibility for supplemental dairy*
8 *margin coverage payments under this section.*

9 (2) *CLARIFICATION WITH RESPECT TO SUPPLE-*
10 *MENTAL DAIRY MARGIN COVERAGE PAYMENTS.*—*The*
11 *Secretary may open a special enrollment for supple-*
12 *mental dairy margin coverage under this section.*

13 (h) *APPLICATION FOR CALENDAR YEAR 2021.*—*The*
14 *Secretary shall make payments under this section to eligible*
15 *dairy operations described in subsection (b)(1) for months*
16 *after and including January, 2021.*

17 (i) *SUNSET.*—*The authority to make payments under*
18 *this section shall terminate on December 31, 2023.*

19 (j) *FUNDING.*—*There is appropriated, out of any funds*
20 *in the Treasury not otherwise appropriated, to carry out*
21 *this section such sums as necessary, to remain available*
22 *until the date specified in subsection (i).*

23 **SEC. 762. DAIRY DONATION PROGRAM.**

24 (a) *DEFINITIONS.*—*In this section:*

1 (1) *ELIGIBLE DAIRY ORGANIZATION.*—*The term*
2 *“eligible dairy organization” has the meaning given*
3 *the term in section 1431(a) of the Agricultural Act of*
4 *2014 (7 U.S.C. 9071(a)).*

5 (2) *ELIGIBLE DAIRY PRODUCT.*—*The term “eligi-*
6 *ble dairy product” means a product primarily made*
7 *from milk, including fluid milk, that is produced and*
8 *processed in the United States.*

9 (3) *ELIGIBLE DISTRIBUTOR.*—*The term “eligible*
10 *distributor” means a public or private nonprofit or-*
11 *ganization that distributes donated eligible dairy*
12 *products to recipient individuals and families.*

13 (4) *ELIGIBLE PARTNERSHIP.*—*The term “eligible*
14 *partnership” means a partnership between an eligible*
15 *dairy organization and an eligible distributor.*

16 (b) *ESTABLISHMENT AND PURPOSES.*—*Not later than*
17 *60 days after the date of enactment of this Act, the Sec-*
18 *retary shall establish and administer a dairy donation pro-*
19 *gram for the purposes of—*

20 (1) *facilitating the timely donation of eligible*
21 *dairy products; and*

22 (2) *preventing and minimizing food waste.*

23 (c) *DONATION AND DISTRIBUTION PLANS.*—

24 (1) *IN GENERAL.*—*To be eligible to receive reim-*
25 *bursement under subsection (d), an eligible partner-*

1 *ship shall submit to the Secretary a donation and*
2 *distribution plan that describes the process that the*
3 *eligible partnership will use for the donation, proc-*
4 *essing, transportation, temporary storage, and dis-*
5 *tribution of eligible dairy products.*

6 (2) *REVIEW AND APPROVAL.—*

7 (A) *IN GENERAL.—Not later than 15 busi-*
8 *ness days after receiving a plan described in*
9 *paragraph (1), the Secretary shall—*

10 (i) *review that plan; and*

11 (ii) *issue an approval or disapproval*
12 *of that plan.*

13 (B) *EMERGENCY AND DISASTER-RELATED*
14 *PRIORITIZATION.—*

15 (i) *IN GENERAL.—In receiving and re-*
16 *viewing a donation and distribution plan*
17 *submitted under paragraph (1), the Sec-*
18 *retary shall determine whether an emer-*
19 *gency or disaster was a substantial factor*
20 *in the submission, including—*

21 (I) *a declared or renewed public*
22 *health emergency under section 319 of*
23 *the Public Health Service Act (42*
24 *U.S.C. 247d); and*

1 (ii) a disaster designated by the
2 Secretary.

3 (ii) *PRIORITY REVIEW*.—On making
4 an affirmative determination under clause
5 (i) with respect to a donation and distribu-
6 tion plan submitted under paragraph (1),
7 the Secretary shall give priority to the ap-
8 proval or disapproval of that plan.

9 (d) *REIMBURSEMENT*.—

10 (1) *IN GENERAL*.—On receipt of appropriate
11 documentation under paragraph (3), the Secretary
12 shall reimburse an eligible dairy organization that is
13 a member of an eligible partnership for which the
14 Secretary has approved a donation and distribution
15 plan under subsection (c)(2)(A)(ii) at a rate equal to
16 the product obtained by multiplying—

17 (A) the current reimbursement price de-
18 scribed in paragraph (2); and

19 (B) the volume of milk required to make the
20 donated eligible dairy product.

21 (2) *REIMBURSEMENT PRICE*.—The Secretary—

22 (A) shall set the reimbursement price re-
23 ferred to in paragraph (1)(A) at a value that
24 shall—

1 (i) be representative of the cost of the
2 milk required to make the donated eligible
3 dairy product;

4 (ii) be between the lowest and highest
5 of the class I, II, III, or IV milk prices on
6 the date of the production of the eligible
7 dairy product;

8 (iii) be sufficient to avoid food waste;

9 and

10 (iv) not interfere with the commercial
11 marketing of milk or dairy products;

12 (B) may set appropriate reimbursement
13 prices under subparagraph (A) for different eli-
14 gible dairy products by class and region for the
15 purpose of—

16 (i) encouraging the donation of surplus
17 eligible dairy products;

18 (ii) facilitating the orderly marketing
19 of milk;

20 (iii) reducing volatility relating to sig-
21 nificant market disruptions;

22 (iv) maintaining traditional price re-
23 lationships between classes of milk; or

24 (v) stabilizing on-farm milk prices.

25 (3) *DOCUMENTATION.*—

1 (A) *IN GENERAL.*—*An eligible dairy organi-*
2 *zation shall submit to the Secretary such docu-*
3 *mentation as the Secretary may require to dem-*
4 *onstrate—*

5 (i) *the production of the eligible dairy*
6 *product; and*

7 (ii) *the donation of the eligible dairy*
8 *product to an eligible distributor.*

9 (B) *VERIFICATION.*—*The Secretary may*
10 *verify the accuracy of documentation submitted*
11 *under subparagraph (A).*

12 (4) *RETROACTIVE REIMBURSEMENT.*—*In pro-*
13 *viding reimbursements under paragraph (1), the Sec-*
14 *retary may provide reimbursements for eligible dairy*
15 *product costs incurred before the date on which the*
16 *donation and distribution plan for the applicable*
17 *participating partnership was approved by the Sec-*
18 *retary under subsection (c)(2)(A)(ii).*

19 (5) *EMERGENCY AND DISASTER-RELATED*
20 *PRIORITIZATION.*—*In providing reimbursements*
21 *under paragraph (1), the Secretary shall give priority*
22 *to reimbursements to eligible dairy organizations cov-*
23 *ered by a donation and distribution plan for which*
24 *the Secretary makes an affirmative determination*
25 *under subsection (c)(2)(B)(i).*

1 (e) *PROHIBITION ON RESALE OF PRODUCTS.*—

2 (1) *IN GENERAL.*—*An eligible distributor that*
3 *receives eligible dairy products donated under this*
4 *section may not sell the eligible dairy products into*
5 *commercial markets.*

6 (2) *PROHIBITION ON FUTURE PARTICIPATION.*—

7 *An eligible distributor that the Secretary determines*
8 *has violated paragraph (1) shall not be eligible for*
9 *any future participation in the program established*
10 *under this section.*

11 (f) *REVIEWS.*—*The Secretary shall conduct appro-*
12 *priate reviews or audits to ensure the integrity of the pro-*
13 *gram established under this section.*

14 (g) *PUBLICATION OF DONATION ACTIVITY.*—*The Sec-*
15 *retary, acting through the Administrator of the Agricultural*
16 *Marketing Service, shall publish on the publicly accessible*
17 *website of the Agricultural Marketing Service periodic re-*
18 *ports describing donation activity under this section.*

19 (h) *SUPPLEMENTAL REIMBURSEMENTS.*—

20 (1) *IN GENERAL.*—*The Secretary shall make a*
21 *supplemental reimbursement to an eligible dairy or-*
22 *ganization that received a reimbursement under the*
23 *milk donation program established under section 1431*
24 *of the Agricultural Act of 2014 (7 U.S.C. 9071) dur-*
25 *ing the period beginning on January 1, 2020, and*

1 ending on the date on which amounts made available
2 under subsection (i) are no longer available.

3 (2) *REIMBURSEMENT CALCULATION.*—A supple-
4 mental reimbursement described in paragraph (1)
5 shall be an amount equal to—

6 (A) the reimbursement calculated under
7 subsection (d); minus

8 (B) the reimbursement under the milk dona-
9 tion program described in paragraph (1).

10 (i) *FUNDING.*—Out of any amounts of the Treasury
11 not otherwise appropriated, there is appropriated to the
12 Secretary to carry out this section \$400,000,000, to remain
13 available until expended.

14 **SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UN-**
15 **PAID CASH SELLERS OF LIVESTOCK.**

16 *The Packers and Stockyards Act, 1921, is amended by*
17 *inserting after section 317 (7 U.S.C. 217a) the following*
18 *new section:*

19 **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

20 **“(a) ESTABLISHMENT.**—

21 **“(1) IN GENERAL.**—All livestock purchased by a
22 dealer in cash sales and all inventories of, or receiv-
23 ables or proceeds from, such livestock shall be held by
24 such dealer in trust for the benefit of all unpaid cash

1 *sellers of such livestock until full payment has been*
2 *received by such unpaid cash sellers.*

3 “(2) *EXEMPTION.*—*Any dealer whose average an-*
4 *nuual purchases of livestock do not exceed \$100,000*
5 *shall be exempt from the provisions of this section.*

6 “(3) *EFFECT OF DISHONORED INSTRUMENTS.*—
7 *For purposes of determining full payment under*
8 *paragraph (1), a payment to an unpaid cash seller*
9 *shall not be considered to have been made if the un-*
10 *paid cash seller receives a payment instrument that*
11 *is dishonored.*

12 “(b) *PRESERVATION OF TRUST.*—*An unpaid cash sell-*
13 *er shall lose the benefit of a trust under subsection (a) if*
14 *the unpaid cash seller has not preserved the trust by giving*
15 *written notice to the dealer involved and filing such notice*
16 *with the Secretary—*

17 “(1) *within 30 days of the final date for making*
18 *a payment under section 409 in the event that a pay-*
19 *ment instrument has not been received; or*

20 “(2) *within 15 business days after the date on*
21 *which the seller receives notice that the payment in-*
22 *strument promptly presented for payment has been*
23 *dishonored.*

24 “(c) *NOTICE TO LIEN HOLDERS.*—*When a dealer re-*
25 *ceives notice under subsection (b) of the unpaid cash seller’s*

1 *intent to preserve the benefits of the trust, the dealer shall,*
2 *within 15 business days, give notice to all persons who have*
3 *recorded a security interest in, or lien on, the livestock held*
4 *in such trust.*

5 “(d) *CASH SALES DEFINED.*—*For the purpose of this*
6 *section, a cash sale means a sale in which the seller does*
7 *not expressly extend credit to the buyer.*

8 “(e) *PURCHASE OF LIVESTOCK SUBJECT TO TRUST.*—

9 “(1) *IN GENERAL.*—*A person purchasing live-*
10 *stock subject to a dealer trust shall receive good title*
11 *to the livestock if the person receives the livestock—*

12 “(A) *in exchange for payment of new value;*
13 *and*

14 “(B) *in good faith without notice that the*
15 *transfer is a breach of trust.*

16 “(2) *DISHONORED PAYMENT INSTRUMENT.*—
17 *Payment shall not be considered to have been made*
18 *if a payment instrument given in exchange for the*
19 *livestock is dishonored.*

20 “(3) *TRANSFER IN SATISFACTION OF ANTE-*
21 *CEDENT DEBT.*—*A transfer of livestock subject to a*
22 *dealer trust is not for value if the transfer is in satis-*
23 *faction of an antecedent debt or to a secured party*
24 *pursuant to a security agreement.*

1 “(f) *ENFORCEMENT.*—Whenever the Secretary has rea-
2 son to believe that a dealer subject to this section has failed
3 to perform the duties required by this section or whenever
4 the Secretary has reason to believe that it will be in the
5 best interest of unpaid cash sellers, the Secretary shall do
6 one or more of the following—

7 “(1) appoint an independent trustee to carry out
8 the duties required by this section, preserve trust as-
9 sets, and enforce the trust;

10 “(2) serve as independent trustee, preserve trust
11 assets, and enforce the trust; or

12 “(3) file suit in the United States district court
13 for the district in which the dealer resides to enjoin
14 the dealer’s failure to perform the duties required by
15 this section, preserve trust assets, and to enforce the
16 trust. Attorneys employed by the Secretary may, with
17 the approval of the Attorney General, represent the
18 Secretary in any such suit. Nothing herein shall pre-
19 clude unpaid sellers from filing suit to preserve or en-
20 force the trust.”.

21 **SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND**
22 **POULTRY FACILITIES TO ALLOW FOR INTER-**
23 **STATE SHIPMENT.**

24 “(a) *IN GENERAL.*—The Secretary shall make grants to
25 meat and poultry slaughter and processing facilities de-

1 *scribed in subsection (b) (including such facilities operating*
2 *under State inspection or such facilities that are exempt*
3 *from Federal inspection) to assist such facilities with re-*
4 *spect to costs incurred in making improvements to such fa-*
5 *cilities and carrying out other planning activities nec-*
6 *essary—*

7 *(1) to obtain a Federal grant of inspection under*
8 *the Federal Meat Inspection Act (21 U.S.C. 601 et*
9 *seq.) or the Poultry Products Inspection Act (21*
10 *U.S.C. 451 et seq.), as applicable; or*

11 *(2) to operate as a State-inspected facility that*
12 *is compliant with—*

13 *(A) the Federal Meat Inspection Act (21*
14 *U.S.C. 601 et seq.) under the cooperative inter-*
15 *state shipment program established under section*
16 *501 of that Act (21 U.S.C. 683); or*

17 *(B) the Poultry Products Inspection Act (21*
18 *U.S.C. 451 et seq.) under the cooperative inter-*
19 *state shipment program established under section*
20 *31 of that Act (21 U.S.C. 472).*

21 *(b) ELIGIBLE FACILITIES.—To be eligible for a grant*
22 *under this section, a meat or poultry slaughter or processing*
23 *facility shall be—*

1 (1) *in operation as of the date on which the fa-*
2 *ility submits to the Secretary an application for the*
3 *grant; and*

4 (2) *seeking—*

5 (A) *to obtain a Federal grant of inspection*
6 *described in subsection (a)(1); or*

7 (B) *to be eligible for inspection under a co-*
8 *operative interstate shipment program described*
9 *in subparagraph (A) or (B), as applicable, of*
10 *subsection (a)(2), in a State that participates in*
11 *that program.*

12 (c) *ELIGIBLE ACTIVITIES.—A facility that receives a*
13 *grant under this section may use the grant amount for—*

14 (1) *the modernization or expansion of existing*
15 *facilities;*

16 (2) *the modernization of equipment;*

17 (3) *compliance with packaging and labeling re-*
18 *quirements under applicable law;*

19 (4) *compliance with safety requirements under*
20 *applicable law;*

21 (5) *the development of processes to ensure food*
22 *safety; and*

23 (6) *such other purposes as the Secretary deter-*
24 *mines to be appropriate.*

25 (d) *GRANT REQUIREMENTS.—*

1 (1) *AMOUNT.*—*The amount of a grant under this*
2 *section shall not exceed \$200,000.*

3 (2) *CONDITION.*—*As a condition of receiving a*
4 *grant under this section, a grant recipient shall agree*
5 *that the grant recipient shall make a payment (or*
6 *payments) to the Secretary in an amount equal to the*
7 *amount of the grant if the recipient, within 36*
8 *months of receiving such grant—*

9 (A) *as applicable—*

10 (i) *is not subject to inspection under*
11 *the Federal Meat Inspection Act (21 U.S.C.*
12 *601 et seq.) or the Poultry Products Inspec-*
13 *tion Act (21 U.S.C. 451 et seq.), as applica-*
14 *ble; or*

15 (ii) *is not eligible for inspection under*
16 *a cooperative interstate shipment program*
17 *described in subparagraph (A) or (B), as*
18 *applicable, of subsection (a)(2); or*

19 (B) *is not making a good faith effort to be*
20 *subject to such inspection or to be eligible under*
21 *such a cooperative interstate shipment program,*
22 *as applicable.*

23 (3) *MATCHING FUNDS.*—

24 (A) *IN GENERAL.*—*The Secretary shall re-*
25 *quire a recipient of a grant under this section to*

1 *provide matching non-Federal funds in an*
2 *amount equal to the amount of the grant.*

3 *(B) EXCEPTION.—The Secretary shall not*
4 *require any recipient of a grant under this sec-*
5 *tion to provide matching funds with respect to a*
6 *grant awarded in fiscal year 2021.*

7 *(e) REPORTS.—*

8 *(1) REPORTS ON GRANTS MADE.—Beginning not*
9 *later than 1 year after the date on which the first*
10 *grant is awarded under this section, and continuing*
11 *annually thereafter through the year that is 10 years*
12 *after the date on which the final grant is awarded*
13 *under this section, the Secretary shall submit to the*
14 *Committee on Agriculture and the Committee on Ap-*
15 *propriations of the House of Representatives and the*
16 *Committee on Agriculture, Nutrition, and Forestry*
17 *and the Committee on Appropriations of the Senate*
18 *a report on grants made under this section, includ-*
19 *ing—*

20 *(A) any facilities that used a grant award-*
21 *ed under this section to carry out eligible activi-*
22 *ties described in subsection (c) during the year*
23 *covered by the report; and*

24 *(B) the operational status of facilities that*
25 *were awarded grants under this section.*

1 (2) *REPORT ON THE COOPERATIVE INTERSTATE*
2 *SHIPMENT PROGRAM.*—*Beginning not later than 1*
3 *year after the date of the enactment of this section, the*
4 *Secretary shall submit to the Committee on Agri-*
5 *culture and the Committee on Appropriations of the*
6 *House of Representatives and the Committee on Agri-*
7 *culture, Nutrition, and Forestry and the Committee*
8 *on Appropriations of the Senate a report describing*
9 *any recommendations, developed in consultation with*
10 *all States, for possible improvements to the coopera-*
11 *tive interstate shipment programs under section 501*
12 *of the Federal Meat Inspection Act (21 U.S.C. 683)*
13 *and section 31 of the Poultry Products Inspection Act*
14 *(21 U.S.C. 472).*

15 (f) *FUNDING.*—*Of the funds of the Treasury not other-*
16 *wise appropriated, there is appropriated to carry out this*
17 *section \$60,000,000 for the period of fiscal years 2021*
18 *through 2023, to remain available until expended.*

19 **SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND RE-**
20 **PORT.**

21 (a) *STUDY AND REPORT ON FINANCIAL ASSISTANCE*
22 *AVAILABILITY.*—

23 (1) *STUDY REQUIRED.*—*The Secretary shall con-*
24 *duct a study on the availability and effectiveness of—*

1 (A) *Federal loan programs, Federal loan*
2 *guarantee programs, and grant programs for*
3 *which—*

4 (i) *facilities that slaughter or otherwise*
5 *process meat and poultry in the United*
6 *States, which are in operation and subject*
7 *to inspection under the Federal Meat In-*
8 *spection Act (21 U.S.C. 601 et seq.) or the*
9 *Poultry Products Inspection Act (21 U.S.C.*
10 *451 et seq.), as of the date of the enactment*
11 *of this section, and*

12 (ii) *entities seeking to establish such a*
13 *facility in the United States,*
14 *may be eligible; and*

15 (B) *Federal grant programs intended to*
16 *support—*

17 (i) *business activities relating to in-*
18 *creasing the slaughter or processing capac-*
19 *ity in the United States; and*

20 (ii) *feasibility or marketing studies on*
21 *the practicality and viability of specific*
22 *new or expanded projects to support addi-*
23 *tional slaughter or processing capacity in*
24 *the United States.*

1 (2) *REPORT TO CONGRESS.*—Not later than 60
2 days after the date of the enactment of this section,
3 the Secretary, in consultation with applicable Federal
4 agencies, shall submit a report to the Committee on
5 Agriculture of the House of Representatives and the
6 Committee on Agriculture, Nutrition, and Forestry of
7 the Senate that includes the results of the study re-
8 quired under paragraph (1).

9 (3) *PUBLICATION.*—Not later than 90 days after
10 the date of the enactment of this section, the Secretary
11 shall make publicly available on the website of the
12 Food Safety and Inspection Service of the Depart-
13 ment of Agriculture a list of each loan program, loan
14 guarantee program, and grant program identified
15 under paragraph (1).

16 (b) *FUNDING.*—There is appropriated, out of the funds
17 of the Treasury not otherwise appropriated, \$2,000,000 to
18 carry out this section.

19 **SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.**

20 (a) *IN GENERAL.*—The Secretary shall make grants to
21 State departments of agriculture (or such equivalent de-
22 partment) to expand or sustain stress assistance programs
23 for individuals who are engaged in farming, ranching, and
24 other agriculture-related occupations, including—

1 (1) *programs that meet the criteria specified in*
2 *section 7522(b)(1) of the Food, Conservation, and En-*
3 *ergy Act of 2008 (7 U.S.C. 5936(b)(1)); and*

4 (2) *any State initiatives carried out as of the*
5 *date of the enactment of this Act that provide stress*
6 *assistance for such individuals.*

7 (b) *GRANT TIMING AND AMOUNT.*—*In making grants*
8 *under subsection (a), not later than 60 days after the date*
9 *of the enactment of this Act and subject to subsection (c),*
10 *the Secretary shall—*

11 (1) *make awards to States submitting State*
12 *plans that meet the criteria specified in paragraph*
13 *(1) of such subsection within the time period specified*
14 *by the Secretary; and*

15 (2) *of the amounts made available under sub-*
16 *section (f), allocate among such States, an amount to*
17 *be determined by the Secretary, which in no case may*
18 *exceed \$500,000 for each State.*

19 (c) *STATE PLAN.*—

20 (1) *IN GENERAL.*—*A State department of agri-*
21 *culture seeking a grant under subsection (a) shall sub-*
22 *mit to the Secretary a State plan to expand or sus-*
23 *tain stress assistance programs described in that sub-*
24 *section that includes—*

1 (A) a description of each activity and the
2 estimated amount of funding to support each
3 program and activity carried out through such a
4 program;

5 (B) an estimated timeline for the operation
6 of each such program and activity;

7 (C) the total amount of funding sought; and

8 (D) an assurance that the State department
9 of agriculture will comply with the reporting re-
10 quirement under subsection (e).

11 (2) *GUIDANCE.*—Not later than 20 days after the
12 date of the enactment of this Act, the Secretary shall
13 issue guidance for States with respect to the submis-
14 sion of a State plan under paragraph (1) and the al-
15 location criteria under subsection (b).

16 (3) *REALLOCATION.*—If, after the first grants are
17 awarded pursuant to allocation under subsection (b),
18 any funds made available under subsection (f) to
19 carry out this subsection remain unobligated, the Sec-
20 retary shall—

21 (A) inform States that submit plans as de-
22 scribed in subsection (b), of such availability;
23 and

1 (B) *reallocate such funds among such*
2 *States, as the Secretary determines to be appro-*
3 *priate and equitable.*

4 (d) *COLLABORATION.*—*The Secretary may issue guid-*
5 *ance to encourage State departments of agriculture to use*
6 *funds provided under this section to support programs de-*
7 *scribed in subsection (a) that are operated by—*

8 (1) *Indian tribes (as defined in section 4 of the*
9 *Indian Self-Determination and Education Assistance*
10 *Act (25 U.S.C. 5304));*

11 (2) *State cooperative extension services; and*

12 (3) *nongovernmental organizations.*

13 (e) *REPORTING.*—*Not later than 180 days after the*
14 *COVID–19 public health emergency ends, each State receiv-*
15 *ing additional grants under subsection (b) shall submit a*
16 *report to the Secretary describing—*

17 (1) *the activities conducted using such funds;*

18 (2) *the amount of funds used to support each*
19 *such activity; and*

20 (3) *the estimated number of individuals served*
21 *by each such activity.*

22 (f) *FUNDING.*—*Out of the funds of the Treasury not*
23 *otherwise appropriated, there is appropriated to carry out*
24 *this section \$28,000,000, to remain available until ex-*
25 *pended.*

1 (g) *STATE DEFINED.*—*In this section, the term*
2 *“State” means—*
3 (1) *a State;*
4 (2) *the District of Columbia;*
5 (3) *the Commonwealth of Puerto Rico; and*
6 (4) *any other territory or possession of the*
7 *United States.*

8 **TITLE VIII—UNITED STATES**
9 **POSTAL SERVICE**

10 **SEC. 801. COVID-19 FUNDING FOR THE UNITED STATES**
11 **POSTAL SERVICE.**

12 *Section 6001 of the CARES Act (39 U.S.C. 101 note;*
13 *Public Law 116–136) is amended—*

14 (1) *in the section heading, by striking “**BOR-***
15 ***ROWING AUTHORITY**” and inserting “**FUNDING**”;*
16 (2) *by redesignating subsection (c) as subsection*
17 *(d); and*
18 (3) *by inserting after subsection (b) the fol-*
19 *lowing:*

20 “*(c) NO REPAYMENT REQUIRED.*—*Notwithstanding*
21 *any other provision of law, including subsection (b) of this*
22 *section, or any agreement entered into between the Sec-*
23 *retary of the Treasury and the Postal Service under that*
24 *subsection, the Postal Service shall not be required to repay*
25 *the amounts borrowed under that subsection.”*

1 **SEC. 802. TEMPORARY ACCEPTANCE OF CERTAIN LOW-RISK**
 2 **POSTAL SHIPMENTS.**

3 *Section 343(a)(3)(K)(vii) of the Trade Act of 2002 (19*
 4 *U.S.C. 1415(a)(3)(K)(vii)) is amended—*

5 *(1) in subclause (I), by striking “subclause (II)”*
 6 *and inserting “subclause (II) or (III)”;* and

7 *(2) by adding at the end the following:*

8 *“(III) Notwithstanding subclause (I), dur-*
 9 *ing the period beginning on January 1, 2021,*
 10 *through March 15, 2021, the Postmaster General*
 11 *may accept a shipment without transmission of*
 12 *the information described in paragraphs (1) and*
 13 *(2) if the Commissioner determines, or concurs*
 14 *with the determination of the Postmaster Gen-*
 15 *eral, that the shipment presents a low risk of vio-*
 16 *lating any relevant United States statutes or*
 17 *regulations, including statutes or regulations re-*
 18 *lating to the importation of controlled substances*
 19 *such as fentanyl and other synthetic opioids.”.*

20 **TITLE IX—BROADBAND**
 21 **INTERNET ACCESS SERVICE**

22 **SEC. 901. AMENDMENTS TO THE SECURE AND TRUSTED**
 23 **COMMUNICATIONS NETWORK REIMBURSE-**
 24 **MENT PROGRAM.**

25 *The Secure and Trusted Communications Networks*
 26 *Act of 2019 (47 U.S.C. 1601 et seq.) is amended—*

1 (1) *in section 4 (47 U.S.C. 1603)—*

2 (A) *in subsection (b)(1), by striking*
3 *“2,000,000” and inserting “10,000,000”;*

4 (B) *in subsection (c)—*

5 (i) *in paragraph (1)(A)—*

6 (I) *in the matter preceding clause*

7 (i), *by striking “before”;*

8 (II) *by amending clause (i) to*
9 *read as follows:*

10 *“(i) as defined in the Report and*
11 *Order of the Commission in the matter of*
12 *Protecting Against National Security*
13 *Threats to the Communications Supply*
14 *Chain Through FCC Programs (FCC 19–*
15 *121; WC Docket No. 18–89; adopted Novem-*
16 *ber 22, 2019) (in this section referred to as*
17 *the ‘Report and Order’); or”;* and

18 (III) *by amending clause (ii) to*
19 *read as follows:*

20 *“(ii) as determined to be covered by*
21 *both the process of the Report and Order*
22 *and the Designation Orders of the Commis-*
23 *sion on June 30, 2020 (DA 20–690; PS*
24 *Docket No. 19–351; adopted June 30, 2020)*
25 *(DA 20–691; PS Docket No. 19–352; adopt-*

1 *ed June 30, 2020) (in this section collec-*
2 *tively referred to as the ‘Designation Or-*
3 *ders’);”;* and

4 *(ii) in paragraph (2)(A), by amending*
5 *clauses (i) and (ii) to read as follows:*

6 *“(i) publication of the Report and*
7 *Order; or*

8 *“(ii) in the case of covered communica-*
9 *tions equipment that only became covered*
10 *pursuant to the Designation Orders, June*
11 *30, 2020; or”;*

12 *(C) in subsection (d)(5)—*

13 *(i) in subparagraph (A), by striking*
14 *“The Commission” and inserting “Subject*
15 *to subparagraph (C), the Commission”;* and

16 *(ii) by adding at the end the following:*

17 *“(C) PRIORITY FOR ALLOCATION.—On and*
18 *after the date of enactment of this subparagraph,*
19 *the Commission shall allocate sufficient reim-*
20 *bursement funds—*

21 *“(i) first, to approved applicants that*
22 *have 2,000,000 or fewer customers, for re-*
23 *moval and replacement of covered commu-*
24 *nications equipment, as defined in section 9*

1 or as designated by the process set forth in
2 the Report and Order;

3 “(ii) after funds have been allocated to
4 all applicants described in clause (i), to ap-
5 proved applicants that are accredited public
6 or private non-commercial educational in-
7 stitutions providing their own facilities-
8 based educational broadband service, as de-
9 fined in section 27.4 of title 47, Code of
10 Federal Regulations, or any successor regu-
11 lation, for removal and replacement of cov-
12 ered communications equipment, as defined
13 in section 9 or as designated by the process
14 set forth in the Report and Order; and

15 “(iii) after funds have been allocated to
16 all applicants described in clause (ii), to
17 any remaining approved applicants deter-
18 mined to be eligible for reimbursement
19 under the Program.”; and

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

21 “(k) *LIMITATION.*—In carrying out this section, the
22 Commission may not expend more than \$1,900,000,000.”;
23 and

24 (2) in section 9 (47 U.S.C. 1608), by amending
25 paragraph (10) to read as follows:

1 “(10) *PROVIDER OF ADVANCED COMMUNICATIONS*
2 *SERVICE.*—*The term ‘provider of advanced commu-*
3 *nications service’—*

4 “(A) *means a person who provides ad-*
5 *vanced communications service to United States*
6 *customers; and*

7 “(B) *includes—*

8 “(i) *accredited public or private non-*
9 *commercial educational institutions, pro-*
10 *viding their own facilities-based educational*
11 *broadband service, as defined in section*
12 *27.4 of title 47, Code of Federal Regula-*
13 *tions, or any successor regulation; and*

14 “(ii) *health care providers and librar-*
15 *ies providing advanced communications*
16 *service.”.*

17 **SEC. 902. CONNECTING MINORITY COMMUNITIES.**

18 (a) *DEFINITIONS.*—*In this section:*

19 (1) *ANCHOR COMMUNITY.*—

20 (A) *IN GENERAL.*—*The term “anchor com-*
21 *munity” means any area that—*

22 (i) *except as provided in subparagraph*
23 *(B), is not more than 15 miles from a his-*
24 *torically Black college or university, a Trib-*

1 *al College or University, or a Minority-serv-*
2 *ing institution; and*

3 *(ii) has an estimated median annual*
4 *household income of not more than 250 per-*
5 *cent of the poverty line, as that term is de-*
6 *fin ed in section 673(2) of the Community*
7 *Services Block Grant Act (42 U.S.C.*
8 *9902(2)).*

9 *(B) CERTAIN TRIBAL COLLEGES OR UNIVER-*
10 *SITIES.—With respect to a Tribal College or*
11 *University that is located on land held in trust*
12 *by the United States, the Assistant Secretary, in*
13 *consultation with the Secretary of the Interior,*
14 *may establish a different maximum distance for*
15 *the purposes of subparagraph (A)(i) if the Assist-*
16 *ant Secretary is able to ensure that, in estab-*
17 *lishing that different maximum distance, each*
18 *anchor community that is established as a result*
19 *of that action is statistically comparable to other*
20 *anchor communities described in subparagraph*
21 *(A).*

22 *(2) ASSISTANT SECRETARY.—The term “Assist-*
23 *ant Secretary” means the Assistant Secretary of Com-*
24 *merce for Communications and Information.*

1 (3) *BROADBAND INTERNET ACCESS SERVICE.*—
2 The term “broadband internet access service” has the
3 meaning given the term in section 8.1(b) of title 47,
4 Code of Federal Regulations, or any successor regula-
5 tion.

6 (4) *COMMISSION.*—The term “Commission”
7 means the Federal Communications Commission.

8 (5) *CONNECTED DEVICE.*—The term “connected
9 device” means a laptop computer, tablet computer, or
10 similar device that is capable of connecting to
11 broadband internet access service.

12 (6) *DIRECTOR.*—The term “Director” means the
13 Director of the Office.

14 (7) *ELIGIBLE EQUIPMENT.*—The term “eligible
15 equipment” means—

16 (A) a Wi-Fi hotspot;

17 (B) a modem;

18 (C) a router;

19 (D) a device that combines a modem and
20 router;

21 (E) a connected device; or

22 (F) any other equipment used to provide ac-
23 cess to broadband internet access service.

24 (8) *ELIGIBLE RECIPIENT.*—The term “eligible re-
25 cipient” means—

1 (A) a historically Black college or univer-
2 sity;

3 (B) a Tribal College or University;

4 (C) a Minority-serving institution; or

5 (D) a consortium that is led by a histori-
6 cally Black college or university, a Tribal College
7 or University, or a Minority-serving institution
8 and that also includes—

9 (i) a minority business enterprise; or

10 (ii) an organization described in sec-
11 tion 501(c)(3) of the Internal Revenue Code
12 of 1986 and exempt from tax under section
13 501(a) of such Code.

14 (9) *HISTORICALLY BLACK COLLEGE OR UNIVER-*
15 *SITY.*—The term “historically Black college or univer-
16 sity” has the meaning given the term “part B institu-
17 tion” in section 322 of the Higher Education Act of
18 1965 (20 U.S.C. 1061).

19 (10) *MINORITY-SERVING INSTITUTION.*—The
20 term “Minority-serving institution” means any of the
21 following:

22 (A) An Alaska Native-serving institution, as
23 that term is defined in section 317(b) of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1059d(b)).

1 (B) *A Native Hawaiian-serving institution,*
2 *as that term is defined in section 317(b) of the*
3 *Higher Education Act of 1965 (20 U.S.C.*
4 *1059d(b)).*

5 (C) *A Hispanic-serving institution, as that*
6 *term is defined in section 502(a) of the Higher*
7 *Education Act of 1965 (20 U.S.C. 1101a(a)).*

8 (D) *A Predominantly Black institution, as*
9 *that term is defined in section 371(c) of the*
10 *Higher Education Act of 1965 (20 U.S.C.*
11 *1067q(c)).*

12 (E) *An Asian American and Native Amer-*
13 *ican Pacific Islander-serving institution, as that*
14 *term is defined in section 320(b) of the Higher*
15 *Education Act of 1965 (20 U.S.C. 1059g(b)).*

16 (F) *A Native American-serving, nontribal*
17 *institution, as that term is defined in section*
18 *319(b) of the Higher Education Act of 1965 (20*
19 *U.S.C. 1059f(b)).*

20 (11) *MINORITY BUSINESS ENTERPRISE.—The*
21 *term “minority business enterprise” has the meaning*
22 *given the term in section 1400.2 of title 15, Code of*
23 *Federal Regulations, or any successor regulation.*

1 (12) *OFFICE*.—*The term “Office” means the Of-*
2 *ice of Minority Broadband Initiatives established*
3 *pursuant to subsection (b)(1).*

4 (13) *PILOT PROGRAM*.—*The term “Pilot Pro-*
5 *gram” means the Connecting Minority Communities*
6 *Pilot Program established under the rules promul-*
7 *gated by the Assistant Secretary under subsection*
8 *(c)(1).*

9 (14) *TRIBAL COLLEGE OR UNIVERSITY*.—*The*
10 *term “Tribal College or University” has the meaning*
11 *given the term in section 316(b) of the Higher Edu-*
12 *cation Act of 1965 (20 U.S.C. 1059c(b)).*

13 (15) *WI-FI*.—*The term “Wi-Fi” means a wireless*
14 *networking protocol based on Institute of Electrical*
15 *and Electronics Engineers standard 802.11, or any*
16 *successor standard.*

17 (16) *WI-FI HOTSPOT*.—*The term “Wi-Fi*
18 *hotspot” means a device that is capable of—*

19 (A) *receiving broadband internet access*
20 *service; and*

21 (B) *sharing broadband internet access serv-*
22 *ice with another device through the use of Wi-Fi.*

23 (b) *OFFICE OF MINORITY BROADBAND INITIATIVES*.—

24 (1) *ESTABLISHMENT*.—*Not later than 180 days*
25 *after the date of enactment of this Act, the Assistant*

1 *Secretary shall establish within the National Tele-*
2 *communications and Information Administration the*
3 *Office of Minority Broadband Initiatives.*

4 (2) *DIRECTOR.*—*The Office shall be headed by*
5 *the Director of the Office of Minority Broadband Ini-*
6 *tiatives, who shall be appointed by the Assistant Sec-*
7 *retary.*

8 (3) *DUTIES.*—*The Office, acting through the Di-*
9 *rector, shall—*

10 (A) *collaborate with Federal agencies that*
11 *carry out broadband internet access service sup-*
12 *port programs to determine how to expand access*
13 *to broadband internet access service and other*
14 *digital opportunities in anchor communities;*

15 (B) *collaborate with State, local, and Tribal*
16 *governments, historically Black colleges or uni-*
17 *versities, Tribal Colleges or Universities, Minor-*
18 *ity-serving institutions, and stakeholders in the*
19 *communications, education, business, and tech-*
20 *nology fields to—*

21 (i) *promote—*

22 (I) *initiatives relating to*
23 *broadband internet access service*
24 *connectivity for anchor communities;*
25 *and*

1 (II) *digital opportunities for an-*
2 *chor communities;*

3 (ii) *develop recommendations to pro-*
4 *mote the rapid, expanded deployment of*
5 *broadband internet access service to*
6 *unserved historically Black colleges or uni-*
7 *versities, Tribal Colleges or Universities,*
8 *Minority-serving institutions, and anchor*
9 *communities, including to—*

10 (I) *students, faculty, and staff of*
11 *historically Black colleges or univer-*
12 *sities, Tribal Colleges or Universities,*
13 *and Minority-serving institutions; and*

14 (II) *senior citizens and veterans*
15 *who live in anchor communities;*

16 (iii) *promote activities that would ac-*
17 *celerate the adoption of broadband internet*
18 *access service (including any associated*
19 *equipment or personnel necessary to access*
20 *and use that service, such as modems, rout-*
21 *ers, devices that combine a modem and a*
22 *router, Wi-Fi hotspots, and connected de-*
23 *vices)—*

24 (I) *by students, faculty, and staff*
25 *of historically Black colleges or univer-*

1 *sities, Tribal Colleges or Universities,*
2 *and Minority-serving institutions; and*
3 *(II) within anchor communities;*
4 *(iv) upon request, provide assistance to*
5 *historically Black colleges or universities,*
6 *Tribal Colleges or Universities, Minority-*
7 *serving institutions, and leaders from an-*
8 *chor communities with respect to navi-*
9 *gating Federal programs dealing with*
10 *broadband internet access service;*
11 *(v) promote digital literacy skills, in-*
12 *cluding by providing opportunities for vir-*
13 *tual or in-person digital literacy training*
14 *and education;*
15 *(vi) promote professional development*
16 *opportunity partnerships between industry*
17 *and historically Black colleges or univer-*
18 *sities, Tribal Colleges or Universities, and*
19 *Minority-serving institutions to help ensure*
20 *that information technology personnel and*
21 *students of historically Black colleges or*
22 *universities, Tribal Colleges or Universities,*
23 *and Minority-serving institutions have the*
24 *skills needed to work with new and emerg-*

1 *ing technologies with respect to broadband*
2 *internet access service; and*

3 *(vii) explore how to leverage invest-*
4 *ment in infrastructure with respect to*
5 *broadband internet access service to—*

6 *(I) expand connectivity with re-*
7 *spect to that service in anchor commu-*
8 *nities and by students, faculty, and*
9 *staff of historically Black colleges or*
10 *universities, Tribal Colleges or Univer-*
11 *sities, and Minority-serving institu-*
12 *tions;*

13 *(II) encourage investment in com-*
14 *munities that have been designated as*
15 *qualified opportunity zones under sec-*
16 *tion 1400Z–1 of the Internal Revenue*
17 *Code of 1986; and*

18 *(III) serve as a catalyst for adop-*
19 *tion of that service, so as to promote*
20 *job growth and economic development*
21 *and deployment of advanced tech-*
22 *nologies; and*

23 *(C) assume any functions carried out under*
24 *the Minority Broadband Initiative of the Na-*
25 *tional Telecommunications and Information Ad-*

1 *ministration, as of the day before the date of en-*
2 *actment of this Act.*

3 (4) *REPORTS.*—

4 (A) *IN GENERAL.*—*Not later than 1 year*
5 *after the date on which the Assistant Secretary*
6 *establishes the Office under paragraph (1), and*
7 *annually thereafter, the Assistant Secretary shall*
8 *submit to the Committee on Commerce, Science,*
9 *and Transportation of the Senate and the Com-*
10 *mittee on Energy and Commerce of the House of*
11 *Representatives a report that—*

12 (i) *for the year covered by the report,*
13 *details the work of the Office in expanding*
14 *access to fixed and mobile broadband inter-*
15 *net access service—*

16 (I) *at historically Black colleges*
17 *or universities, Tribal Colleges or Uni-*
18 *versities, and Minority-serving institu-*
19 *tions, including by expanding that ac-*
20 *cess to students, faculty, and staff of*
21 *historically Black colleges or univer-*
22 *sities, Tribal Colleges or Universities,*
23 *and Minority-serving institutions; and*

24 (II) *within anchor communities;*
25 *and*

1 (ii) identifies barriers to providing ac-
2 cess to broadband internet access service—

3 (I) at historically Black colleges
4 or universities, Tribal Colleges or Uni-
5 versities, and Minority-serving institu-
6 tions, including to students, faculty,
7 and staff of historically Black colleges
8 or universities, Tribal Colleges or Uni-
9 versities, and Minority-serving institu-
10 tions; and

11 (II) within anchor communities.

12 (B) PUBLIC AVAILABILITY.—Not later than
13 30 days after the date on which the Assistant
14 Secretary submits a report under subparagraph
15 (A), the Assistant Secretary shall, to the extent
16 feasible, make that report publicly available.

17 (c) CONNECTING MINORITY COMMUNITIES PILOT PRO-
18 GRAM.—

19 (1) RULES REQUIRED.—

20 (A) IN GENERAL.—Not later than 45 days
21 after the date of enactment of this Act, the As-
22 sistant Secretary shall promulgate rules estab-
23 lishing the Connecting Minority Communities
24 Pilot Program, the purpose of which shall be to
25 provide grants to eligible recipients in anchor

1 *communities for the purchase of broadband*
2 *internet access service or any eligible equipment,*
3 *or to hire and train information technology per-*
4 *sonnel—*

5 *(i) in the case of an eligible recipient*
6 *described in subparagraph (A), (B), or (C)*
7 *of subsection (a)(8), to facilitate educational*
8 *instruction and learning, including through*
9 *remote instruction;*

10 *(ii) in the case of an eligible recipient*
11 *described in subsection (a)(8)(D)(i), to oper-*
12 *ate the minority business enterprise; or*

13 *(iii) in the case of an eligible recipient*
14 *described in subsection (a)(8)(D)(ii), to op-*
15 *erate the organization.*

16 *(B) CONTENT.—The rules promulgated*
17 *under subparagraph (A) shall—*

18 *(i) establish a method for identifying*
19 *which eligible recipients in anchor commu-*
20 *nities have the greatest unmet financial*
21 *needs;*

22 *(ii) ensure that grants under the Pilot*
23 *Program are made—*

1 (I) to eligible recipients identified
2 under the method established under
3 clause (i); and

4 (II) in a manner that best
5 achieves the purposes of the Pilot Pro-
6 gram;

7 (iii) require that an eligible recipient
8 described in subparagraph (A), (B), or (C)
9 of subsection (a)(8) that receives a grant to
10 provide broadband internet access service or
11 eligible equipment to students prioritizes
12 students who—

13 (I) are eligible to receive a Fed-
14 eral Pell Grant under section 401 of
15 the Higher Education Act of 1965 (20
16 U.S.C. 1070a);

17 (II) are recipients of any other
18 need-based financial aid from the Fed-
19 eral Government, a State, or that eligi-
20 ble recipient;

21 (III) are qualifying low-income
22 consumers for the purposes of the pro-
23 gram carried out under subpart E of
24 part 54 of title 47, Code of Federal

1 *Regulations, or any successor regula-*
2 *tions;*

3 *(IV) are low-income individuals,*
4 *as that term is defined in section*
5 *312(g) of the Higher Education Act of*
6 *1965 (20 U.S.C. 1058(g)); or*

7 *(V) have been approved to receive*
8 *unemployment insurance benefits*
9 *under any Federal or State law since*
10 *March 1, 2020;*

11 *(iv) provide that a recipient of a grant*
12 *under the Pilot Program—*

13 *(I) shall use eligible equipment for*
14 *a purpose that the recipient considers*
15 *to be appropriate, subject to any re-*
16 *striction provided in those rules (or*
17 *any successor rules);*

18 *(II) if the recipient lends, or oth-*
19 *erwise provides, eligible equipment to*
20 *students or patrons, shall prioritize*
21 *lending or providing to such individ-*
22 *uals that the recipient believes do not*
23 *have access to that equipment, subject*
24 *to any restriction provided in those*
25 *rules (or any successor rules); and*

1 (III) may not sell or otherwise
2 transfer eligible equipment in exchange
3 for any thing (including a service) of
4 value;

5 (v) include audit requirements that—

6 (I) ensure that a recipient of a
7 grant made under the Pilot Program
8 uses grant funds in compliance with
9 the requirements of this section and the
10 overall purpose of the Pilot Program;
11 and

12 (II) prevent waste, fraud, and
13 abuse in the operation of the Pilot Pro-
14 gram;

15 (vi) provide that not less than 40 per-
16 cent of the amount of the grants made
17 under the Pilot Program are made to His-
18 torically Black colleges or universities; and

19 (vii) provide that not less than 20 per-
20 cent of the amount of the grants made
21 under the Pilot Program are made to eligi-
22 ble recipients described in subparagraphs
23 (A), (B), and (C) of subsection (a)(8) to
24 provide broadband internet access service or

1 *eligible equipment to students of those eligi-*
2 *ble recipients.*

3 (2) *FUND.—*

4 (A) *ESTABLISHMENT.—There is established*
5 *in the Treasury of the United States a fund to*
6 *be known as the Connecting Minority Commu-*
7 *nities Fund.*

8 (B) *USE OF FUND.—Amounts in the Con-*
9 *necting Minority Communities Fund established*
10 *under subparagraph (A) shall be available to the*
11 *Assistant Secretary to provide support under the*
12 *rules promulgated under paragraph (1).*

13 (3) *INTERAGENCY COORDINATION.—When mak-*
14 *ing grants under the Pilot Program, the Assistant*
15 *Secretary shall coordinate with other Federal agen-*
16 *cies, including the Commission, the National Science*
17 *Foundation, and the Department of Education, to en-*
18 *sure the efficient expenditure of Federal funds, includ-*
19 *ing by preventing multiple expenditures of Federal*
20 *funds for the same purpose.*

21 (4) *AUDITS.—*

22 (A) *IN GENERAL.—For each of fiscal years*
23 *2021 and 2022, the Inspector General of the De-*
24 *partment of Commerce shall conduct an audit of*

1 *the Pilot Program according to the requirements*
2 *established under paragraph (1)(B)(v).*

3 *(B) REPORT.—After completing each audit*
4 *conducted under subparagraph (A), the Inspector*
5 *General of the Department of Commerce shall*
6 *submit to the Committee on Commerce, Science,*
7 *and Transportation of the Senate and the Com-*
8 *mittee on Energy and Commerce of the House of*
9 *Representatives a report that details the findings*
10 *of the audit.*

11 *(5) DIRECT APPROPRIATION.—There is appro-*
12 *priated, out of amounts in the Treasury not otherwise*
13 *appropriated, for the fiscal year ending September*
14 *30, 2021, to remain available until expended,*
15 *\$285,000,000 to the Connecting Minority Commu-*
16 *nities Fund established under paragraph (2).*

17 *(6) TERMINATION.—Except with respect to the*
18 *report required under paragraph (7) and the author-*
19 *ity of the Secretary of Commerce and the Inspector*
20 *General of the Department of Commerce described in*
21 *paragraph (8), the Pilot Program, including all re-*
22 *porting requirements under this section, shall termi-*
23 *nate on the date on which the amounts made avail-*
24 *able to carry out the Pilot Program are fully ex-*
25 *pended.*

1 (7) *REPORT.*—Not later than 90 days after the
2 date on which the Pilot Program terminates under
3 paragraph (6), the Assistant Secretary, after con-
4 sulting with eligible recipients that received grants
5 under the Pilot Program, shall submit to the Com-
6 mittee on Commerce, Science, and Transportation of
7 the Senate and the Committee on Energy and Com-
8 merce of the House of Representatives a report that—

9 (A) describes the manner in which the Pilot
10 Program was carried out;

11 (B) identifies each eligible recipient that re-
12 ceived a grant under the Pilot Program; and

13 (C) contains information regarding the ef-
14 fectiveness of the Pilot Program, including les-
15 sons learned in carrying out the Pilot Program
16 and recommendations for future action.

17 (8) *SAVINGS PROVISION.*—The termination of the
18 Pilot Program under paragraph (6) shall not limit,
19 alter, or affect the ability of the Secretary of Com-
20 merce or the Inspector General of the Department of
21 Commerce to—

22 (A) investigate waste, fraud, and abuse with
23 respect to the Pilot Program; or

24 (B) recover funds that are misused under
25 the Pilot Program.

1 **SEC. 903. FCC COVID-19 TELEHEALTH PROGRAM.**

2 (a) *DEFINITIONS.—In this section—*

3 (1) *the term “appropriate congressional commit-*
4 *tees” means—*

5 (A) *the Committee on Commerce, Science,*
6 *and Transportation of the Senate; and*

7 (B) *the Committee on Energy and Com-*
8 *merce of the House of Representatives;*

9 (2) *the term “Commission” means the Federal*
10 *Communications Commission; and*

11 (3) *the term “COVID-19 Telehealth Program” or*
12 *“Program” means the COVID-19 Telehealth Program*
13 *established by the Commission under the authority*
14 *provided under the heading “SALARIES AND EX-*
15 *PENSES” under the heading “FEDERAL COMMUNICA-*
16 *TIONS COMMISSION” under the heading “INDE-*
17 *PENDENT AGENCIES” in title V of division B of*
18 *the CARES Act (Public Law 116-136; 134 Stat.*
19 *531).*

20 (b) *ADDITIONAL APPROPRIATION.—Out of amounts in*
21 *the Treasury not otherwise appropriated, there is appro-*
22 *priated \$249,950,000 in additional funds for the COVID-*
23 *19 Telehealth Program, of which \$50,000 shall be trans-*
24 *ferred by the Commission to the Inspector General of the*
25 *Commission for oversight of the COVID-19 Telehealth Pro-*
26 *gram.*

1 (c) *ADMINISTRATIVE PROVISIONS.*—

2 (1) *EVALUATION OF APPLICATIONS.*—

3 (A) *PUBLIC NOTICE.*—*Not later than 10*
4 *days after the date of enactment of this Act, the*
5 *Commission shall issue a Public Notice estab-*
6 *lishing a 10-day period during which the Com-*
7 *mission will seek comments on—*

8 (i) *the metrics the Commission should*
9 *use to evaluate applications for funding*
10 *under this section; and*

11 (ii) *how the Commission should treat*
12 *applications filed during the funding*
13 *rounds for awards from the COVID-19 Tele-*
14 *health Program using amounts appro-*
15 *priated under the CARES Act (Public Law*
16 *116–36; 134 Stat. 281).*

17 (B) *CONGRESSIONAL NOTICE.*—*After the*
18 *end of the comment period under subparagraph*
19 *(A), and not later than 15 days before the Com-*
20 *mission first commits funds under this section,*
21 *the Commission shall provide notice to the ap-*
22 *propriate congressional committees of the metrics*
23 *the Commission plans to use to evaluate applica-*
24 *tions for those funds.*

1 (2) *EQUITABLE DISTRIBUTION.*—*To the extent*
2 *feasible, the Commission shall ensure, in providing*
3 *assistance under the COVID–19 Telehealth Program*
4 *from amounts made available under subsection (b),*
5 *that not less than 1 applicant in each of the 50 States*
6 *and the District of Columbia has received funding*
7 *from the Program since the inception of the Program,*
8 *unless there is no such applicant eligible for such as-*
9 *sistance in a State or in the District of Columbia, as*
10 *the case may be.*

11 (3) *PREVIOUS APPLICANTS.*—*The Commission*
12 *shall allow an applicant who filed an application*
13 *during the funding rounds for awards from the*
14 *COVID–19 Telehealth Program using amounts appro-*
15 *priated under the CARES Act (Public Law 116-36;*
16 *134 Stat. 281) the opportunity to update or amend*
17 *that application as necessary.*

18 (4) *INFORMATION.*—*To the extent feasible, the*
19 *Commission shall provide each applicant for funding*
20 *from the COVID–19 Telehealth Program, if requested,*
21 *with—*

22 (A) *information on the status of the appli-*
23 *cation; and*

1 (B) a rationale for the final funding deci-
2 sion for the application, after making that deci-
3 sion.

4 (5) DENIAL.—If the Commission chooses to deny
5 an application for funding from the COVID–19 Tele-
6 health Program, the Commission shall—

7 (A) issue notice to the applicant of the in-
8 tent of the Commission to deny the application
9 and the grounds for that decision;

10 (B) provide the applicant with 10 days to
11 submit any supplementary information that the
12 applicant determines relevant; and

13 (C) consider any supplementary informa-
14 tion submitted under subparagraph (B) in mak-
15 ing any final decision with respect to the appli-
16 cation.

17 (d) REPORT TO CONGRESS.—Not later than 90 days
18 after the date of enactment of this Act, and every 30 days
19 thereafter until all funds made available under this section
20 have been expended, the Commission shall submit to the ap-
21 propriate congressional committees a report on the distribu-
22 tion of funds appropriated for the COVID–19 Telehealth
23 Program under the CARES Act (Public Law 116–36; 134
24 Stat. 281) or under this section, which shall include—

1 (1) *non-identifiable and aggregated data on defi-*
2 *cient and rejected applications;*

3 (2) *non-identifiable and aggregated data on ap-*
4 *plications for which no award determination was*
5 *made;*

6 (3) *information on the total number of appli-*
7 *cants;*

8 (4) *information on the total dollar amount of re-*
9 *quests for awards made under this section; and*

10 (5) *information on applicant outreach and tech-*
11 *nical assistance.*

12 (e) *PAPERWORK REDUCTION ACT REQUIREMENTS.—*

13 *A collection of information conducted or sponsored under*
14 *any regulations required to implement this section shall not*
15 *constitute a collection of information for the purposes of*
16 *subchapter I of chapter 35 of title 44, United States Code*
17 *(commonly referred to as the “Paperwork Reduction Act”).*

18 **SEC. 904. BENEFIT FOR BROADBAND SERVICE DURING**
19 **EMERGENCY PERIOD RELATING TO COVID-19.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *BROADBAND INTERNET ACCESS SERVICE.—*

22 *The term “broadband internet access service” has the*
23 *meaning given such term in section 8.1(b) of title 47,*
24 *Code of Federal Regulations, or any successor regula-*
25 *tion.*

1 (2) *BROADBAND PROVIDER.*—*The term*
2 *“broadband provider” means a provider of broadband*
3 *internet access service.*

4 (3) *COMMISSION.*—*The term “Commission”*
5 *means the Federal Communications Commission.*

6 (4) *CONNECTED DEVICE.*—*The term “connected*
7 *device” means a laptop or desktop computer or a tab-*
8 *let.*

9 (5) *DESIGNATED AS AN ELIGIBLE TELECOMMUNI-*
10 *CATIONS CARRIER.*—*The term “designated as an eligi-*
11 *ble telecommunications carrier”, with respect to a*
12 *broadband provider, means the broadband provider is*
13 *designated as an eligible telecommunications carrier*
14 *under section 214(e) of the Communications Act of*
15 *1934 (47 U.S.C. 214(e)).*

16 (6) *ELIGIBLE HOUSEHOLD.*—*The term “eligible*
17 *household” means, regardless of whether the household*
18 *or any member of the household receives support*
19 *under subpart E of part 54 of title 47, Code of Fed-*
20 *eral Regulations (or any successor regulation), and*
21 *regardless of whether any member of the household has*
22 *any past or present arrearages with a broadband pro-*
23 *vider, a household in which—*

24 (A) *at least one member of the household*
25 *meets the qualifications in subsection (a) or (b)*

1 of section 54.409 of title 47, Code of Federal Reg-
2 ulations (or any successor regulation);

3 (B) at least one member of the household
4 has applied for and been approved to receive
5 benefits under the free and reduced price lunch
6 program under the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1751 et seq.) or the
8 school breakfast program under section 4 of the
9 Child Nutrition Act of 1966 (42 U.S.C. 1773);

10 (C) at least one member of the household
11 has experienced a substantial loss of income since
12 February 29, 2020, that is documented by layoff
13 or furlough notice, application for unemploy-
14 ment insurance benefits, or similar documenta-
15 tion or that is otherwise verifiable through the
16 National Verifier or National Lifeline Account-
17 ability Database;

18 (D) at least one member of the household
19 has received a Federal Pell Grant under section
20 401 of the Higher Education Act of 1965 (20
21 U.S.C. 1070a) in the current award year, if such
22 award is verifiable through the National Verifier
23 or National Lifeline Accountability Database or
24 the participating provider verifies eligibility
25 under subsection (a)(2)(B); or

1 (E) at least one member of the household
2 meets the eligibility criteria for a participating
3 provider’s existing low-income or COVID–19
4 program, subject to the requirements of sub-
5 section (a)(2)(B) and any other eligibility re-
6 quirements the Commission may consider nec-
7 essary for the public interest.

8 (7) *EMERGENCY BROADBAND BENEFIT.*—The
9 term “emergency broadband benefit” means a month-
10 ly discount for an eligible household applied to the ac-
11 tual amount charged to such household, which shall be
12 no more than the standard rate for an internet service
13 offering and associated equipment, in an amount
14 equal to such amount charged, but not more than \$50,
15 or, if an internet service offering is provided to an el-
16 igible household on Tribal land, not more than \$75.

17 (8) *EMERGENCY PERIOD.*—The term “emergency
18 period” means the period that—

19 (A) begins on the date of the enactment of
20 this Act; and

21 (B) ends on the date that is 6 months after
22 the date on which the determination by the Sec-
23 retary of Health and Human Services pursuant
24 to section 319 of the Public Health Service Act
25 (42 U.S.C. 247d) that a public health emergency

1 *exists as a result of COVID–19, including any*
2 *renewal thereof, terminates.*

3 (9) *INTERNET SERVICE OFFERING.*—*The term*
4 *“internet service offering” means, with respect to a*
5 *broadband provider, broadband internet access service*
6 *provided by such provider to a household, offered in*
7 *the same manner, and on the same terms, as described*
8 *in any of such provider’s offerings for broadband*
9 *internet access service to such household, as on De-*
10 *cember 1, 2020.*

11 (10) *NATIONAL LIFELINE ACCOUNTABILITY DATA-*
12 *BASE.*—*The term “National Lifeline Accountability*
13 *Database” has the meaning given such term in sec-*
14 *tion 54.400 of title 47, Code of Federal Regulations*
15 *(or any successor regulation).*

16 (11) *NATIONAL VERIFIER.*—*The term “National*
17 *Verifier” has the meaning given such term in section*
18 *54.400 of title 47, Code of Federal Regulations, or*
19 *any successor regulation.*

20 (12) *PARTICIPATING PROVIDER.*—*The term “par-*
21 *ticipating provider” means a broadband provider*
22 *that—*

23 (A)(i) *is designated as an eligible tele-*
24 *communications carrier; or*

1 (ii) meets requirements established by the
2 Commission for participation in the Emergency
3 Broadband Benefit Program and is approved by
4 the Commission under subsection (d)(2); and

5 (B) elects to participate in the Emergency
6 Broadband Benefit Program.

7 (13) *STANDARD RATE.*—The term “standard
8 rate” means the monthly retail rate for the applicable
9 tier of broadband internet access service as of Decem-
10 ber 1, 2020, excluding any taxes or other govern-
11 mental fees.

12 (b) *EMERGENCY BROADBAND BENEFIT PROGRAM.*—

13 (1) *ESTABLISHMENT.*—The Commission shall es-
14 tablish a program, to be known as the “Emergency
15 Broadband Benefit Program”, under which the Com-
16 mission shall, in accordance with this section, reim-
17 burse, using funds from the Emergency Broadband
18 Connectivity Fund established in subsection (i), a
19 participating provider for an emergency broadband
20 benefit, or an emergency broadband benefit and a
21 connected device, provided to an eligible household
22 during the emergency period.

23 (2) *VERIFICATION OF ELIGIBILITY.*—To verify
24 whether a household is an eligible household, a par-
25 ticipating provider shall—

1 (A) use the National Verifier or National
2 Lifeline Accountability Database;

3 (B) rely upon an alternative verification
4 process of the participating provider, if—

5 (i) the participating provider submits
6 information as required by the Commission
7 regarding the alternative verification proc-
8 ess prior to seeking reimbursement; and

9 (ii) not later than 7 days after receiv-
10 ing the information required under clause
11 (i), the Commission—

12 (I) determines that the alternative
13 verification process will be sufficient to
14 avoid waste, fraud, and abuse; and

15 (II) notifies the participating pro-
16 vider of the determination under sub-
17 clause (I); or

18 (C) rely on a school to verify the eligibility
19 of a household based on the participation of the
20 household in the free and reduced price lunch
21 program or the school breakfast program de-
22 scribed in subsection (a)(6)(B).

23 (3) USE OF NATIONAL VERIFIER AND NATIONAL
24 LIFELINE ACCOUNTABILITY DATABASE.—The Commis-
25 sion shall—

1 (A) expedite the ability of all participating
2 providers to access the National Verifier and Na-
3 tional Lifeline Accountability Database for pur-
4 poses of determining whether a household is an
5 eligible household, without regard to whether a
6 participating provider is designated as an eligi-
7 ble telecommunications carrier; and

8 (B) ensure that the National Verifier and
9 National Lifeline Accountability Database ap-
10 prove an eligible household to receive the emer-
11 gency broadband benefit not later than 2 days
12 after the date of the submission of information
13 necessary to determine if such household is an el-
14 igible household.

15 (4) REIMBURSEMENT.—From the Emergency
16 Broadband Connectivity Fund established in sub-
17 section (i), the Commission shall reimburse a partici-
18 pating provider in an amount equal to the emergency
19 broadband benefit with respect to an eligible house-
20 hold that receives such benefit from such participating
21 provider during the emergency period.

22 (5) REIMBURSEMENT FOR CONNECTED DE-
23 VICE.—A participating provider that, during the
24 emergency period, in addition to providing the emer-
25 gency broadband benefit to an eligible household, sup-

1 *plies such household with a connected device may be*
2 *reimbursed up to \$100 from the Emergency*
3 *Broadband Connectivity Fund established in sub-*
4 *section (i) for such connected device, if the charge to*
5 *such eligible household is more than \$10 but less than*
6 *\$50 for such connected device, except that a partici-*
7 *parting provider may receive reimbursement for no*
8 *more than 1 connected device per eligible household.*

9 (6) *CERTIFICATION REQUIRED.—To receive a re-*
10 *imbursement under paragraph (4) or (5), a partici-*
11 *parting provider shall certify to the Commission the*
12 *following:*

13 (A) *That the amount for which the partici-*
14 *parting provider is seeking reimbursement from*
15 *the Emergency Broadband Connectivity Fund es-*
16 *tablished in subsection (i) for providing an*
17 *internet service offering to an eligible household*
18 *is not more than the standard rate.*

19 (B) *That each eligible household for which*
20 *the participating provider is seeking reimburse-*
21 *ment for providing an internet service offering*
22 *discounted by the emergency broadband benefit—*

23 (i) *has not been and will not be*
24 *charged—*

1 (I) for such offering, if the stand-
2 ard rate for such offering is less than
3 or equal to the amount of the emer-
4 gency broadband benefit for such
5 household; or

6 (II) more for such offering than
7 the difference between the standard rate
8 for such offering and the amount of the
9 emergency broadband benefit for such
10 household;

11 (ii) will not be required to pay an
12 early termination fee if such eligible house-
13 hold elects to enter into a contract to receive
14 such internet service offering if such house-
15 hold later terminates such contract;

16 (iii) was not, after the date of the en-
17 actment of this Act, subject to a mandatory
18 waiting period for such internet service of-
19 fering based on having previously received
20 broadband internet access service from such
21 participating provider; and

22 (iv) will otherwise be subject to the
23 participating provider's generally applica-
24 ble terms and conditions as applied to other
25 customers.

1 (C) *That each eligible household for which*
2 *the participating provider is seeking reimburse-*
3 *ment for supplying such household with a con-*
4 *ected device has not been and will not be*
5 *charged \$10 or less or \$50 or more for such de-*
6 *vice.*

7 (D) *A description of the process used by the*
8 *participating provider to verify that a household*
9 *is an eligible household, if the provider elects an*
10 *alternative verification process under paragraph*
11 *(2)(B), and that such verification process was*
12 *designed to avoid waste, fraud, and abuse.*

13 (7) *AUDIT REQUIREMENTS.—The Commission*
14 *shall adopt audit requirements to ensure that partici-*
15 *parting providers are in compliance with the require-*
16 *ments of this section and to prevent waste, fraud, and*
17 *abuse in the Emergency Broadband Benefit Program.*
18 *A finding of waste, fraud, or abuse or an improper*
19 *payment (as such term is defined in section 2(d) of*
20 *the Improper Payments Information Act of 2002 (31*
21 *U.S.C. 3321 note)) identified by the Commission or*
22 *the Inspector General of the Commission shall include*
23 *the following:*

24 (A) *The name of the participating provider.*

1 (B) *The amount of funding made available*
2 *from the Emergency Broadband Connectivity*
3 *Fund to the participating provider.*

4 (C) *The amount of funding determined to be*
5 *an improper payment to a participating pro-*
6 *vider.*

7 (D) *A description of to what extent funding*
8 *made available from the Emergency Broadband*
9 *Connectivity Fund that was an improper pay-*
10 *ment was used for a reimbursement for a con-*
11 *necting device or a reimbursement for an internet*
12 *service offering.*

13 (E) *Whether, in the case of a connected de-*
14 *vice, such device, or the value thereof, has been*
15 *recovered.*

16 (F) *Whether any funding from the Emer-*
17 *gency Broadband Connectivity Fund was made*
18 *available to a participating provider for an*
19 *emergency broadband benefit for a person outside*
20 *the eligible household.*

21 (G) *Whether any funding from the Emer-*
22 *gency Broadband Connectivity Fund was made*
23 *available to reimburse a participating provider*
24 *for an emergency broadband benefit made avail-*
25 *able to an eligible household in which all mem-*

1 *bers of such household necessary to satisfy the eli-*
2 *gibility requirements described in subsection*
3 *(a)(6) were deceased.*

4 (8) *RANDOM AUDIT REQUIRED.*—*Not later than*
5 *1 year after the date of the enactment of this Act, the*
6 *Inspector General of the Commission shall conduct an*
7 *audit of a representative sample of participating pro-*
8 *viders receiving reimbursements under the Emergency*
9 *Broadband Benefit Program.*

10 (9) *NOTIFICATION OF AUDIT FINDINGS.*—*Not*
11 *later than 7 days after a finding made by the Com-*
12 *mission under the requirements of paragraph (7), the*
13 *Commission shall notify the Committee on Energy*
14 *and Commerce of the House of Representatives and*
15 *the Committee on Commerce, Science, and Transpor-*
16 *tation of the Senate with any information described*
17 *in such paragraph that the Commission has obtained.*

18 (10) *EXPIRATION OF PROGRAM.*—*At the conclu-*
19 *sion of the Emergency Broadband Benefit Program,*
20 *any participating eligible households shall be subject*
21 *to a participating provider’s generally applicable*
22 *terms and conditions.*

23 (c) *REGULATIONS REQUIRED.*—

24 (1) *IN GENERAL.*—*Not later than 60 days after*
25 *the date of the enactment of this Act, the Commission*

1 *shall promulgate regulations to implement this sec-*
2 *tion.*

3 (2) *COMMENT PERIODS.—As part of the rule-*
4 *making under paragraph (1), the Commission shall—*

5 (A) *provide a 20-day public comment pe-*
6 *riod that begins not later than 5 days after the*
7 *date of the enactment of this Act;*

8 (B) *provide a 20-day public reply comment*
9 *period that immediately follows the period under*
10 *subparagraph (A); and*

11 (C) *during the comment periods under sub-*
12 *paragraphs (A) and (B), seek comment on—*

13 (i) *the provision of assistance from the*
14 *Emergency Broadband Connectivity Fund*
15 *established in subsection (i) consistent with*
16 *this section; and*

17 (ii) *other related matters.*

18 (d) *ELIGIBILITY OF PROVIDERS.—*

19 (1) *RELATION TO ELIGIBLE TELECOMMUNI-*
20 *CATIONS CARRIER DESIGNATION.—The Commission*
21 *may not require a broadband provider to be des-*
22 *ignated as an eligible telecommunications carrier in*
23 *order to be a participating provider.*

24 (2) *EXPEDITED APPROVAL PROCESS.—*

1 (A) *IN GENERAL.*—*The Commission shall*
2 *establish an expedited process by which the Com-*
3 *mission approves as participating providers*
4 *broadband providers that are not designated as*
5 *eligible telecommunications carriers and elect to*
6 *participate in the Emergency Broadband Benefit*
7 *Program.*

8 (B) *EXCEPTION.*—*Notwithstanding sub-*
9 *paragraph (A), the Commission shall automati-*
10 *cally approve as a participating provider a*
11 *broadband provider that has an established pro-*
12 *gram as of April 1, 2020, that is widely avail-*
13 *able and offers internet service offerings to eligi-*
14 *ble households and maintains verification proc-*
15 *esses that are sufficient to avoid fraud, waste,*
16 *and abuse.*

17 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
18 *shall affect the collection, distribution, or administration*
19 *of the Lifeline Assistance Program governed by the rules*
20 *set forth in subpart E of part 54 of title 47, Code of Federal*
21 *Regulations (or any successor regulation).*

22 (f) *PART 54 REGULATIONS.*—*Nothing in this section*
23 *shall be construed to prevent the Commission from pro-*
24 *viding that the regulations in part 54 of title 47, Code of*
25 *Federal Regulations, or any successor regulation, shall*

1 *apply in whole or in part to the Emergency Broadband*
2 *Benefit Program, shall not apply in whole or in part to*
3 *such Program, or shall be modified in whole or in part for*
4 *purposes of application to such Program.*

5 (g) *ENFORCEMENT.*—*A violation of this section or a*
6 *regulation promulgated under this section shall be treated*
7 *as a violation of the Communications Act of 1934 (47*
8 *U.S.C. 151 et seq.) or a regulation promulgated under such*
9 *Act. The Commission shall enforce this section and the regu-*
10 *lations promulgated under this section in the same manner,*
11 *by the same means, and with the same jurisdiction, powers,*
12 *and duties as though all applicable terms and provisions*
13 *of the Communications Act of 1934 were incorporated into*
14 *and made a part of this section.*

15 (h) *EXEMPTIONS.*—

16 (1) *CERTAIN RULEMAKING REQUIREMENTS.*—
17 *Section 553 of title 5, United States Code, shall not*
18 *apply to a regulation promulgated under subsection*
19 *(c) or a rulemaking proceeding to promulgate such a*
20 *regulation.*

21 (2) *PAPERWORK REDUCTION ACT REQUIRE-*
22 *MENTS.*—*A collection of information conducted or*
23 *sponsored under the regulations required by sub-*
24 *section (c) shall not constitute a collection of informa-*
25 *tion for the purposes of subchapter I of chapter 35 of*

1 *title 44, United States Code (commonly referred to as*
2 *the Paperwork Reduction Act).*

3 *(i) EMERGENCY BROADBAND CONNECTIVITY FUND.—*

4 *(1) ESTABLISHMENT.—There is established in*
5 *the Treasury of the United States a fund to be known*
6 *as the Emergency Broadband Connectivity Fund.*

7 *(2) APPROPRIATION.—There is appropriated to*
8 *the Emergency Broadband Connectivity Fund, out of*
9 *any money in the Treasury not otherwise appro-*
10 *priated, \$3,200,000,000 for fiscal year 2021, to re-*
11 *main available until expended.*

12 *(3) USE OF FUNDS.—Amounts in the Emergency*
13 *Broadband Connectivity Fund shall be available to*
14 *the Commission for reimbursements to participating*
15 *providers under this section, and the Commission*
16 *may use not more than 2 percent of such amounts to*
17 *administer the Emergency Broadband Benefit Pro-*
18 *gram.*

19 *(4) RELATIONSHIP TO UNIVERSAL SERVICE CON-*
20 *TRIBUTIONS.—Reimbursements provided under this*
21 *section shall be provided from amounts made avail-*
22 *able under this subsection and not from contributions*
23 *under section 254(d) of the Communications Act of*
24 *1934 (47 U.S.C. 254(d)).*

1 (5) *USE OF UNIVERSAL SERVICE ADMINISTRA-*
2 *TIVE COMPANY PERMITTED.*—*The Commission shall*
3 *have the authority to avail itself of the services of the*
4 *Universal Service Administrative Company to imple-*
5 *ment the Emergency Broadband Benefit Program, in-*
6 *cluding developing and processing reimbursements*
7 *and distributing funds to participating providers.*

8 (j) *SAFE HARBOR.*—*The Commission may not enforce*
9 *a violation of this section under section 501, 502, or 503*
10 *of the Communications Act of 1934 (47 U.S.C. 501; 502;*
11 *503), or any rules of the Commission promulgated under*
12 *such sections of such Act, if a participating provider dem-*
13 *onstrates to the Commission that such provider relied in*
14 *good faith on information provided to such provider to*
15 *make the verification required by subsection (b)(2).*

16 **SEC. 905. GRANTS FOR BROADBAND CONNECTIVITY.**

17 (a) *DEFINITIONS.*—*In this section:*

18 (1) *ASSISTANT SECRETARY.*—*The term “Assist-*
19 *ant Secretary” means the Assistant Secretary of Com-*
20 *merce for Communications and Information.*

21 (2) *BROADBAND OR BROADBAND SERVICE.*—*The*
22 *term “broadband” or “broadband service” has the*
23 *meaning given the term “broadband internet access*
24 *service” in section 8.1(b) of title 47, Code of Federal*
25 *Regulations, or any successor regulation.*

1 (3) *COMMISSION.*—*The term “Commission”*
2 *means the Federal Communications Commission.*

3 (4) *COVERED BROADBAND PROJECT.*—*The term*
4 *“covered broadband project” means a competitively*
5 *and technologically neutral project for the deployment*
6 *of fixed broadband service that provides qualifying*
7 *broadband service in an eligible service area.*

8 (5) *COVERED PARTNERSHIP.*—*The term “covered*
9 *partnership” means a partnership between—*

10 (A) *a State, or 1 or more political subdivi-*
11 *sions of a State; and*

12 (B) *a provider of fixed broadband service.*

13 (6) *DEPARTMENT.*—*The term “Department”*
14 *means the Department of Commerce.*

15 (7) *ELIGIBLE SERVICE AREA.*—*The term “eligi-*
16 *ble service area” means a census block in which*
17 *broadband service is not available at 1 or more house-*
18 *holds or businesses in the census block, as determined*
19 *by the Assistant Secretary on the basis of—*

20 (A) *the maps created under section*
21 *802(c)(1) of the Communications Act of 1934 (47*
22 *U.S.C. 642(c)(1)); or*

23 (B) *if the maps described in subparagraph*

24 (A) *are not available, the most recent informa-*

1 *tion available to the Assistant Secretary, includ-*
2 *ing information provided by the Commission.*

3 (8) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
4 *ty” means—*

5 (A) *a Tribal Government;*

6 (B) *a Tribal College or University;*

7 (C) *the Department of Hawaiian Home*
8 *Lands on behalf of the Native Hawaiian Com-*
9 *munity, including Native Hawaiian Education*
10 *Programs;*

11 (D) *a Tribal organization; or*

12 (E) *a Native Corporation.*

13 (9) *NATIVE CORPORATION.*—*The term “Native*
14 *Corporation” has the meaning given the term in sec-*
15 *tion 3 of the Alaska Native Claims Settlement Act (43*
16 *U.S.C. 1602).*

17 (10) *NATIVE HAWAIIAN.*—*The term “Native Ha-*
18 *waiian” has the meaning given the term in section*
19 *801 of the Native American Housing Assistance and*
20 *Self-Determination Act of 1996 (25 U.S.C. 4221).*

21 (11) *QUALIFYING BROADBAND SERVICE.*—*The*
22 *term “qualifying broadband service” means*
23 *broadband service with—*

24 (A) *a download speed of not less than 25*
25 *megabits per second;*

1 (B) an upload speed of not less than 3
2 megabits per second; and

3 (C) a latency sufficient to support real-time,
4 interactive applications.

5 (12) *TRIBAL GOVERNMENT.*—The term “Tribal
6 Government” means the governing body of any In-
7 dian or Alaska Native Tribe, band, nation, pueblo,
8 village, community, component band, or component
9 reservation, individually recognized (including par-
10 enthetically) in the list published most recently as of
11 the date of enactment of this Act pursuant to section
12 104 of the Federally Recognized Indian Tribe List Act
13 of 1994 (25 U.S.C. 5131).

14 (13) *TRIBAL LAND.*—The term “Tribal land”
15 means—

16 (A) any land located within the boundaries
17 of—

18 (i) an Indian reservation, pueblo, or
19 rancheria; or

20 (ii) a former reservation within Okla-
21 homa;

22 (B) any land not located within the bound-
23 aries of an Indian reservation, pueblo, or
24 rancheria, the title to which is held—

1 (i) *in trust by the United States for the*
2 *benefit of an Indian Tribe or an individual*
3 *Indian;*

4 (ii) *by an Indian Tribe or an indi-*
5 *vidual Indian, subject to restriction against*
6 *alienation under laws of the United States;*
7 *or*

8 (iii) *by a dependent Indian commu-*
9 *nity;*

10 (C) *any land located within a region estab-*
11 *lished pursuant to section 7(a) of the Alaska Na-*
12 *tive Claims Settlement Act (43 U.S.C. 1606(a));*

13 (D) *Hawaiian Home Lands, as defined in*
14 *section 801 of the Native American Housing As-*
15 *istance and Self-Determination Act of 1996 (25*
16 *U.S.C. 4221); or*

17 (E) *those areas or communities designated*
18 *by the Assistant Secretary of Indian Affairs of*
19 *the Department of the Interior that are near, ad-*
20 *jacent, or contiguous to reservations where finan-*
21 *cial assistance and social service programs are*
22 *provided to Indians because of their status as In-*
23 *dians.*

24 (14) *UNSERVED.*—*The term “unserved”, with re-*
25 *spect to a household, means—*

1 (A) the household lacks access to qualifying
2 broadband service; and

3 (B) no broadband provider has been selected
4 to receive, or is otherwise receiving, Federal or
5 State funding subject to enforceable build out
6 commitments to deploy qualifying broadband
7 service in the specific area where the household
8 is located by dates certain, even if such service
9 is not yet available, provided that the Federal or
10 State agency providing the funding has not
11 deemed the service provider to be in default of its
12 buildout obligations under the applicable Federal
13 or State program.

14 (b) *DIRECT APPROPRIATION.*—There is appropriated
15 to the Assistant Secretary, out of amounts in the Treasury
16 not otherwise appropriated, for the fiscal year ending Sep-
17 tember 30, 2021, to remain available until expended—

18 (1) \$1,000,000,000 for grants under subsection
19 (c); and

20 (2) \$300,000,000 for grants under subsection (d).

21 (c) *TRIBAL BROADBAND CONNECTIVITY PROGRAM.*—

22 (1) *TRIBAL BROADBAND CONNECTIVITY*
23 *GRANTS.*—The Assistant Secretary shall use the funds
24 made available under subsection (b)(1) to implement

1 *a program to make grants to eligible entities to ex-*
2 *pand access to and adoption of—*

3 *(A) broadband service on Tribal land; or*

4 *(B) remote learning, telework, or telehealth*
5 *resources during the COVID–19 pandemic.*

6 (2) *GRANTS.—From the amounts appropriated*
7 *under subsection (b)(1), the Assistant Secretary shall*
8 *award a grant to each eligible entity that submits an*
9 *application that the Assistant Secretary approves*
10 *after consultation with the Commission to prevent du-*
11 *plication of funding.*

12 (3) *ALLOCATIONS.—*

13 (A) *EQUITABLE DISTRIBUTION.—The*
14 *amounts appropriated under subsection (b)(1)*
15 *shall be made available to eligible entities on an*
16 *equitable basis, and not less than 3 percent of*
17 *those amounts shall be made available for the*
18 *benefit of Native Hawaiians.*

19 (B) *ADMINISTRATIVE EXPENSES OF ASSIST-*
20 *ANT SECRETARY.—The Assistant Secretary may*
21 *use not more than 2 percent of amounts appro-*
22 *priated under subsection (b)(1) for administra-*
23 *tive purposes, including the provision of tech-*
24 *nical assistance to Tribal Governments to help*

1 *those Governments take advantage of the pro-*
2 *gram established under this subsection.*

3 (4) *USE OF GRANT FUNDS.—*

4 (A) *COMMITMENT DEADLINE.—*

5 (i) *IN GENERAL.—Not later than 180*
6 *days after receiving grant funds under this*
7 *subsection, an eligible entity shall commit*
8 *the funds in accordance with the approved*
9 *application of the entity.*

10 (ii) *REVERSION OF FUNDS.—Any*
11 *grant funds not committed by an eligible*
12 *entity by the deadline under clause (i) shall*
13 *revert to the general fund of the Treasury.*

14 (B) *EXPENDITURE DEADLINE.—*

15 (i) *IN GENERAL.—Not later than 1*
16 *year after receiving grant funds under this*
17 *subsection, an eligible entity shall expend*
18 *the grant funds.*

19 (ii) *EXTENSIONS FOR INFRASTRUC-*
20 *TURE PROJECTS.—The Assistant Secretary*
21 *may extend the period under clause (i) for*
22 *an eligible entity that proposes to use the*
23 *grant funds for construction of broadband*
24 *infrastructure if the eligible entity certifies*
25 *that—*

1 (I) the eligible entity has a plan
2 for use of the grant funds;

3 (II) the construction project is un-
4 derway; or

5 (III) extenuating circumstances
6 require an extension of time to allow
7 the project to be completed.

8 (iii) REVERSION OF FUNDS.—Any
9 grant funds not expended by an eligible en-
10 tity by the deadline under clause (i) shall be
11 made available to other eligible entities for
12 the purposes provided in this subsection.

13 (5) ELIGIBLE USES.—An eligible entity may use
14 grant funds made available under this subsection
15 for—

16 (A) broadband infrastructure deployment,
17 including support for the establishment of car-
18 rier-neutral submarine cable landing stations;

19 (B) affordable broadband programs, includ-
20 ing—

21 (i) providing free or reduced-cost
22 broadband service; and

23 (ii) preventing disconnection of exist-
24 ing broadband service;

25 (C) distance learning;

- 1 (D) telehealth;
2 (E) digital inclusion efforts; and
3 (F) broadband adoption activities.

4 (6) *ADMINISTRATIVE EXPENSES OF ELIGIBLE EN-*
5 *TITIES.*—An eligible entity may use not more than 2
6 percent of grant funds received under this subsection
7 for administrative purposes.

8 (7) *SUBGRANTEES.*—

9 (A) *IN GENERAL.*—An eligible entity may
10 enter into a contract with a subgrantee, includ-
11 ing a non-Tribal entity, as part of its use of
12 grant funds pursuant to this subsection.

13 (B) *REQUIREMENTS.*—An eligible entity
14 that enters into a contract with a subgrantee for
15 use of grant funds received under this subsection
16 shall—

17 (i) before entering into the contract,
18 after a reasonable investigation, make a de-
19 termination that the subgrantee—

20 (I) is capable of carrying out the
21 project for which grant funds will be
22 provided in a competent manner in
23 compliance with all applicable laws;

1 (II) has the financial capacity to
2 meet the obligations of the project and
3 the requirements of this subsection; and

4 (III) has the technical and oper-
5 ational capability to carry out the
6 project; and

7 (ii) stipulate in the contract reasonable
8 provisions for recovery of funds for non-
9 performance.

10 (8) *BROADBAND INFRASTRUCTURE DEPLOY-*
11 *MENT.*—*In using grant funds received under this sub-*
12 *section for new construction of broadband infrastruc-*
13 *ture, an eligible entity shall prioritize projects that*
14 *deploy broadband infrastructure to unserved house-*
15 *holds.*

16 (d) *BROADBAND INFRASTRUCTURE PROGRAM.*—

17 (1) *BROADBAND INFRASTRUCTURE DEPLOYMENT*
18 *GRANTS.*—*The Assistant Secretary shall use the funds*
19 *made available under subsection (b)(2) to implement*
20 *a program under which the Assistant Secretary makes*
21 *grants on a competitive basis to covered partnerships*
22 *for covered broadband projects.*

23 (2) *MAPPING.*—

24 (A) *DATA FROM COMMISSION.*—*Not less fre-*
25 *quently than annually, the Commission shall,*

1 through the process established under section
2 802(b)(7)) of the Communications Act of 1934
3 (47 U.S.C. 642(b)(7)), provide the Assistant Sec-
4 retary any data collected by the Commission
5 pursuant to title VIII of that Act (47 U.S.C. 641
6 *et seq.*).

7 (B) *USE BY ASSISTANT SECRETARY.*—The
8 Assistant Secretary shall rely on the data pro-
9 vided under subparagraph (A) in carrying out
10 this subsection to the greatest extent practicable.

11 (3) *ELIGIBILITY REQUIREMENTS.*—To be eligible
12 for a grant under this subsection, a covered partner-
13 ship shall submit an application at such time, in
14 such manner, and containing such information as the
15 Assistant Secretary may require, which application
16 shall, at a minimum, include a description of—

17 (A) the covered partnership;

18 (B) the covered broadband project to be
19 funded by the grant, including—

20 (i) the speed or speeds at which the
21 covered partnership plans to offer
22 broadband service; and

23 (ii) the cost of the project;

1 (C) *the area to be served by the covered*
2 *broadband project (in this paragraph referred to*
3 *as the “proposed service area”);*

4 (D) *any support provided to the provider of*
5 *broadband service that is part of the covered*
6 *partnership through—*

7 (i) *any grant, loan, or loan guarantee*
8 *provided by a State to the provider of*
9 *broadband service for the deployment of*
10 *broadband service in the proposed service*
11 *area;*

12 (ii) *any grant, loan, or loan guarantee*
13 *with respect to the proposed service area*
14 *provided by the Secretary of Agriculture—*

15 (I) *under title VI of the Rural*
16 *Electrification Act of 1936 (7 U.S.C.*
17 *950bb et seq.), including—*

18 (aa) *any program to provide*
19 *grants, loans, or loan guarantees*
20 *under sections 601 through 603 of*
21 *that Act (7 U.S.C. 950bb et seq.);*
22 *and*

23 (bb) *the Community Connect*
24 *Grant Program established under*

1 *section 604 of that Act (7 U.S.C.*
2 *950bb-3); or*

3 *(II) the broadband loan and grant*
4 *pilot program known as the “Rural*
5 *eConnectivity Pilot Program” or the*
6 *“ReConnect Program” authorized*
7 *under section 779 of division A of the*
8 *Consolidated Appropriations Act, 2018*
9 *(Public Law 115-141; 132 Stat. 348);*
10 *(iii) any high-cost universal service*
11 *support provided under section 254 of the*
12 *Communications Act of 1934 (47 U.S.C.*
13 *254);*

14 *(iv) any grant provided under section*
15 *6001 of the American Recovery and Rein-*
16 *vestment Act of 2009 (47 U.S.C. 1305);*

17 *(v) amounts made available for the*
18 *Education Stabilization Fund under the*
19 *heading “DEPARTMENT OF EDU-*
20 *CATION” in title VIII of division B of the*
21 *CARES Act (Public Law 116-136; 134*
22 *Stat. 564); or*

23 *(vi) any other grant, loan, or loan*
24 *guarantee provided by the Federal Govern-*
25 *ment for the provision of broadband service.*

1 (4) *PRIORITY.*—*In awarding grants under this*
2 *subsection, the Assistant Secretary shall give priority*
3 *to applications for covered broadband projects as fol-*
4 *lows, in decreasing order of priority:*

5 (A) *Covered broadband projects designed to*
6 *provide broadband service to the greatest number*
7 *of households in an eligible service area.*

8 (B) *Covered broadband projects designed to*
9 *provide broadband service in an eligible service*
10 *area that is wholly within any area other*
11 *than—*

12 (i) *a county, city, or town that has a*
13 *population of more than 50,000 inhab-*
14 *itants; and*

15 (ii) *the urbanized area contiguous and*
16 *adjacent to a city or town described in*
17 *clause (i).*

18 (C) *Covered broadband projects that are the*
19 *most cost-effective, prioritizing such projects in*
20 *areas that are the most rural.*

21 (D) *Covered broadband projects designed to*
22 *provide broadband service with a download*
23 *speed of not less than 100 megabits per second*
24 *and an upload speed of not less than 20 megabits*
25 *per second.*

1 (E) *Any other covered broadband project*
2 *that meets the requirements of this subsection.*

3 (5) *EXPENDITURE DEADLINE.—*

4 (A) *IN GENERAL.—Not later than 1 year*
5 *after receiving grant funds under this subsection,*
6 *a covered partnership shall expend the grant*
7 *funds.*

8 (B) *EXTENSIONS.—The Assistant Secretary*
9 *may extend the period under subparagraph (A)*
10 *for a covered partnership that proposes to use the*
11 *grant funds for construction of broadband infra-*
12 *structure if the covered partnership certifies*
13 *that—*

14 (i) *the covered partnership has a plan*
15 *for use of the grant funds;*

16 (ii) *the construction project is under-*
17 *way; or*

18 (iii) *extenuating circumstances require*
19 *an extension of time to allow the project to*
20 *be completed.*

21 (C) *REVERSION OF FUNDS.—Any grant*
22 *funds not expended by an covered partnership by*
23 *the deadline under subparagraph (A) shall be*
24 *made available to other covered partnerships for*
25 *the purposes provided in this subsection.*

1 (6) *GRANT CONDITIONS.*—

2 (A) *PROHIBITIONS.*—*As a condition of re-*
3 *ceiving a grant under this subsection, the Assist-*
4 *ant Secretary shall prohibit a provider of*
5 *broadband service that is part of a covered part-*
6 *nership receiving the grant—*

7 (i) *from using the grant amounts to*
8 *repay, or make any other payment relating*
9 *to, a loan made by any public or private*
10 *lender;*

11 (ii) *from using grant amounts as col-*
12 *lateral for a loan made by any public or*
13 *private lender; and*

14 (iii) *from using more than \$50,000 of*
15 *the grant amounts to pay for the prepara-*
16 *tion of the grant.*

17 (B) *NONDISCRIMINATION.*—*The Assistant*
18 *Secretary may not require a provider of*
19 *broadband service that is part of a covered part-*
20 *nership to be designated as an eligible tele-*
21 *communications carrier pursuant to section*
22 *214(e) of the Communications Act of 1934 (47*
23 *U.S.C. 214(e)) to be eligible to receive a grant*
24 *under this subsection or as a condition of receiv-*
25 *ing a grant under this subsection.*

1 (e) *IMPLEMENTATION.*—

2 (1) *REQUIREMENTS; OUTREACH.*—Not earlier
3 than 30 days, and not later than 60 days, after the
4 date of enactment of this Act, the Assistant Secretary
5 shall—

6 (A) *issue a notice inviting eligible entities*
7 *and covered partnerships to submit applications*
8 *for grants under this section, which shall contain*
9 *details about how awarding decisions will be*
10 *made; and*

11 (B) *outline—*

12 (i) *the requirements for applications*
13 *for grants under this section; and*

14 (ii) *the allowed uses of grant funds*
15 *awarded under this section.*

16 (2) *APPLICATIONS.*—

17 (A) *SUBMISSION.*—During the 90-day pe-
18 riod beginning on the date on which the Assist-
19 ant Secretary issues the notice under paragraph
20 (1), an eligible entity or covered partnership
21 may submit an application for a grant under
22 this section.

23 (B) *PROCESSING.*—

24 (i) *IN GENERAL.*—Not later than 90
25 days after receiving an application under

1 *subparagraph (A), the Assistant Secretary*
2 *shall approve or deny the application.*

3 (ii) *DENIAL.*—*The Assistant Secretary*
4 *may deny an application submitted under*
5 *subparagraph (A) only if—*

6 (I) *the Assistant Secretary pro-*
7 *vides the applicant an opportunity to*
8 *cure any defects in the application;*
9 *and*

10 (II) *after receiving the oppor-*
11 *tunity under subclause (I), the appli-*
12 *cant still fails to meet the requirements*
13 *of this section.*

14 (C) *SINGLE APPLICATION.*—*An eligible enti-*
15 *ty or covered partnership may submit only 1 ap-*
16 *plication under this paragraph.*

17 (D) *PROPOSED USE OF FUNDS.*—*An appli-*
18 *cation submitted by an eligible entity or a cov-*
19 *ered partnership under this paragraph shall de-*
20 *scribe each proposed use of grant funds.*

21 (E) *ALLOCATION OF FUNDS.*—*Not later*
22 *than 14 days after approving an application for*
23 *a grant under this paragraph, the Assistant Sec-*
24 *retary shall allocate the grant funds to the eligi-*
25 *ble entity or covered partnership.*

1 (F) TREATMENT OF UNALLOCATED
2 FUNDS.—

3 (i) IN GENERAL.—If an eligible entity
4 or covered partnership does not submit an
5 application by the deadline under subpara-
6 graph (A), or the Assistant Secretary does
7 not approve an application submitted by an
8 eligible entity or a covered partnership
9 under that subparagraph, the Assistant Sec-
10 retary shall make the amounts allocated for,
11 as applicable—

12 (I) the eligible entity under sub-
13 section (c) available to other eligible
14 entities on an equitable basis; or

15 (II) the covered partnership under
16 subsection (d) to other covered partner-
17 ships.

18 (ii) SECOND PROCESS.—The Assistant
19 Secretary shall initiate a second notice and
20 application process described in this sub-
21 section to reallocate any funds made avail-
22 able to other eligible entities or covered
23 partnerships under clause (i).

24 (3) TRANSPARENCY, ACCOUNTABILITY, AND OVER-
25 SIGHT REQUIRED.—In implementing this section, the

1 *Assistant Secretary shall adopt measures, including*
2 *audit requirements, to—*

3 *(A) ensure sufficient transparency, account-*
4 *ability, and oversight to provide the public with*
5 *information regarding the award and use of*
6 *grant funds under this section;*

7 *(B) ensure that a recipient of a grant under*
8 *this section uses the grant funds in compliance*
9 *with the requirements of this section and the*
10 *overall purpose of the applicable grant program*
11 *under this section; and*

12 *(C) deter waste, fraud, and abuse of grant*
13 *funds.*

14 *(4) PROHIBITION ON USE FOR COVERED COMMU-*
15 *UNICATIONS EQUIPMENT OR SERVICES.—An eligible en-*
16 *tity or covered partnership may not use grant funds*
17 *received under this section to purchase or support any*
18 *covered communications equipment or service (as de-*
19 *fin ed in section 9 of the Secure and Trusted Commu-*
20 *nications Networks Act of 2019 (47 U.S.C. 1608)).*

21 *(5) UNAUTHORIZED USE OF FUNDS.—To the ex-*
22 *tent that the Assistant Secretary or the Inspector*
23 *General of the Department determines that an eligible*
24 *entity or covered partnership has expended grant*
25 *funds received under this section in violation of this*

1 *section, the Assistant Secretary shall recover the*
2 *amount of funds that were so expended.*

3 *(f) REPORTING.—*

4 *(1) ELIGIBLE ENTITIES AND COVERED PARTNER-*
5 *SHIPS.—*

6 *(A) ANNUAL REPORT.—Not later than 1*
7 *year after receiving grant funds under this sec-*
8 *tion, and annually thereafter until the funds*
9 *have been expended, an eligible entity or covered*
10 *partnership shall submit to the Assistant Sec-*
11 *retary a report, with respect to the 1-year period*
12 *immediately preceding the report date, that—*

13 *(i) describes how the eligible entity or*
14 *covered partnership expended the funds;*

15 *(ii) certifies that the eligible entity or*
16 *covered partnership complied with the re-*
17 *quirements of this section and with any ad-*
18 *ditional reporting requirements prescribed*
19 *by the Assistant Secretary, including—*

20 *(I) a description of each service*
21 *provided with the grant funds; and*

22 *(II) the number of locations or ge-*
23 *ographic areas at which broadband*
24 *service was provided using the grant*
25 *funds; and*

1 (iii) identifies each subgrantee that re-
2 ceived a subgrant from the eligible entity or
3 covered partnership and a description of the
4 specific project for which grant funds were
5 provided.

6 (B) *PROVISION OF INFORMATION TO FCC*
7 *AND USDA.*—The Assistant Secretary shall pro-
8 vide the information collected under subpara-
9 graph (A) to the Commission and the Depart-
10 ment of Agriculture to be used when determining
11 whether to award funds for the deployment of
12 broadband under any program administered by
13 those agencies.

14 (C) *TRANSMISSION OF REPORTS TO CON-*
15 *GRESS.*—Not later than 5 days after receiving a
16 report from an eligible entity under subpara-
17 graph (A), the Assistant Secretary shall transmit
18 the report to the Committee on Commerce,
19 Science, and Transportation of the Senate and
20 the Committee on Energy and Commerce of the
21 House of Representatives.

22 (2) *INSPECTOR GENERAL AND GAO.*—Not later
23 than 6 months after the date on which the first grant
24 is awarded under this section, and every 6 months
25 thereafter until all of the grant funds awarded under

1 (1) \$65,000,000 to carry out title VIII of the
2 *Communications Act of 1934 (47 U.S.C. 641 et seq.)*;
3 and

4 (2) \$1,900,000,000 to carry out the *Secure and*
5 *Trusted Communications Networks Act of 2019 (47*
6 *U.S.C. 1601 et seq.)*, of which \$1,895,000,000 shall be
7 used to carry out the program established under sec-
8 tion 4 of that Act (47 U.S.C. 1603).

9 **TITLE X—MISCELLANEOUS**

10 **SEC. 1001. CORONAVIRUS RELIEF FUND EXTENSION.**

11 Section 601(d)(3) of the *Social Security Act (42 U.S.C.*
12 *801(d)(3))* is amended by striking “December 30, 2020”
13 and inserting “December 31, 2021”.

14 **SEC. 1002. CONTRACTOR PAY.**

15 Section 3610 of division A of the *CARES Act (Public*
16 *Law 116–136)* shall be applied by substituting “March 31,
17 2021” for “September 30, 2020”.

18 **SEC. 1003. RESCISSIONS.**

19 (a) *EXCHANGE STABILIZATION FUND.*—

20 (1) *IMMEDIATE RESCISSION.*—Of the unobligated
21 balances made available under section 4027 of the
22 *CARES Act (15 U.S.C. 9061)*, \$429,000,000,000 shall
23 be permanently rescinded on the date of enactment of
24 this Act.

1 (2) *SUBSEQUENT RESCISSION OF REMAINING*
2 *FUNDS.—*

3 (A) *IN GENERAL.—Except as provided in*
4 *subparagraph (C), any remaining unobligated*
5 *balances made available under section 4027 of*
6 *the CARES Act (15 U.S.C. 9061) shall be per-*
7 *manently rescinded on January 9, 2021.*

8 (B) *APPLICABILITY.—Notwithstanding the*
9 *Federal Credit Reform Act of 1990 (2 U.S.C. 661*
10 *et seq.) or any other provision of law, the rescis-*
11 *sion in subparagraph (A) shall apply to—*

12 (i) *the obligated but not disbursed cred-*
13 *it subsidy cost of all loans, loan guarantees,*
14 *and other investments that the Secretary of*
15 *the Treasury has made or committed to*
16 *make under section 4003(b)(4) of the*
17 *CARES Act (15 U.S.C. 9042(b)(4)); and*

18 (ii) *the obligated and disbursed credit*
19 *subsidy cost of all loans, loan guarantees,*
20 *and other investments that—*

21 (I) *the Secretary of the Treasury*
22 *has made or committed to make under*
23 *section 4003(b)(4) of the CARES Act*
24 *(15 U.S.C. 9042(b)(4)); and*

1 (II) are not needed to meet the
2 commitments, as of January 9, 2021,
3 of the programs and facilities estab-
4 lished under section 13(3) of the Fed-
5 eral Reserve Act (12 U.S.C. 343(3)) in
6 which the Secretary of the Treasury
7 has made or committed to make a
8 loan, loan guarantee, or other invest-
9 ment using funds appropriated under
10 section 4027 of the CARES Act (15
11 U.S.C. 9061).

12 (C) *EXCEPTIONS.*—

13 (i) *ADMINISTRATIVE EXPENSES.*—The
14 \$100,000,000 made available under section
15 4003(f) of the CARES Act (15 U.S.C.
16 9042(f)) to pay costs and administrative ex-
17 penses—

18 (I) shall not be rescinded under
19 this paragraph; and

20 (II) shall be used exclusively for
21 the specific purposes described in that
22 section.

23 (ii) *SPECIAL INSPECTOR GENERAL FOR*
24 *PANDEMIC RECOVERY.*—The \$25,000,000
25 made available under section 4018(g) of the

1 *CARES Act (15 U.S.C. 9053(g)) for the*
2 *Special Inspector General for Pandemic Re-*
3 *covery—*

4 *(I) shall not be rescinded under*
5 *this paragraph; and*

6 *(II) shall be used exclusively for*
7 *the specific purposes described in that*
8 *section.*

9 *(iii) CONGRESSIONAL OVERSIGHT COM-*
10 *MISSION.—Of the amounts made available*
11 *under section 4027 of the CARES Act (15*
12 *U.S.C. 9061) for the Congressional Over-*
13 *sight Commission established under section*
14 *4020 of that Act (15 U.S.C. 9055),*
15 *\$5,000,000—*

16 *(I) shall not be rescinded under*
17 *this paragraph; and*

18 *(II) shall be used exclusively for*
19 *the expenses of the Congressional Over-*
20 *sight Commission set forth in section*
21 *4020(g)(2) of that Act.*

22 **(b) LOANS, LOAN GUARANTEES, AND OTHER INVEST-**
23 **MENTS.—**

1 (1) *IN GENERAL.*—*Effective on January 9, 2021,*
2 *section 4003 of the CARES Act (15 U.S.C. 9042) is*
3 *amended—*

4 (A) *in subsection (a), by striking “*
5 *\$500,000,000,000” and inserting “ \$0”; and*

6 (B) *in subsection (b)—*

7 (i) *in paragraph (1), by striking*
8 *“25,000,000,000” and inserting “0”;*

9 (ii) *in paragraph (2), by striking “*
10 *\$4,000,000,000” and inserting “0”;*

11 (iii) *in paragraph (3), by striking “*
12 *\$17,000,000,000” and inserting “0”; and*

13 (iv) *in paragraph (4), in the matter*
14 *preceding subparagraph (A), by striking “*
15 *\$454,000,000,000” and inserting “ \$0”.*

16 (2) *RULE OF CONSTRUCTION.*—*The amendments*
17 *made under paragraph (1) shall not be construed to*
18 *affect obligations incurred by the Department of the*
19 *Treasury before January 1, 2021.*

20 **SEC. 1004. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
21 **TIONS.**

22 *Section 4003(e) of the CARES Act (15 U.S.C. 9042(e))*
23 *is amended, in the matter preceding paragraph (1), by*
24 *striking “Amounts” and inserting “Notwithstanding any*
25 *other provision of law, amounts”.*

1 **SEC. 1005. TERMINATION OF AUTHORITY.**

2 *Section 4029 of the CARES Act (15 U.S.C. 9063) is*
3 *amended—*

4 *(1) in subsection (a), by striking “new”;*

5 *(2) in subsection (b)(1), in the matter preceding*
6 *subparagraph (A), by striking “, loan guarantee, or*
7 *other investment” and inserting “or loan guarantee*
8 *made under paragraph (1), (2), or (3) of section*
9 *4003(b)”;* and

10 *(3) by adding at the end the following:*

11 *“(c) FEDERAL RESERVE PROGRAMS OR FACILITIES.—*

12 *“(1) IN GENERAL.—After December 31, 2020, the*
13 *Board of Governors of the Federal Reserve System*
14 *and the Federal Reserve banks shall not make any*
15 *loan, purchase any obligation, asset, security, or other*
16 *interest, or make any extension of credit through any*
17 *program or facility established under section 13(3) of*
18 *the Federal Reserve Act (12 U.S.C. 343(3)) in which*
19 *the Secretary made a loan, loan guarantee, or other*
20 *investment pursuant to section 4003(b)(4), other than*
21 *a loan submitted, on or before December 14, 2020, to*
22 *the Main Street Lending Program’s lender portal for*
23 *the sale of a participation interest in such loan, pro-*
24 *vided that the Main Street Lending Program pur-*
25 *chases a participation interest in such loan on or be-*
26 *fore January 8, 2021 and under the terms and condi-*

1 *tions of the Main Street Lending Program as in effect*
2 *on the date the loan was submitted to the Main Street*
3 *Lending Program’s lender portal for the sale of a par-*
4 *ticipation interest in such loan.*

5 “(2) *NO MODIFICATION.*—*After December 31,*
6 *2020, the Board of Governors of the Federal Reserve*
7 *System and the Federal Reserve banks—*

8 “(A) *shall not modify the terms and condi-*
9 *tions of any program or facility established*
10 *under section 13(3) of the Federal Reserve Act*
11 *(12 U.S.C. 343(3)) in which the Secretary made*
12 *a loan, loan guarantee, or other investment pur-*
13 *suant to section 4003(b)(4), including by author-*
14 *izing transfer of such funds to a new program or*
15 *facility established under section 13(3) of the*
16 *Federal Reserve Act (12 U.S.C. 343(3)); and*

17 “(B) *may modify or restructure a loan, ob-*
18 *ligation, asset, security, other interest, or exten-*
19 *sion of credit made or purchased through any*
20 *such program or facility provided that—*

21 “(i) *the loan, obligation, asset, secu-*
22 *rity, other interest, or extension of credit is*
23 *an eligible asset or for an eligible business,*
24 *including an eligible nonprofit organiza-*

1 *tion, each as defined by such program or fa-*
2 *cility; and*

3 *“(ii) the modification or restructuring*
4 *relates to an eligible asset or single and spe-*
5 *cific eligible business, including an eligible*
6 *nonprofit organization, each as defined by*
7 *such program or facility; and*

8 *“(iii) the modification or restructuring*
9 *is necessary to minimize costs to taxpayers*
10 *that could arise from a default on the loan,*
11 *obligation, asset, security, other interest, or*
12 *extension of credit.*

13 *“(3) USE OF FUNDS.—*

14 *“(A) IN GENERAL.—Except as provided in*
15 *subparagraph (B), the Secretary is permitted to*
16 *use the fund established under section 5302 of*
17 *title 31, United States Code, for any purpose*
18 *permitted under that section.*

19 *“(B) EXCEPTION.—The fund established*
20 *under section 5302 of title 31, United States*
21 *Code, shall not be available for any program or*
22 *facility established under section 13(3) of the*
23 *Federal Reserve Act (12 U.S.C. 343(3)) that is*
24 *the same as any such program or facility in*
25 *which the Secretary made an investment pursu-*

1 *ant to section 4003(b)(4), except the Term Asset-*
2 *Backed Securities Loan Facility.”.*

3 **SEC. 1006. RULE OF CONSTRUCTION.**

4 *Except as expressly set forth in paragraphs (1) and*
5 *(2) of subsection (c) of section 4029 of the CARES Act, as*
6 *added by this Act, nothing in this Act shall be construed*
7 *to modify or limit the authority of the Board of Governors*
8 *of the Federal Reserve System under section 13(3) of the*
9 *Federal Reserve Act (12 U.S.C. 343(3)) as of the day before*
10 *the date of enactment of the CARES Act (Public Law 116-*
11 *136).*

12 ***DIVISION O—EXTENSIONS AND***
13 ***TECHNICAL CORRECTIONS***

14 ***TITLE I***

15 ***IMMIGRATION EXTENSIONS***

16 *SEC. 101. Section 401(b) of the Illegal Immigration*
17 *Reform and Immigrant Responsibility Act of 1996 (8*
18 *U.S.C. 1324a note) shall be applied by substituting “Sep-*
19 *tember 30, 2021” for “September 30, 2015”.*

20 *SEC. 102. Subclauses (II) and (III) of section*
21 *101(a)(27)(C)(ii) of the Immigration and Nationality Act*
22 *(8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by sub-*
23 *stituting “September 30, 2021” for “September 30, 2015”.*

24 *SEC. 103. Section 220(c) of the Immigration and Na-*
25 *tionality Technical Corrections Act of 1994 (8 U.S.C. 1182*

1 *note) shall be applied by substituting “September 30, 2021”*
2 *for “September 30, 2015”.*

3 *SEC. 104. Section 610(b) of the Departments of Com-*
4 *merce, Justice, and State, the Judiciary, and Related Agen-*
5 *cies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall*
6 *be applied by substituting “June 30, 2021” for “September*
7 *30, 2015”.*

8 *SEC. 105. Notwithstanding the numerical limitation*
9 *set forth in section 214(g)(1)(B) of the Immigration and*
10 *Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of*
11 *Homeland Security, after consultation with the Secretary*
12 *of Labor, and upon the determination that the needs of*
13 *American businesses cannot be satisfied in fiscal year 2021*
14 *with United States workers who are willing, qualified, and*
15 *able to perform temporary nonagricultural labor, may in-*
16 *crease the total number of aliens who may receive a visa*
17 *under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C.*
18 *1101(a)(15)(H)(ii)(b)) in such fiscal year above such limi-*
19 *tation by not more than the highest number of H-2B non-*
20 *immigrants who participated in the H-2B returning work-*
21 *er program in any fiscal year in which returning workers*
22 *were exempt from such numerical limitation.*

1 **TITLE II—COMMISSION ON**
2 **BLACK MEN AND BOYS COR-**
3 **RECTIONS**

4 **SEC. 201. TECHNICAL CORRECTIONS TO THE COMMISSION**
5 **ON THE SOCIAL STATUS OF BLACK MEN AND**
6 **BOYS ACT.**

7 *Section 2(b)(3) of the Commission on the Social Status*
8 *of Black Men and Boys Act (Public Law 116–156) is*
9 *amended by striking “House of Representatives majority*
10 *leader” and inserting “Speaker of the House of Representa-*
11 *tives”.*

12 **TITLE III—U.S. CUSTOMS AND**
13 **BORDER PROTECTION AU-**
14 **THORITY TO ACCEPT DONA-**
15 **TIONS EXTENSION**

16 **SEC. 301. EXTENSION OF U.S. CUSTOMS AND BORDER PRO-**
17 **TECTION AUTHORITY TO ACCEPT DONA-**
18 **TIONS.**

19 *Section 482(b)(4)(A) of the Homeland Security Act of*
20 *2002 (6 U.S.C. 301a(b)(4)(A)) is amended by striking “4*
21 *years after December 16, 2016” and inserting “December*
22 *16, 2021”.*

1 **TITLE IV—LIVESTOCK MANDA-**
 2 **TORY REPORTING EXTENSION**

3 **SEC. 401. MANDATORY LIVESTOCK REPORTING.**

4 *Section 260 of the Agricultural Marketing Act of 1946*
 5 *(7 U.S.C. 1636i) and section 942 of the Livestock Manda-*
 6 *tory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law*
 7 *106–78) shall be applied by substituting “September 30,*
 8 *2021” for “September 30, 2020”.*

9 **TITLE V—SOIL HEALTH AND IN-**
 10 **COME PROTECTION PILOT**
 11 **PROGRAM EXTENSION**

12 **SEC. 501. SOIL HEALTH AND INCOME PROTECTION PILOT**
 13 **PROGRAM MODIFICATION.**

14 *Section 1231C(b)(2)(B) of the Food Security Act of*
 15 *1985 (16 U.S.C. 3831c(b)(2)(B)) shall be applied by sub-*
 16 *stituting “September 30, 2021” for “December 31, 2020”.*

17 **TITLE VI—UNITED STATES-MEX-**
 18 **ICO-CANADA AGREEMENT IM-**
 19 **PLEMENTATION ACT TECH-**
 20 **NICAL CORRECTIONS**

21 **SEC. 601. TECHNICAL CORRECTIONS TO THE UNITED**
 22 **STATES-MEXICO-CANADA AGREEMENT IMPLE-**
 23 **MENTATION ACT.**

24 *(a) ENVIRONMENT COOPERATION COMMISSIONS;*
 25 *NORTH AMERICAN DEVELOPMENT BANK.—*

1 (1) *IN GENERAL.*—Section 601 of the United
2 *States-Mexico-Canada Agreement Implementation Act*
3 *(Public Law 116–113; 134 Stat. 78)* shall not apply
4 *to the provisions specified in paragraph (2) and such*
5 *provisions shall be restored and revived as if such sec-*
6 *tion had not been enacted.*

7 (2) *PROVISIONS SPECIFIED.*—The provisions
8 *specified in this paragraph are the following:*

9 (A) *Sections 532 and 533 of the North*
10 *American Free Trade Agreement Implementation*
11 *Act.*

12 (B) *Part 2 of subtitle D of title V of such*
13 *Act (as amended by section 831 of the United*
14 *States-Mexico-Canada Agreement Implementa-*
15 *tion Act).*

16 (3) *NORTH AMERICAN DEVELOPMENT BANK: LIM-*
17 *ITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.*—The
18 *Secretary of the Treasury may subscribe without fis-*
19 *cal year limitation to the callable capital portion of*
20 *the United States share of capital stock of the North*
21 *American Development Bank in an amount not to ex-*
22 *ceed \$1,020,000,000. The authority in the preceding*
23 *sentence shall be in addition to any other authority*
24 *provided by previous Acts.*

1 **(b) RULES OF ORIGIN.**—Section 202 of the United
2 *States-Mexico-Canada Agreement Implementation Act* (19
3 *U.S.C. 4531*) is amended—

4 (1) in subsection (c), by adding at the end the
5 following:

6 “(3) **SPECIAL RULE FOR FOREIGN-TRADE**
7 **ZONES.**—Paragraph (1)(B) shall not apply to a good
8 produced in a foreign-trade zone or subzone estab-
9 lished pursuant to the Act of June 18, 1934 (com-
10 monly known as the ‘Foreign Trade Zones Act’) (19
11 *U.S.C. 81a et seq.*) that is entered for consumption in
12 the customs territory of the United States.”; and

13 (2) in subsection (f)(2)(E), by striking “heading
14 1507, 1508,” and inserting “any of headings 1501
15 through 1508”.

16 **(c) DRAWBACKS.**—

17 (1) **IN GENERAL.**—Section 208 of the United
18 *States-Mexico-Canada Agreement Implementation Act*
19 (19 *U.S.C. 4534*) is amended by adding at the end the
20 following:

21 “(e) **ACTION ON CLAIM.**—

22 “(1) **IN GENERAL.**—If the Commissioner of U.S.
23 *Customs and Border Protection* determines that a
24 claim of preferential tariff treatment has been made
25 with respect to an article for which a claim described

1 *in paragraph (2) has been made, the Commissioner*
2 *may make such adjustments regarding the previous*
3 *customs treatment of the article as may be warranted.*

4 “(2) *CLAIMS DESCRIBED.*—*A claim described in*
5 *this paragraph is a claim for—*

6 “(A) *a refund, waiver, or reduction of duty,*
7 *under any applicable provision of law; or*

8 “(B) *a credit against a bond under section*
9 *312(d)(1) of the Tariff Act of 1930 (19 U.S.C.*
10 *1312(d)(1)).”.*

11 (2) *CONFORMING AMENDMENTS.*—

12 (A) *TARIFF ACT OF 1930.*—*The Tariff Act of*
13 *1930 is amended—*

14 (i) *in section 311 (19 U.S.C. 1311), in*
15 *the 11th undesignated paragraph, by strik-*
16 *ing “(subject to section 508(b)(2)(B))” and*
17 *inserting “(subject to section 208(e) of that*
18 *Act)”;*

19 (ii) *in section 312 (19 U.S.C. 1312),*
20 *by striking “(subject to section*
21 *508(b)(2)(B))” each place it appears and*
22 *inserting “(subject to section 208(e) of that*
23 *Act)”;*

24 (iii) *in section 313(n)(1)(C) (19 U.S.C.*
25 *1313(n)(1)(C)), by striking “section*

1 508(b)(2)(B)” and inserting “section 208(e)
2 of that Act”; and

3 (iv) in section 562(2)(B) (19 U.S.C.
4 1562(2)(B)), in the matter preceding clause
5 (i), by striking “(subject to section
6 508(b)(2)(B))” and inserting “(subject to
7 section 208(e) of that Act)”.

8 (B) FOREIGN TRADE ZONES ACT.—Section
9 3(a) of the Act of June 18, 1934 (commonly
10 known as the “Foreign Trade Zones Act”) (19
11 U.S.C. 81c(a)) is amended in the seventh proviso
12 by striking “(subject to section 508(b)(2)(B) of
13 the Tariff Act of 1930)” and inserting “(subject
14 to section 208(e) of that Act)”.

15 (d) RETENTION OF RECORDS.—

16 (1) IN GENERAL.—Section 508 of the Tariff Act
17 of 1930 (19 U.S.C. 1508) is amended by inserting
18 after subsection (b) the following:

19 “(c) PERIOD OF TIME.—The records required by sub-
20 section (a) shall be kept for such periods of time as the Sec-
21 retary shall prescribe, except that—

22 “(1) no period of time for the retention of the
23 records required under subsection (a) may exceed 5
24 years from the date of entry, filing of a reconciliation,
25 or exportation, as appropriate; and

1 “(2) records for any drawback claim shall be
2 kept until the 3rd anniversary of the date of liquida-
3 tion of the claim.”.

4 (2) CONFORMING AMENDMENT.—Section
5 313(r)(3)(B) of the Tariff Act of 1930 (19 U.S.C.
6 1313(r)(3)(B)) is amended by striking “section
7 508(c)(3)” and inserting “section 508(c)(2)”.

8 (e) RELIQUIDATION OF ENTRIES.—Section 520(d) of
9 the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended by
10 striking “(except with respect to any merchandise proc-
11 essing fees)”.

12 (f) PROTECTIVE ORDERS.—Section 777(f) of the Tariff
13 Act of 1930 (19 U.S.C. 1677f(f)) is amended—

14 (1) in the subsection heading, by striking “THE
15 THE” and inserting “THE”; and

16 (2) in paragraph (1), by striking subparagraph
17 (A) and inserting the following:

18 “(A) IN GENERAL.—If binational panel re-
19 view of a determination under this title is re-
20 quested pursuant to article 1904 of the United
21 States-Canada Agreement or article 10.12 of the
22 USMCA, or an extraordinary challenge com-
23 mittee is convened under Annex 1904.13 of the
24 United States-Canada Agreement or chapter 10
25 of the USMCA, the administering authority or

1 *the Commission, as appropriate, may make*
2 *available to authorized persons, under a protec-*
3 *tive order described in paragraph (2), a copy of*
4 *all proprietary material in the administrative*
5 *record made during the proceeding in question.*
6 *If the administering authority or the Commis-*
7 *sion claims a privilege as to a document or por-*
8 *tion of a document in the administrative record*
9 *of the proceeding in question and a binational*
10 *panel or extraordinary challenge committee finds*
11 *that in camera inspection or limited disclosure*
12 *of that document or portion thereof is required*
13 *by United States law, the administering author-*
14 *ity or the Commission, as appropriate, may re-*
15 *strict access to such document or portion thereof*
16 *to the authorized persons identified by the panel*
17 *or committee as requiring access and may re-*
18 *quire such persons to obtain access under a pro-*
19 *TECTIVE ORDER DESCRIBED IN PARAGRAPH (2).”.*

20 *(g) DISPUTE SETTLEMENT.—The table of contents for*
21 *the United States-Mexico-Canada Agreement Implementa-*
22 *tion Act (Public Law 116–113; 134 Stat. 11) is amended*
23 *by striking the item relating to section 414 and inserting*
24 *the following:*

 “Sec. 414. Requests for review of determinations by competent investigating au-
 thorities.”.

1 (h) *EFFECTIVE DATE.*—*This section and the amend-*
2 *ments made by this section shall take effect on July 1, 2020.*

3 **SEC. 602. TECHNICAL CORRECTIONS TO OTHER LAWS.**

4 (a) *AFRICAN GROWTH AND OPPORTUNITY ACT.*—*The*
5 *African Growth and Opportunity Act is amended—*

6 (1) *in section 112 (19 U.S.C. 3721)—*

7 (A) *in subsection (b)(5)(A), by striking*
8 *“Annex 401 to the NAFTA” and inserting*
9 *“Annex 4–B of the USMCA”; and*

10 (B) *in subsection (f), by striking paragraph*
11 *(3) and inserting the following:*

12 “(3) *USMCA.*—*The term ‘USMCA’ has the*
13 *meaning given that term in section 3 of the United*
14 *States-Mexico-Canada Agreement Implementation Act*
15 *(19 U.S.C. 4502).”;* and

16 (2) *in section 113(b) (19 U.S.C. 3722(b))—*

17 (A) *in paragraph (1)—*

18 (i) *in subparagraph (A), by striking*
19 *“Article 502(1) of the NAFTA” and insert-*
20 *ing “article 5.4.1 of the USMCA”; and*

21 (ii) *in subparagraph (B)(i), in the*
22 *matter following subclause (II), by striking*
23 *“chapter 5 of the NAFTA” and inserting*
24 *“chapter 5 of the USMCA”; and*

1 (B) in paragraph (2), by striking “Article
2 503 of the NAFTA” and inserting “article 5.5 of
3 the USMCA”.

4 (b) *CARIBBEAN BASIN ECONOMIC RECOVERY ACT*.—
5 *The Caribbean Basin Economic Recovery Act is amended—*

6 (1) in section 212(a)(1) (19 U.S.C. 2702(a)(1)),
7 by striking subparagraph (D) and inserting the fol-
8 lowing:

9 “(D) The term ‘USMCA’ has the meaning given
10 that term in section 3 of the United States-Mexico-
11 Canada Agreement Implementation Act (19 U.S.C.
12 4502).”;

13 (2) in section 213(b) (19 U.S.C. 2703(b))—

14 (A) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) in clause (v)(I), by striking
17 “Annex 401 of the NAFTA” and in-
18 serting “Annex 4-B of the USMCA”;
19 and

20 (II) in clause (vii)(IV)—

21 (aa) by striking “from a
22 country” and inserting the fol-
23 lowing: “from—

24 “(aa) a country”;

1 *(bb) by striking the period at*
2 *the end and inserting “; or”; and*

3 *(cc) by adding at the end the*
4 *following:*

5 *“(bb) a USMCA country (as*
6 *defined in section 3 of the United*
7 *States-Mexico-Canada Agreement*
8 *Implementation Act (19 U.S.C.*
9 *4502)).”; and*

10 *(ii) in subparagraph (C), by striking*
11 *“section 2.3(a), (b), or (c) of the Annex or*
12 *Appendix 3.1.B.11 of the Annex” and in-*
13 *serting “article 6.2 of the USMCA”;*

14 *(B) in paragraph (3)(A)(i), by striking*
15 *“Annex 302.2 of the NAFTA” and inserting*
16 *“Annex 2–B of the USMCA”;*

17 *(C) in paragraph (4)—*

18 *(i) in subparagraph (A)—*

19 *(I) in clause (i), by striking “Ar-*
20 *ticle 502(1) of the NAFTA” and insert-*
21 *ing “article 5.4.1 of the USMCA”; and*

22 *(II) in clause (ii)(I), in the mat-*
23 *ter following item (bb), by striking*
24 *“chapter 5 of the NAFTA” and insert-*
25 *ing “chapter 5 of the USMCA”; and*

1 (ii) in subparagraph (B), by striking
2 “Article 503 of the NAFTA” and inserting
3 “article 5.5 of the USMCA”; and

4 (D) in paragraph (5)—

5 (i) in subparagraph (A), by striking
6 “NAFTA” and inserting “North American
7 Free Trade Agreement entered into between
8 the United States, Mexico, and Canada on
9 December 17, 1992”; and

10 (ii) in subparagraph (C), by striking
11 “NAFTA” each place it appears and insert-
12 ing “USMCA”; and

13 (3) in section 213A(b) (19 U.S.C. 2703a(b))—

14 (A) in paragraph (1)(B)(vii)(I)(aa), by
15 striking “Annex 401 of the NAFTA” and insert-
16 ing “Annex 4–B of the USMCA”; and

17 (B) in paragraph (5)(A)(i), by striking
18 “Annex 401 of the NAFTA” and inserting
19 “Annex 4–B of the USMCA”.

20 (c) *TRADE FACILITATION AND TRADE ENFORCEMENT*
21 *ACT OF 2015*.—Section 403 of the Trade Facilitation and
22 Trade Enforcement Act of 2015 (19 U.S.C. 4362) is amend-
23 ed by striking “article 1902 of the North American Free
24 Trade Agreement and section 408 of the North American
25 Free Trade Agreement Implementation Act (19 U.S.C.

1 3438)” and inserting “article 10.10 of the USMCA (as de-
2 fined in section 3 of the United States-Mexico-Canada
3 Agreement Implementation Act (19 U.S.C. 4502)) and sec-
4 tion 418 of the United States-Mexico-Canada Agreement
5 Implementation Act (19 U.S.C. 4588)”.

6 (d) *TITLE 35, UNITED STATES CODE.*—Section 11 of
7 title 35, United States Code, is amended—

8 (1) by striking “The Director” and inserting
9 “(a) *IN GENERAL.*—The Director”;

10 (2) by striking “other than a NAFTA country”
11 and inserting “other than a USMCA country”; and

12 (3) by striking the third sentence and inserting
13 the following:

14 “(b) *DEFINITIONS.*—In this section—

15 “(1) the term ‘USMCA country’ has the meaning
16 given that term in section 3 of the United States-Mex-
17 ico-Canada Agreement Implementation Act (19
18 U.S.C. 4502); and

19 “(2) the term ‘WTO member country’ has the
20 meaning given that term in section 2(10) of the Uru-
21 guay Round Agreements Act (19 U.S.C. 3501(10)).”.

22 (e) *ENERGY POLICY ACT OF 1992.*—Section 1011(b)
23 of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is
24 amended by striking “North American Free Trade Agree-
25 ment” and inserting “USMCA (as defined in section 3 of

1 *the United States-Mexico-Canada Agreement Implementa-*
2 *tion Act (19 U.S.C. 4502))”.*

3 (f) *TRADE AGREEMENTS ACT OF 1979.—Section*
4 *493(a)(5)(D) of the Trade Agreements Act of 1979 (19*
5 *U.S.C. 2578b(a)(5)(D)) is amended by striking “the*
6 *NAFTA countries (as defined in section 2(4) of the North*
7 *American Free Trade Agreement Implementation Act)” and*
8 *inserting “the USMCA countries (as defined in section 3*
9 *of the United States-Mexico-Canada Agreement Implemen-*
10 *tation Act (19 U.S.C. 4502))”.*

11 (g) *EFFECTIVE DATE.—This section and the amend-*
12 *ments made by this section shall take effect on July 1, 2020.*

13 **TITLE VII—DEPUTY ARCHITECT**
14 **OF THE CAPITOL AMENDMENTS**

15 **SEC. 701. ARCHITECT OF THE CAPITOL.**

16 (a) *DELEGATION OF AUTHORITY.—The matter under*
17 *the heading “OFFICE OF THE ARCHITECT OF THE CAPITOL”*
18 *under the heading “ARCHITECT OF THE CAPITOL” of*
19 *the Legislative Appropriation Act, 1956 (2 U.S.C. 1803)*
20 *is amended by striking “delegate to the assistants” and all*
21 *that follows through “2003” and inserting “delegate the du-*
22 *ties and authorities of the Architect to officers and employ-*
23 *ees of the Office of the Architect of the Capitol, as the Archi-*
24 *tect determines appropriate”.*

1 (b) *DEPUTY ARCHITECT OF THE CAPITOL*.—Section
 2 1203 of title I of division H of the Consolidated Appropria-
 3 tions Resolution, 2003 (2 U.S.C. 1805) is amended—

4 (1) in the section heading, by striking “*CAPITOL/*
 5 *CHIEF OPERATING OFFICER*” and inserting “*CAP-*
 6 *ITOL*”;

7 (2) in subsection (a), by striking “*There shall*
 8 *be*” and all that follows and inserting “*The Architect*
 9 *of the Capitol shall appoint a suitable individual to*
 10 *be the Deputy Architect of the Capitol. The Architect*
 11 *may delegate to the Deputy Architect such duties as*
 12 *the Architect determines are necessary or appro-*
 13 *priate.*”;

14 (3) by striking subsections (b) through (g);

15 (4) by redesignating subsection (h) as subsection
 16 (b); and

17 (5) by striking subsections (i) and (j).

18 **TITLE VIII—PANDEMIC RE-**
 19 **SPONSE ACCOUNTABILITY**
 20 **COMMITTEE AMENDMENTS**

21 **SEC. 801. AMENDMENTS TO THE PANDEMIC RESPONSE AC-**
 22 **COUNTABILITY COMMITTEE.**

23 (a) *APPROPRIATIONS*.—

24 (1) *IN GENERAL*.—Title V of division B of the
 25 *Coronavirus Aid, Relief, and Economic Security Act*

1 *(Public Law 116–136) is amended in the matter*
2 *under the heading “PANDEMIC RESPONSE ACCOUNT-*
3 *ABILITY COMMITTEE” under the heading “INDE-*
4 *PENDENT AGENCIES” by striking “funds provided*
5 *in” and inserting “covered funds and the Coronavirus*
6 *response as provided in section 15010 of”.*

7 (2) *EMERGENCY DESIGNATION.*—*The amounts*
8 *repurposed in this section that were previously des-*
9 *ignated by the Congress as an emergency requirement*
10 *pursuant to the Balanced Budget and Emergency*
11 *Deficit Control Act of 1985 are designated by the*
12 *Congress as an emergency requirement pursuant to*
13 *section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 (b) *DEFINITION OF COVERED FUNDS.*—*Section*
16 *15010(a)(6) of division B of the Coronavirus, Aid, Relief,*
17 *and Economic Security Act (Public Law 116–136) is*
18 *amended—*

19 (1) *in subparagraph (A), by striking “this Act”*
20 *and inserting “the Coronavirus Aid, Relief, and Eco-*
21 *nomics Security Act (divisions A and B)”;*

22 (2) *in subparagraph (C), by striking “or” at the*
23 *end; and*

24 (3) *by striking subparagraph (D) and inserting*
25 *the following:*

1 “(D) the Paycheck Protection Program and
2 Health Care Enhancement Act (Public Law
3 116–139); or

4 “(E) divisions M and N of the Consolidated
5 Appropriations Act, 2021; and”.

6 **TITLE IX—ADJUSTMENT OF STA-**
7 **TUS FOR LIBERIAN NATION-**
8 **ALS EXTENSION**

9 **SEC. 901. EXTENSION OF PERIOD FOR ADJUSTMENT OF**
10 **STATUS FOR CERTAIN LIBERIAN NATIONALS.**

11 Section 7611(b)(1)(A) of the National Defense Author-
12 ization Act for Fiscal Year 2020 (Public Law 116–92) is
13 amended by striking “1 year” and inserting “2 years”.

14 **TITLE X—CLEAN UP THE CODE**
15 **ACT OF 2019**

16 **SEC. 1001. SHORT TITLE.**

17 This title may be cited as the “Clean Up the Code Act
18 of 2019”.

19 **SEC. 1002. REPEALS.**

20 The following provisions of title 18, United States
21 Code, are repealed:

22 (1) Section 46 relating to transportation of
23 water hyacinths.

24 (2) Section 511A relating to unauthorized appli-
25 cation of theft prevention decal or device.

1 (3) *Section 707 relating to 4-H club emblem*
2 *fraudulently used.*

3 (4) *Section 708 relating to Swiss Confederation*
4 *coat of arms.*

5 (5) *Section 711 relating to “Smokey Bear” char-*
6 *acter or name.*

7 (6) *Section 711a relating to “Woodsy Owl” char-*
8 *acter, name, or slogan.*

9 (7) *Section 715 relating to “The Golden Eagle*
10 *Insignia”.*

11 (8) *Chapter 89—Professions and Occupations.*

12 (9) *Section 1921 relating to receiving Federal*
13 *employees’ compensation after marriage.*

14 **SEC. 1003. CLERICAL AMENDMENTS.**

15 (a) *TABLE OF CHAPTERS FOR PART I OF TITLE 18.—*
16 *The table of chapters for part I of title 18, United States*
17 *Code, is amended by striking the item relating to chapter*
18 *89.*

19 (b) *TABLE OF SECTIONS FOR CHAPTER 3.—The table*
20 *of sections for chapter 3 of title 18, United States Code,*
21 *is amended by striking the item relating to section 46.*

22 (c) *TABLE OF SECTIONS FOR CHAPTER 25.—The table*
23 *of sections for chapter 25 of title 18, United States Code,*
24 *is amended by striking the item relating to section 511A.*

1 (d) *TABLE OF SECTIONS FOR CHAPTER 33.*—*The table*
 2 *of sections for chapter 33 of title 18, United States Code,*
 3 *is amended—*

4 (1) *by striking the item relating to section 707;*

5 (2) *by striking the item relating to section 708;*

6 (3) *by striking the item relating to section 711;*

7 (4) *by striking the item relating to section 711a;*

8 *and*

9 (5) *by striking the item relating to section 715.*

10 (e) *TABLE OF SECTIONS FOR CHAPTER 93.*—*The table*
 11 *of sections for chapter 93 of title 18, United States Code,*
 12 *is amended by striking the item relating to section 1921.*

13 **TITLE XI—AMENDMENTS TO**
 14 **PROVISIONS RELATING TO**
 15 **CHILD CARE CENTERS**

16 **SEC. 1101. PROVISIONS RELATING TO CHILD CARE CEN-**
 17 **TERS.**

18 (a) *SENATE EMPLOYEE CHILD CARE CENTER.*—*Sec-*
 19 *tion 19001 of the Coronavirus Aid, Relief, and Economic*
 20 *Security Act (2 U.S.C. 2063 note) is amended—*

21 (1) *by striking “The Secretary” and all that fol-*
 22 *lows through “per month,” and inserting the fol-*
 23 *lowing:*

24 “(a) *REIMBURSEMENTS.*—*During the period begin-*
 25 *ning on July 1, 2020 and ending on the termination date*

1 *of the public health emergency declared pursuant to section*
2 *319 of the Public Health Service Act (42 U.S.C. 247d) re-*
3 *sulting from the COVID–19 pandemic, the Secretary of the*
4 *Senate shall reimburse the Senate Employee Child Care*
5 *Center for expenses, due to measures taken in the Capitol*
6 *complex to combat coronavirus, as calculated under sub-*
7 *section (b) and”; and*

8 (2) *by adding at the end the following:*

9 “(b) *AMOUNT.—The amount of the reimbursement*
10 *under this section for each month of the period described*
11 *in subsection (a) shall be equal to the difference between—*

12 “(1) *the lesser of—*

13 “(A) *the amount of the operating costs (in-*
14 *cluding payroll, general, and administrative ex-*
15 *penses) of the Center for such month; or*

16 “(B) *\$105,000; and*

17 “(2) *the amount of tuition payments collected by*
18 *the Center for such month.”.*

19 (b) *LITTLE SCHOLARS CHILD DEVELOPMENT CEN-*
20 *TER.—Section 19004 of the Coronavirus Aid, Relief, and*
21 *Economic Security Act (2 U.S.C. 162b note) is amended—*

22 (1) *by striking “The Library of Congress” and*
23 *all that follows through “per month,” and inserting*
24 *the following:*

1 “(a) *REIMBURSEMENTS.*—During the period begin-
2 ning on the date of enactment of the Consolidated Appro-
3 priations Act, 2021 and ending on the termination date of
4 the public health emergency declared pursuant to section
5 319 of the Public Health Service Act (42 U.S.C. 247d) re-
6 sulting from the COVID–19 pandemic, the Library of Con-
7 gress shall reimburse the Little Scholars Child Development
8 Center for expenses, due to measures taken in the Capitol
9 complex to combat coronavirus, as calculated under sub-
10 section (b) and”;

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

12 “(b) *AMOUNT.*—The amount of the reimbursement
13 under this section for each month of the period described
14 in subsection (a) shall be equal to the difference between—

15 “(1) the lesser of—

16 “(A) the amount of the operating costs (in-
17 cluding payroll, general, and administrative ex-
18 penses) of the Center for such month; or

19 “(B) \$118,500; and

20 “(2) the amount of tuition payments collected by
21 the Center for such month.”.

22 (3) *TINY FINDINGS CHILD DEVELOPMENT CEN-*
23 *TER.*—Section 19009 of the Coronavirus Aid, Relief,
24 and Economic Security Act (Public Law 116–136;
25 134 Stat. 579) is amended—

1 (A) by striking “The Government” and all
2 that follows through “per month,” and inserting
3 the following:

4 “(a) REIMBURSEMENTS.—During the period begin-
5 ning on the date of enactment of the Consolidated Appro-
6 priations Act, 2021 and ending on the termination date of
7 the public health emergency declared pursuant to section
8 319 of the Public Health Service Act (42 U.S.C. 247d) re-
9 sulting from the COVID–19 pandemic, the Government Ac-
10 countability Office shall reimburse the Tiny Findings Child
11 Development Center for expenses, due to measures taken in
12 the Capitol complex to combat coronavirus, as calculated
13 under subsection (b) and”; and

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

15 “(b) AMOUNT.—The amount of the reimbursement
16 under this section for each month of the period described
17 in subsection (a) shall be equal to the difference between—

18 “(1) the lesser of—

19 “(A) the amount of the operating costs (in-
20 cluding payroll, general, and administrative ex-
21 penses) of the Center for such month; or

22 “(B) \$162,500; and

23 “(2) the amount of tuition payments collected by
24 the Center for such month.”.

1 **TITLE XII—ALASKA NATIVES**
2 **EXTENSION**

3 **SEC. 1201. ALASKA NATIVES.**

4 Section 424(a) of the Consolidated Appropriations Act,
5 2014 (Public Law 113–76), as amended by section 428 of
6 the Consolidated Appropriations Act, 2018 (Public Law
7 115–141), shall be applied by substituting “October 1,
8 2022” for “October 1, 2019”.

9 **TITLE XIII—OPEN TECHNOLOGY**
10 **FUND OPPORTUNITY TO CON-**
11 **TEST PROPOSED DEBARMENT**

12 **SEC. 1301. OPEN TECHNOLOGY FUND OPPORTUNITY TO**
13 **CONTEST PROPOSED DEBARMENT.**

14 (a) *EFFECTIVE DATE.*—Section 1299Q of the William
15 M. (Mac) Thornberry National Defense Authorization Act
16 for Fiscal Year 2021 is amended by adding at the end the
17 following:

18 “(g) *EFFECTIVE DATE.*—This section and the amend-
19 ments made by this section shall take effect on the date that
20 is 90 days after the date of the enactment of this Act.”.

21 (b) *OPEN TECHNOLOGY FUND OPPORTUNITY TO CON-*
22 *TEST PROPOSED DEBARMENT.*—Notwithstanding any pro-
23 vision of law or regulation, including section 513.313 of
24 title 22, Code of Federal Regulations, in any debarment
25 proceeding concerning the Open Technology Fund that is

1 *initiated prior to the date of enactment of this Act, the Open*
 2 *Technology Fund shall have 90 calendar days after receipt*
 3 *of any notice of proposed debarment to submit, in person,*
 4 *in writing, or through a representative, information and*
 5 *argument in opposition to the proposed debarment, before*
 6 *such proposed debarment may proceed to additional pro-*
 7 *ceedings or decision.*

8 ***TITLE XIV—BUDGETARY***
 9 ***EFFECTS***

10 ***SEC. 1401. BUDGETARY EFFECTS.***

11 (a) *STATUTORY PAYGO SCORECARDS.*—*The budg-*
 12 *etary effects of division N, this division, and each suc-*
 13 *ceeding division, except for title VIII of division O and title*
 14 *XIII of division FF, shall not be entered on either PAYGO*
 15 *scorecard maintained pursuant to section 4(d) of the Statu-*
 16 *tory Pay-As-You-Go Act of 2010.*

17 (b) *SENATE PAYGO SCORECARDS.*—*The budgetary ef-*
 18 *fects of division N, this division, and each succeeding divi-*
 19 *sion, except for title VIII of division O and title XIII of*
 20 *division FF, shall not be entered on any PAYGO scorecard*
 21 *maintained for purposes of section 4106 of H. Con. Res.*
 22 *71 (115th Congress).*

23 (c) *CLASSIFICATION OF BUDGETARY EFFECTS.*—*Not-*
 24 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
 25 *set forth in the joint explanatory statement of the committee*

1 *of conference accompanying Conference Report 105–217*
2 *and section 250(c)(8) of the Balanced Budget and Emer-*
3 *gency Deficit Control Act of 1985, the budgetary effects of*
4 *division N, this division, and each succeeding division, ex-*
5 *cept for title VIII of division O and title XIII of division*
6 *FF, shall not be estimated—*

7 (1) *for purposes of section 251 of such Act; and*
8 (2) *for purposes of paragraph (4)(C) of section*
9 3 *of the Statutory Pay-As-You-Go Act of 2010 as*
10 *being included in an appropriation Act.*

11 (d) *BALANCES ON THE PAYGO SCORECARDS.—Effec-*
12 *tive on the date of the adjournment of the second session*
13 *of the 116th Congress, and for the purposes of the annual*
14 *report issued pursuant to section 5 of the Statutory Pay-*
15 *As-You-Go Act of 2010 (2 U.S.C. 934) after such adjourn-*
16 *ment and for determining whether a sequestration order is*
17 *necessary under such section, the balances on the PAYGO*
18 *scorecards established pursuant to paragraphs (4) and (5)*
19 *of section 4(d) of such Act shall be zero.*

20 ***DIVISION P—NATIONAL BIO AND***
21 ***AGRO-DEFENSE FACILITY ACT***
22 ***OF 2020***

23 ***SEC. 1. SHORT TITLE.***

24 *This division may be cited as the “National Bio and*
25 *Agro-Defense Facility Act of 2020”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *ANIMAL*.—The term “animal” has the mean-
4 ing given the term in section 10403 of the Animal
5 Health Protection Act (7 U.S.C. 8302).

6 (2) *TRANSBOUNDARY DISEASE*.—The term
7 “transboundary disease” has the meaning given the
8 term in section 12203(a) of the Agriculture Improve-
9 ment Act of 2018 (7 U.S.C. 8914(a)).

10 (3) *VETERINARY COUNTERMEASURE*.—The term
11 “veterinary countermeasure” has the meaning given
12 the term in section 10403 of the Animal Health Pro-
13 tection Act (7 U.S.C. 8302).

14 **SEC. 3. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**

15 (a) *IN GENERAL*.—The National Bio and Agro-Defense
16 Facility shall be a national security laboratory asset to pro-
17 vide integrated research, development, and test and evalua-
18 tion infrastructure to improve preparedness and response
19 capabilities to prevent, detect, respond to, or mitigate harm
20 resulting from animal pests or diseases and zoonotic dis-
21 eases for the purpose of defending the United States against
22 bio- and agro-threats, whether naturally occurring or inten-
23 tional.

24 (b) *MISSION*.—Pursuant to subsection (a), the mission
25 of the National Bio and Agro-Defense Facility shall be to

1 *protect the food supply, agriculture, and public health of*
2 *the United States, including by—*

3 (1) *integrating agricultural, zoonotic disease,*
4 *and other research, as appropriate;*

5 (2) *addressing threats from high-consequence*
6 *zoonotic disease agents, emerging foreign animal dis-*
7 *eases, and animal transboundary diseases;*

8 (3) *addressing biological threats;*

9 (4) *ensuring that research conducted at the Na-*
10 *tional Bio and Agro-Defense Facility addresses gaps*
11 *that fall between the ongoing animal and zoonotic*
12 *disease research efforts across the Federal Government*
13 *and does not duplicate those ongoing efforts;*

14 (5) *facilitating, integrating, and coordinating*
15 *the development and implementation of the strategic*
16 *plan for research under section 4(a)(2), relating to*
17 *protection of the food supply, agriculture, and public*
18 *health of the United States;*

19 (6) *providing appropriate education and train-*
20 *ing to prepare for and respond to bio- and agro-de-*
21 *fense threats;*

22 (7) *sharing data and related information with*
23 *appropriate Federal departments or agencies, as re-*
24 *quested by the heads of those departments or agencies,*

1 *or as necessary, to support biological material threat*
2 *assessments; and*

3 *(8) sharing data and related information, and*
4 *developing strategic partnerships, to enhance the car-*
5 *rying out of the duties of the National Bio and Agro-*
6 *Defense Facility for the development of priority*
7 *zoonotic animal disease diagnostics, vaccines, drugs,*
8 *and other countermeasures.*

9 **SEC. 4. EVALUATION AND RESEARCH PLAN.**

10 *(a) IN GENERAL.—Not less frequently than biennially,*
11 *the Secretary of Agriculture, in coordination with the Sec-*
12 *retary of Homeland Security and the heads of other appro-*
13 *priate Federal departments and agencies, shall—*

14 *(1) evaluate the work of the National Bio and*
15 *Agro-Defense Facility;*

16 *(2) develop, biennially update, and publish a*
17 *strategic plan for research at the National Bio and*
18 *Agro-Defense Facility based on priority risk and*
19 *threat assessments, including strategies to—*

20 *(A) develop veterinary countermeasures for*
21 *emerging foreign animal diseases and animal*
22 *transboundary diseases;*

23 *(B) provide advanced testing, diagnostic,*
24 *and evaluation capabilities for threat detection,*
25 *vulnerability assessments of animal and zoonotic*

1 *diseases, and veterinary countermeasures for ani-*
2 *mal and zoonotic diseases;*

3 (C) *assist, as appropriate, with the develop-*
4 *ment, and address vulnerability assessments, of*
5 *the agriculture and food sectors;*

6 (D) *address gaps in the ongoing animal*
7 *and zoonotic disease research efforts across the*
8 *Federal Government, ensuring not to duplicate*
9 *those ongoing efforts; and*

10 (E) *be used for such other purposes as the*
11 *Secretary of Agriculture, in consultation with*
12 *the Secretary of Homeland Security and the*
13 *heads of other appropriate Federal departments*
14 *and agencies, determines to be appropriate; and*

15 (3) *submit to the Committee on Agriculture, Nu-*
16 *trition, and Forestry of the Senate, the Committee on*
17 *Homeland Security and Governmental Affairs of the*
18 *Senate, the Committee on Agriculture of the House of*
19 *Representatives, and the Committee on Homeland Se-*
20 *curity of the House of Representatives, the strategic*
21 *plan for research described in paragraph (2).*

22 (b) *CLASSIFIED INFORMATION.*—*The strategic plan for*
23 *research required under subsection (a)(2)—*

24 (1) *shall be published in an unclassified format*
25 *that is publicly available;*

1 (2) shall be submitted under subsection (a)(3) in
2 unclassified form; and

3 (3) may include in the submission under sub-
4 section (a)(3) a classified annex for any sensitive or
5 classified information, as necessary.

6 **SEC. 5. AVAILABILITY OF DATA AND CONGRESSIONAL**
7 **BRIEFINGS.**

8 (a) *IN GENERAL.*—Every 6 months until the date de-
9 scribed in subsection (b), the Secretary of Agriculture, the
10 Secretary of Homeland Security, and the heads of other ap-
11 propriate Federal departments and agencies, as appro-
12 priate, shall provide to the Committees on Agriculture, Nu-
13 trition, and Forestry and Homeland Security and Govern-
14 mental Affairs of the Senate and the Committees on Agri-
15 culture and Homeland Security of the House of Representa-
16 tives a report and briefing describing—

17 (1) progress under each phase described in the
18 memorandum of agreement entitled “Memorandum of
19 Agreement Between the U.S. Department of Agri-
20 culture Marketing and Regulatory Programs, the U.S.
21 Department of Agriculture Research, Education, and
22 Economics, and the Department of Homeland Secu-
23 rity Science and Technology Directorate” and dated
24 June 20, 2019, that is not completed as of the date
25 of enactment of this Act;

1 (2) *the status of the actions taken pursuant to*
2 *the areas of collaborative opportunity and responsibil-*
3 *ities as described in the memorandum of under-*
4 *standing entitled “Memorandum of Understanding*
5 *Between the U.S. Department of Agriculture Mar-*
6 *keting and Regulatory Programs, the U.S. Depart-*
7 *ment of Agriculture Research, Education, and Eco-*
8 *nomics, and the Department of Homeland Security*
9 *Science and Technology Directorate for National Bio*
10 *and Agro-Defense Facility Collaboration” and dated*
11 *January 7, 2020; and*

12 (3) *the operations and mission of the National*
13 *Bio and Agro-Defense Facility, including the coordi-*
14 *nation and carrying out of—*

15 (A) *the memorandum of agreement and*
16 *memorandum of understanding described in*
17 *paragraphs (1) and (2), respectively;*

18 (B) *any successor memoranda of agreement*
19 *or understanding to the memorandum of agree-*
20 *ment and memorandum of understanding de-*
21 *scribed in paragraphs (1) and (2), respectively;*

22 (C) *any similar joint agreement or under-*
23 *standing between the Department of Agriculture*
24 *and the Department of Homeland Security, or*
25 *other relevant agencies, that documents the bio-*

1 *defense mission of the National Bio and Agro-*
2 *Defense Facility; and*

3 *(D) research, including a description of the*
4 *users of the National Bio and Agro-Defense Fa-*
5 *cility.*

6 *(b) TERMINATION.—The reporting and briefing re-*
7 *quirements under subsection (a) shall terminate on the date*
8 *that is 5 years after the date on which the National Bio*
9 *and Agro-Defense Facility attains full operating capability.*

10 **SEC. 6. BUDGET AND REPORT.**

11 *(a) BUDGET.—Concurrently with each budget submis-*
12 *sion to the Director of the Office of Management and Budg-*
13 *et, the Secretary of Agriculture, the Secretary of Homeland*
14 *Security, and the heads of other appropriate Federal de-*
15 *partments and agencies, as required by Homeland Security*
16 *Presidential Directive 9, shall jointly submit to the Director*
17 *of the Office of Management and Budget an integrated*
18 *budget plan for the defense and protection of the food supply*
19 *of the United States, including the operation and use of*
20 *the National Bio and Agro-Defense Facility.*

21 *(b) REPORT.—Not later than 60 days after the date*
22 *on which the budget of the United States Government is*
23 *submitted by the President under section 1105 of title 31,*
24 *United States Code, for each fiscal year, the Secretary of*
25 *Agriculture, the Secretary of Homeland Security, and the*

1 *heads of other appropriate Federal departments and agen-*
2 *cies shall jointly submit to Congress a report describing an*
3 *integrated budget plan described in subsection (a), which*
4 *shall be consistent with the budget submission of the Presi-*
5 *dent under that section for the defense and protection of*
6 *the food supply of the United States, including the oper-*
7 *ation and use of the National Bio and Agro-Defense Facil-*
8 *ity.*

9 **SEC. 7. EFFECT ON OTHER AUTHORITIES.**

10 *Nothing in this Act affects the authority of the Sec-*
11 *retary of Agriculture or the Secretary of Homeland Secu-*
12 *rity under any other provision of law or program relating*
13 *to the protection of food supplies, agriculture, or public*
14 *health.*

15 **DIVISION Q—FINANCIAL SERV-**
16 **ICES PROVISIONS AND INTEL-**
17 **LECTUAL PROPERTY**
18 **TITLE I—FINANCIAL SERVICES**
19 **PROVISIONS**

20 **SEC. 101. CARBON MONOXIDE ALARMS OR DETECTORS IN**
21 **FEDERALLY ASSISTED HOUSING.**

22 *(a) FINDINGS.—Congress finds that—*

23 *(1) carbon monoxide alarms are not required by*
24 *federally assisted housing programs, when not re-*
25 *quired by State or local codes;*

1 (2) *numerous federally assisted housing residents*
2 *have lost their lives due to carbon monoxide poi-*
3 *soning;*

4 (3) *the effects of carbon monoxide poisoning*
5 *occur immediately and can result in death in a mat-*
6 *ter of minutes;*

7 (4) *carbon monoxide exposure can cause perma-*
8 *nent brain damage, life-threatening cardiac complica-*
9 *tions, fetal death or miscarriage, and death, among*
10 *other harmful health conditions;*

11 (5) *carbon monoxide poisoning is especially dan-*
12 *gerous for unborn babies, children, elderly individ-*
13 *uals, and individuals with cardiovascular disease,*
14 *among others with chronic health conditions;*

15 (6) *the majority of the 4,600,000 families receiv-*
16 *ing Federal housing assistance are families with*
17 *young children, elderly individuals, or individuals*
18 *with disabilities, making them especially vulnerable*
19 *to carbon monoxide poisoning;*

20 (7) *more than 400 people die and 50,000 addi-*
21 *tional people visit the emergency room annually as a*
22 *result of carbon monoxide poisoning;*

23 (8) *carbon monoxide poisoning is entirely pre-*
24 *ventable and early detection is possible with the use*
25 *of carbon monoxide alarms;*

1 (9) *the Centers for Disease Control and Preven-*
2 *tion warns that carbon monoxide poisoning is en-*
3 *tirely preventable and recommends the installation of*
4 *carbon monoxide alarms;*

5 (10) *the Office of Lead Hazard Control and*
6 *Healthy Homes of the Department of Housing and*
7 *Urban Development recommends the installation of*
8 *carbon monoxide alarms as a best practice to keep*
9 *families and individuals safe and to protect health;*
10 *and*

11 (11) *in order to safeguard the health and well-*
12 *being of tenants in federally assisted housing, the*
13 *Federal Government should consider best practices for*
14 *primary prevention of carbon monoxide-related inci-*
15 *dents.*

16 (b) *PUBLIC HOUSING, TENANT-BASED ASSISTANCE,*
17 *AND PROJECT-BASED ASSISTANCE.—The United States*
18 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—*

19 (1) *in section 3(a) (42 U.S.C. 1437a(a)), by add-*
20 *ing at the end the following:*

21 “(8) *CARBON MONOXIDE ALARMS.—Each public*
22 *housing agency shall ensure that carbon monoxide*
23 *alarms or detectors are installed in each dwelling*
24 *unit in public housing owned or operated by the pub-*

1 *lic housing agency in a manner that meets or ex-*
2 *ceeds—*

3 *“(A) the standards described in chapters 9*
4 *and 11 of the 2018 publication of the Inter-*
5 *national Fire Code, as published by the Inter-*
6 *national Code Council; or*

7 *“(B) any other standards as may be adopt-*
8 *ed by the Secretary, including any relevant up-*
9 *dates to the International Fire Code, through a*
10 *notice published in the Federal Register.”; and*
11 *(2) in section 8 (42 U.S.C. 1437f)—*

12 *(A) by inserting after subsection (i) the fol-*
13 *lowing:*

14 *“(j) CARBON MONOXIDE ALARMS.—Each owner of a*
15 *dwelling unit receiving project-based assistance under this*
16 *section shall ensure that carbon monoxide alarms or detec-*
17 *tors are installed in the dwelling unit in a manner that*
18 *meets or exceeds—*

19 *“(1) the standards described in chapters 9 and*
20 *11 of the 2018 publication of the International Fire*
21 *Code, as published by the International Code Council;*
22 *or*

23 *“(2) any other standards as may be adopted by*
24 *the Secretary, including any relevant updates to the*

1 *International Fire Code, through a notice published*
2 *in the Federal Register.”; and*

3 *(B) in subsection (o), by adding at the end*
4 *the following:*

5 *“(21) CARBON MONOXIDE ALARMS.—Each dwell-*
6 *ing unit receiving tenant-based assistance or project-*
7 *based assistance under this subsection shall have car-*
8 *bon monoxide alarms or detectors installed in the*
9 *dwelling unit in a manner that meets or exceeds—*

10 *“(A) the standards described in chapters 9*
11 *and 11 of the 2018 publication of the Inter-*
12 *national Fire Code, as published by the Inter-*
13 *national Code Council; or*

14 *“(B) any other standards as may be adopt-*
15 *ed by the Secretary, including any relevant up-*
16 *dates to the International Fire Code, through a*
17 *notice published in the Federal Register.”.*

18 *(c) SUPPORTIVE HOUSING FOR THE ELDERLY.—Sec-*
19 *tion 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j))*
20 *is amended by adding at the end the following:*

21 *“(9) CARBON MONOXIDE ALARMS.—Each owner*
22 *of a dwelling unit assisted under this section shall en-*
23 *sure that carbon monoxide alarms or detectors are in-*
24 *stalled in the dwelling unit in a manner that meets*
25 *or exceeds—*

1 “(A) the standards described in chapters 9
2 and 11 of the 2018 publication of the Inter-
3 national Fire Code, as published by the Inter-
4 national Code Council; or

5 “(B) any other standards as may be adopt-
6 ed by the Secretary, including any relevant up-
7 dates to the International Fire Code, through a
8 notice published in the Federal Register.”.

9 (d) *SUPPORTIVE HOUSING FOR PERSONS WITH DIS-*
10 *ABILITIES.*—Section 811(j) of the Cranston-Gonzalez Na-
11 *tional Affordable Housing Act (42 U.S.C. 8013(j)) is*
12 *amended by adding at the end the following:*

13 “(7) *CARBON MONOXIDE ALARMS.*—Each dwell-
14 ing unit assisted under this section shall contain in-
15 stalled carbon monoxide alarms or detectors that meet
16 or exceed—

17 “(A) the standards described in chapters 9
18 and 11 of the 2018 publication of the Inter-
19 national Fire Code, as published by the Inter-
20 national Code Council; or

21 “(B) any other standards as may be adopt-
22 ed by the Secretary, including any relevant up-
23 dates to the International Fire Code, through a
24 notice published in the Federal Register.”.

1 (e) *HOUSING OPPORTUNITIES FOR PERSONS WITH*
2 *AIDS.*—Section 856 of the Cranston-Gonzalez National Af-
3 *fordable Housing Act (42 U.S.C. 12905) is amended by add-*
4 *ing at the end the following new subsection:*

5 “(i) *CARBON MONOXIDE ALARMS.*—
6 *Each dwelling unit assisted under this sub-*
7 *title shall contain installed carbon mon-*
8 *oxide alarms or detectors that meet or ex-*
9 *ceed—*

10 “(1) *the standards described in chapters 9 and*
11 *11 of the 2018 publication of the International Fire*
12 *Code, as published by the International Code Council;*
13 *or*

14 “(2) *any other standards as may be adopted by*
15 *the Secretary, including any relevant updates to the*
16 *International Fire Code, through a notice published*
17 *in the Federal Register.”.*

18 (f) *RURAL HOUSING.*—Title V of the Housing Act of
19 *1949 (42 U.S.C. 1471 et seq.) is amended—*

20 (1) *in section 514 (42 U.S.C. 1484), by adding*
21 *at the end the following:*

22 “(j) *Housing and related facilities constructed with*
23 *loans under this section shall contain installed carbon mon-*
24 *oxide alarms or detectors that meet or exceed—*

1 “(1) the standards described in chapters 9 and
2 11 of the 2018 publication of the International Fire
3 Code, as published by the International Code Council;
4 or

5 “(2) any other standards as may be adopted by
6 the Secretary, in collaboration with the Secretary of
7 Housing and Urban Development, including any rel-
8 evant updates to the International Fire Code, through
9 a notice published in the Federal Register.”; and

10 (2) in section 515(m) (42 U.S.C. 1485(m))—

11 (A) by inserting “(1)” before “The Sec-
12 retary shall establish”; and

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

14 “(2) Housing and related facilities rehabilitated
15 or repaired with amounts received under a loan made
16 or insured under this section shall contain installed
17 carbon monoxide alarms or detectors that meet or ex-
18 ceed—

19 “(A) the standards described in chapters 9
20 and 11 of the 2018 publication of the Inter-
21 national Fire Code, as published by the Inter-
22 national Code Council; or

23 “(B) any other standards as may be adopt-
24 ed by the Secretary, in collaboration with the
25 Secretary of Housing and Urban Development,

1 *including any relevant updates to the Inter-*
2 *national Fire Code, through a notice published*
3 *in the Federal Register.”.*

4 *(g) GUIDANCE.—The Secretary of Housing and Urban*
5 *Development shall provide guidance to public housing agen-*
6 *cies (as defined in section 3(b)(6) of the United States*
7 *Housing Act of 1937 (42 U.S.C. 1437a(b)(6)) on how to*
8 *educate tenants on health hazards in the home, including*
9 *to carbon monoxide poisoning, lead poisoning, asthma in-*
10 *duced by housing-related allergens, and other housing-re-*
11 *lated preventable outcomes, to help advance primary pre-*
12 *vention and prevent future deaths and other harms.*

13 *(h) EFFECTIVE DATE.—The amendments made by sub-*
14 *sections (b) through (e) shall take effect on the date that*
15 *is 2 years after the date of enactment of this Act.*

16 *(i) AUTHORIZATION OF APPROPRIATIONS.—There is*
17 *authorized to be appropriated to carry out this section and*
18 *the amendments made by this section, \$101,400,000 per*
19 *year for each of fiscal years 2021, 2022, and 2023.*

20 *(j) NO PREEMPTION.—Nothing in the amendments*
21 *made by this section shall be construed to preempt or limit*
22 *the applicability of any State or local law relating to the*
23 *installation and maintenance of carbon monoxide alarms*
24 *or detectors in housing that requires standards that are*

1 *more stringent than the standards described in the amend-*
2 *ments made by this section.*

3 (k) *STUDY ON INCLUSION OF CARBON MONOXIDE*
4 *ALARMS OR DETECTORS IN OTHER UNITS.*—*The Secretary*
5 *of Housing and Urban Development, in consultation with*
6 *the Consumer Product Safety Commission, shall conduct a*
7 *study and issue a publicly available report on requiring*
8 *carbon monoxide alarms or detectors in federally assisted*
9 *housing that is not covered in the amendments made by*
10 *this section.*

11 **SEC. 102. PARTICIPATION OF INDIAN TRIBES AND TRIB-**
12 **ALLY DESIGNATED HOUSING ENTITIES IN**
13 **CONTINUUM OF CARE PROGRAM.**

14 (a) *IN GENERAL.*—*Title IV of the McKinney-Vento*
15 *Homeless Assistance Act (42 U.S.C. 11360 et seq.) is*
16 *amended—*

17 (1) *in section 401 (42 U.S.C. 11360)—*

18 (A) *by redesignating paragraphs (10)*
19 *through (33) as paragraphs (12) through (35),*
20 *respectively;*

21 (B) *by redesignating paragraphs (8) and*
22 *(9) as paragraphs (9) and (10), respectively;*

23 (C) *by inserting after paragraph (7) the fol-*
24 *lowing:*

1 “(8) *FORMULA AREA*.—The term ‘formula area’
2 has the meaning given the term in section 1000.302
3 of title 24, Code of Federal Regulations, or any suc-
4 cessor regulation.”;

5 (D) in paragraph (9), as so redesignated, by
6 inserting “a formula area,” after “nonentitle-
7 ment area,”; and

8 (E) by inserting after paragraph (10), as so
9 redesignated, the following:

10 “(11) *INDIAN TRIBE*.—The term ‘Indian Tribe’
11 has the meaning given the term ‘Indian tribe’ in sec-
12 tion 4 of the Native American Housing Assistance
13 and Self-Determination Act of 1996 (25 U.S.C.
14 4103).”; and

15 (2) in subtitle C (42 U.S.C. 11381 et seq.), by
16 adding at the end the following:

17 **“SEC. 435. INDIAN TRIBES AND TRIBALLY DESIGNATED**
18 **HOUSING ENTITIES.**

19 “Notwithstanding any other provision of this title, for
20 purposes of this subtitle, an Indian Tribe or tribally des-
21 ignated housing entity (as defined in section 4 of the Native
22 American Housing Assistance and Self-Determination Act
23 of 1996 (25 U.S.C. 4103)) may—

24 “(1) be a collaborative applicant or eligible enti-
25 ty; or

1 “(2) receive grant amounts from another entity
2 that receives a grant directly from the Secretary, and
3 use the amounts in accordance with this subtitle.”.

4 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
5 table of contents in section 101(b) of the McKinney-Vento
6 Homeless Assistance Act (Public Law 100–77; 101 Stat.
7 482) is amended by inserting after the item relating to sec-
8 tion 434 the following:

 “Sec. 435. Indian Tribes and tribally designated housing entities.”.

9 **SEC. 103. FOSTERING STABLE HOUSING OPPORTUNITIES.**

10 (a) *DEFINITION OF FAMILY.*—Subparagraph (A) of
11 section 3(b)(3) of the United States Housing Act of 1937
12 (42 U.S.C. 1437a(b)(3)(A)) is amended—

13 (1) in the first sentence—

14 (A) by striking “(v)” and inserting “(vi)”;

15 and

16 (B) by inserting after “tenant family,” the
17 following: “(v) a youth described in section
18 8(x)(2)(B),”; and

19 (2) in the second sentence, by inserting “or (vi)”
20 after “clause (v)”.

21 (b) *HOUSING CHOICE VOUCHERS FOR FOSTERING*
22 *STABLE HOUSING OPPORTUNITIES.*—

23 (1) *ASSISTANCE FOR YOUTH AGING OUT OF FOS-*
24 *TER CARE.*—Section 8(x) of the United States Hous-
25 ing Act of 1937 (42 U.S.C. 1437f(x)) is amended—

1 (A) in paragraph (2), by inserting “subject
2 to paragraph (5),” after “(B)”;

3 (B) in paragraph (3)—

4 (i) By striking “(3) ALLOCATION.—
5 The” and inserting the following:

6 “(3) ALLOCATION.—

7 “(A) IN GENERAL.—The”; and

8 (ii) by adding at the end the following
9 new subparagraph:

10 “(B) ASSISTANCE FOR YOUTH AGING OUT
11 OF FOSTER CARE.—Notwithstanding any other
12 provision of law, the Secretary shall, subject only
13 to the availability of funds, allocate such assist-
14 ance to any public housing agencies that (i) ad-
15 minister assistance pursuant to paragraph
16 (2)(B), or seek to administer such assistance,
17 consistent with procedures established by the Sec-
18 retary, (ii) have requested such assistance so that
19 they may provide timely assistance to eligible
20 youth, and (iii) have submitted to the Secretary
21 a statement describing how the agency will con-
22 nect assisted youths with local community re-
23 sources and self-sufficiency services, to the extent
24 they are available, and obtain referrals from
25 public child welfare agencies regarding youths in

1 *foster care who become eligible for such assist-*
2 *ance.”;*

3 *(C) by redesignating paragraph (5) as*
4 *paragraph (6); and*

5 *(D) by inserting after paragraph (4) the fol-*
6 *lowing new paragraph:*

7 “*(5) REQUIREMENTS FOR ASSISTANCE FOR*
8 *YOUTH AGING OUT OF FOSTER CARE.—Assistance pro-*
9 *vided under this subsection for an eligible youth pur-*
10 *suant to paragraph (2)(B) shall be subject to the fol-*
11 *lowing requirements:*

12 “*(A) REQUIREMENTS TO EXTEND ASSIST-*
13 *ANCE.—*

14 “*(i) PARTICIPATION IN FAMILY SELF-*
15 *SUFFICIENCY.—In the case of a public hous-*
16 *ing agency that is providing such assistance*
17 *under this subsection on behalf of an eligible*
18 *youth and that is carrying out a family*
19 *self-sufficiency program under section 23,*
20 *the agency shall, subject only to the avail-*
21 *ability of such assistance, extend the provi-*
22 *sion of such assistance for up to 24 months*
23 *beyond the period referred to in paragraph*
24 *(2)(B), but only during such period that the*
25 *youth is in compliance with the terms and*

1 *conditions applicable under section 23 and*
2 *the regulations implementing such section to*
3 *a person participating in a family self-suf-*
4 *ficiency program.*

5 “(ii) *EDUCATION, WORKFORCE DEVEL-*
6 *OPMENT, OR EMPLOYMENT.—In the case of*
7 *a public housing agency that is providing*
8 *such assistance under this subsection on be-*
9 *half of an eligible youth and that is not car-*
10 *rying out a family self-sufficiency program*
11 *under section 23, or is carrying out such a*
12 *program in which the youth has been un-*
13 *able to enroll, the agency shall, subject only*
14 *to the availability of such assistance, extend*
15 *the provision of such assistance for two suc-*
16 *cessive 12-month periods, after the period*
17 *referred to in paragraph (2)(B), but only if*
18 *for not less than 9 months of the 12-month*
19 *period preceding each such extension the*
20 *youth was—*

21 *“(I) engaged in obtaining a recog-*
22 *nized postsecondary credential or a sec-*
23 *ondary school diploma or its recog-*
24 *nized equivalent;*

1 “(II) enrolled in an institution of
2 higher education, as such term is de-
3 fined in section 101(a) of the Higher
4 Education Act of 1965 (20 U.S.C.
5 1001(a)) and including the institutions
6 described in subparagraphs (A) and
7 (B) of section 102(a)(1) of such Act (20
8 U.S.C. 1002(a)(1)); or

9 “(III) participating in a career
10 pathway, as such term is defined in
11 section 3 of the Workforce Innovation
12 and Opportunity Act (29 U.S.C.
13 3102).

14 Notwithstanding any other provision of this
15 clause, a public housing agency shall con-
16 sider employment as satisfying the require-
17 ments under this subparagraph.

18 “(iii) EXCEPTIONS.—Notwithstanding
19 clauses (i) and (ii), a public housing agency
20 that is providing such assistance under this
21 subsection on behalf of an eligible youth
22 shall extend the provision of such assistance
23 for up to 24 months beyond the period re-
24 ferred to in paragraph (2)(B), and clauses
25 (i) and (ii) of this subparagraph shall not

1 *apply, if the eligible youth certifies that he*
2 *or she is—*

3 *“(I) a parent or other household*
4 *member responsible for the care of a*
5 *dependent child under the age of 6 or*
6 *for the care of an incapacitated person;*

7 *“(II) a person who is regularly*
8 *and actively participating in a drug*
9 *addiction or alcohol treatment and re-*
10 *habilitation program; or*

11 *“(III) a person who is incapable*
12 *of complying with the requirement*
13 *under clause (i) or (ii), as applicable,*
14 *due to a documented medical condi-*
15 *tion.*

16 *“(iv) VERIFICATION OF COMPLIANCE.—*
17 *The Secretary shall require the public hous-*
18 *ing agency to verify compliance with the re-*
19 *quirements under this subparagraph by*
20 *each eligible youth on whose behalf the agen-*
21 *cy provides such assistance under this sub-*
22 *section on an annual basis in conjunction*
23 *with reviews of income for purposes of de-*
24 *termining income eligibility for such assist-*
25 *ance.*

1 “(B) *SUPPORTIVE SERVICES.*—

2 “(i) *ELIGIBILITY.*—*Each eligible youth*
3 *on whose behalf such assistance under this*
4 *subsection is provided shall be eligible for*
5 *any supportive services (as such term is de-*
6 *defined in section 3 of the Workforce Innova-*
7 *tion and Opportunity Act (29 U.S.C.*
8 *3102)) made available, in connection with*
9 *any housing assistance program of the*
10 *agency, by or through the public housing*
11 *agency providing such assistance.*

12 “(ii) *INFORMATION.*—*Upon the initial*
13 *provision of such assistance under this sub-*
14 *section on behalf of any eligible youth, the*
15 *public housing agency shall inform such eli-*
16 *gible youth of the existence of any programs*
17 *or services referred to in clause (i) and of*
18 *their eligibility for such programs and serv-*
19 *ices.*

20 “(C) *APPLICABILITY TO MOVING TO WORK*
21 *AGENCIES.*—*Notwithstanding any other provi-*
22 *sion of law, the requirements of this paragraph*
23 *shall apply to assistance under this subsection*
24 *pursuant to paragraph (2)(B) made available by*
25 *each public housing agency participating in the*

1 *Moving to Work Program under section 204 of*
2 *the Departments of Veterans Affairs and Hous-*
3 *ing and Urban Development, and Independent*
4 *Agencies Appropriations Act, 1996 (42 U.S.C.*
5 *1437f note), except that in lieu of compliance*
6 *with clause (i) or (ii) of subparagraph (A) of*
7 *this paragraph, such an agency may comply*
8 *with the requirements under such clauses by*
9 *complying with such terms, conditions, and re-*
10 *quirements as may be established by the agency*
11 *for persons on whose behalf such rental assist-*
12 *ance under this subsection is provided.*

13 “(D) *TERMINATION OF VOUCHERS UPON*
14 *TURN-OVER.*—*A public housing agency shall not*
15 *reissue any such assistance made available from*
16 *appropriated funds when assistance for the youth*
17 *initially assisted is terminated, unless specifi-*
18 *cally authorized by the Secretary.*

19 “(E) *REPORTS.*—

20 “(i) *IN GENERAL.*—*The Secretary shall*
21 *require each public housing agency that*
22 *provides such assistance under this sub-*
23 *section in any fiscal year to submit a report*
24 *to the Secretary for such fiscal year that—*

1 “(I) specifies the number of per-
2 sons on whose behalf such assistance
3 under this subsection was provided
4 during such fiscal year;

5 “(II) specifies the number of per-
6 sons who applied during such fiscal
7 year for such assistance under this sub-
8 section, but were not provided such as-
9 sistance, and provides a brief identi-
10 fication in each instance of the reason
11 why the public housing agency was un-
12 able to award such assistance; and

13 “(III) describes how the public
14 housing agency communicated or col-
15 laborated with public child welfare
16 agencies to collect such data.

17 “(ii) *INFORMATION COLLECTIONS.*—
18 *The Secretary shall, to the greatest extent*
19 *possible, utilize existing information collec-*
20 *tions, including the voucher management*
21 *system (VMS), the Inventory Management*
22 *System/PIH Information Center (IMS/*
23 *PIC), or the successors of those systems, to*
24 *collect information required under this sub-*
25 *paragraph.*

1 “(F) *CONSULTATION.*—*The Secretary shall*
2 *consult with the Secretary of Health and Human*
3 *Services to provide such information and guid-*
4 *ance to the Secretary of Health and Human*
5 *Services as may be necessary to facilitate such*
6 *Secretary in informing States and public child*
7 *welfare agencies on how to correctly and effi-*
8 *ciently implement and comply with the require-*
9 *ments of this subsection relating to assistance*
10 *provided pursuant to paragraph (2)(B).”.*

11 (2) *APPLICABILITY TO FOSTERING STABLE HOUS-*
12 *ING OPPORTUNITIES PROGRAM.*—*Subparagraph (A) of*
13 *section 8(x)(4) of the United States Housing Act of*
14 *1937 (42 U.S.C. 1437f(x)(4)(A)) is amended by in-*
15 *serting before the semicolon at the end the following:*
16 *“and establishing a point of contact at public housing*
17 *agencies to ensure that public housing agencies receive*
18 *appropriate referrals regarding eligible recipients”.*

19 (3) *PHA ADMINISTRATIVE FEES.*—*Subsection (q)*
20 *of section 8 of the United States Housing Act of 1937*
21 *(42 U.S.C. 1437f(q)) is amended by adding at the end*
22 *the following new paragraph:*

23 “(5) *SUPPLEMENTS FOR ADMINISTERING ASSIST-*
24 *ANCE FOR YOUTH AGING OUT OF FOSTER CARE.*—*The*
25 *Secretary may provide supplemental fees under this*

1 subsection to the public housing agency for the cost of
2 administering any assistance for foster youth under
3 subsection (x)(2)(B), in an amount determined by the
4 Secretary, but only if the agency waives for such eli-
5 gible youth receiving assistance any residency re-
6 quirement that it has otherwise established pursuant
7 to subsection (r)(1)(B)(i).”.

8 (c) EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED
9 VOUCHER ASSISTANCE.—

10 (1) PERCENTAGE LIMITATION.—The first sen-
11 tence of clause (ii) of section 8(o)(13)(B) of the
12 United States Housing Act of 1937 (42 U.S.C.
13 1437f(o)(13)(B)(ii)), as amended by section 106(a)(2)
14 of the Housing Opportunity Through Modernization
15 Act of 2016 (Public Law 114-201), is further amend-
16 ed by inserting before “or that” the following: “that
17 house eligible youths receiving assistance pursuant to
18 subsection (x)(2)(B),”.

19 (2) INCOME-MIXING REQUIREMENT.—Subclause
20 (I) of section 8(o)(13)(D)(ii) of the United States
21 Housing Act of 1937 (42 U.S.C.
22 1437f(o)(13)(D)(ii)(I)), as amended by section
23 106(a)(3) of the Housing Opportunity Through Mod-
24 ernization Act of 2016 (Public Law 114-201), is fur-
25 ther amended by inserting after “elderly families” the

1 following: “, to eligible youths receiving assistance
2 pursuant to subsection (x)(2)(B),”.

3 (d) *APPLICABILITY.*—The amendments made by this
4 section shall not apply to housing choice voucher assistance
5 made available pursuant to section 8(x) of the United
6 States Housing Act of 1937 (42 U.S.C. 1437f(x)) that is
7 in use on behalf of an assisted family as of the date of the
8 enactment of this Act.

9 **SEC. 104. HOMELESS ASSISTANCE GRANTS.**

10 (a) *RENEWAL OF CONTINUUM OF CARE PROJECTS.*—
11 In allocating and awarding amounts provided for the Con-
12 tinuum of Care program under subtitle C of title IV of the
13 McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381
14 et seq.), the Secretary of Housing and Urban Development
15 shall renew for one 12-month period, without additional
16 competition, all projects with existing grants expiring dur-
17 ing calendar year 2021, including youth homelessness dem-
18 onstration projects and shelter plus care projects expiring
19 during calendar year 2021, notwithstanding any incon-
20 sistent provisions in subtitle C of title IV of the McKinney-
21 Vento Homeless Assistance Act or any other Act.

22 (b) *PLANNING AND UNIFIED FUNDING AGENCY*
23 *AWARDS.*—Continuum of Care planning and Unified
24 Funding Agency awards expiring in calendar year 2021
25 may also be renewed and the Continuum of Care may des-

1 *ignate a new collaborative applicant to receive the award*
2 *in accordance with the existing process established by the*
3 *Secretary of Housing and Urban Development.*

4 (c) *NOTICE.—The Secretary of Housing and Urban*
5 *Development shall publish a notice that identifies and lists*
6 *all projects and awards eligible for such noncompetitive re-*
7 *newal, prescribes the format and process by which the*
8 *projects and awards from the list will be renewed, makes*
9 *adjustments to the renewal amount based on changes to the*
10 *fair market rent, and establishes a maximum amount for*
11 *the renewal of planning and Unified Funding Agency*
12 *awards notwithstanding the requirement that such max-*
13 *imum amount be established in a notice of funding avail-*
14 *ability.*

15 **SEC. 105. IMPROVEMENTS TO LOAN GUARANTEES FOR IN-**
16 **DIAN HOUSING.**

17 (a) *FINDINGS.—Congress finds that—*

18 (1) *the extended timelines for approving lenders'*
19 *applications to participate in the program established*
20 *under section 184 of the Housing and Community*
21 *Development Act of 1992 (12 U.S.C. 1715z–13a) are*
22 *unacceptably long;*

23 (2) *those extended timelines inhibit the ability of*
24 *lenders to provide needed mortgage loans on Native*
25 *American reservations; and*

1 (3) *it can take a significant amount of time for*
2 *certain Bureau of Indian Affairs Land Title and*
3 *Records Offices to issue final certified title status re-*
4 *ports for mortgages issued on Indian trust land under*
5 *section 184 of the Housing and Community Develop-*
6 *ment Act of 1992 (12 U.S.C. 1715z–13a), which*
7 *delays the guarantee of the loan by the Department*
8 *of Housing and Urban Development.*

9 (b) *DOCUMENTATION REQUIRED FOR INDIAN TRUST*
10 *LAND.—Section 184(c) of the Housing and Community De-*
11 *velopment Act of 1992 (12 U.S.C. 1715z–13a(c)) is amend-*
12 *ed by adding at the end the following:*

13 “(5) *TRAILING DOCUMENTS.—*

14 “(A) *IN GENERAL.—The Secretary may*
15 *issue a certificate of guarantee under this sub-*
16 *section for a loan involving a security interest in*
17 *Indian trust land before the Secretary receives*
18 *the trailing documents required by the Secretary*
19 *from the Bureau of Indian Affairs, including the*
20 *final certified title status report showing the rec-*
21 *ordation by the Bureau of Indian Affairs of the*
22 *mortgage relating to the loan, if the originating*
23 *lender agrees to indemnify the Secretary for any*
24 *losses that may result when—*

1 “(i) a claim payment is presented to
2 the Secretary due to the default of the bor-
3 rower on the loan; and

4 “(ii) the required trailing documents
5 are outstanding.

6 “(B) *TERMINATION OF INDEMNIFICATION*
7 *AGREEMENT.*—An indemnification agreement be-
8 tween an originating lender and the Secretary
9 described in subparagraph (A) shall only termi-
10 nate upon receipt by the Secretary of the trailing
11 documents described in that subparagraph in a
12 form and manner that is acceptable to the Sec-
13 retary.

14 “(C) *RULE OF CONSTRUCTION.*—Nothing in
15 this paragraph shall be construed as authorizing
16 the Bureau of Indian Affairs to delay the
17 issuance of a final certified title status report
18 and recorded mortgage relating to a loan closed
19 on Indian trust land.”.

20 (c) *REPORTING.*—The Secretary of Housing and
21 Urban Development shall—

22 (1) report to the Committee on Banking, Hous-
23 ing, and Urban Affairs and the Committee on Indian
24 Affairs of the Senate and the Committee on Financial
25 Services and the Committee on Natural Resources of

1 *the House of Representatives on a semi-annual basis*
2 *on the progress that the Secretary is making to accel-*
3 *erate the processing of loan applications on fee simple*
4 *and Indian trust land under section 184 of the Hous-*
5 *ing and Community Development Act of 1992 (12*
6 *U.S.C. 1715z–13a); and*

7 *(2) if there is no improvement in accelerating*
8 *those processing timelines, submit to the committees*
9 *described in paragraph (1) a report explaining the*
10 *lack of improvement.*

11 **SEC. 106. STUDY ON THE PROVISION OF AND RELIANCE**
12 **UPON INVESTMENT RESEARCH INTO SMALL**
13 **ISSUERS.**

14 *(a) STUDY REQUIRED.—The Securities and Exchange*
15 *Commission shall conduct a study to evaluate the issues af-*
16 *fecting the provision of and reliance upon investment re-*
17 *search into small issuers, including emerging growth com-*
18 *panies and companies considering initial public offerings.*

19 *(b) CONTENTS OF STUDY.—The study required under*
20 *subsection (a) shall consider—*

21 *(1) factors related to the demand for such re-*
22 *search by institutional and retail investors;*

23 *(2) the availability of such research, including—*

24 *(A) the number and types of firms who pro-*
25 *vide such research;*

- 1 (B) the volume of such research over time;
- 2 and
- 3 (C) competition in the research market;
- 4 (3) conflicts of interest relating to the production
- 5 and distribution of investment research;
- 6 (4) the costs of such research;
- 7 (5) the impacts of different payment mechanisms
- 8 for investment research into small issuers, including
- 9 whether such research is paid for by—
- 10 (A) hard-dollar payments from research cli-
- 11 ents;
- 12 (B) payments directed from the client's
- 13 commission income (i.e., "soft dollars"); or
- 14 (C) payments from the issuer that is the
- 15 subject of such research;
- 16 (6) any unique challenges faced by minority-
- 17 owned, women-owned, and veteran-owned small
- 18 issuers in obtaining research coverage; and
- 19 (7) the impact on the availability of research
- 20 coverage for small issuers due to—
- 21 (A) investment adviser concentration and
- 22 consolidation, including any potential impacts
- 23 of fund-size on demand for investment research
- 24 of small issuers;

1 (B) broker and dealer concentration and
2 consolidation, including any relationships be-
3 tween the size of the firm and allocation of re-
4 sources for investment research into small
5 issuers;

6 (C) Securities and Exchange Commission
7 rules;

8 (D) registered national securities associa-
9 tion rules;

10 (E) State and Federal liability concerns;

11 (F) the settlement agreements referenced in
12 Securities and Exchange Commission Litigation
13 Release No. 18438 (i.e., the “Global Research An-
14 alyst Settlement”); and

15 (G) Directive 2014/65/EU of the European
16 Parliament and of the Council of 15 May 2014
17 on markets in financial instruments and amend-
18 ing Directive 2002/92/EC and Directive 2011/61/
19 EU, as implemented by the European Union
20 (“EU”) member states (“MiFID II”).

21 (c) *REPORT REQUIRED.*—Not later than 180 days
22 after the date of the enactment of this Act, the Securities
23 and Exchange Commission shall submit to Congress a re-
24 port that includes—

1 (1) *the results of the study required by subsection*
2 *(a); and*

3 (2) *recommendations to increase the demand for,*
4 *volume of, and quality of investment research into*
5 *small issuers, including emerging growth companies*
6 *and companies considering initial public offerings.*

7 **SEC. 107. STUDY ON THRESHOLD LIMITS APPLICABLE TO**
8 **DIVERSIFIED COMPANIES.**

9 (a) *IN GENERAL.*—*The Securities and Exchange Com-*
10 *mission shall carry out a study of the 10 per centum thresh-*
11 *old limitation applicable to the definition of a diversified*
12 *company under section 5(b)(1) of the Investment Company*
13 *Act of 1940 (15 U.S.C. 80a–5(b)(1)) and determine the im-*
14 *pacts of such threshold limits upon the protection of inves-*
15 *tors, efficiency, competition, and capital formation.*

16 (b) *CONSIDERATIONS.*—*In carrying out the study re-*
17 *quired under subsection (a), the Commission shall consider*
18 *the following:*

19 (1) *The size and number of diversified companies*
20 *that are currently restricted in their ability to own*
21 *more than 10 percent of the voting shares in an indi-*
22 *vidual company.*

23 (2) *How the investing preferences of diversified*
24 *companies have shifted over time with respect to com-*
25 *panies with smaller market capitalizations and com-*

1 *panies in industries where competition may be lim-*
2 *ited.*

3 (3) *The expected impact to small and emerging*
4 *growth companies regarding the availability of cap-*
5 *ital, related impacts on investor confidence and risk,*
6 *and impacts on competition, if the threshold is in-*
7 *creased or otherwise changed.*

8 (4) *The ability of registered funds to manage li-*
9 *quidity risk.*

10 (5) *Any other consideration that the Commission*
11 *considers necessary and appropriate for the protection*
12 *of investors.*

13 (c) *SOLICITATION OF PUBLIC COMMENTS.*—*In car-*
14 *rying out the study required under subsection (a), the Com-*
15 *mission may solicit public comments.*

16 (d) *REPORT.*—*Not later than the end of the 180-day*
17 *period beginning on the date of enactment of this Act, the*
18 *Commission shall issue a report to the Congress, and make*
19 *such report publicly available on the website of the Commis-*
20 *sion, containing—*

21 (1) *all findings and determinations made in car-*
22 *rying out the study required under subsection (a);*
23 *and*

24 (2) *any legislative recommendations of the Com-*
25 *mission.*

1 **SEC. 108. CYBERSECURITY AND FINANCIAL SYSTEM RESIL-**
2 **IENCE REPORT.**

3 (a) *IN GENERAL.*—Not later than the end of the 180-
4 day period beginning on the date of enactment of this Act,
5 and annually thereafter, each banking regulator shall sub-
6 mit a report to the Committee on Financial Services of the
7 House of Representatives and the Committee on Banking,
8 Housing, and Urban Affairs of the Senate that provides a
9 detailed explanation of measures undertaken to strengthen
10 cybersecurity within the financial services sector and with
11 respect to the functions of the regulator, including the super-
12 vision and regulation of financial institutions and, where
13 applicable, third-party service providers. Each such report
14 shall specifically include a detailed analysis of—

15 (1) policies and procedures (including those de-
16 scribed under section 3554(b) of title 44, United
17 States Code) to detect, defend against, and respond
18 to—

19 (A) efforts to deny access to or degrade, dis-
20 rupt, or destroy any information and commu-
21 nications technology system or network, or
22 exfiltrate information from such a system or net-
23 work without authorization;

24 (B) destructive malware attacks;

25 (C) denial of service activities; and

1 (D) any other efforts that may threaten the
2 functions of the banking regulator or entities
3 overseen by the regulator by undermining cyber-
4 security and the resilience of the financial sys-
5 tem;

6 (2) activities to ensure the effective implementa-
7 tion of policies and procedures described under para-
8 graph (1), including—

9 (A) the appointment of qualified staff, the
10 provision of staff training, the use of account-
11 ability measures to support staff performance,
12 and the designation, if any, of senior appointed
13 leadership to strengthen accountability for over-
14 sight of cybersecurity measures within each
15 banking regulator and among regulated entities;

16 (B) deployment of adequate resources and
17 technologies;

18 (C) efforts of the banking regulators to re-
19 spond to cybersecurity-related findings and rec-
20 ommendations of the Inspector General of the
21 banking regulator or the independent evaluation
22 described under section 3555 of title 42, United
23 States Code;

1 (D) industry efforts to respond to cybersecu-
2 rity-related findings and recommendations of the
3 banking regulators;

4 (E) as appropriate, efforts to strengthen cy-
5 bersecurity in coordination with other Federal
6 departments and agencies, domestic and foreign
7 financial institutions, and other partners, in-
8 cluding the development and dissemination of
9 best practices regarding cybersecurity and the
10 sharing of threat information; and

11 (3) any current or emerging threats that are
12 likely to pose a risk to the resilience of the financial
13 system.

14 (b) *FORM OF REPORT.*—The report required under
15 subsection (a) shall be submitted in unclassified form, but
16 may include a classified annex, if appropriate.

17 (c) *CONGRESSIONAL BRIEFING.*—Upon request, the
18 head of each banking regulator shall provide a detailed
19 briefing to the appropriate Members of Congress on each
20 report submitted pursuant to subsection (a), except—

21 (1) the Chairman of the Board of Governors of
22 the Federal Reserve System may designate another
23 member of the Board of Governors of the Federal Re-
24 serve System to provide such briefing;

1 (2) *the Chairperson of the Federal Deposit Insur-*
2 *ance Corporation may designate another member of*
3 *the Board of Directors of the Corporation to provide*
4 *such briefing; and*

5 (3) *the Chairman of the National Credit Union*
6 *Administration may designate another member of the*
7 *National Credit Union Administration Board to pro-*
8 *vide such briefing.*

9 (d) *DEFINITIONS.—For the purposes of this section:*

10 (1) *APPROPRIATE MEMBERS OF CONGRESS.—The*
11 *term “appropriate Members of Congress” means the*
12 *following:*

13 (A) *The Chairman and Ranking Member of*
14 *the Committee on Financial Services of the*
15 *House of Representatives.*

16 (B) *The Chairman and Ranking Member of*
17 *the Committee on Banking, Housing, and Urban*
18 *Affairs of the Senate.*

19 (2) *BANKING REGULATOR.—The term “banking*
20 *regulator” means the Board of Governors of the Fed-*
21 *eral Reserve System, the Comptroller of the Currency,*
22 *the Federal Deposit Insurance Corporation, and the*
23 *National Credit Union Administration.*

24 (3) *SENIOR APPOINTED LEADERSHIP.—With re-*
25 *spect to a banking regulator, the term “senior ap-*

1 *pointed leadership*” means a position that requires
2 *Senate confirmation.*

3 (e) *SUNSET.*—*The provisions of this section shall have*
4 *no force or effect on or after the date that is 7 years after*
5 *the date of enactment of this Act.*

6 ***TITLE II—INTELLECTUAL***
7 ***PROPERTY***

8 ***Subtitle A—Copyrights***

9 ***SEC. 211. UNAUTHORIZED STREAMING.***

10 (a) *AMENDMENT.*—*Chapter 113 of title 18, United*
11 *States Code, is amended by inserting after section 2319B*
12 *the following:*

13 ***“§ 2319C. Illicit digital transmission services***

14 ***“(a) DEFINITIONS.*—*In this section—***

15 ***“(1) the terms ‘audiovisual work’, ‘computer pro-***
16 ***gram’, ‘copies’, ‘copyright owner’, ‘digital trans-***
17 ***mission’, ‘financial gain’, ‘motion picture’, ‘motion***
18 ***picture exhibition facility’, ‘perform’, ‘phonorecords’,***
19 ***‘publicly’ (with respect to performing a work), ‘sound***
20 ***recording’, and ‘transmit’ have the meanings given***
21 ***those terms in section 101 of title 17;***

22 ***“(2) the term ‘digital transmission service’***
23 ***means a service that has the primary purpose of pub-***
24 ***licly performing works by digital transmission;***

1 “(3) the terms ‘publicly perform’ and ‘public
2 performance’ refer to the exclusive rights of a copy-
3 right owner under paragraphs (4) and (6) of section
4 106 (relating to exclusive rights in copyrighted works)
5 of title 17, as limited by sections 107 through 122 of
6 title 17; and

7 “(4) the term ‘work being prepared for commer-
8 cial public performance’ means—

9 “(A) a computer program, a musical work,
10 a motion picture or other audiovisual work, or
11 a sound recording, if, at the time of unauthor-
12 ized public performance—

13 “(i) the copyright owner has a reason-
14 able expectation of commercial public per-
15 formance; and

16 “(ii) the copies or phonorecords of the
17 work have not been commercially publicly
18 performed in the United States by or with
19 the authorization of the copyright owner; or

20 “(B) a motion picture, if, at the time of un-
21 authorized public performance, the motion pic-
22 ture—

23 “(i)(I) has been made available for
24 viewing in a motion picture exhibition fa-
25 cility; and

1 “(II) has not been made available in
2 copies for sale to the general public in the
3 United States by or with the authorization
4 of the copyright owner in a format intended
5 to permit viewing outside a motion picture
6 exhibition facility; or

7 “(ii) had not been commercially pub-
8 licly performed in the United States by or
9 with the authorization of the copyright
10 owner more than 24 hours before the unau-
11 thorized public performance.

12 “(b) *PROHIBITED ACT.*—It shall be unlawful for a per-
13 son to willfully, and for purposes of commercial advantage
14 or private financial gain, offer or provide to the public a
15 digital transmission service that—

16 “(1) is primarily designed or provided for the
17 purpose of publicly performing works protected under
18 title 17 by means of a digital transmission without
19 the authority of the copyright owner or the law;

20 “(2) has no commercially significant purpose or
21 use other than to publicly perform works protected
22 under title 17 by means of a digital transmission
23 without the authority of the copyright owner or the
24 law; or

1 “(3) *is intentionally marketed by or at the direc-*
2 *tion of that person to promote its use in publicly per-*
3 *forming works protected under title 17 by means of*
4 *a digital transmission without the authority of the*
5 *copyright owner or the law.*

6 “(c) *PENALTIES.—Any person who violates subsection*
7 *(b) shall be, in addition to any penalties provided for under*
8 *title 17 or any other law—*

9 “(1) *fined under this title, imprisoned not more*
10 *than 3 years, or both;*

11 “(2) *fined under this title, imprisoned not more*
12 *than 5 years, or both, if—*

13 “(A) *the offense was committed in connec-*
14 *tion with 1 or more works being prepared for*
15 *commercial public performance; and*

16 “(B) *the person knew or should have known*
17 *that the work was being prepared for commercial*
18 *public performance; and*

19 “(3) *fined under this title, imprisoned not more*
20 *than 10 years, or both, if the offense is a second or*
21 *subsequent offense under this section or section*
22 *2319(a).*

23 “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*
24 *tion shall be construed to—*

1 “(1) affect the interpretation of any other provi-
2 sion of civil copyright law, including the limitations
3 of liability set forth in section 512 of title 17, or prin-
4 ciples of secondary liability; or

5 “(2) prevent any Federal or State authority
6 from enforcing cable theft or theft of service laws that
7 are not subject to preemption under section 301 of
8 title 17.”.

9 (b) *TABLE OF SECTIONS AMENDMENT.*—The table of
10 section for chapter 113 of title 18, United States Code, is
11 amended by inserting after the item relating to section
12 2319B the following:

 “2319C. Illicit digital transmission services.”.

13 **SEC. 212. COPYRIGHT SMALL CLAIMS.**

14 (a) *SHORT TITLE.*—This section may be cited as the
15 “Copyright Alternative in Small-Claims Enforcement Act
16 of 2020” or the “CASE Act of 2020”.

17 (b) *AMENDMENT.*—Title 17, United States Code, is
18 amended by adding at the end the following:

19 **“CHAPTER 15—COPYRIGHT SMALL CLAIMS**

 “1501. Definitions.

 “1502. Copyright Claims Board.

 “1503. Authority and duties of the Copyright Claims Board.

 “1504. Nature of proceedings.

 “1505. Registration requirement.

 “1506. Conduct of proceedings.

 “1507. Effect of proceeding.

 “1508. Review and confirmation by district court.

 “1509. Relationship to other district court actions.

 “1510. Implementation by Copyright Office.

 “1511. Funding.

1 **“§ 1501. Definitions**

2 *“In this chapter—*

3 *“(1) the term ‘claimant’ means the real party in*
4 *interest that commences a proceeding before the Copy-*
5 *right Claims Board under section 1506(e), pursuant*
6 *to a permissible claim of infringement brought under*
7 *section 1504(c)(1), noninfringement brought under*
8 *section 1504(c)(2), or misrepresentation brought*
9 *under section 1504(c)(3);*

10 *“(2) the term ‘counterclaimant’ means a re-*
11 *spondent in a proceeding before the Copyright Claims*
12 *Board that—*

13 *“(A) asserts a permissible counterclaim*
14 *under section 1504(c)(4) against the claimant in*
15 *the proceeding; and*

16 *“(B) is the real party in interest with re-*
17 *spect to the counterclaim described in subpara-*
18 *graph (A);*

19 *“(3) the term ‘party’—*

20 *“(A) means a party; and*

21 *“(B) includes the attorney of a party, as*
22 *applicable; and*

23 *“(4) the term ‘respondent’ means any person*
24 *against whom a proceeding is brought before the*
25 *Copyright Claims Board under section 1506(e), pur-*
26 *suant to a permissible claim of infringement brought*

1 *under section 1504(c)(1), noninfringement brought*
2 *under section 1504(c)(2), or misrepresentation*
3 *brought under section 1504(c)(3).*

4 **“§ 1502. Copyright Claims Board**

5 “(a) *IN GENERAL.*—*There is established in the Copy-*
6 *right Office the Copyright Claims Board, which shall serve*
7 *as an alternative forum in which parties may voluntarily*
8 *seek to resolve certain copyright claims regarding any cat-*
9 *egory of copyrighted work, as provided in this chapter.*

10 “(b) *OFFICERS AND STAFF.*—

11 “(1) *COPYRIGHT CLAIMS OFFICERS.*—*The Reg-*
12 *ister of Copyrights shall recommend 3 full-time Copy-*
13 *right Claims Officers to serve on the Copyright*
14 *Claims Board in accordance with paragraph (3)(A).*
15 *The Officers shall be appointed by the Librarian of*
16 *Congress to such positions after consultation with the*
17 *Register of Copyrights.*

18 “(2) *COPYRIGHT CLAIMS ATTORNEYS.*—*The Reg-*
19 *ister of Copyrights shall hire not fewer than 2 full-*
20 *time Copyright Claims Attorneys to assist in the ad-*
21 *ministration of the Copyright Claims Board.*

22 “(3) *QUALIFICATIONS.*—

23 “(A) *COPYRIGHT CLAIMS OFFICERS.*—

1 “(i) *IN GENERAL.*—*Each Copyright*
2 *Claims Officer shall be an attorney who has*
3 *not fewer than 7 years of legal experience.*

4 “(ii) *EXPERIENCE.*—*Two of the Copy-*
5 *right Claims Officers shall—*

6 “(I) *have substantial experience*
7 *in the evaluation, litigation, or adju-*
8 *dicatation of copyright infringement*
9 *claims; and*

10 “(II) *between those 2 Officers,*
11 *have represented or presided over a di-*
12 *versity of copyright interests, including*
13 *those of both owners and users of copy-*
14 *righted works.*

15 “(iii) *ALTERNATIVE DISPUTE RESOLU-*
16 *TION.*—*The Copyright Claims Officer not*
17 *described in clause (ii) shall have substan-*
18 *tial familiarity with copyright law and ex-*
19 *perience in the field of alternative dispute*
20 *resolution, including the resolution of litiga-*
21 *tion matters through that method of resolu-*
22 *tion.*

23 “(B) *COPYRIGHT CLAIMS ATTORNEYS.*—
24 *Each Copyright Claims Attorney shall be an at-*

1 *torney who has not fewer than 3 years of sub-*
2 *stantial experience in copyright law.*

3 *“(4) COMPENSATION.—*

4 *“(A) COPYRIGHT CLAIMS OFFICERS.—*

5 *“(i) DEFINITION.—In this subpara-*
6 *graph, the term ‘senior level employee of the*
7 *Federal Government’ means an employee,*
8 *other than an employee in the Senior Exec-*
9 *utive Service, the position of whom is classi-*
10 *fied above GS–15 of the General Schedule.*

11 *“(ii) PAY RANGE.—Each Copyright*
12 *Claims Officer shall be compensated at a*
13 *rate of pay that is not less than the min-*
14 *imum, and not more than the maximum,*
15 *rate of pay payable for senior level employ-*
16 *ees of the Federal Government, including lo-*
17 *cality pay, as applicable.*

18 *“(B) COPYRIGHT CLAIMS ATTORNEYS.—*

19 *Each Copyright Claims Attorney shall be com-*
20 *pensated at a rate of pay that is not more than*
21 *the maximum rate of pay payable for level 10 of*
22 *GS–15 of the General Schedule, including local-*
23 *ity pay, as applicable.*

24 *“(5) TERMS.—*

1 “(A) *IN GENERAL.*—*Subject to subpara-*
2 *graph (B), a Copyright Claims Officer shall*
3 *serve for a renewable term of 6 years.*

4 “(B) *INITIAL TERMS.*—*The terms for the*
5 *first Copyright Claims Officers appointed under*
6 *this chapter shall be as follows:*

7 “(i) *The first such Copyright Claims*
8 *Officer appointed shall be appointed for a*
9 *term of 4 years.*

10 “(ii) *The second Copyright Claims Of-*
11 *ficer appointed shall be appointed for a*
12 *term of 5 years.*

13 “(iii) *The third Copyright Claims Offi-*
14 *cer appointed shall be appointed for a term*
15 *of 6 years.*

16 “(6) *VACANCIES AND INCAPACITY.*—

17 “(A) *VACANCY.*—

18 “(i) *IN GENERAL.*—*If a vacancy occurs*
19 *in the position of a Copyright Claims Offi-*
20 *cer, the Librarian of Congress shall, upon*
21 *the recommendation of, and in consultation*
22 *with, the Register of Copyrights, act expedi-*
23 *tiously to appoint a Copyright Claims Offi-*
24 *cer for that position.*

1 “(i) *VACANCY BEFORE EXPIRATION.*—
2 *An individual appointed to fill a vacancy*
3 *occurring before the expiration of the term*
4 *for which the predecessor of the individual*
5 *was appointed shall be appointed to serve a*
6 *6-year term.*

7 “(B) *INCAPACITY.*—*If a Copyright Claims*
8 *Officer is temporarily unable to perform the du-*
9 *ties of the Officer, the Librarian of Congress*
10 *shall, upon recommendation of, and in consulta-*
11 *tion with, the Register of Copyrights, act expedi-*
12 *tiously to appoint an interim Copyright Claims*
13 *Officer to perform such duties during the period*
14 *of such incapacity.*

15 “(7) *SANCTION OR REMOVAL.*—*Subject to section*
16 *1503(b), the Librarian of Congress may sanction or*
17 *remove a Copyright Claims Officer.*

18 “(8) *ADMINISTRATIVE SUPPORT.*—*The Register*
19 *of Copyrights shall provide the Copyright Claims Of-*
20 *ficers and Copyright Claims Attorneys with necessary*
21 *administrative support, including technological facili-*
22 *ties, to carry out the duties of the Officers and Attor-*
23 *neys under this chapter.*

24 “(9) *LOCATION OF COPYRIGHT CLAIMS BOARD.*—
25 *The offices and facilities of the Copyright Claims Of-*

1 *ficers and Copyright Claims Attorneys shall be lo-*
2 *cated at the Copyright Office.*

3 **“§ 1503. Authority and duties of the Copyright Claims**
4 **Board**

5 “(a) *FUNCTIONS.*—

6 “(1) *COPYRIGHT CLAIMS OFFICERS.*—*Subject to*
7 *the provisions of this chapter and applicable regula-*
8 *tions, the functions of the Copyright Claims Officers*
9 *shall be as follows:*

10 “(A) *To render determinations on the civil*
11 *copyright claims, counterclaims, and defenses*
12 *that may be brought before the Officers under*
13 *this chapter.*

14 “(B) *To ensure that claims, counterclaims,*
15 *and defenses are properly asserted and otherwise*
16 *appropriate for resolution by the Copyright*
17 *Claims Board.*

18 “(C) *To manage the proceedings before the*
19 *Officers and render rulings pertaining to the*
20 *consideration of claims, counterclaims, and de-*
21 *fenses, including with respect to scheduling, dis-*
22 *covery, evidentiary, and other matters.*

23 “(D) *To request, from participants and*
24 *nonparticipants in a proceeding, the production*

1 *of information and documents relevant to the*
2 *resolution of a claim, counterclaim, or defense.*

3 “(E) *To conduct hearings and conferences.*

4 “(F) *To facilitate the settlement by the par-*
5 *ties of claims and counterclaims.*

6 “(G) *To—*

7 “(i) *award monetary relief; and*

8 “(ii) *include in the determinations of*
9 *the Officers a requirement that certain ac-*
10 *tivities under section 1504(e)(2) cease or be*
11 *mitigated, if the party to undertake the ap-*
12 *plicable measure has so agreed.*

13 “(H) *To provide information to the public*
14 *concerning the procedures and requirements of*
15 *the Copyright Claims Board.*

16 “(I) *To maintain records of the proceedings*
17 *before the Officers, certify official records of such*
18 *proceedings as needed, and, as provided in sec-*
19 *tion 1506(t), make the records in such pro-*
20 *ceedings available to the public.*

21 “(J) *To carry out such other duties as are*
22 *set forth in this chapter.*

23 “(K) *When not engaged in performing the*
24 *duties of the Officers set forth in this chapter, to*

1 *perform such other duties as may be assigned by*
2 *the Register of Copyrights.*

3 “(2) *COPYRIGHT CLAIMS ATTORNEYS.*—*Subject to*
4 *the provisions of this chapter and applicable regula-*
5 *tions, the functions of the Copyright Claims Attorneys*
6 *shall be as follows:*

7 “(A) *To provide assistance to the Copyright*
8 *Claims Officers in the administration of the du-*
9 *ties of those Officers under this chapter.*

10 “(B) *To provide assistance to members of*
11 *the public with respect to the procedures and re-*
12 *quirements of the Copyright Claims Board.*

13 “(C) *To provide information to potential*
14 *claimants contemplating bringing a permissible*
15 *action before the Copyright Claims Board about*
16 *obtaining a subpoena under section 512(h) for*
17 *the sole purpose of identifying a potential re-*
18 *spondent in such an action.*

19 “(D) *When not engaged in performing the*
20 *duties of the Attorneys set forth in this chapter,*
21 *to perform such other duties as may be assigned*
22 *by the Register of Copyrights.*

23 “(b) *INDEPENDENCE IN DETERMINATIONS.*—

24 “(1) *IN GENERAL.*—*The Copyright Claims Board*
25 *shall render the determinations of the Board in indi-*

1 *vidual proceedings independently on the basis of the*
2 *records in the proceedings before it and in accordance*
3 *with the provisions of this title, judicial precedent,*
4 *and applicable regulations of the Register of Copy-*
5 *rights.*

6 “(2) *CONSULTATION.—The Copyright Claims Of-*
7 *ficers and Copyright Claims Attorneys—*

8 “(A) *may consult with the Register of Copy-*
9 *rights on general issues of law; and*

10 “(B) *subject to section 1506(x), may not*
11 *consult with the Register of Copyrights with re-*
12 *spect to—*

13 “(i) *the facts of any particular matter*
14 *pending before the Officers and the Attor-*
15 *neys; or*

16 “(ii) *the application of law to the facts*
17 *described in clause (i).*

18 “(3) *PERFORMANCE APPRAISALS.—Notwith-*
19 *standing any other provision of law or any regulation*
20 *or policy of the Library of Congress or Register of*
21 *Copyrights, any performance appraisal of a Copy-*
22 *right Claims Officer or Copyright Claims Attorney*
23 *may not consider the substantive result of any indi-*
24 *vidual determination reached by the Copyright*
25 *Claims Board as a basis for appraisal except to the*

1 *extent that the result may relate to any actual or al-*
2 *leged violation of an ethical standard of conduct.*

3 “(c) *DIRECTION BY REGISTER.*—*Subject to subsection*
4 *(b), the Copyright Claims Officers and Copyright Claims*
5 *Attorneys shall, in the administration of their duties, be*
6 *under the general direction of the Register of Copyrights.*

7 “(d) *INCONSISTENT DUTIES BARRED.*—*A Copyright*
8 *Claims Officer or Copyright Claims Attorney may not un-*
9 *dertake any duty that conflicts with the duties of the Officer*
10 *or Attorney in connection with the Copyright Claims*
11 *Board.*

12 “(e) *RECUSAL.*—*A Copyright Claims Officer or Copy-*
13 *right Claims Attorney shall recuse himself or herself from*
14 *participation in any proceeding with respect to which the*
15 *Copyright Claims Officer or Copyright Claims Attorney, as*
16 *the case may be, has reason to believe that he or she has*
17 *a conflict of interest.*

18 “(f) *EX PARTE COMMUNICATIONS.*—*Except as may*
19 *otherwise be permitted by applicable law, any party to a*
20 *proceeding before the Copyright Claims Board shall refrain*
21 *from ex parte communications with the Copyright Claims*
22 *Officers and the Register of Copyrights concerning the sub-*
23 *stance of any active or pending proceeding before the Copy-*
24 *right Claims Board.*

1 “(g) *JUDICIAL REVIEW.*—*Actions of the Copyright*
2 *Claims Officers and Register of Copyrights under this chap-*
3 *ter in connection with the rendering of any determination*
4 *are subject to judicial review as provided under section*
5 *1508(c) and not under chapter 7 of title 5.*

6 “**§ 1504. Nature of proceedings**

7 “(a) *VOLUNTARY PARTICIPATION.*—*Participation in a*
8 *Copyright Claims Board proceeding shall be on a voluntary*
9 *basis in accordance with this chapter, and the right of any*
10 *party to instead pursue a claim, counterclaim, or defense*
11 *in a district court of the United States, any other court,*
12 *or any other forum, and to seek a jury trial, shall be pre-*
13 *served. The rights, remedies, and limitations under this sec-*
14 *tion may not be waived except in accordance with this*
15 *chapter.*

16 “(b) *STATUTE OF LIMITATIONS.*—

17 “(1) *IN GENERAL.*—*A proceeding may not be*
18 *maintained before the Copyright Claims Board unless*
19 *the proceeding is commenced, in accordance with sec-*
20 *tion 1506(e), before the Copyright Claims Board not*
21 *later than 3 years after the claim accrued.*

22 “(2) *TOLLING.*—*Subject to section 1507(a), a*
23 *proceeding commenced before the Copyright Claims*
24 *Board shall toll the time permitted under section*
25 *507(b) for the commencement of an action on the*

1 *same claim in a district court of the United States*
2 *during the period in which the proceeding is pending.*

3 “(c) *PERMISSIBLE CLAIMS, COUNTERCLAIMS, AND DE-*
4 *FENSES.—The Copyright Claims Board may render deter-*
5 *minations with respect to the following claims, counter-*
6 *claims, and defenses, subject to such further limitations and*
7 *requirements, including with respect to particular classes*
8 *of works, as may be set forth in regulations established by*
9 *the Register of Copyrights:*

10 “(1) *A claim for infringement of an exclusive*
11 *right in a copyrighted work provided under section*
12 *106 by the legal or beneficial owner of the exclusive*
13 *right at the time of the infringement for which the*
14 *claimant seeks damages, if any, within the limita-*
15 *tions set forth in subsection (e)(1).*

16 “(2) *A claim for a declaration of noninfringe-*
17 *ment of an exclusive right in a copyrighted work pro-*
18 *vided under section 106, consistent with section 2201*
19 *of title 28.*

20 “(3) *A claim under section 512(f) for misrepre-*
21 *sentation in connection with a notification of claimed*
22 *infringement or a counter notification seeking to re-*
23 *place removed or disabled material, except that any*
24 *remedies relating to such a claim in a proceeding be-*

1 *fore the Copyright Claims Board shall be limited to*
2 *those available under this chapter.*

3 “(4) A counterclaim that is asserted solely
4 *against the claimant in a proceeding—*

5 “(A) pursuant to which the counterclaimant
6 *seeks damages, if any, within the limitations set*
7 *forth in subsection (e)(1); and*

8 “(B) that—

9 “(i) arises under section 106 or section
10 *512(f) and out of the same transaction or*
11 *occurrence that is the subject of a claim of*
12 *infringement brought under paragraph (1),*
13 *a claim of noninfringement brought under*
14 *paragraph (2), or a claim of misrepresenta-*
15 *tion brought under paragraph (3); or*

16 “(ii) arises under an agreement per-
17 *taining to the same transaction or occur-*
18 *rence that is the subject of a claim of in-*
19 *fringement brought under paragraph (1), if*
20 *the agreement could affect the relief awarded*
21 *to the claimant.*

22 “(5) A legal or equitable defense under this title
23 *or otherwise available under law, in response to a*
24 *claim or counterclaim asserted under this subsection.*

1 “(6) *A single claim or multiple claims permitted*
2 *under paragraph (1), (2), or (3) by 1 or more claim-*
3 *ants against 1 or more respondents, but only if all*
4 *claims asserted in any 1 proceeding arise out of the*
5 *same allegedly infringing activity or continuous*
6 *course of infringing activities and do not, in the ag-*
7 *gregate, result in the recovery of such claim or claims*
8 *for damages that exceed the limitations under sub-*
9 *section (e)(1).*

10 “(d) *EXCLUDED CLAIMS.—The following claims and*
11 *counterclaims are not subject to determination by the Copy-*
12 *right Claims Board:*

13 “(1) *A claim or counterclaim that is not a per-*
14 *missible claim or counterclaim under subsection (c).*

15 “(2) *A claim or counterclaim that has been fi-*
16 *nally adjudicated by a court of competent jurisdiction*
17 *or that is pending before a court of competent juris-*
18 *isdiction, unless that court has granted a stay to per-*
19 *mit that claim or counterclaim to proceed before the*
20 *Copyright Claims Board.*

21 “(3) *A claim or counterclaim by or against a*
22 *Federal or State governmental entity.*

23 “(4) *A claim or counterclaim asserted against a*
24 *person or entity residing outside of the United States,*
25 *except in a case in which the person or entity initi-*

1 *ated the proceeding before the Copyright Claims*
2 *Board and is subject to counterclaims under this*
3 *chapter.*

4 “(e) *PERMISSIBLE REMEDIES.—*

5 “(1) *MONETARY RECOVERY.—*

6 “(A) *ACTUAL DAMAGES, PROFITS, AND*
7 *STATUTORY DAMAGES FOR INFRINGEMENT.—*

8 *With respect to a claim or counterclaim for in-*
9 *fringement of copyright, and subject to the limi-*
10 *tation on total monetary recovery under sub-*
11 *paragraph (D), the Copyright Claims Board*
12 *may award either of the following:*

13 “(i) *Actual damages and profits deter-*
14 *mined in accordance with section 504(b),*
15 *with that award taking into consideration,*
16 *in appropriate cases, whether the infringing*
17 *party has agreed to cease or mitigate the in-*
18 *fringing activity under paragraph (2).*

19 “(ii) *Statutory damages, which shall*
20 *be determined in accordance with section*
21 *504(c), subject to the following conditions:*

22 “(I) *With respect to works timely*
23 *registered under section 412, so that*
24 *the works are eligible for an award of*
25 *statutory damages in accordance with*

1 *that section, the statutory damages*
2 *may not exceed \$15,000 for each work*
3 *infringed.*

4 “(II) *With respect to works not*
5 *timely registered under section 412,*
6 *but eligible for an award of statutory*
7 *damages under this section, statutory*
8 *damages may not exceed \$7,500 per*
9 *work infringed, or a total of \$15,000*
10 *in any 1 proceeding.*

11 “(III) *The Copyright Claims*
12 *Board may not make any finding that,*
13 *or consider whether, the infringement*
14 *was committed willfully in making an*
15 *award of statutory damages.*

16 “(IV) *The Copyright Claims*
17 *Board may consider, as an additional*
18 *factor in awarding statutory damages,*
19 *whether the infringer has agreed to*
20 *cease or mitigate the infringing activ-*
21 *ity under paragraph (2).*

22 “(B) *ELECTION OF DAMAGES.—With respect*
23 *to a claim or counterclaim of infringement, at*
24 *any time before final determination is rendered,*
25 *and notwithstanding the schedule established by*

1 *the Copyright Claims Board under section*
2 *1506(k), the claimant or counterclaimant shall*
3 *elect—*

4 *“(i) to recover actual damages and*
5 *profits or statutory damages under subpara-*
6 *graph (A); or*

7 *“(ii) not to recover damages.*

8 *“(C) DAMAGES FOR OTHER CLAIMS.—Dam-*
9 *ages for claims and counterclaims other than in-*
10 *fringement claims, such as those brought under*
11 *section 512(f), shall be subject to the limitation*
12 *under subparagraph (D).*

13 *“(D) LIMITATION ON TOTAL MONETARY RE-*
14 *COVERY.—Notwithstanding any other provision*
15 *of law, a party that pursues any 1 or more*
16 *claims or counterclaims in any single proceeding*
17 *before the Copyright Claims Board may not seek*
18 *or recover in that proceeding a total monetary*
19 *recovery that exceeds the sum of \$30,000, exclu-*
20 *sive of any attorneys’ fees and costs that may be*
21 *awarded under section 1506(y)(2).*

22 *“(2) AGREEMENT TO CEASE CERTAIN ACTIV-*
23 *ITY.—In a determination of the Copyright Claims*
24 *Board, the Board shall include a requirement to cease*

1 *conduct if, in the proceeding relating to the deter-*
2 *mination—*

3 *“(A) a party agrees—*

4 *“(i) to cease activity that is found to*
5 *be infringing, including removing or dis-*
6 *abling access to, or destroying, infringing*
7 *materials; or*

8 *“(ii) to cease sending a takedown no-*
9 *tice or counter notice under section 512 to*
10 *the other party regarding the conduct at*
11 *issue before the Board if that notice or*
12 *counter notice was found to be a knowing*
13 *material misrepresentation under section*
14 *512(f); and*

15 *“(B) the agreement described in subpara-*
16 *graph (A) is reflected in the record for the pro-*
17 *ceeding.*

18 *“(3) ATTORNEYS’ FEES AND COSTS.—Notwith-*
19 *standing any other provision of law, except in the*
20 *case of bad faith conduct as provided in section*
21 *1506(y)(2), the parties to proceedings before the Copy-*
22 *right Claims Board shall bear their own attorneys’*
23 *fees and costs.*

24 *“(f) JOINT AND SEVERAL LIABILITY.—Parties to a*
25 *proceeding before the Copyright Claims Board may be*

1 *found jointly and severally liable if all such parties and*
2 *relevant claims or counterclaims arise from the same activ-*
3 *ity or activities.*

4 “(g) *PERMISSIBLE NUMBER OF CASES.*—*The Register*
5 *of Copyrights may establish regulations relating to the per-*
6 *mitted number of proceedings each year by the same claim-*
7 *ant under this chapter, in the interests of justice and the*
8 *administration of the Copyright Claims Board.*

9 “**§ 1505. Registration requirement**

10 “(a) *APPLICATION OR CERTIFICATE.*—*A claim or*
11 *counterclaim alleging infringement of an exclusive right in*
12 *a copyrighted work may not be asserted before the Copyright*
13 *Claims Board unless—*

14 “(1) *the legal or beneficial owner of the copyright*
15 *has first delivered a completed application, a deposit,*
16 *and the required fee for registration of the copyright*
17 *to the Copyright Office; and*

18 “(2) *a registration certificate has either been*
19 *issued or has not been refused.*

20 “(b) *CERTIFICATE OF REGISTRATION.*—*Notwith-*
21 *standing any other provision of law, a claimant or counter-*
22 *claimant in a proceeding before the Copyright Claims*
23 *Board shall be eligible to recover actual damages and profits*
24 *or statutory damages under this chapter for infringement*

1 *of a work if the requirements of subsection (a) have been*
2 *met, except that—*

3 “(1) *the Copyright Claims Board may not*
4 *render a determination in the proceeding until—*

5 “(A) *a registration certificate with respect*
6 *to the work has been issued by the Copyright Of-*
7 *fice, submitted to the Copyright Claims Board,*
8 *and made available to the other parties to the*
9 *proceeding; and*

10 “(B) *the other parties to the proceeding*
11 *have been provided an opportunity to address the*
12 *registration certificate;*

13 “(2) *if the proceeding may not proceed further*
14 *because a registration certificate for the work is pend-*
15 *ing, the proceeding shall be held in abeyance pending*
16 *submission of the certificate to the Copyright Claims*
17 *Board, except that, if the proceeding is held in abey-*
18 *ance for more than 1 year, the Copyright Claims*
19 *Board may, upon providing written notice to the par-*
20 *ties to the proceeding, and 30 days to the parties to*
21 *respond to the notice, dismiss the proceeding without*
22 *prejudice; and*

23 “(3) *if the Copyright Claims Board receives no-*
24 *tice that registration with respect to the work has*

1 *been refused, the proceeding shall be dismissed with-*
2 *out prejudice.*

3 “(c) *PRESUMPTION.*—*In a case in which a registration*
4 *certificate shows that registration with respect to a work*
5 *was issued not later than 5 years after the date of the first*
6 *publication of the work, the presumption under section*
7 *410(c) shall apply in a proceeding before the Copyright*
8 *Claims Board, in addition to relevant principles of law*
9 *under this title.*

10 “(d) *REGULATIONS.*—*In order to ensure that actions*
11 *before the Copyright Claims Board proceed in a timely*
12 *manner, the Register of Copyrights shall establish regula-*
13 *tions allowing the Copyright Office to make a decision, on*
14 *an expedited basis, to issue or deny copyright registration*
15 *for an unregistered work that is at issue before the Board.*

16 **“§ 1506. Conduct of proceedings**

17 “(a) *IN GENERAL.*—

18 “(1) *APPLICABLE LAW.*—*Proceedings of the*
19 *Copyright Claims Board shall be conducted in accord-*
20 *ance with this chapter and regulations established by*
21 *the Register of Copyrights under this chapter, in ad-*
22 *dition to relevant principles of law under this title.*

23 “(2) *CONFLICTING PRECEDENT.*—*If it appears*
24 *that there may be conflicting judicial precedent on an*
25 *issue of substantive copyright law that cannot be rec-*

1 *onciled, the Copyright Claims Board shall follow the*
2 *law of the Federal jurisdiction in which the action*
3 *could have been brought if filed in a district court of*
4 *the United States, or, if the action could have been*
5 *brought in more than 1 such jurisdiction, the jurisdic-*
6 *tion that the Copyright Claims Board determines has*
7 *the most significant ties to the parties and conduct at*
8 *issue.*

9 *“(b) RECORD.—The Copyright Claims Board shall*
10 *maintain records documenting the proceedings before the*
11 *Board.*

12 *“(c) CENTRALIZED PROCESS.—Proceedings before the*
13 *Copyright Claims Board shall—*

14 *“(1) be conducted at the offices of the Copyright*
15 *Claims Board without the requirement of in-person*
16 *appearances by parties or others; and*

17 *“(2) take place by means of written submissions,*
18 *hearings, and conferences carried out through inter-*
19 *net-based applications and other telecommunications*
20 *facilities, except that, in cases in which physical or*
21 *other nontestimonial evidence material to a pro-*
22 *ceeding cannot be furnished to the Copyright Claims*
23 *Board through available telecommunications facili-*
24 *ties, the Copyright Claims Board may make alter-*
25 *native arrangements for the submission of such evi-*

1 *dence that do not prejudice any other party to the*
2 *proceeding.*

3 “(d) *REPRESENTATION.*—*A party to a proceeding be-*
4 *fore the Copyright Claims Board may be, but is not re-*
5 *quired to be, represented by—*

6 “(1) *an attorney; or*

7 “(2) *a law student who is qualified under appli-*
8 *cable law governing representation by law students of*
9 *parties in legal proceedings and who provides such*
10 *representation on a pro bono basis.*

11 “(e) *COMMENCEMENT OF PROCEEDING.*—*In order to*
12 *commence a proceeding under this chapter, a claimant*
13 *shall, subject to such additional requirements as may be*
14 *prescribed in regulations established by the Register of*
15 *Copyrights, file a claim with the Copyright Claims Board,*
16 *that—*

17 “(1) *includes a statement of material facts in*
18 *support of the claim;*

19 “(2) *is certified under subsection (y)(1); and*

20 “(3) *is accompanied by a filing fee in such*
21 *amount as may be prescribed in regulations estab-*
22 *lished by the Register of Copyrights.*

23 “(f) *REVIEW OF CLAIMS AND COUNTERCLAIMS.*—

24 “(1) *CLAIMS.*—*Upon the filing of a claim under*
25 *subsection (e), the claim shall be reviewed by a Copy-*

1 *right Claims Attorney to ensure that the claim com-*
2 *plies with this chapter and applicable regulations,*
3 *subject to the following:*

4 “(A) *If the claim is found to comply, the*
5 *claimant shall be notified regarding that compli-*
6 *ance and instructed to proceed with service of the*
7 *claim under subsection (g).*

8 “(B) *If the claim is found not to comply,*
9 *the claimant shall be notified that the claim is*
10 *deficient and be permitted to file an amended*
11 *claim not later than 30 days after the date on*
12 *which the claimant receives the notice, without*
13 *the requirement of an additional filing fee. If the*
14 *claimant files a compliant claim within that 30-*
15 *day period, the claimant shall be so notified and*
16 *be instructed to proceed with service of the claim.*
17 *If the claim is refiled within that 30-day period*
18 *and still fails to comply, the claimant shall*
19 *again be notified that the claim is deficient and*
20 *shall be provided a second opportunity to amend*
21 *the claim not later than 30 days after the date*
22 *of that second notice, without the requirement of*
23 *an additional filing fee. If the claim is refiled*
24 *again within that second 30-day period and is*
25 *compliant, the claimant shall be so notified and*

1 *shall be instructed to proceed with service of the*
2 *claim, but if the claim still fails to comply, upon*
3 *confirmation of such noncompliance by a Copy-*
4 *right Claims Officer, the proceeding shall be dis-*
5 *missed without prejudice. The Copyright Claims*
6 *Board shall also dismiss without prejudice any*
7 *proceeding in which a compliant claim is not*
8 *filed within the applicable 30-day period.*

9 “(C)(i) *Subject to clause (ii), for purposes of*
10 *this paragraph, a claim against an online serv-*
11 *ice provider for infringement by reason of the*
12 *storage of or referral or linking to infringing*
13 *material that may be subject to the limitations*
14 *on liability set forth in subsection (b), (c), or (d)*
15 *of section 512 shall be considered noncompliant*
16 *unless the claimant affirms in the statement re-*
17 *quired under subsection (e)(1) of this section that*
18 *the claimant has previously notified the service*
19 *provider of the claimed infringement in accord-*
20 *ance with subsection (b)(2)(E), (c)(3), or (d)(3)*
21 *of section 512, as applicable, and the service pro-*
22 *vider failed to remove or disable access to the*
23 *material expeditiously upon the provision of*
24 *such notice.*

1 “(i) If a claim is found to be noncompliant
2 under clause (i), the Copyright Claims Board
3 shall provide the claimant with information con-
4 cerning the service of such a notice under the ap-
5 plicable provision of section 512.

6 “(2) COUNTERCLAIMS.—Upon the filing and
7 service of a counterclaim, the counterclaim shall be
8 reviewed by a Copyright Claims Attorney to ensure
9 that the counterclaim complies with the provisions of
10 this chapter and applicable regulations. If the coun-
11 terclaim is found not to comply, the counterclaimant
12 and the other parties to the proceeding shall be noti-
13 fied that the counterclaim is deficient, and the
14 counterclaimant shall be permitted to file and serve
15 an amended counterclaim not later than 30 days
16 after the date of such notice. If the counterclaimant
17 files and serves a compliant counterclaim within that
18 30-day period, the counterclaimant and such other
19 parties shall be so notified. If the counterclaim is
20 refiled and served within that 30-day period but still
21 fails to comply, the counterclaimant and such other
22 parties shall again be notified that the counterclaim
23 is deficient, and the counterclaimant shall be provided
24 a second opportunity to amend the counterclaim not
25 later than 30 days after the date of the second notice.

1 *If the counterclaim is refiled and served again within*
2 *that second 30-day period and is compliant, the*
3 *counterclaimant and such other parties shall be so no-*
4 *tified, but if the counterclaim still fails to comply,*
5 *upon confirmation of such noncompliance by a Copy-*
6 *right Claims Officer, the counterclaim, but not the*
7 *proceeding, shall be dismissed without prejudice.*

8 “(3) *DISMISSAL FOR UNSUITABILITY.*—*The*
9 *Copyright Claims Board shall dismiss a claim or*
10 *counterclaim without prejudice if, upon reviewing the*
11 *claim or counterclaim, or at any other time in the*
12 *proceeding, the Copyright Claims Board concludes*
13 *that the claim or counterclaim is unsuitable for deter-*
14 *mination by the Copyright Claims Board, including*
15 *on account of any of the following:*

16 “(A) *The failure to join a necessary party.*

17 “(B) *The lack of an essential witness, evi-*
18 *dence, or expert testimony.*

19 “(C) *The determination of a relevant issue*
20 *of law or fact that could exceed either the number*
21 *of proceedings the Copyright Claims Board could*
22 *reasonably administer or the subject matter com-*
23 *petence of the Copyright Claims Board.*

24 “(g) *SERVICE OF NOTICE AND CLAIMS.*—*In order to*
25 *proceed with a claim against a respondent, a claimant*

1 *shall, not later than 90 days after receiving notification*
2 *under subsection (f) to proceed with service, file with the*
3 *Copyright Claims Board proof of service on the respondent.*
4 *In order to effectuate service on a respondent, the claimant*
5 *shall cause notice of the proceeding and a copy of the claim*
6 *to be served on the respondent, either by personal service*
7 *or pursuant to a waiver of personal service, as prescribed*
8 *in regulations established by the Register of Copyrights.*
9 *Such regulations shall include the following requirements:*

10 “(1) *The notice of the proceeding shall adhere to*
11 *a prescribed form and shall set forth the nature of the*
12 *Copyright Claims Board and proceeding, the right of*
13 *the respondent to opt out, and the consequences of opt-*
14 *ing out and not opting out, including a prominent*
15 *statement that, by not opting out within 60 days*
16 *after receiving the notice, the respondent—*

17 “(A) *loses the opportunity to have the dis-*
18 *pute decided by a court created under article III*
19 *of the Constitution of the United States; and*

20 “(B) *waives the right to a jury trial regard-*
21 *ing the dispute.*

22 “(2) *The copy of the claim served on the respond-*
23 *ent shall be the same as the claim that was filed with*
24 *the Copyright Claims Board.*

1 “(3) *Personal service of a notice and claim may*
2 *be effected by an individual who is not a party to the*
3 *proceeding and is older than 18 years of age.*

4 “(4) *An individual, other than a minor or in-*
5 *competent individual, may be served by—*

6 “(A) *complying with State law for serving*
7 *a summons in an action brought in courts of*
8 *general jurisdiction in the State where service is*
9 *made;*

10 “(B) *delivering a copy of the notice and*
11 *claim to the individual personally;*

12 “(C) *leaving a copy of the notice and claim*
13 *at the individual’s dwelling or usual place of*
14 *abode with someone of suitable age and discre-*
15 *tion who resides there; or*

16 “(D) *delivering a copy of the notice and*
17 *claim to an agent designated by the respondent*
18 *to receive service of process or, if not so des-*
19 *ignated, an agent authorized by appointment or*
20 *by law to receive service of process.*

21 “(5)(A) *A corporation, partnership, or unincor-*
22 *porated association that is subject to suit in courts of*
23 *general jurisdiction under a common name shall be*
24 *served by delivering a copy of the notice and claim*

1 *to its service agent. If such service agent has not been*
2 *designated, service shall be accomplished—*

3 *“(i) by complying with State law for serv-*
4 *ing a summons in an action brought in courts*
5 *of general jurisdiction in the State where service*
6 *is made; or*

7 *“(ii) by delivering a copy of the notice and*
8 *claim to an officer, a managing or general agent,*
9 *or any other agent authorized by appointment or*
10 *by law to receive service of process in an action*
11 *brought in courts of general jurisdiction in the*
12 *State where service is made and, if the agent is*
13 *one authorized by statute and the statute so re-*
14 *quires, by also mailing a copy of the notice and*
15 *claim to the respondent.*

16 *“(B) A corporation, partnership, or unincor-*
17 *porated association that is subject to suit in courts of*
18 *general jurisdiction under a common name may elect*
19 *to designate a service agent to receive notice of a*
20 *claim against it before the Copyright Claims Board*
21 *by complying with requirements that the Register of*
22 *Copyrights shall establish by regulation. The Register*
23 *of Copyrights shall maintain a current directory of*
24 *service agents that is available to the public for in-*
25 *spection, including through the internet, and may re-*

1 *quire such corporations, partnerships, and unincor-*
2 *porated associations designating such service agents*
3 *to pay a fee to cover the costs of maintaining the di-*
4 *rectory.*

5 *“(6) In order to request a waiver of personal*
6 *service, the claimant may notify a respondent, by*
7 *first class mail or by other reasonable means, that a*
8 *proceeding has been commenced, such notice to be*
9 *made in accordance with regulations established by*
10 *the Register of Copyrights, subject to the following:*

11 *“(A) Any such request shall be in writing,*
12 *shall be addressed to the respondent, and shall be*
13 *accompanied by a prescribed notice of the pro-*
14 *ceeding, a copy of the claim as filed with the*
15 *Copyright Claims Board, a prescribed form for*
16 *waiver of personal service, and a prepaid or*
17 *other means of returning the form without cost.*

18 *“(B) The request shall state the date on*
19 *which the request is sent, and shall provide the*
20 *respondent a period of 30 days, beginning on the*
21 *date on which the request is sent, to return the*
22 *waiver form signed by the respondent. The*
23 *signed waiver form shall, for purposes of this*
24 *subsection, constitute acceptance and proof of*

1 *service as of the date on which the waiver is*
2 *signed.*

3 “(7)(A) *A respondent’s waiver of personal service*
4 *shall not constitute a waiver of the respondent’s right*
5 *to opt out of the proceeding.*

6 “(B) *A respondent who timely waives personal*
7 *service under paragraph (6) and does not opt out of*
8 *the proceeding shall be permitted a period of 30 days,*
9 *in addition to the period otherwise permitted under*
10 *the applicable procedures of the Copyright Claims*
11 *Board, to submit a substantive response to the claim,*
12 *including any defenses and counterclaims.*

13 “(8) *A minor or an incompetent individual may*
14 *only be served by complying with State law for serv-*
15 *ing a summons or like process on such an individual*
16 *in an action brought in the courts of general jurisdic-*
17 *tion of the State where service is made.*

18 “(9) *Service of a claim and waiver of personal*
19 *service may only be effected within the United States.*

20 “(h) *NOTIFICATION BY COPYRIGHT CLAIMS BOARD.—*
21 *The Register of Copyrights shall establish regulations pro-*
22 *viding for a written notification to be sent by, or on behalf*
23 *of, the Copyright Claims Board to notify the respondent of*
24 *a pending proceeding against the respondent, as set forth*
25 *in those regulations, which shall—*

1 “(1) include information concerning the respond-
2 ent’s right to opt out of the proceeding, the con-
3 sequences of opting out and not opting out, and a
4 prominent statement that, by not opting out within
5 60 days after the date of service under subsection (g),
6 the respondent loses the opportunity to have the dis-
7 pute decided by a court created under article III of
8 the Constitution of the United States and waives the
9 right to a jury trial regarding the dispute; and

10 “(2) be in addition to, and separate and apart
11 from, the notice requirements under subsection (g).

12 “(i) *OPT-OUT PROCEDURE.*—Upon being properly
13 served with a notice and claim, a respondent who chooses
14 to opt out of the proceeding shall have a period of 60 days,
15 beginning on the date of service, in which to provide written
16 notice of such choice to the Copyright Claims Board, in ac-
17 cordance with regulations established by the Register of
18 Copyrights. If proof of service has been filed by the claimant
19 and the respondent does not submit an opt-out notice to
20 the Copyright Claims Board within that 60-day period, the
21 proceeding shall be deemed an active proceeding and the
22 respondent shall be bound by the determination in the pro-
23 ceeding to the extent provided under section 1507(a). If the
24 respondent opts out of the proceeding during that 60-day
25 period, the proceeding shall be dismissed without prejudice,

1 *except that, in exceptional circumstances and upon written*
2 *notice to the claimant, the Copyright Claims Board may*
3 *extend that 60-day period in the interests of justice.*

4 “(j) *SERVICE OF OTHER DOCUMENTS.*—*Documents*
5 *submitted or relied upon in a proceeding, other than the*
6 *notice and claim, shall be served in accordance with regula-*
7 *tions established by the Register of Copyrights.*

8 “(k) *SCHEDULING.*—*Upon confirmation that a pro-*
9 *ceeding has become an active proceeding, the Copyright*
10 *Claims Board shall issue a schedule for the future conduct*
11 *of the proceeding. The schedule shall not specify a time that*
12 *a claimant or counterclaimant is required make an election*
13 *of damages that is inconsistent with section 1504(e). A*
14 *schedule issued by the Copyright Claims Board may be*
15 *amended by the Copyright Claims Board in the interests*
16 *of justice.*

17 “(l) *CONFERENCES.*—*One or more Copyright Claims*
18 *Officers may hold a conference to address case management*
19 *or discovery issues in a proceeding, which shall be noted*
20 *upon the record of the proceeding and may be recorded or*
21 *transcribed.*

22 “(m) *PARTY SUBMISSIONS.*—*A proceeding of the*
23 *Copyright Claims Board may not include any formal mo-*
24 *tion practice, except that, subject to applicable regulations*
25 *and procedures of the Copyright Claims Board—*

1 “(1) *the parties to the proceeding may make re-*
2 *quests to the Copyright Claims Board to address case*
3 *management and discovery matters, and submit re-*
4 *sponses thereto; and*

5 “(2) *the Copyright Claims Board may request or*
6 *permit parties to make submissions addressing rel-*
7 *evant questions of fact or law, or other matters, in-*
8 *cluding matters raised sua sponte by the Copyright*
9 *Claims Officers, and offer responses thereto.*

10 “(n) *DISCOVERY.—Discovery in a proceeding shall be*
11 *limited to the production of relevant information and docu-*
12 *ments, written interrogatories, and written requests for ad-*
13 *mission, as provided in regulations established by the Reg-*
14 *ister of Copyrights, except that—*

15 “(1) *upon the request of a party, and for good*
16 *cause shown, the Copyright Claims Board may ap-*
17 *prove additional relevant discovery, on a limited*
18 *basis, in particular matters, and may request specific*
19 *information and documents from participants in the*
20 *proceeding and voluntary submissions from non-*
21 *participants, consistent with the interests of justice;*

22 “(2) *upon the request of a party, and for good*
23 *cause shown, the Copyright Claims Board may issue*
24 *a protective order to limit the disclosure of documents*

1 *or testimony that contain confidential information;*
2 *and*

3 *“(3) after providing notice and an opportunity*
4 *to respond, and upon good cause shown, the Copy-*
5 *right Claims Board may apply an adverse inference*
6 *with respect to disputed facts against a party who*
7 *has failed to timely provide discovery materials in re-*
8 *sponse to a proper request for materials that could be*
9 *relevant to such facts.*

10 *“(o) EVIDENCE.—The Copyright Claims Board may*
11 *consider the following types of evidence in a proceeding, and*
12 *such evidence may be admitted without application of for-*
13 *mal rules of evidence:*

14 *“(1) Documentary and other nontestimonial evi-*
15 *dence that is relevant to the claims, counterclaims, or*
16 *defenses in the proceeding.*

17 *“(2) Testimonial evidence, submitted under pen-*
18 *alty of perjury in written form or in accordance with*
19 *subsection (p), limited to statements of the parties*
20 *and nonexpert witnesses, that is relevant to the*
21 *claims, counterclaims, and defenses in a proceeding,*
22 *except that, in exceptional cases, expert witness testi-*
23 *mony or other types of testimony may be permitted*
24 *by the Copyright Claims Board for good cause shown.*

1 “(p) *HEARINGS.*—*The Copyright Claims Board may*
2 *conduct a hearing to receive oral presentations on issues*
3 *of fact or law from parties and witnesses to a proceeding,*
4 *including oral testimony, subject to the following:*

5 “(1) *Any such hearing shall be attended by not*
6 *fewer than 2 of the Copyright Claims Officers.*

7 “(2) *The hearing shall be noted upon the record*
8 *of the proceeding and, subject to paragraph (3), may*
9 *be recorded or transcribed as deemed necessary by the*
10 *Copyright Claims Board.*

11 “(3) *A recording or transcript of the hearing*
12 *shall be made available to any Copyright Claims Of-*
13 *ficer who is not in attendance.*

14 “(q) *VOLUNTARY DISMISSAL.*—

15 “(1) *BY CLAIMANT.*—*Upon the written request of*
16 *a claimant that is received before a respondent files*
17 *a response to the claim in a proceeding, the Copyright*
18 *Claims Board shall dismiss the proceeding, or a claim*
19 *or respondent, as requested, without prejudice.*

20 “(2) *BY COUNTERCLAIMANT.*—*Upon written re-*
21 *quest of a counterclaimant that is received before a*
22 *claimant files a response to the counterclaim, the*
23 *Copyright Claims Board shall dismiss the counter-*
24 *claim, such dismissal to be without prejudice.*

1 “(3) *CLASS ACTIONS.*—Any party in an active
2 proceeding before the Copyright Claims Board who re-
3 ceives notice of a pending or putative class action,
4 arising out of the same transaction or occurrence, in
5 which that party is a class member may request in
6 writing dismissal of the proceeding before the Board.
7 Upon notice to all claimants and counterclaimants,
8 the Copyright Claims Board shall dismiss the pro-
9 ceeding without prejudice.

10 “(r) *SETTLEMENT.*—

11 “(1) *IN GENERAL.*—At any time in an active
12 proceeding, some or all of the parties may—

13 “(A) jointly request a conference with a
14 Copyright Claims Officer for the purpose of fa-
15 cilitating settlement discussions; or

16 “(B) submit to the Copyright Claims Board
17 an agreement providing for settlement and dis-
18 missal of some or all of the claims and counter-
19 claims in the proceeding.

20 “(2) *ADDITIONAL REQUEST.*—A submission
21 under paragraph (1)(B) may include a request that
22 the Copyright Claims Board adopt some or all of the
23 terms of the parties’ settlement in a final determina-
24 tion in the proceeding.

1 “(s) *FACTUAL FINDINGS.*—Subject to subsection
2 (n)(3), the Copyright Claims Board shall make factual find-
3 ings based upon a preponderance of the evidence.

4 “(t) *DETERMINATIONS.*—

5 “(1) *NATURE AND CONTENTS.*—A determination
6 rendered by the Copyright Claims Board in a pro-
7 ceeding shall—

8 “(A) be reached by a majority of the Copy-
9 right Claims Board;

10 “(B) be in writing, and include an expla-
11 nation of the factual and legal basis of the deter-
12 mination;

13 “(C) set forth any terms by which a re-
14 spondent or counterclaim respondent has agreed
15 to cease infringing activity under section
16 1504(e)(2);

17 “(D) to the extent requested under sub-
18 section (r)(2), set forth the terms of any settle-
19 ment agreed to under subsection (r)(1); and

20 “(E) include a clear statement of all dam-
21 ages and other relief awarded, including under
22 subparagraphs (C) and (D).

23 “(2) *DISSENT.*—A Copyright Claims Officer who
24 dissents from a decision contained in a determination

1 *under paragraph (1) may append a statement setting*
2 *forth the grounds for that dissent.*

3 *“(3) PUBLICATION.—Each final determination of*
4 *the Copyright Claims Board shall be made available*
5 *on a publicly accessible website. The Register shall es-*
6 *tablish regulations with respect to the publication of*
7 *other records and information relating to such deter-*
8 *minations, including the redaction of records to pro-*
9 *tect confidential information that is the subject of a*
10 *protective order under subsection (n)(2).*

11 *“(4) FREEDOM OF INFORMATION ACT.—All infor-*
12 *mation relating to proceedings of the Copyright*
13 *Claims Board under this chapter is exempt from dis-*
14 *closure to the public under section 552(b)(3) of title*
15 *5, except for determinations, records, and information*
16 *published under paragraph (3).*

17 *“(u) RESPONDENT’S DEFAULT.—If a proceeding has*
18 *been deemed an active proceeding but the respondent has*
19 *failed to appear or has ceased participating in the pro-*
20 *ceeding, as demonstrated by the respondent’s failure, with-*
21 *out justifiable cause, to meet 1 or more deadlines or require-*
22 *ments set forth in the schedule adopted by the Copyright*
23 *Claims Board under subsection (k), the Copyright Claims*
24 *Board may enter a default determination, including the*
25 *dismissal of any counterclaim asserted by the respondent,*

1 *as follows and in accordance with such other requirements*
2 *as the Register of Copyrights may establish by regulation:*

3 “(1) *The Copyright Claims Board shall require*
4 *the claimant to submit relevant evidence and other*
5 *information in support of the claimant’s claim and*
6 *any asserted damages and, upon review of such evi-*
7 *dence and any other requested submissions from the*
8 *claimant, shall determine whether the materials so*
9 *submitted are sufficient to support a finding in favor*
10 *of the claimant under applicable law and, if so, the*
11 *appropriate relief and damages, if any, to be award-*
12 *ed.*

13 “(2) *If the Copyright Claims Board makes an af-*
14 *firmative determination under paragraph (1), the*
15 *Copyright Claims Board shall prepare a proposed de-*
16 *fault determination, and shall provide written notice*
17 *to the respondent at all addresses, including email ad-*
18 *resses, reflected in the records of the proceeding be-*
19 *fore the Copyright Claims Board, of the pendency of*
20 *a default determination by the Copyright Claims*
21 *Board and of the legal significance of such determina-*
22 *tion. Such notice shall be accompanied by the pro-*
23 *posed default determination and shall provide that*
24 *the respondent has a period of 30 days, beginning on*
25 *the date of the notice, to submit any evidence or other*

1 *information in opposition to the proposed default de-*
2 *termination.*

3 “(3) *If the respondent responds to the notice pro-*
4 *vided under paragraph (2) within the 30-day period*
5 *provided in such paragraph, the Copyright Claims*
6 *Board shall consider the respondent’s submissions*
7 *and, after allowing the other parties to address such*
8 *submissions, maintain, or amend its proposed deter-*
9 *mination as appropriate, and the resulting deter-*
10 *mination shall not be a default determination.*

11 “(4) *If the respondent fails to respond to the no-*
12 *tice provided under paragraph (2), the Copyright*
13 *Claims Board shall proceed to issue the default deter-*
14 *mination as a final determination. Thereafter, the re-*
15 *spondent may only challenge such determination to*
16 *the extent permitted under section 1508(c), except*
17 *that, before any additional proceedings are initiated*
18 *under section 1508, the Copyright Claims Board may,*
19 *in the interests of justice, vacate the default deter-*
20 *mination.*

21 “(v) *CLAIMANT’S FAILURE TO PROCEED.—*

22 “(1) *FAILURE TO COMPLETE SERVICE.—If a*
23 *claimant fails to complete service on a respondent*
24 *within the 90-day period required under subsection*
25 *(g), the Copyright Claims Board shall dismiss that*

1 *respondent from the proceeding without prejudice. If*
2 *a claimant fails to complete service on all respondents*
3 *within that 90-day period, the Copyright Claims*
4 *Board shall dismiss the proceeding without prejudice.*

5 *“(2) FAILURE TO PROSECUTE.—If a claimant*
6 *fails to proceed in an active proceeding, as dem-*
7 *onstrated by the claimant’s failure, without justifiable*
8 *cause, to meet 1 or more deadlines or requirements set*
9 *forth in the schedule adopted by the Copyright Claims*
10 *Board under subsection (k), the Copyright Claims*
11 *Board may, upon providing written notice to the*
12 *claimant and a period of 30 days, beginning on the*
13 *date of the notice, to respond to the notice, and after*
14 *considering any such response, issue a determination*
15 *dismissing the claimant’s claims, which shall include*
16 *an award of attorneys’ fees and costs, if appropriate,*
17 *under subsection (y)(2). Thereafter, the claimant may*
18 *only challenge such determination to the extent per-*
19 *mitted under section 1508(c), except that, before any*
20 *additional proceedings are initiated under section*
21 *1508, the Copyright Claims Board may, in the inter-*
22 *ests of justice, vacate the determination of dismissal.*

23 *“(w) REQUEST FOR RECONSIDERATION.—A party*
24 *may, not later than 30 days after the date on which the*
25 *Copyright Claims Board issues a final determination in a*

1 *proceeding under this chapter, submit a written request for*
2 *reconsideration of, or an amendment to, such determination*
3 *if the party identifies a clear error of law or fact material*
4 *to the outcome, or a technical mistake. After providing the*
5 *other parties an opportunity to address such request, the*
6 *Copyright Claims Board shall either deny the request or*
7 *issue an amended final determination.*

8 “(x) *REVIEW BY REGISTER.—If the Copyright Claims*
9 *Board denies a party a request for reconsideration of a final*
10 *determination under subsection (w), that party may, not*
11 *later than 30 days after the date of such denial, request*
12 *review of the final determination by the Register of Copy-*
13 *rights in accordance with regulations established by the*
14 *Register. Such request shall be accompanied by a reasonable*
15 *filing fee, as provided in such regulations. The review by*
16 *the Register shall be limited to consideration of whether the*
17 *Copyright Claims Board abused its discretion in denying*
18 *reconsideration of the determination. After providing the*
19 *other parties an opportunity to address the request, the Reg-*
20 *ister shall either deny the request for review, or remand the*
21 *proceeding to the Copyright Claims Board for reconsider-*
22 *ation of issues specified in the remand and for issuance of*
23 *an amended final determination. Such amended final deter-*
24 *mination shall not be subject to further consideration or re-*
25 *view, other than under section 1508(c).*

1 “(y) *CONDUCT OF PARTIES AND ATTORNEYS.*—

2 “(1) *CERTIFICATION.*—*The Register of Copy-*
3 *rights shall establish regulations requiring certifi-*
4 *cation of the accuracy and truthfulness of statements*
5 *made by participants in proceedings before the Copy-*
6 *right Claims Board.*

7 “(2) *BAD FAITH CONDUCT.*—*Notwithstanding*
8 *any other provision of law, in any proceeding in*
9 *which a determination is rendered and it is estab-*
10 *lished that a party pursued a claim, counterclaim, or*
11 *defense for a harassing or other improper purpose, or*
12 *without a reasonable basis in law or fact, then, unless*
13 *inconsistent with the interests of justice, the Copy-*
14 *right Claims Board shall in such determination*
15 *award reasonable costs and attorneys’ fees to any ad-*
16 *versely affected party of in an amount of not more*
17 *than \$5,000, except that—*

18 “(A) *if an adversely affected party appeared*
19 *pro se in the proceeding, the award to that party*
20 *shall be for costs only, in an amount of not more*
21 *than \$2,500; and*

22 “(B) *in extraordinary circumstances, such*
23 *as where a party has demonstrated a pattern or*
24 *practice of bad faith conduct as described in this*
25 *paragraph, the Copyright Claims Board may, in*

1 *the interests of justice, award costs and attor-*
2 *neys' fees in excess of the limitations under this*
3 *paragraph.*

4 “(3) *ADDITIONAL PENALTY.—If the Board finds*
5 *that on more than 1 occasion within a 12-month pe-*
6 *riod a party pursued a claim, counterclaim, or de-*
7 *fense before the Copyright Claims Board for a*
8 *harassing or other improper purpose, or without a*
9 *reasonable basis in law or fact, that party shall be*
10 *barred from initiating a claim before the Copyright*
11 *Claims Board under this chapter for a period of 12*
12 *months beginning on the date on which the Board*
13 *makes such a finding. Any proceeding commenced by*
14 *that party that is still pending before the Board when*
15 *such a finding is made shall be dismissed without*
16 *prejudice, except that if a proceeding has been deemed*
17 *active under subsection (i), the proceeding shall be*
18 *dismissed under this paragraph only if the respondent*
19 *provides written consent thereto.*

20 “(z) *REGULATIONS FOR SMALLER CLAIMS.—The Reg-*
21 *ister of Copyrights shall establish regulations to provide for*
22 *the consideration and determination, by not fewer than 1*
23 *Copyright Claims Officer, of any claim under this chapter*
24 *in which total damages sought do not exceed \$5,000 (exclu-*
25 *sive of attorneys' fees and costs). A determination issued*

1 *under this subsection shall have the same effect as a deter-*
2 *mination issued by the entire Copyright Claims Board.*

3 “(aa) *OPT-OUT FOR LIBRARIES AND ARCHIVES.*—

4 “(1) *IN GENERAL.*—*The Register of Copyrights*
5 *shall establish regulations allowing for a library or*
6 *archives that does not wish to participate in pro-*
7 *ceedings before the Copyright Claims Board to pre-*
8 *emptively opt out of such proceedings.*

9 “(2) *PROCEDURES.*—*The regulations established*
10 *under paragraph (1) shall—*

11 “(A) *set forth procedures for preemptively*
12 *opting out of proceedings before the Copyright*
13 *Claims Board; and*

14 “(B) *require that the Copyright Office com-*
15 *pile and maintain a publicly available list of the*
16 *libraries and archives that have successfully*
17 *opted out of proceedings in accordance with the*
18 *procedures described in subparagraph (A).*

19 “(3) *NO FEE OR RENEWAL REQUIRED.*—*The*
20 *Register of Copyrights may not—*

21 “(A) *charge a library or archives a fee to*
22 *preemptively opt out of proceedings under this*
23 *subsection; or*

1 “(B) require a library or archives to renew
2 a decision to preemptively opt out of proceedings
3 under this subsection.

4 “(4) *DEFINITIONS.*—For purposes of this sub-
5 section, the terms ‘library’ and ‘archives’ mean any
6 library or archives, respectively, that qualifies for the
7 limitations on exclusive rights under section 108.

8 **“§ 1507. Effect of proceeding**

9 “(a) *DETERMINATION.*—Subject to the reconsideration
10 and review processes provided under subsections (w) and
11 (x) of section 1506 and section 1508(c), the issuance of a
12 final determination by the Copyright Claims Board in a
13 proceeding, including a default determination or deter-
14 mination based on a failure to prosecute, shall, solely with
15 respect to the parties to such determination, preclude reliti-
16 gation before any court or tribunal, or before the Copyright
17 Claims Board, of the claims and counterclaims asserted and
18 finally determined by the Board, and may be relied upon
19 for such purpose in a future action or proceeding arising
20 from the same specific activity or activities, subject to the
21 following:

22 “(1) A determination of the Copyright Claims
23 Board shall not preclude litigation or relitigation as
24 between the same or different parties before any court
25 or tribunal, or the Copyright Claims Board, of the

1 *same or similar issues of fact or law in connection*
2 *with claims or counterclaims not asserted or not fi-*
3 *nally determined by the Copyright Claims Board.*

4 “(2) *A determination of ownership of a copy-*
5 *righted work for purposes of resolving a matter before*
6 *the Copyright Claims Board may not be relied upon,*
7 *and shall not have any preclusive effect, in any other*
8 *action or proceeding before any court or tribunal, in-*
9 *cluding the Copyright Claims Board.*

10 “(3) *Except to the extent permitted under this*
11 *subsection and section 1508, any determination of the*
12 *Copyright Claims Board may not be cited or relied*
13 *upon as legal precedent in any other action or pro-*
14 *ceeding before any court or tribunal, including the*
15 *Copyright Claims Board.*

16 “(b) *CLASS ACTIONS NOT AFFECTED.—*

17 “(1) *IN GENERAL.—A proceeding before the*
18 *Copyright Claims Board shall not have any effect on*
19 *a class action proceeding in a district court of the*
20 *United States, and section 1509(a) shall not apply to*
21 *a class action proceeding in a district court of the*
22 *United States.*

23 “(2) *NOTICE OF CLASS ACTION.—Any party to*
24 *an active proceeding before the Copyright Claims*
25 *Board who receives notice of a pending class action,*

1 *arising out of the same transaction or occurrence as*
2 *the proceeding before the Copyright Claims Board, in*
3 *which the party is a class member shall either—*

4 *“(A) opt out of the class action, in accord-*
5 *ance with regulations established by the Register*
6 *of Copyrights; or*

7 *“(B) seek dismissal under section*
8 *1506(q)(3) of the proceeding before the Copyright*
9 *Claims Board.*

10 *“(c) OTHER MATERIALS IN PROCEEDING.—Except as*
11 *permitted under this section and section 1508, a submission*
12 *or statement of a party or witness made in connection with*
13 *a proceeding before the Copyright Claims Board, including*
14 *a proceeding that is dismissed, may not be cited or relied*
15 *upon in, or serve as the basis of, any action or proceeding*
16 *concerning rights or limitations on rights under this title*
17 *before any court or tribunal, including the Copyright*
18 *Claims Board.*

19 *“(d) APPLICABILITY OF SECTION 512(g).—A claim or*
20 *counterclaim before the Copyright Claims Board that is*
21 *brought under subsection (c)(1) or (c)(4) of section 1504,*
22 *or brought under subsection (c)(6) of section 1504 and that*
23 *relates to a claim under subsection (c)(1) or (c)(4) of such*
24 *section, qualifies as an action seeking an order to restrain*

1 *a subscriber from engaging in infringing activity under sec-*
2 *tion 512(g)(2)(C) if—*

3 “(1) *notice of the commencement of the Copy-*
4 *right Claims Board proceeding is provided by the*
5 *claimant to the service provider’s designated agent be-*
6 *fore the service provider replaces the material fol-*
7 *lowing receipt of a counter notification under section*
8 *512(g); and*

9 “(2) *the claim brought alleges infringement of*
10 *the material identified in the notification of claimed*
11 *infringement under section 512(c)(1)(C).*

12 “(e) *FAILURE TO ASSERT COUNTERCLAIM.—The fail-*
13 *ure or inability to assert a counterclaim in a proceeding*
14 *before the Copyright Claims Board shall not preclude the*
15 *assertion of that counterclaim in a subsequent court action*
16 *or proceeding before the Copyright Claims Board.*

17 “(f) *OPT-OUT OR DISMISSAL OF PARTY.—If a party*
18 *has timely opted out of a proceeding under section 1506(i)*
19 *or is dismissed from a proceeding before the Copyright*
20 *Claims Board issues a final determination in the pro-*
21 *ceeding, the determination shall not be binding upon and*
22 *shall have no preclusive effect with respect to that party.*

23 **“§ 1508. Review and confirmation by district court**

24 “(a) *IN GENERAL.—In any proceeding in which a*
25 *party has failed to pay damages, or has failed otherwise*

1 *to comply with the relief, awarded in a final determination*
2 *of the Copyright Claims Board, including a default deter-*
3 *mination or a determination based on a failure to pros-*
4 *ecute, the aggrieved party may, not later than 1 year after*
5 *the date on which the final determination is issued, any*
6 *reconsideration by the Copyright Claims Board or review*
7 *by the Register of Copyrights is resolved, or an amended*
8 *final determination is issued, whichever occurs last, apply*
9 *to the United States District Court for the District of Co-*
10 *lumbia or any other appropriate district court of the*
11 *United States for an order confirming the relief awarded*
12 *in the final determination and reducing such award to*
13 *judgment. The court shall grant such order and direct entry*
14 *of judgment unless the determination is or has been vacated,*
15 *modified, or corrected under subsection (c). If the United*
16 *States District Court for the District of Columbia or other*
17 *district court of the United States, as the case may be, issues*
18 *an order confirming the relief awarded by the Copyright*
19 *Claims Board, the court shall impose on the party who*
20 *failed to pay damages or otherwise comply with the relief,*
21 *the reasonable expenses required to secure such order, in-*
22 *cluding attorneys' fees, that were incurred by the aggrieved*
23 *party.*

24 “(b) *FILING PROCEDURES.*—

1 “(1) *APPLICATION TO CONFIRM DETERMINA-*
2 *TION.—Notice of the application under subsection (a)*
3 *for confirmation of a determination of the Copyright*
4 *Claims Board and entry of judgment shall be pro-*
5 *vided to all parties to the proceeding before the Copy-*
6 *right Claims Board that resulted in the determina-*
7 *tion, in accordance with the procedures applicable to*
8 *service of a motion in the district court of the United*
9 *States where the application is made.*

10 “(2) *CONTENTS OF APPLICATION.—The applica-*
11 *tion under subsection (a) shall include the following:*

12 “(A) *A certified copy of the final or amend-*
13 *ed final determination of the Copyright Claims*
14 *Board, as reflected in the records of the Copy-*
15 *right Claims Board, following any process of re-*
16 *consideration or review by the Register of Copy-*
17 *rights, to be confirmed and rendered to judg-*
18 *ment.*

19 “(B) *A declaration by the applicant, under*
20 *penalty of perjury—*

21 “(i) *that the copy is a true and correct*
22 *copy of such determination;*

23 “(ii) *stating the date the determination*
24 *was issued;*

1 “(iii) stating the basis for the challenge
2 under subsection (c)(1); and

3 “(iv) stating whether the applicant is
4 aware of any other proceedings before the
5 court concerning the same determination of
6 the Copyright Claims Board.

7 “(c) CHALLENGES TO THE DETERMINATION.—

8 “(1) BASES FOR CHALLENGE.—Not later than 90
9 days after the date on which the Copyright Claims
10 Board issues a final or amended final determination
11 in a proceeding, or not later than 90 days after the
12 date on which the Register of Copyrights completes
13 any process of reconsideration or review of the deter-
14 mination, whichever occurs later, a party may seek
15 an order from a district court of the United States
16 vacating, modifying, or correcting the determination
17 of the Copyright Claims Board in the following cases:

18 “(A) If the determination was issued as a
19 result of fraud, corruption, misrepresentation, or
20 other misconduct.

21 “(B) If the Copyright Claims Board exceed-
22 ed its authority or failed to render a final deter-
23 mination concerning the subject matter at issue.

24 “(C) In the case of a default determination
25 or determination based on a failure to prosecute,

1 *if it is established that the default or failure was*
2 *due to excusable neglect.*

3 “(2) *PROCEDURE TO CHALLENGE.*—

4 “(A) *NOTICE OF APPLICATION.*—*Notice of*
5 *the application to challenge a determination of*
6 *the Copyright Claims Board shall be provided to*
7 *all parties to the proceeding before the Copyright*
8 *Claims Board, in accordance with the procedures*
9 *applicable to service of a motion in the court*
10 *where the application is made.*

11 “(B) *STAYING OF PROCEEDINGS.*—*For pur-*
12 *poses of an application under this subsection,*
13 *any judge who is authorized to issue an order to*
14 *stay the proceedings in another action brought in*
15 *the same court may issue an order, to be served*
16 *with the notice of application, staying pro-*
17 *ceedings to enforce the award while the challenge*
18 *is pending.*

19 “**§ 1509. Relationship to other district court actions**

20 “(a) *STAY OF DISTRICT COURT PROCEEDINGS.*—*Sub-*
21 *ject to section 1507(b), a district court of the United States*
22 *shall issue a stay of proceedings or such other relief as the*
23 *court determines appropriate with respect to any claim*
24 *brought before the court that is already the subject of a*

1 *pending or active proceeding before the Copyright Claims*
2 *Board.*

3 “(b) *ALTERNATIVE DISPUTE RESOLUTION PROCESS.*—
4 *A proceeding before the Copyright Claims Board under this*
5 *chapter shall qualify as an alternative dispute resolution*
6 *process under section 651 of title 28 for purposes of referral*
7 *of eligible cases by district courts of the United States upon*
8 *the consent of the parties.*

9 **“§ 1510. Implementation by Copyright Office**

10 “(a) *REGULATIONS.*—

11 “(1) *IMPLEMENTATION GENERALLY.*—*The Reg-*
12 *ister of Copyrights shall establish regulations to carry*
13 *out this chapter. Such regulations shall include the*
14 *fees prescribed under subsections (e) and (x) of section*
15 *1506. The authority to issue such fees shall not limit*
16 *the authority of the Register of Copyrights to establish*
17 *fees for services under section 708. All fees received by*
18 *the Copyright Office in connection with the activities*
19 *under this chapter shall be deposited by the Register*
20 *of Copyrights and credited to the appropriations for*
21 *necessary expenses of the Office in accordance with*
22 *section 708(d). In establishing regulations under this*
23 *subsection, the Register of Copyrights shall provide for*
24 *the efficient administration of the Copyright Claims*
25 *Board, and for the ability of the Copyright Claims*

1 *Board to timely complete proceedings instituted under*
2 *this chapter, including by implementing mechanisms*
3 *to prevent harassing or improper use of the Copyright*
4 *Claims Board by any party.*

5 “(2) *LIMITS ON MONETARY RELIEF.—*

6 “(A) *IN GENERAL.—Subject to subpara-*
7 *graph (B), not earlier than 3 years after the date*
8 *on which Copyright Claims Board issues the*
9 *first determination of the Copyright Claims*
10 *Board, the Register of Copyrights may, in order*
11 *to further the goals of the Copyright Claims*
12 *Board, conduct a rulemaking to adjust the limits*
13 *on monetary recovery or attorneys’ fees and costs*
14 *that may be awarded under this chapter.*

15 “(B) *EFFECTIVE DATE OF ADJUSTMENT.—*

16 *Any rule under subparagraph (A) that makes an*
17 *adjustment shall take effect at the end of the 120-*
18 *day period beginning on the date on which the*
19 *Register of Copyrights submits the rule to Con-*
20 *gress and only if Congress does not, during that*
21 *120-day period, enact a law that provides in*
22 *substance that Congress does not approve the*
23 *rule.*

24 “(b) *NECESSARY FACILITIES.—Subject to applicable*
25 *law, the Register of Copyrights may retain outside vendors*

1 *to establish internet-based, teleconferencing, and other fa-*
 2 *cilities required to operate the Copyright Claims Board.*

3 “(c) *FEES.*—*Any filing fees, including the fee to com-*
 4 *mence a proceeding under section 1506(e), shall be pre-*
 5 *scribed in regulations established by the Register of Copy-*
 6 *rights. The sum total of such filing fees shall be in an*
 7 *amount of not less than \$100, may not exceed the cost of*
 8 *filing an action in a district court of the United States,*
 9 *and shall be fixed in amounts that further the goals of the*
 10 *Copyright Claims Board.*

11 **“§ 1511. Funding**

12 “*There are authorized to be appropriated such sums*
 13 *as may be necessary to pay the costs incurred by the Copy-*
 14 *right Office under this chapter that are not covered by fees*
 15 *collected for services rendered under this chapter, including*
 16 *the costs of establishing and maintaining the Copyright*
 17 *Claims Board and its facilities.”.*

18 (c) *CLERICAL AMENDMENT.*—*The table of chapters for*
 19 *title 17, United States Code, is amended by adding at the*
 20 *end the following:*

“15. Copyright Small Claims 1501”.

21 (d) *IMPLEMENTATION.*—

22 (1) *IN GENERAL.*—*Except as provided in para-*
 23 *graph (2), not later than 1 year after the date of en-*
 24 *actment of this Act, the Copyright Claims Board es-*
 25 *tablished under section 1502 of title 17, United States*

1 *Code, as added by subsection (b) of this section, shall*
2 *begin operations.*

3 (2) *EXTENSION.—The Register of Copyrights*
4 *may, for good cause, extend the deadline under para-*
5 *graph (1) by not more than 180 days if the Register*
6 *of Copyrights provides notice of the extension to the*
7 *public and to Congress.*

8 (e) *STUDY.—Not later than 3 years after the date on*
9 *which the Copyright Claims Board issues the first deter-*
10 *mination of the Copyright Claims Board under chapter 15*
11 *of title 17, United States Code, as added by subsection (b)*
12 *of this section, the Register of Copyrights shall conduct, and*
13 *report to Congress on, a study that addresses the following:*

14 (1) *The use and efficacy of the Copyright Claims*
15 *Board in resolving copyright claims, including the*
16 *number of proceedings the Copyright Claims Board*
17 *could reasonably administer.*

18 (2) *Whether adjustments to the authority of the*
19 *Copyright Claims Board are necessary or advisable,*
20 *including with respect to—*

21 (A) *eligible claims, such as claims under*
22 *section 1202 of title 17, United States Code; and*

23 (B) *works and applicable damages limita-*
24 *tions.*

1 (3) *Whether greater allowance should be made to*
2 *permit awards of attorneys' fees and costs to pre-*
3 *vailing parties, including potential limitations on*
4 *such awards.*

5 (4) *Potential mechanisms to assist copyright*
6 *owners with small claims in ascertaining the identity*
7 *and location of unknown online infringers.*

8 (5) *Whether the Copyright Claims Board should*
9 *be expanded to offer mediation or other nonbinding*
10 *alternative dispute resolution services to interested*
11 *parties.*

12 (6) *Such other matters as the Register of Copy-*
13 *rights believes may be pertinent concerning the Copy-*
14 *right Claims Board.*

15 (f) *SEVERABILITY.—If any provision of this section,*
16 *an amendment made by this section, or the application of*
17 *such provision or amendment to any person or cir-*
18 *cumstance is held to be unconstitutional, the remainder of*
19 *this section and the amendments made by this section, and*
20 *the application of the provision or the amendment to any*
21 *other person or circumstance, shall not be affected.*

1 ***Subtitle B—Trademarks***

2 **SEC. 221. SHORT TITLE; TABLE OF CONTENTS.**

3 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
 4 *“Trademark Modernization Act of 2020” or the “TM Act*
 5 *of 2020”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this subtitle is as follows:*

Subtitle B—Trademarks

Sec. 221. Short title; table of contents.

Sec. 222. Definitions.

Sec. 223. Providing for third-party submission of evidence during examination.

Sec. 224. Providing for flexible response periods.

Sec. 225. Ex parte expungement; ex parte reexamination; new grounds for cancellation.

Sec. 226. Rebuttable presumption of irreparable harm.

Sec. 227. Report on decluttering initiatives.

Sec. 228. Amendments to confirm authority of the Director.

8 **SEC. 222. DEFINITIONS.**

9 *In this subtitle:*

10 (1) *DIRECTOR.*—*The term “Director” means the*
 11 *Under Secretary of Commerce for Intellectual Prop-*
 12 *erty and Director of the United States Patent and*
 13 *Trademark Office.*

14 (2) *TRADEMARK ACT OF 1946.*—*The term “Trade-*
 15 *mark Act of 1946” means the Act entitled “An Act to*
 16 *provide for the registration and protection of trade-*
 17 *marks used in commerce, to carry out the provisions*
 18 *of certain international conventions, and for other*
 19 *purposes”, approved July 5, 1946 (15 U.S.C. 1051 et.*

1 *seq)* (commonly referred to as the “Trademark Act of
2 1946” or the “Lanham Act”).

3 **SEC. 223. PROVIDING FOR THIRD-PARTY SUBMISSION OF**
4 **EVIDENCE DURING EXAMINATION.**

5 (a) *AMENDMENT.*—Section 1 of the Trademark Act of
6 1946 (15 U.S.C. 1051) is amended by adding at the end
7 the following:

8 “(f) A third party may submit for consideration for
9 inclusion in the record of an application evidence relevant
10 to a ground for refusal of registration. The third-party sub-
11 mission shall identify the ground for refusal and include
12 a concise description of each piece of evidence submitted in
13 support of each identified ground for refusal. Not later than
14 2 months after the date on which the submission is filed,
15 the Director shall determine whether the evidence should be
16 included in the record of the application. The Director shall
17 establish by regulation appropriate procedures for the con-
18 sideration of evidence submitted by a third party under this
19 subsection and may prescribe a fee to accompany the sub-
20 mission. If the Director determines that the third-party evi-
21 dence should be included in the record of the application,
22 only the evidence and the ground for refusal to which the
23 evidence relates may be so included. Any determination by
24 the Director whether or not to include evidence in the record
25 of an application shall be final and non-reviewable, and

1 *a determination to include or to not include evidence in*
2 *the record shall not prejudice any party's right to raise any*
3 *issue and rely on any evidence in any other proceeding.”.*

4 (b) *DEADLINE FOR PROCEDURES.*—Not later than 1
5 year after the date of enactment of this Act, the Director
6 shall establish the appropriate procedures described in sec-
7 tion 1(f) of the Trademark Act of 1946, as added by sub-
8 section (a).

9 (c) *EFFECTIVE DATE.*—The amendment made by sub-
10 section (a) shall take effect 1 year after the date of enact-
11 ment of this Act.

12 **SEC. 224. PROVIDING FOR FLEXIBLE RESPONSE PERIODS.**

13 Section 12(b) of the Trademark Act of 1946 (15 U.S.C.
14 1062(b)) is amended to read as follows:

15 “(b)(1) If the applicant is found not entitled to reg-
16 istration, the examiner shall notify the applicant thereof
17 and of the reasons therefor. The applicant may reply or
18 amend the application, which shall then be reexamined.
19 This procedure may be repeated until the examiner finally
20 refuses registration of the mark or the application is aban-
21 doned as described in paragraph (2).

22 “(2) After notification under paragraph (1), the appli-
23 cant shall have a period of 6 months in which to reply or
24 amend the application, or such shorter time that is not less
25 than 60 days, as prescribed by the Director by regulation.

1 *If the applicant fails to reply or amend or appeal within*
2 *the relevant time period, including any extension under*
3 *paragraph (3), the application shall be deemed to have been*
4 *abandoned, unless it can be shown to the satisfaction of the*
5 *Director that the delay in responding was unintentional,*
6 *in which case the application may be revived and such time*
7 *may be extended. The Director may prescribe a fee to ac-*
8 *company any request to revive.*

9 “(3) *The Director shall provide, by regulation, for ex-*
10 *tensions of time to respond to the examiner for any time*
11 *period under paragraph (2) that is less than 6 months. The*
12 *Director shall allow the applicant to obtain extensions of*
13 *time to reply or amend aggregating 6 months from the date*
14 *of notification under paragraph (1) when the applicant so*
15 *requests. However, the Director may set by regulation the*
16 *time for individual periods of extension, and prescribe a*
17 *fee, by regulation, for any extension request. Any request*
18 *for extension shall be filed on or before the date on which*
19 *a reply or amendment is due under paragraph (1).”.*

20 **SEC. 225. EX PARTE EXPUNGEMENT; EX PARTE REEXAMINA-**
21 **TION; NEW GROUNDS FOR CANCELLATION.**

22 (a) *EX PARTE EXPUNGEMENT.*—*The Trademark Act*
23 *of 1946 is amended by inserting after section 16 (15 U.S.C.*
24 *1066) the following:*

1 **“SEC. 16A. EX PARTE EXPUNGEMENT.**

2 “(a) *PETITION.*—Notwithstanding sections 7(b) and
3 22, and subsections (a) and (b) of section 33, any person
4 may file a petition to expunge a registration of a mark
5 on the basis that the mark has never been used in commerce
6 on or in connection with some or all of the goods or services
7 recited in the registration.

8 “(b) *CONTENTS OF PETITION.*—A petition filed under
9 subsection (a), together with any supporting documents,
10 shall—

11 “(1) identify the registration that is the subject
12 of the petition;

13 “(2) identify each good or service recited in the
14 registration for which it is alleged that the mark has
15 never been used in commerce;

16 “(3) include a verified statement that sets
17 forth—

18 “(A) the elements of the reasonable inves-
19 tigation the petitioner conducted to determine
20 that the mark has never been used in commerce
21 on or in connection with the goods and services
22 identified in the petition; and

23 “(B) any additional facts that support the
24 allegation that the mark has never been used in
25 commerce on or in connection with the identified
26 goods and services;

1 “(4) include any supporting evidence on which
2 the petitioner relies; and

3 “(5) be accompanied by the fee prescribed by the
4 Director.

5 “(c) INITIAL DETERMINATION; INSTITUTION.—

6 “(1) PRIMA FACIE CASE DETERMINATION, INSTI-
7 TUTION, AND NOTIFICATION.—The Director shall, for
8 each good or service identified under subsection (b)(2),
9 determine whether the petition sets forth a prima
10 facie case of the mark having never been used in com-
11 merce on or in connection with each such good or
12 service, institute an *ex parte* expungement proceeding
13 for each good or service for which the Director deter-
14 mines that a prima facie case has been set forth, and
15 provide a notice to the registrant and petitioner of the
16 determination of whether or not the proceeding was
17 instituted. Such notice shall include a copy of the pe-
18 tition and any supporting documents and evidence
19 that were included with the petition.

20 “(2) REASONABLE INVESTIGATION GUIDANCE.—

21 The Director shall promulgate regulations regarding
22 what constitutes a reasonable investigation under sub-
23 section (b)(3) and the general types of evidence that
24 could support a prima facie case that a mark has
25 never been used in commerce, but the Director shall

1 *retain the discretion to determine whether a prima*
2 *facie case is set out in a particular proceeding.*

3 “(3) *DETERMINATION BY DIRECTOR.*—*Any deter-*
4 *mination by the Director whether or not to institute*
5 *a proceeding under this section shall be final and*
6 *non-reviewable, and shall not prejudice any party’s*
7 *right to raise any issue and rely on any evidence in*
8 *any other proceeding, except as provided in subsection*
9 *(j).*

10 “(d) *EX PARTE EXPUNGEMENT PROCEDURES.*—*The*
11 *procedures for ex parte expungement shall be the same as*
12 *the procedures for examination under section 12(b), except*
13 *that the Director shall promulgate regulations establishing*
14 *and governing a proceeding under this section, which may*
15 *include regulations that—*

16 “(1) *set response and extension times particular*
17 *to this type of proceeding, which, notwithstanding sec-*
18 *tion 12(b)(3), need not be extendable to 6 months;*

19 “(2) *set limits governing the timing and number*
20 *of petitions filed for a particular registration or by*
21 *a particular petitioner or real parties in interest; and*

22 “(3) *define the relation of a proceeding under*
23 *this section to other proceedings concerning the mark.*

24 “(e) *REGISTRANT’S EVIDENCE OF USE.*—*A reg-*
25 *istrant’s documentary evidence of use shall be consistent*

1 *with when a mark shall be deemed to be in use in commerce*
2 *under the definition of ‘use in commerce’ in section 45, but*
3 *shall not be limited in form to that of specimens as provided*
4 *in section 1(a).*

5 “(f) *EXCUSABLE NONUSE.—During an ex parte*
6 *expungement proceeding, for a mark registered under sec-*
7 *tion 44(e) or an extension of protection under section 66,*
8 *the registrant may offer evidence showing that any nonuse*
9 *is due to special circumstances that excuse such nonuse. In*
10 *such a case, the examiner shall determine whether the facts*
11 *and evidence demonstrate excusable nonuse and shall not*
12 *find that the registration should be cancelled under sub-*
13 *section (g) for any good or service for which excusable non-*
14 *use is demonstrated.*

15 “(g) *EXAMINER’S DECISION; ORDER TO CANCEL.—For*
16 *each good or service for which it is determined that a mark*
17 *has never been used in commerce, and for which the provi-*
18 *sions of subsection (f) do not apply, the examiner shall find*
19 *that the registration should be cancelled for each such good*
20 *or service. A mark shall not be found to have never been*
21 *used in commerce if there is evidence of use in commerce*
22 *by the registrant that temporally would have supported reg-*
23 *istration at the time the application was filed or the rel-*
24 *evant allegation of use was made, or after registration, but*
25 *before the petition to expunge was filed under subsection*

1 (a), or an *ex parte* expungement proceeding was instituted
2 by the Director under subsection (h). Unless overturned on
3 review of the examiner's decision, the Director shall issue
4 an order cancelling the registration, in whole or in part,
5 after the time for appeal has expired or any appeal pro-
6 ceeding has terminated.

7 “(h) *EX PARTE EXPUNGEMENT BY THE DIRECTOR.*—

8 “(1) *IN GENERAL.*—The Director may, on the
9 Director's own initiative, institute an *ex parte*
10 expungement proceeding if the Director discovers in-
11 formation that supports a *prima facie* case of a mark
12 having never been used in commerce on or in connec-
13 tion with any good or service covered by a registra-
14 tion. The Director shall promptly notify the reg-
15 istrant of such determination, at which time the *ex*
16 *parte* expungement proceeding shall proceed according
17 to the same procedures for *ex parte* expungement es-
18 tablished pursuant to subsection (d). If the Director
19 determines, based on the Director's own initiative, to
20 institute an expungement proceeding, the Director
21 shall transmit or make available the information that
22 formed the basis for that determination as part of the
23 institution notice sent to the registrant.

1 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection shall be construed to limit any other au-*
3 *thority of the Director.*

4 “(i) *TIME FOR INSTITUTION.*—

5 “(1) *WHEN PETITION MAY BE FILED, EX PARTE*
6 *EXPUNGEMENT PROCEEDING INSTITUTED.*—*A petition*
7 *for ex parte expungement of a registration under sub-*
8 *section (a) may be filed, or the Director may institute*
9 *on the Director’s own initiative an ex parte*
10 *expungement proceeding of a registration under sub-*
11 *section (h), at any time following the expiration of 3*
12 *years after the date of registration and before the ex-*
13 *piration of 10 years following the date of registration.*

14 “(2) *EXCEPTION.*—*Notwithstanding paragraph*
15 *(1), for a period of 3 years after the date of enactment*
16 *of this section, a petition for expungement of a reg-*
17 *istration under subsection (a) may be filed, or the Di-*
18 *rector may institute on the Director’s own initiative*
19 *an ex parte expungement proceeding of a registration*
20 *under subsection (h), at any time following the expi-*
21 *ration of 3 years after the date of registration.*

22 “(j) *LIMITATION ON LATER EX PARTE EXPUNGEMENT*
23 *PROCEEDINGS.*—

24 “(1) *NO CO-PENDING PROCEEDINGS.*—*With re-*
25 *spect to a particular registration, while an ex parte*

1 *expungement proceeding is pending, no later ex parte*
2 *expungement proceeding may be instituted with re-*
3 *spect to the same goods or services that are the subject*
4 *of a pending ex parte expungement proceeding.*

5 “(2) *ESTOPPEL.*—*With respect to a particular*
6 *registration, for goods or services previously subject to*
7 *an instituted expungement proceeding for which, in*
8 *that proceeding, it was determined that the registrant*
9 *had used the mark for particular goods or services, as*
10 *relevant, and the registration was not cancelled as to*
11 *those goods or services, no further ex parte*
12 *expungement proceedings may be initiated as to those*
13 *goods or services, regardless of the identity of the peti-*
14 *tioner.*

15 “(k) *USE IN COMMERCE REQUIREMENT NOT AL-*
16 *TERED.*—*Nothing in this section shall affect the require-*
17 *ment for use in commerce of a mark registered under section*
18 *1(a) or 23.”.*

19 (b) *NEW GROUNDS FOR CANCELLATION.*—*Section 14*
20 *of the Trademark Act of 1946 (15 U.S.C. 1064) is amend-*
21 *ed—*

22 (1) *by striking the colon at the end of paragraph*

23 (5) *and inserting a period;*

24 (2) *by inserting after paragraph (5) the fol-*
25 *lowing:*

1 “(6) *At any time after the 3-year period fol-*
2 *lowing the date of registration, if the registered mark*
3 *has never been used in commerce on or in connection*
4 *with some or all of the goods or services recited in the*
5 *registration:”*; and

6 (3) *in the flush text following paragraph (6), as*
7 *added by paragraph (2) of this subsection, by insert-*
8 *ing “Nothing in paragraph (6) shall be construed to*
9 *limit the timing applicable to any other ground for*
10 *cancellation. A registration under section 44(e) or 66*
11 *shall not be cancelled pursuant to paragraph (6) if*
12 *the registrant demonstrates that any nonuse is due to*
13 *special circumstances that excuse such nonuse.” after*
14 *“identical certification mark is applied.”*.

15 (c) *EX PARTE REEXAMINATION.—The Trademark Act*
16 *of 1946 is amended by inserting after section 16A, as added*
17 *by subsection (a), the following:*

18 **“SEC. 16B. EX PARTE REEXAMINATION.**

19 “(a) *PETITION FOR REEXAMINATION.—Any person*
20 *may file a petition to reexamine a registration of a mark*
21 *on the basis that the mark was not in use in commerce*
22 *on or in connection with some or all of the goods or services*
23 *recited in the registration on or before the relevant date.*

1 “(b) *RELEVANT DATE*.—*In this section, the term ‘rel-*
2 *evant date’ means, with respect to an application for the*
3 *registration of a mark with an initial filing basis of—*

4 “(1) *section 1(a) and not amended at any point*
5 *to be filed pursuant to section 1(b), the date on which*
6 *the application was initially filed; or*

7 “(2) *section 1(b) or amended at any point to be*
8 *filed pursuant to section 1(b), the date on which—*

9 “(A) *an amendment to allege use under sec-*
10 *tion 1(c) was filed; or*

11 “(B) *the period for filing a statement of use*
12 *under section 1(d) expired, including all ap-*
13 *proved extensions thereof.*

14 “(c) *REQUIREMENTS FOR THE PETITION*.—*A petition*
15 *filed under subsection (a), together with any supporting*
16 *documents, shall—*

17 “(1) *identify the registration that is the subject*
18 *of the petition;*

19 “(2) *identify each good and service recited in the*
20 *registration for which it is alleged that the mark was*
21 *not in use in commerce on or in connection with on*
22 *or before the relevant date;*

23 “(3) *include a verified statement that sets*
24 *forth—*

1 “(A) the elements of the reasonable inves-
2 tigation the petitioner conducted to determine
3 that the mark was not in use in commerce on or
4 in connection with the goods and services identi-
5 fied in the petition on or before the relevant date;
6 and

7 “(B) any additional facts that support the
8 allegation that the mark was not in use in com-
9 merce on or before the relevant date on or in con-
10 nection with the identified goods and services;

11 “(4) include supporting evidence on which the
12 petitioner relies; and

13 “(5) be accompanied by the fee prescribed by the
14 Director.

15 “(d) INITIAL DETERMINATION; INSTITUTION.—

16 “(1) PRIMA FACIE CASE DETERMINATION, INSTI-
17 TUTION, AND NOTIFICATION.—The Director shall, for
18 each good or service identified under subsection (c)(2),
19 determine whether the petition sets forth a prima
20 facie case of the mark having not been in use in com-
21 merce on or in connection with each such good or
22 service, institute an *ex parte* reexamination pro-
23 ceeding for each good or service for which the Director
24 determines that the prima facie case has been set
25 forth, and provide a notice to the registrant and peti-

1 *tioner of the determination of whether or not the pro-*
2 *ceeding was instituted. Such notice shall include a*
3 *copy of the petition and any supporting documents*
4 *and evidence that were included with the petition.*

5 “(2) *REASONABLE INVESTIGATION GUIDANCE.*—
6 *The Director shall promulgate regulations regarding*
7 *what constitutes a reasonable investigation under sub-*
8 *section (c)(3) and the general types of evidence that*
9 *could support a prima facie case that the mark was*
10 *not in use in commerce on or in connection with a*
11 *good or service on or before the relevant date, but the*
12 *Director shall retain discretion to determine whether*
13 *a prima facie case is set out in a particular pro-*
14 *ceeding.*

15 “(3) *DETERMINATION BY DIRECTOR.*—*Any deter-*
16 *mination by the Director whether or not to institute*
17 *a reexamination proceeding under this section shall*
18 *be final and non-reviewable, and shall not prejudice*
19 *any party’s right to raise any issue and rely on any*
20 *evidence in any other proceeding, except as provided*
21 *in subsection (j).*

22 “(e) *REEXAMINATION PROCEDURES.*—*The procedures*
23 *for reexamination shall be the same as the procedures estab-*
24 *lished under section 12(b) except that the Director shall pro-*
25 *mulgate regulations establishing and governing a pro-*

1 *ceeding under this section, which may include regulations*
2 *that—*

3 “(1) *set response and extension times particular*
4 *to this type of proceeding, which, notwithstanding sec-*
5 *tion 12(b)(3), need not be extendable to 6 months;*

6 “(2) *set limits governing the timing and number*
7 *of petitions filed for a particular registration or by*
8 *a particular petitioner or real parties in interest; and*

9 “(3) *define the relation of a reexamination pro-*
10 *ceeding under this section to other proceedings con-*
11 *cerning the mark.*

12 “(f) *REGISTRANT’S EVIDENCE OF USE.—A registrant’s*
13 *documentary evidence of use shall be consistent with when*
14 *a mark shall be deemed to be in use in commerce under*
15 *the definition of ‘use in commerce’ in section 45, but shall*
16 *not be limited in form to that of specimens as provided in*
17 *section 1(a).*

18 “(g) *EXAMINER’S DECISION; ORDER TO CANCEL.—For*
19 *each good or service for which it is determined that the reg-*
20 *istration should not have issued because the mark was not*
21 *in use in commerce on or before the relevant date, the exam-*
22 *iner shall find that the registration should be cancelled for*
23 *each such good or service. Unless overturned on review of*
24 *the examiner’s decision, the Director shall issue an order*
25 *cancelling the registration, in whole or in part, after the*

1 *time for appeal has expired or any appeal proceeding has*
2 *terminated.*

3 “(h) *REEXAMINATION BY DIRECTOR.*—

4 “(1) *IN GENERAL.*—*The Director may, on the*
5 *Director’s own initiative, institute an ex parte reex-*
6 *amination proceeding if the Director discovers infor-*
7 *mation that supports a prima facie case of the mark*
8 *having not been used in commerce on or in connec-*
9 *tion with some or all of the goods or services covered*
10 *by the registration on or before the relevant date. The*
11 *Director shall promptly notify the registrant of such*
12 *determination, at which time reexamination shall*
13 *proceed according to the same procedures established*
14 *pursuant to subsection (e). If the Director determines,*
15 *based on the Director’s own initiative, to institute an*
16 *ex parte reexamination proceeding, the Director shall*
17 *transmit or make available the information that*
18 *formed the basis for that determination as part of the*
19 *institution notice.*

20 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
21 *subsection shall be construed to limit any other au-*
22 *thority of the Director.*

23 “(i) *TIME FOR INSTITUTION.*—*A petition for ex parte*
24 *reexamination may be filed, or the Director may institute*
25 *on the Director’s own initiative an ex parte reexamination*

1 *proceeding, at any time not later than 5 years after the*
2 *date of registration of a mark registered based on use in*
3 *commerce.*

4 “(j) *LIMITATION ON LATER EX PARTE REEXAMINA-*
5 *TION PROCEEDINGS.—*

6 “(1) *NO CO-PENDING PROCEEDINGS.—With re-*
7 *spect to a particular registration, while an ex parte*
8 *reexamination proceeding is pending, no later ex*
9 *parte reexamination proceeding may be instituted*
10 *with respect to the same goods or services that are the*
11 *subject of a pending ex parte reexamination pro-*
12 *ceeding.*

13 “(2) *ESTOPPEL.—With respect to a particular*
14 *registration, for any goods or services previously sub-*
15 *ject to an instituted ex parte reexamination pro-*
16 *ceeding for which, in that proceeding, it was deter-*
17 *mined that the registrant had used the mark for par-*
18 *ticular goods or services before the relevant date, and*
19 *the registration was not cancelled as to those goods or*
20 *services, no further ex parte reexamination pro-*
21 *ceedings may be initiated as to those goods or serv-*
22 *ices, regardless of the identity of the petitioner.*

23 “(k) *SUPPLEMENTAL REGISTER.—The provisions of*
24 *subsection (b) apply, as appropriate, to registrations under*

1 *section 23. Nothing in this section shall be construed to*
2 *limit the timing of a cancellation action under section 24.”.*

3 (d) *APPEAL.—*

4 (1) *APPEAL TO TRADEMARK TRIAL AND APPEAL*
5 *BOARD.—Section 20 of the Trademark Act of 1946*
6 *(15 U.S.C. 1070) is amended by inserting “or a final*
7 *decision by an examiner in an ex parte expungement*
8 *proceeding or ex parte reexamination proceeding”*
9 *after “registration of marks”.*

10 (2) *APPEAL TO COURTS.—*

11 (A) *EXPUNGEMENT OR EX PARTE REEXAM-*
12 *INATION.—Section 21(a)(1) of the Trademark*
13 *Act of 1946 (15 U.S.C. 1071(a)(1)) is amended*
14 *by striking “or an applicant for renewal” and*
15 *inserting the following: “an applicant for re-*
16 *newal, or a registrant subject to an ex parte*
17 *expungement proceeding or an ex parte reexam-*
18 *ination proceeding”.*

19 (B) *EXCEPTION.—Section 21(b)(1) of the*
20 *Trademark Act of 1946 (15 U.S.C. 1071(b)(1)) is*
21 *amended by inserting “, except for a registrant*
22 *subject to an ex parte expungement proceeding or*
23 *an ex parte reexamination proceeding,” before*
24 *“is dissatisfied”.*

1 (e) *TECHNICAL AND CONFORMING AMENDMENTS.*—*The*
2 *Trademark Act of 1946 is amended—*

3 (1) *in section 15 (15 U.S.C. 1065), by striking*
4 *“paragraphs (3) and (5)” and inserting “paragraphs*
5 *(3), (5), and (6)”;* and

6 (2) *in section 26 (15 U.S.C. 1094), by adding at*
7 *the end the following: “Registrations on the supple-*
8 *mental register shall be subject to ex parte*
9 *expungement and ex parte reexamination under sec-*
10 *tions 16A and 16B, respectively.”.*

11 (f) *DEADLINE FOR PROCEDURES.*—*Not later than 1*
12 *year after the date of enactment of this Act, the Director*
13 *shall issue regulations to carry out sections 16A and 16B*
14 *of the Trademark Act of 1946, as added by subsections (a)*
15 *and (c).*

16 (g) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall take effect upon the expiration of the 1-year*
18 *period beginning on the date of enactment of this Act, and*
19 *shall apply to any mark registered before, on, or after that*
20 *effective date.*

21 **SEC. 226. REBUTTABLE PRESUMPTION OF IRREPARABLE**
22 **HARM.**

23 (a) *AMENDMENT.*—*Section 34(a) of the Trademark Act*
24 *of 1946 (15 U.S.C. 1116(a)) is amended by inserting after*
25 *the first sentence the following: “A plaintiff seeking any*

1 *such injunction shall be entitled to a rebuttable presump-*
2 *tion of irreparable harm upon a finding of a violation iden-*
3 *tified in this subsection in the case of a motion for a perma-*
4 *nent injunction or upon a finding of likelihood of success*
5 *on the merits for a violation identified in this subsection*
6 *in the case of a motion for a preliminary injunction or*
7 *temporary restraining order.”.*

8 **(b) RULE OF CONSTRUCTION.**—*The amendment made*
9 *by subsection (a) shall not be construed to mean that a*
10 *plaintiff seeking an injunction was not entitled to a pre-*
11 *sumption of irreparable harm before the date of enactment*
12 *of this Act.*

13 **SEC. 227. REPORT ON DECLUTTERING INITIATIVES.**

14 **(a) STUDY.**—*The Comptroller General of the United*
15 *States shall consult with the Director to conduct a study*
16 *on the efforts of the Director during the period beginning*
17 *12 months after the date of enactment of this Act and end-*
18 *ing 30 months after the date of enactment of this Act to*
19 *address inaccurate and false claims of use in trademark ap-*
20 *plications and registrations. Inaccurate and false claims of*
21 *use include any declaration of use by a trademark appli-*
22 *cant or registrant that cannot be supported by use in com-*
23 *merce as defined in section 45 of the Trademark Act of 1946*
24 *(15 U.S.C. 1127) or the regulations relevant to the defini-*

1 *tion of specimens under section 1 of the Trademark Act of*
2 *1946 (15 U.S.C. 1051), as applicable.*

3 *(b) CONTENTS OF STUDY.—In conducting the study*
4 *under subsection (a), the Comptroller General shall assess*
5 *the following:*

6 *(1) With respect to sections 16A and 16B of the*
7 *Trademark Act of 1946, as added by section 225—*

8 *(A) the number of petitions filed under each*
9 *such section for which a decision not to institute*
10 *was issued;*

11 *(B) the number of petitions filed under each*
12 *such section for which a decision to institute was*
13 *issued;*

14 *(C) the number of in-process and completed*
15 *proceedings instituted under each such section,*
16 *including any proceedings instituted by the Di-*
17 *rector's own initiative;*

18 *(D) the average time taken to resolve pro-*
19 *ceedings instituted under each such section, in-*
20 *cluding the average time between—*

21 *(i) the filing of a petition under each*
22 *such section and an examiner's final deci-*
23 *sion under section 16A(g) and 16B(g), or*
24 *the last decision issued by the examiner if*

1 *the registrant failed to respond to the latest-*
2 *in-time decision by the examiner; and*

3 *(ii) the institution of a proceeding*
4 *under each such section, including any pro-*
5 *ceedings instituted by the Director's own*
6 *initiative, and an examiner's final decision*
7 *under section 16A(g) and 16B(g), or the*
8 *last decision issued by the examiner if the*
9 *registrant failed to respond to the latest-in-*
10 *time decision by the examiner;*

11 *(E) the number of appeals of decisions of*
12 *examiners to the Trademark Trial and Appeal*
13 *Board and to the courts for each such pro-*
14 *ceeding; and*

15 *(F) an accounting of the final outcome of*
16 *each such proceeding instituted by identifying*
17 *the number of goods or services for which such*
18 *proceedings were instituted, and the number of*
19 *goods or services for each involved registration*
20 *that were cancelled pursuant to such proceedings.*

21 *(2) With respect to section 1(f) of the Trademark*
22 *Act of 1946, as added by section 223—*

23 *(A) the number of third-party submissions*
24 *filed under such section for which the third-party*

1 *asserts in the submission that the mark has not*
2 *been used in commerce; and*

3 *(B) of the applications identified in sub-*
4 *paragraph (A), the number of applications in*
5 *which the third-party submission evidence is in-*
6 *cluded in the application; and*

7 *(C) of those applications identified in sub-*
8 *paragraph (B), the number of applications—*

9 *(i) refused registration based on an as-*
10 *sertion by the examiner that the mark has*
11 *not been used in commerce; and*

12 *(ii) for which the examiner requested*
13 *additional information from the applicant*
14 *related to claims of use.*

15 *(3) The effectiveness of—*

16 *(A) the proceedings under sections 16A and*
17 *16B of the Trademark Act of 1946, as added by*
18 *section 225, in addressing inaccurate and false*
19 *claims of use in trademark registrations; and*

20 *(B) any additional programs conducted by*
21 *the Director designed to address inaccurate and*
22 *false claims of use in trademark applications*
23 *and registrations, including the post-registration*
24 *use audit, as implemented as of the date of en-*

1 *actment of this Act under sections 2.161(h) and*
2 *7.37(h) of title 37, Code of Federal Regulations.*

3 *(c) REPORT TO CONGRESS.—Not later than 3 years*
4 *after the date of enactment of this Act, the Comptroller Gen-*
5 *eral of the United States shall submit to the Committee on*
6 *the Judiciary of the Senate and the Committee on the Judi-*
7 *ciary of the House of Representatives a report—*

8 *(1) on the results of the study conducted under*
9 *this section; and*

10 *(2) that includes any recommendations, based on*
11 *the results of the study, for any changes to laws or*
12 *regulations that will improve the integrity of the*
13 *trademark register or reduce inaccurate or false*
14 *claims of use.*

15 **SEC. 228. AMENDMENTS TO CONFIRM AUTHORITY OF THE**
16 **DIRECTOR.**

17 *(a) AMENDMENTS.—*

18 *(1) Section 18 of the Trademark Act of 1946 (15*
19 *U.S.C. 1068) is amended by inserting after “estab-*
20 *lished in the proceedings” the following: “. The au-*
21 *thority of the Director under this section includes the*
22 *authority to reconsider, and modify or set aside, a de-*
23 *cision of the Trademark Trial and Appeal Board”.*

24 *(2) Section 20 of the Trademark Act of 1946 (15*
25 *U.S.C. 1070) is amended by adding at the end the fol-*

1 *lowing: “The Director may reconsider, and modify or*
2 *set aside, a decision of the Trademark Trial and Ap-*
3 *peal Board under this section.”.*

4 *(3) Section 24 of the Trademark Act of 1946 (15*
5 *U.S.C. 1092) is amended by inserting after “shall be*
6 *canceled by the Director” the following: “, unless the*
7 *Director reconsiders the decision of the Board, and*
8 *modifies or sets aside, such decision”.*

9 *(b) RULES OF CONSTRUCTION.—*

10 *(1) AUTHORITY BEFORE DATE OF ENACTMENT.—*
11 *The amendments made by subsection (a) shall not be*
12 *construed to mean that the Director lacked the au-*
13 *thority to reconsider, and modify or set aside, a deci-*
14 *sion of the Trademark Trial and Appeal Board before*
15 *the date of enactment of this Act.*

16 *(2) AUTHORITY WITH RESPECT TO PARTICULAR*
17 *DECISIONS.—The amendments made by subsection (a)*
18 *shall not be construed to require the Director to recon-*
19 *sider, modify, or set aside any particular decision of*
20 *the Trademark Trial and Appeal Board.*

1 ***DIVISION R—PROTECTING OUR***
 2 ***INFRASTRUCTURE OF PIPE-***
 3 ***LINES AND ENHANCING SAFE-***
 4 ***TY ACT OF 2020***

5 ***SEC. 1. SHORT TITLE; TABLE OF CONTENTS.***

6 (a) *SHORT TITLE.*—*This division may be cited as the*
 7 *“Protecting our Infrastructure of Pipelines and Enhancing*
 8 *Safety Act of 2020” or the “PIPES Act of 2020”.*

9 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 10 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

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 shut-off valves on existing pipelines.*

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Sec. 123. Rule of construction.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

Sec. 201. Short title.

Sec. 202. Distribution integrity management plans.

Sec. 203. Emergency response plans.

Sec. 204. Operations and maintenance manuals.

Sec. 205. Pipeline safety management systems.

Sec. 206. Pipeline safety practices.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *ADMINISTRATION.*—*The term “Administra-*
 4 *tion” means the Pipeline and Hazardous Materials*
 5 *Safety Administration.*

6 (2) *ADMINISTRATOR.*—*The term “Adminis-*
 7 *trator” means the Administrator of the Administra-*
 8 *tion.*

9 (3) *SECRETARY.*—*The term “Secretary” means*
 10 *the Secretary of Transportation.*

11 **TITLE I—IMPROVING PIPELINE**
 12 **SAFETY AND INFRASTRUCTURE**

13 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *GAS AND HAZARDOUS LIQUID.*—*Section 60125 of*
 15 *title 49, United States Code, is amended by striking sub-*
 16 *section (a) and inserting the following:*

17 “(a) *GAS AND HAZARDOUS LIQUID.*—

18 “(1) *IN GENERAL.*—*From fees collected under*
 19 *section 60301, there are authorized to be appropriated*
 20 *to the Secretary to carry out section 12 of the Pipe-*
 21 *line Safety Improvement Act of 2002 (49 U.S.C.*
 22 *60101 note; Public Law 107–355) and the provisions*
 23 *of this chapter relating to gas and hazardous liquid—*

1 “(A) \$156,400,000 for fiscal year 2021, of
2 which—

3 “(i) \$9,000,000 shall be used to carry
4 out section 12 of the Pipeline Safety Im-
5 provement Act of 2002 (49 U.S.C. 60101
6 note; Public Law 107–355); and

7 “(ii) \$63,000,000 shall be used for
8 making grants;

9 “(B) \$158,500,000 for fiscal year 2022, of
10 which—

11 “(i) \$9,000,000 shall be used to carry
12 out section 12 of the Pipeline Safety Im-
13 provement Act of 2002 (49 U.S.C. 60101
14 note; Public Law 107–355); and

15 “(ii) \$66,000,000 shall be used for
16 making grants; and

17 “(C) \$162,700,000 for fiscal year 2023, of
18 which—

19 “(i) \$9,000,000 shall be used to carry
20 out section 12 of the Pipeline Safety Im-
21 provement Act of 2002 (49 U.S.C. 60101
22 note; Public Law 107–355); and

23 “(ii) \$69,000,000 shall be used for
24 making grants.

1 “(2) *TRUST FUND AMOUNTS.*—*In addition to the*
2 *amounts authorized to be appropriated under para-*
3 *graph (1), there are authorized to be appropriated*
4 *from the Oil Spill Liability Trust Fund established*
5 *by section 9509(a) of the Internal Revenue Code of*
6 *1986 to carry out section 12 of the Pipeline Safety*
7 *Improvement Act of 2002 (49 U.S.C. 60101 note;*
8 *Public Law 107–355) and the provisions of this chap-*
9 *ter relating to hazardous liquid—*

10 “(A) \$27,000,000 for fiscal year 2021, of
11 *which—*

12 “(i) \$3,000,000 shall be used to carry
13 *out section 12 of the Pipeline Safety Im-*
14 *provement Act of 2002 (49 U.S.C. 60101*
15 *note; Public Law 107–355); and*

16 “(ii) \$11,000,000 shall be used for
17 *making grants;*

18 “(B) \$27,650,000 for fiscal year 2022, of
19 *which—*

20 “(i) \$3,000,000 shall be used to carry
21 *out section 12 of the Pipeline Safety Im-*
22 *provement Act of 2002 (49 U.S.C. 60101*
23 *note; Public Law 107–355); and*

24 “(ii) \$12,000,000 shall be used for
25 *making grants; and*

1 “(C) \$28,700,000 for fiscal year 2023, of
2 which—

3 “(i) \$3,000,000 shall be used to carry
4 out section 12 of the Pipeline Safety Im-
5 provement Act of 2002 (49 U.S.C. 60101
6 note; Public Law 107–355); and

7 “(ii) \$13,000,000 shall be used for
8 making grants.

9 “(3) UNDERGROUND NATURAL GAS STORAGE FA-
10 CILITY SAFETY ACCOUNT.—From fees collected under
11 section 60302, there is authorized to be appropriated
12 to the Secretary to carry out section 60141 \$8,000,000
13 for each of fiscal years 2021 through 2023.

14 “(4) RECRUITMENT AND RETENTION.—From
15 amounts made available to the Secretary under para-
16 graphs (1) and (2), the Secretary shall use—

17 “(A) \$ 1,520,000 to carry out section
18 102(b)(1) of the PIPES Act of 2020, of which—

19 “(i) \$1,292,000 shall be from amounts
20 made available under paragraph (1)(A);
21 and

22 “(ii) \$228,000 shall be from amounts
23 made available under paragraph (2)(A);

1 “(B) \$2,300,000 to carry out section
2 102(b)(2)(A) of the PIPES Act of 2020, of
3 which—

4 “(i) \$1,955,000 shall be from amounts
5 made available under paragraph (1)(A);
6 and

7 “(ii) \$345,000 shall be from amounts
8 made available under paragraph (2)(A);

9 “(C) \$1,600,000 to carry out section
10 102(b)(2)(B) of the PIPES Act of 2020, of
11 which—

12 “(i) \$1,360,000 shall be from amounts
13 made available under paragraph (1)(B);
14 and

15 “(ii) \$240,000 shall be from amounts
16 made available under paragraph (2)(B);

17 “(D) \$1,800,000 to carry out section
18 102(b)(2)(C) of the PIPES Act of 2020, of
19 which—

20 “(i) \$ 1,530,000 shall be from amounts
21 made available under paragraph (1)(C);
22 and

23 “(ii) \$270,000 shall be from amounts
24 made available under paragraph (2)(C);

1 “(E) \$2,455,000 to carry out section 102(c)
2 of the PIPES Act of 2020 in fiscal year 2021,
3 of which—

4 “(i) \$2,086,750 shall be from amounts
5 made available under paragraph (1)(A);
6 and

7 “(ii) \$368,250 shall be from amounts
8 made available under paragraph (2)(A);

9 “(F) \$2,455,000 to carry out section 102(c)
10 of the PIPES Act of 2020 in fiscal year 2022,
11 of which—

12 “(i) \$2,086,750 shall be from amounts
13 made available under paragraph (1)(B);
14 and

15 “(ii) \$368,250 shall be from amounts
16 made available under paragraph (2)(B);
17 and

18 “(G) \$2,455,000 to carry out section 102(c)
19 of the PIPES Act of 2020 in fiscal year 2023,
20 of which—

21 “(i) \$2,086,750 shall be from amounts
22 made available under paragraph (1)(C);
23 and

24 “(ii) \$368,250 shall be from amounts
25 made available under paragraph (2)(C).”.

1 (b) *OPERATIONAL EXPENSES.*—Section 2(b) of the
2 *PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515)*
3 *is amended by striking paragraphs (1) through (4) and in-*
4 *serting the following:*

5 “(1) \$25,000,000 for fiscal year 2021.

6 “(2) \$26,000,000 for fiscal year 2022.

7 “(3) \$27,000,000 for fiscal year 2023.”.

8 (c) *ONE-CALL NOTIFICATION PROGRAMS.*—Section
9 *6107 of title 49, United States Code, is amended by striking*
10 *“ \$1,058,000 for each of fiscal years 2016 through 2019”*
11 *and inserting “ \$1,058,000 for each of fiscal years 2021*
12 *through 2023”.*

13 (d) *EMERGENCY RESPONSE GRANTS.*—Section
14 *60125(b)(2) of title 49, United States Code, is amended by*
15 *striking “fiscal years 2012 through 2015” and inserting*
16 *“fiscal years 2021 through 2023”.*

17 (e) *PIPELINE SAFETY INFORMATION GRANTS TO COM-*
18 *MUNITIES.*—Section 60130 of title 49, United States Code,
19 *is amended—*

20 (1) *in subsection (a)—*

21 (A) *in paragraph (1)—*

22 (i) *in the first sentence, by striking “to*
23 *local communities and groups of individ-*
24 *uals (not including for-profit entities)” and*
25 *inserting “to local communities, Indian*

1 *Tribes, and groups of individuals (not in-*
2 *cluding for-profit entities)”; and*

3 *(ii) in the third sentence, by striking*
4 *“The amount” and inserting “Except as*
5 *provided in subsection (c)(2), the amount”;*
6 *and*

7 *(B) by striking paragraph (4);*

8 *(2) by striking subsection (c) and inserting the*
9 *following:*

10 *“(c) FUNDING.—*

11 *“(1) IN GENERAL.—Subject to paragraph (2),*
12 *out of amounts made available under section 2(b) of*
13 *the PIPES Act of 2016 (Public Law 114–183; 130*
14 *Stat. 515), the Secretary shall use \$2,000,000 for each*
15 *of fiscal years 2021 through 2023 to carry out this*
16 *section.*

17 *“(2) IMPROVING TECHNICAL ASSISTANCE.—From*
18 *the amounts used to carry out this section under*
19 *paragraph (1) each fiscal year, the Secretary shall*
20 *award \$1,000,000 to an eligible applicant through a*
21 *competitive selection process for the purpose of im-*
22 *proving the quality of technical assistance provided to*
23 *communities or individuals under this section.*

1 “(3) *LIMITATION.*—Any amounts used to carry
2 out this section shall not be derived from user fees col-
3 lected under section 60301.”; and

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

5 “(d) *DEFINITIONS.*—In this section:

6 “(1) *TECHNICAL ASSISTANCE.*—The term ‘tech-
7 nical assistance’ means engineering, research, and
8 other scientific analysis of pipeline safety issues, in-
9 cluding the promotion of public participation on tech-
10 nical pipeline safety issues in proceedings related to
11 this chapter.

12 “(2) *ELIGIBLE APPLICANT.*—The term ‘eligible
13 applicant’ means a nonprofit entity that—

14 “(A) is a public safety advocate;

15 “(B) has pipeline safety expertise;

16 “(C) is able to provide individuals and
17 communities with technical assistance; and

18 “(D) was established with funds designated
19 for the purpose of community service through the
20 implementation of section 3553 of title 18 relat-
21 ing to violations of this chapter.”.

22 (f) *DAMAGE PREVENTION PROGRAMS.*—Section
23 60134(i) of title 49, United States Code, is amended in the
24 first sentence by striking “fiscal years 2012 through 2015”
25 and inserting “fiscal years 2021 through 2023”.

1 (g) *PIPELINE INTEGRITY PROGRAM.*—Section 12(f) of
2 *the Pipeline Safety Improvement Act of 2002 (49 U.S.C.*
3 *60101 note; Public Law 107–355)* is amended by striking
4 “2016 through 2019” and inserting “2021 through 2023”.

5 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

6 (a) *INSPECTOR TRAINING.*—Not later than 1 year after
7 *the date of enactment of this Act, the Administrator shall—*

8 (1) *review the inspector training programs pro-*
9 *vided at the Inspector Training and Qualifications*
10 *Division of the Administration in Oklahoma City,*
11 *Oklahoma; and*

12 (2) *determine whether any of the programs re-*
13 *ferred to in paragraph (1), or any portions of the*
14 *programs, could be provided online through tele-*
15 *training or another type of distance learning.*

16 (b) *STAFFING.*—

17 (1) *IN GENERAL.*—*The Secretary shall increase*
18 *the number of full-time equivalent employees (as com-*
19 *pared to the number of positions on the date of enact-*
20 *ment of this Act) by 8 full-time employees with sub-*
21 *ject matter expertise in pipeline safety, pipeline fa-*
22 *ilities, and pipeline systems to finalize outstanding*
23 *rulemakings and fulfill congressional mandates.*

24 (2) *PIPELINE INSPECTION AND ENFORCEMENT*
25 *PERSONNEL.*—*The Secretary shall ensure that the*

1 *number of full-time positions for pipeline inspection*
2 *and enforcement personnel in the Office of Pipeline*
3 *Safety of the Administration does not fall below the*
4 *following:*

5 *(A) 224 for fiscal year 2021.*

6 *(B) 235 for fiscal year 2022.*

7 *(C) 247 for fiscal year 2023.*

8 *(c) RECRUITMENT AND RETENTION INCENTIVES.—*

9 *(1) IN GENERAL.—The Secretary shall use incen-*
10 *tives, as necessary, to recruit and retain a qualified*
11 *workforce, including inspection and enforcement per-*
12 *sonnel and attorneys and subject matter experts at the*
13 *Office of Pipeline Safety of the Administration, in-*
14 *cluding—*

15 *(A) special pay rates permitted under sec-*
16 *tion 5305 of title 5, United States Code;*

17 *(B) repayment of student loans permitted*
18 *under section 5379 of that title;*

19 *(C) tuition assistance permitted under*
20 *chapter 41 of that title;*

21 *(D) recruitment incentives permitted under*
22 *section 5753 of that title; and*

23 *(E) retention incentives permitted under*
24 *section 5754 of that title.*

1 (2) *CONTINUED SERVICE AGREEMENT.*—*The Sec-*
2 *retary shall ensure that the incentives described in*
3 *paragraph (1) are accompanied by a continued serv-*
4 *ice agreement.*

5 (3) *APPROVAL.*—*The Secretary shall request, as*
6 *necessary, the approval of the Office of Personnel*
7 *Management to use the incentives described in para-*
8 *graph (1).*

9 **SEC. 103. COST RECOVERY AND FEES FOR FACILITY RE-**
10 **IEWS.**

11 (a) *FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED*
12 *NATURAL GAS FACILITIES.*—*Chapter 603 of title 49,*
13 *United States Code, is amended by inserting after section*
14 *60302 the following:*

15 **“§ 60303. Fees for compliance reviews of liquefied nat-**
16 **ural gas facilities**

17 “(a) *IMPOSITION OF FEE.*—

18 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
19 *tation (referred to in this section as the ‘Secretary’)*
20 *shall impose on a person who files with the Federal*
21 *Energy Regulatory Commission an application for a*
22 *liquefied natural gas facility that has design and con-*
23 *struction costs totaling not less than \$2,500,000,000 a*
24 *fee for the necessary expenses of a review, if any, that*
25 *the Secretary conducts, in connection with that appli-*

1 *cation, to determine compliance with subpart B of*
2 *part 193 of title 49, Code of Federal Regulations (or*
3 *successor regulations).*

4 “(2) *RELATION TO OTHER REVIEW.*—*The Sec-*
5 *retary may not impose fees under paragraph (1) and*
6 *section 60117(o) or 60301(b) for the same compliance*
7 *review described in paragraph (1).*

8 “(b) *MEANS OF COLLECTION.*—

9 “(1) *IN GENERAL.*—*The Secretary shall prescribe*
10 *procedures to collect fees under this section.*

11 “(2) *USE OF GOVERNMENT ENTITIES.*—*The Sec-*
12 *retary may—*

13 “(A) *use a department, agency, or instru-*
14 *mentality of the Federal Government or of a*
15 *State or local government to collect fees under*
16 *this section; and*

17 “(B) *reimburse that department, agency, or*
18 *instrumentality a reasonable amount for the*
19 *services provided.*

20 “(c) *ACCOUNT.*—*There is established an account, to be*
21 *known as the ‘Liquefied Natural Gas Siting Account’, in*
22 *the Pipeline Safety Fund established in the Treasury of the*
23 *United States under section 60301.’”.*

24 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
25 *chapter 603 of title 49, United States Code, is amended by*

1 *inserting after the item relating to section 60302 the fol-*
2 *lowing:*

“60303. Fees for compliance reviews of liquefied natural gas facilities.”.

3 **SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
4 **NOLOGIES AND APPROACHES.**

5 *(a) IN GENERAL.—Chapter 601 of title 49, United*
6 *States Code, is amended by adding at the end the following:*

7 **“§ 60142. Pipeline safety enhancement programs**

8 *“(a) IN GENERAL.—The Secretary may establish and*
9 *carry out limited safety-enhancing testing programs to*
10 *evaluate innovative technologies and operational practices*
11 *testing the safe operation of—*

12 *“(1) a natural gas pipeline facility; or*

13 *“(2) a hazardous liquid pipeline facility.*

14 *“(b) LIMITATIONS.—*

15 *“(1) IN GENERAL.—Testing programs established*
16 *under subsection (a) may not exceed—*

17 *“(A) 5 percent of the total miles of haz-*
18 *ardous liquid pipelines in the United States that*
19 *are regulated by—*

20 *“(i) the Pipeline and Hazardous Mate-*
21 *rials Safety Administration; or*

22 *“(ii) a State authority under section*
23 *60105 or 60106; and*

1 “(B) 5 percent of the total miles of natural
2 gas pipelines in the United States that are regu-
3 lated by—

4 “(i) the Pipeline and Hazardous Mate-
5 rials Safety Administration; or

6 “(ii) a State authority under section
7 60105 or 60106.

8 “(2) *OPERATOR MILEAGE LIMITATION.*—*The Sec-*
9 *retary shall limit the miles of pipelines that each op-*
10 *erator can test under each program established under*
11 *subsection (a) to the lesser of—*

12 “(A) 38 percent of the total miles of pipe-
13 lines in the system of the operator that are regu-
14 lated by—

15 “(i) the Pipeline and Hazardous Mate-
16 rials Safety Administration; or

17 “(ii) a State authority under section
18 60105 or 60106; or

19 “(B) 1,000 miles.

20 “(3) *PROHIBITED AREAS.*—*Any program estab-*
21 *lished under subsection (a) shall not be located in—*

22 “(A) a high population area (as defined in
23 section 195.450 of title 49, Code of Federal Regu-
24 lations (or a successor regulation));

1 “(B) a high consequence area (as defined in
2 section 192.903 of title 49, Code of Federal Regu-
3 lations (or a successor regulation)); or

4 “(C) an unusually sensitive area (as de-
5 scribed under subsection (a)(1)(B)(ii) of section
6 60109 in accordance with subsection (b) of that
7 section).

8 “(4) HIGH CONSEQUENCE AREAS FOR HAZ-
9 ARDOUS LIQUID PIPELINES.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this section, the
12 Secretary shall submit to Congress a report ex-
13 amining the benefits and costs of prohibiting the
14 testing of hazardous liquid pipelines in high con-
15 sequence areas (as defined in section 195.450 of
16 title 49, Code of Federal Regulations (or a suc-
17 cessor regulation)).

18 “(B) CONTENTS OF REPORT.—The report
19 described in subparagraph (A) shall examine—

20 “(i) the safety benefits of allowing the
21 testing of hazardous liquid pipelines in high
22 consequence areas (as defined in section
23 195.450 of title 49, Code of Federal Regula-
24 tions (or a successor regulation)); and

1 “(ii) *whether additional testing condi-*
2 *tions are required to protect those areas*
3 *while conducting a testing program estab-*
4 *lished under subsection (a) in those areas.*

5 “(c) *DURATION.—*

6 “(1) *IN GENERAL.—The term of a testing pro-*
7 *gram established under subsection (a) shall be not*
8 *more than a period of 3 years beginning on the date*
9 *of approval of the program.*

10 “(2) *REQUIREMENT.—The Secretary shall not es-*
11 *tablish any additional safety-enhancing testing pro-*
12 *grams under subsection (a) after the date that is 3*
13 *years after the date of enactment of this section.*

14 “(d) *SAFETY STANDARDS.—*

15 “(1) *IN GENERAL.—The Secretary shall require,*
16 *as a condition of approval of a testing program under*
17 *subsection (a), that the safety measures in the testing*
18 *program are designed to achieve a level of safety that*
19 *is greater than the level of safety required by this*
20 *chapter.*

21 “(2) *DETERMINATION.—*

22 “(A) *IN GENERAL.—The Secretary may*
23 *issue an order under subparagraph (A) of section*
24 *60118(c)(1) to accomplish the purpose of a test-*
25 *ing program for a term not to exceed the time*

1 *period described in subsection (c) if the condition*
2 *described in paragraph (1) is met, as determined*
3 *by the Secretary.*

4 “(B) *LIMITATION.*—*An order under sub-*
5 *paragraph (A) shall pertain only to those regula-*
6 *tions that would otherwise prevent the use of the*
7 *safety technology to be tested under the testing*
8 *program.*

9 “(3) *INCREASED SAFETY CAPABILITIES.*—*For*
10 *purposes of paragraph (1), improvement in the reli-*
11 *ability, accuracy, durability, or certainty of pipeline*
12 *safety technologies, techniques, or methods shall con-*
13 *stitute an appropriate means of meeting the safety*
14 *measure requirement described in that paragraph.*

15 “(e) *CONSIDERATIONS.*—*In establishing a testing pro-*
16 *gram under subsection (a), the Secretary shall consider—*

17 “(1) *the accident and incident record of the own-*
18 *ers or operators participating in the program;*

19 “(2)(A) *whether the owners or operators partici-*
20 *parting in the program have a safety management sys-*
21 *tem in place; and*

22 “(B) *how the application of that system proposes*
23 *to eliminate or mitigate potential safety and environ-*
24 *mental risks throughout the duration of the program;*
25 *and*

1 “(3) *whether the proposed safety technology has*
2 *been tested through a research and development pro-*
3 *gram carried out by—*

4 “(A) *the Secretary;*

5 “(B) *collaborative research development or-*
6 *ganizations; or*

7 “(C) *other institutions.*

8 “(f) *DATA AND FINDINGS.—*

9 “(1) *IN GENERAL.—As a participant in a testing*
10 *program established under subsection (a), an owner*
11 *or operator shall submit to the Secretary detailed*
12 *findings and a summary of data collected as a result*
13 *of participation in the testing program.*

14 “(2) *PUBLIC REPORT.—The Secretary shall make*
15 *publicly available on the website of the Department of*
16 *Transportation an annual report for any ongoing*
17 *testing program established under subsection (a) sum-*
18 *marizing the progress of the program.*

19 “(g) *AUTHORITY TO REVOKE PARTICIPATION.—The*
20 *Secretary shall immediately revoke participation in a test-*
21 *ing program under subsection (a) if—*

22 “(1)(A) *the participant has an accident or inci-*
23 *dent involving death or personal injury necessitating*
24 *in-patient hospitalization; and*

1 “(B) *the testing program is determined to be the*
2 *cause of, or a contributing factor to, that accident or*
3 *incident;*

4 “(2) *the participant fails to comply with the*
5 *terms and conditions of the testing program; or*

6 “(3) *in the determination of the Secretary, con-*
7 *tinued participation in the testing program by the*
8 *participant would be unsafe or would not be con-*
9 *sistent with the goals and objectives of this chapter.*

10 “(h) *AUTHORITY TO TERMINATE PROGRAM.—The Sec-*
11 *retary shall immediately terminate a testing program*
12 *under subsection (a) if continuation of the testing program*
13 *would not be consistent with the goals and objectives of this*
14 *chapter.*

15 “(i) *STATE RIGHTS.—*

16 “(1) *EXEMPTION.—Except as provided in para-*
17 *graph (2), if a State submits to the Secretary notice*
18 *that the State requests an exemption from any testing*
19 *program considered for establishment under this sec-*
20 *tion, the State shall be exempt.*

21 “(2) *LIMITATIONS.—*

22 “(A) *IN GENERAL.—The Secretary shall not*
23 *grant a requested exemption under paragraph*
24 *(1) after a testing program is established.*

1 “(B) *LATE NOTICE.*—*The Secretary shall*
2 *not grant a requested exemption under para-*
3 *graph (1) if the notice submitted under that*
4 *paragraph is submitted to the Secretary more*
5 *than 30 days after the date on which the Sec-*
6 *retary issues an order providing an effective date*
7 *for the testing program in accordance with sub-*
8 *section (j).*

9 “(3) *EFFECT.*—*If a State has not submitted a*
10 *notice requesting an exemption under paragraph (1),*
11 *the State shall not enforce any law (including regula-*
12 *tions) that is inconsistent with a testing program in*
13 *effect in the State under this section.*

14 “(j) *PROGRAM REVIEW PROCESS AND PUBLIC NO-*
15 *TICE.*—

16 “(1) *IN GENERAL.*—*The Secretary shall publish*
17 *in the Federal Register and send directly to each rel-*
18 *evant State and each appropriate State authority*
19 *with a certification in effect under section 60105 a*
20 *notice of each proposed testing program under sub-*
21 *section (a), including the order to be considered, and*
22 *provide an opportunity for public comment for not*
23 *less than 90 days.*

24 “(2) *RESPONSE FROM SECRETARY.*—*Not later*
25 *than the date on which the Secretary issues an order*

1 *providing an effective date of a testing program no-*
2 *ticed under paragraph (1), the Secretary shall—*

3 “(A) *publish the order in the Federal Reg-*
4 *ister; and*

5 “(B) *respond to each comment submitted*
6 *under paragraph (1).*

7 “(k) *REPORT TO CONGRESS.—At the conclusion of*
8 *each testing program, the Secretary shall make publicly*
9 *available on the website of the Department of Transpor-*
10 *tation a report containing—*

11 “(1) *the findings and conclusions of the Sec-*
12 *retary with respect to the testing program; and*

13 “(2) *any recommendations of the Secretary with*
14 *respect to the testing program, including any rec-*
15 *ommendations for amendments to laws (including*
16 *regulations) and the establishment of standards,*
17 *that—*

18 “(A) *would enhance the safe operation of*
19 *interstate gas or hazardous liquid pipeline facili-*
20 *ties; and*

21 “(B) *are technically, operationally, and eco-*
22 *nomically feasible.*

23 “(l) *STANDARDS.—If a report under subsection (k) in-*
24 *dicates that it is practicable to establish technically, oper-*
25 *ationally, and economically feasible standards for the use*

1 of a safety-enhancing technology and any corresponding
2 operational practices tested by the testing program de-
3 scribed in the report, the Secretary, as soon as practicable
4 after submission of the report, may promulgate regulations
5 consistent with chapter 5 of title 5 (commonly known as
6 the ‘Administrative Procedure Act’) that—

7 “(1) allow operators of interstate gas or haz-
8 arduous liquid pipeline facilities to use the relevant
9 technology or practice to the extent practicable; and

10 “(2) establish technically, operationally, and eco-
11 nomically feasible standards for the capability and
12 deployment of the technology or practice.”.

13 **(b) CLERICAL AMENDMENT.**—The table of sections for
14 chapter 601 of title 49, United States Code, is amended by
15 inserting after the item relating to section 60141 the fol-
16 lowing:

“60142. Pipeline safety enhancement programs.”.

17 **SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT**
18 **STUDY.**

19 Not later than 2 years after the date of enactment of
20 this Act, the Secretary shall submit to the Committees on
21 Commerce, Science, and Transportation and Appropria-
22 tions of the Senate and the Committees on Transportation
23 and Infrastructure, Energy and Commerce, and Appropria-
24 tions of the House of Representatives a report relating to—

1 (1) *the research and development capabilities of*
2 *the Administration, in accordance with section 12 of*
3 *the Pipeline Safety Improvement Act of 2002 (49*
4 *U.S.C. 60101 note; Public Law 107–355);*

5 (2)(A) *the development of additional testing and*
6 *research capabilities through the establishment of an*
7 *independent pipeline safety testing facility under the*
8 *Department of Transportation;*

9 (B) *whether an independent pipeline safety test-*
10 *ing facility would be critical to the work of the Ad-*
11 *ministration;*

12 (C) *the costs and benefits of developing an inde-*
13 *pendent pipeline safety testing facility under the De-*
14 *partment of Transportation; and*

15 (D) *the costs and benefits of collocating an inde-*
16 *pendent pipeline safety testing facility at an existing*
17 *training center of the Administration; and*

18 (3) *the ability of the Administration to use the*
19 *testing facilities of the Department of Transportation,*
20 *other Federal agencies, or federally funded research*
21 *and development centers.*

22 **SEC. 106. REGULATORY UPDATES.**

23 (a) **DEFINITION OF OUTSTANDING MANDATE.**—*In this*
24 *section, the term “outstanding mandate” means—*

1 (1) a final rule required to be issued under the
2 *Pipeline Safety, Regulatory Certainty, and Job Cre-*
3 *ation Act of 2011 (Public Law 112–90; 125 Stat.*
4 *1904) that has not been published in the Federal Reg-*
5 *ister;*

6 (2) a final rule required to be issued under the
7 *PIPES Act of 2016 (Public Law 114–183; 130 Stat.*
8 *514) that has not been published in the Federal Reg-*
9 *ister; and*

10 (3) any other final rule regarding gas or haz-
11 ardous liquid pipeline facilities required to be issued
12 under this Act or an Act enacted prior to the date of
13 enactment of this Act that has not been published in
14 the Federal Register.

15 (b) REQUIREMENTS.—

16 (1) PERIODIC UPDATES.—Not later than 30 days
17 after the date of enactment of this Act, and every 30
18 days thereafter until a final rule referred to in para-
19 graphs (1) through (3) of subsection (a) is published
20 in the Federal Register, the Secretary shall publish on
21 a publicly available website of the Department of
22 Transportation an update regarding the status of
23 each outstanding mandate in accordance with sub-
24 section (c).

1 (2) *NOTIFICATION OF CONGRESS.*—*On publica-*
2 *tion of a final rule in the Federal Register for an out-*
3 *standing mandate, the Secretary shall submit to the*
4 *Committee on Commerce, Science, and Transpor-*
5 *tation of the Senate and the Committees on Transpor-*
6 *tation and Infrastructure and Energy and Commerce*
7 *of the House of Representatives a notification in ac-*
8 *cordance with subsection (c).*

9 (c) *CONTENTS.*—*An update published or a notification*
10 *submitted under paragraph (1) or (2) of subsection (b) shall*
11 *contain, as applicable—*

12 (1) *with respect to information relating to the*
13 *Administration—*

14 (A) *a description of the work plan for each*
15 *outstanding mandate;*

16 (B) *an updated rulemaking timeline for*
17 *each outstanding mandate;*

18 (C) *the staff allocations with respect to each*
19 *outstanding mandate;*

20 (D) *any resource constraints affecting the*
21 *rulemaking process for each outstanding man-*
22 *date;*

23 (E) *any other details associated with the de-*
24 *velopment of each outstanding mandate that af-*

1 *fect the progress of the rulemaking process with*
2 *respect to that outstanding mandate; and*

3 *(F) a description of all rulemakings regard-*
4 *ing gas or hazardous liquid pipeline facilities*
5 *published in the Federal Register that are not*
6 *identified under subsection (b)(2); and*

7 *(2) with respect to information relating to the*
8 *Office of the Secretary—*

9 *(A) the date that the outstanding mandate*
10 *was submitted to the Office of the Secretary for*
11 *review;*

12 *(B) the reason that the outstanding man-*
13 *date is under review beyond 45 days;*

14 *(C) the staff allocations within the Office of*
15 *the Secretary with respect to each the out-*
16 *standing mandate;*

17 *(D) any resource constraints affecting re-*
18 *view of the outstanding mandate;*

19 *(E) an estimated timeline of when review of*
20 *the outstanding mandate will be complete, as of*
21 *the date of the update;*

22 *(F) if applicable, the date that the out-*
23 *standing mandate was returned to the Adminis-*
24 *tration for revision and the anticipated date for*
25 *resubmission to the Office of the Secretary;*

1 (G) the date that the outstanding mandate
2 was submitted to the Office of Management and
3 Budget for review; and

4 (H) a statement of whether the outstanding
5 mandate remains under review by the Office of
6 Management and Budget.

7 **SEC. 107. SELF-DISCLOSURE OF VIOLATIONS.**

8 Section 60122(b)(1) of title 49, United States Code, is
9 amended—

10 (1) in subparagraph (B), by striking “and” at
11 the end; and

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

13 “(D) self-disclosure and correction of viola-
14 tions, or actions to correct a violation, prior to
15 discovery by the Pipeline and Hazardous Mate-
16 rials Safety Administration; and”.

17 **SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
18 **PROCEEDINGS.**

19 (a) *IN GENERAL.*—Section 60117 of title 49, United
20 States Code, is amended—

21 (1) by redesignating subsections (b) through (o)
22 as subsections (c) through (p), respectively; and

23 (2) by inserting after subsection (a) the fol-
24 lowing:

25 “(b) *ENFORCEMENT PROCEDURES.*—

1 “(1) *PROCESS.*—*In implementing enforcement*
2 *procedures under this chapter and part 190 of title*
3 *49, Code of Federal Regulations (or successor regula-*
4 *tions), the Secretary shall—*

5 “(A) *allow the respondent to request the use*
6 *of a consent agreement and consent order to re-*
7 *solve any matter of fact or law asserted;*

8 “(B) *allow the respondent and the agency to*
9 *convene 1 or more meetings—*

10 “(i) *for settlement or simplification of*
11 *the issues; or*

12 “(ii) *to aid in the disposition of issues;*

13 “(C) *require that the case file in an enforce-*
14 *ment proceeding include all agency records perti-*
15 *nent to the matters of fact and law asserted;*

16 “(D) *allow the respondent to reply to each*
17 *post-hearing submission of the agency;*

18 “(E) *allow the respondent to request that a*
19 *hearing be held, and an order be issued, on an*
20 *expedited basis;*

21 “(F) *require that the agency have the bur-*
22 *den of proof, presentation, and persuasion in*
23 *any enforcement matter;*

24 “(G) *require that any order contain find-*
25 *ings of relevant fact and conclusions of law;*

1 “(H) require the Office of Pipeline Safety to
2 file a post-hearing recommendation not later
3 than 30 days after the deadline for any post-
4 hearing submission of a respondent;

5 “(I) require an order on a petition for re-
6 consideration to be issued not later than 120
7 days after the date on which the petition is filed;
8 and

9 “(J) allow an operator to request that an
10 issue of controversy or uncertainty be addressed
11 through a declaratory order in accordance with
12 section 554(e) of title 5.

13 “(2) OPEN TO THE PUBLIC.—A hearing under
14 this section shall be—

15 “(A) noticed to the public on the website of
16 the Pipeline and Hazardous Materials Safety
17 Administration; and

18 “(B) in the case of a formal hearing (as de-
19 fined in section 190.3 of title 49, Code of Federal
20 Regulations (or a successor regulation)), open to
21 the public.

22 “(3) TRANSPARENCY.—

23 “(A) AGREEMENTS, ORDERS, AND JUDG-
24 MENTS OPEN TO THE PUBLIC.—With respect to
25 each enforcement proceeding under this chapter,

1 *the Administrator of the Pipeline and Haz-*
2 *ardous Materials Safety Administration shall*
3 *make publicly available on the website of the Ad-*
4 *ministration—*

5 “(i) *the charging documents;*

6 “(ii) *the written response of the re-*
7 *spondent, if filed; and*

8 “(iii) *any consent agreement, consent*
9 *order, order, or judgment resulting from a*
10 *hearing under this chapter.*

11 “(B) *GAO REPORT ON PIPELINE SAFETY*
12 *PROGRAM COLLECTION AND TRANSPARENCY OF*
13 *ENFORCEMENT PROCEEDINGS.—*

14 “(i) *IN GENERAL.—Not later than 2*
15 *years after the date of enactment of the*
16 *PIPES Act of 2020, the Comptroller Gen-*
17 *eral of the United States shall—*

18 “(I) *review information on pipe-*
19 *line enforcement actions that the Pipe-*
20 *line and Hazardous Materials Safety*
21 *Administration makes publicly avail-*
22 *able on the internet; and*

23 “(II) *submit to the Committee on*
24 *Commerce, Science, and Transpor-*
25 *tation of the Senate and the Commit-*

1 *tees on Transportation and Infrastruc-*
2 *ture and Energy and Commerce of the*
3 *House of Representatives a report on*
4 *that review, including any rec-*
5 *ommendations under clause (iii).*

6 “(ii) *CONTENTS.—The report under*
7 *clause (i)(II) shall include—*

8 “(I) *a description of the process*
9 *that the Pipeline and Hazardous Mate-*
10 *rials Safety Administration uses to col-*
11 *lect and record enforcement informa-*
12 *tion;*

13 “(II) *an assessment of whether*
14 *and, if so, how the Pipeline and Haz-*
15 *ardous Materials Safety Administra-*
16 *tion ensures that enforcement informa-*
17 *tion is made available to the public in*
18 *an accessible manner; and*

19 “(III) *an assessment of the infor-*
20 *mation described in clause (i)(I).*

21 “(iii) *RECOMMENDATIONS.—The report*
22 *under clause (i)(II) may include rec-*
23 *ommendations regarding—*

1 “(I) any improvements that could
2 be made to the accessibility of the in-
3 formation described in clause (i)(I);

4 “(II) whether and, if so, how the
5 information described in clause (i)(I)
6 could be made more transparent; and

7 “(III) any other recommendations
8 that the Comptroller General of the
9 United States considers appropriate.

10 “(4) SAVINGS CLAUSE.—Nothing in this sub-
11 section alters the procedures applicable to—

12 “(A) an emergency order under subsection
13 (p);

14 “(B) a safety order under subsection (m); or

15 “(C) a corrective action order under section
16 60112.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Section 60109(g)(4) of title 49, United States
19 Code, is amended by striking “section 60117(c)” and
20 inserting “section 60117(d)”.

21 (2) Section 60117(p) of title 49, United States
22 Code (as redesignated by subsection (a)(1)), is amend-
23 ed, in paragraph (3)(E), by striking “60117(l)” and
24 inserting “subsection (m)”.

1 (3) *Section 60118(a)(3) of title 49, United States*
2 *Code, is amended by striking “section 60117(a)–(d)”*
3 *and inserting “subsections (a) through (e) of section*
4 *60117”.*

5 **SEC. 109. PIPELINE OPERATING STATUS.**

6 (a) *IN GENERAL.*—Chapter 601 of title 49, United
7 States Code (as amended by section 104(a)), is amended
8 by adding at the end the following:

9 **“§ 60143. Idled pipelines**

10 “(a) *DEFINITION OF IDLED.*—In this section, the term
11 ‘idled’, with respect to a pipeline, means that the pipeline—

12 “(1)(A) *has ceased normal operations; and*

13 “(B) *will not resume service for a period of not*
14 *less than 180 days;*

15 “(2) *has been isolated from all sources of haz-*
16 *ardous liquid, natural gas, or other gas; and*

17 “(3)(A) *has been purged of combustibles and haz-*
18 *ardous materials and maintains a blanket of inert,*
19 *nonflammable gas at low pressure; or*

20 “(B) *has not been purged as described in sub-*
21 *paragraph (A), but the volume of gas is so small that*
22 *there is no potential hazard, as determined by the*
23 *Secretary pursuant to a rule.*

24 “(b) *RULEMAKING.*—

1 “(1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of the PIPES Act of 2020, the
3 Secretary shall promulgate regulations prescribing the
4 applicability of the pipeline safety requirements to
5 idled natural or other gas transmission and haz-
6 ardous liquid pipelines.

7 “(2) *REQUIREMENTS.*—

8 “(A) *IN GENERAL.*—The applicability of the
9 regulations under paragraph (1) shall be based
10 on the risk that idled natural or other gas trans-
11 mission and hazardous liquid pipelines pose to
12 the public, property, and the environment, and
13 shall include requirements to resume operation.

14 “(B) *INSPECTION.*—The Secretary or an
15 appropriate State agency shall inspect each idled
16 pipeline and verify that the pipeline has been
17 purged of combustibles and hazardous materials,
18 if required under subsection (a).

19 “(C) *REQUIREMENTS FOR REINSPECTION.*—
20 The Secretary shall determine the requirements
21 for periodic reinspection of idled natural or other
22 gas transmission and hazardous liquid pipelines.

23 “(D) *RESUMPTION OF OPERATIONS.*—As a
24 condition to allowing an idled pipeline to resume

1 *operations, the Secretary shall require that, prior*
 2 *to resuming operations, the pipeline shall be—*

3 *“(i) inspected with—*

4 *“(I) hydrostatic pressure testing;*

5 *“(II) an internal inspection de-*
 6 *vice; or*

7 *“(III) if the use of hydrostatic*
 8 *pressure testing or an internal inspec-*
 9 *tion device is not technologically fea-*
 10 *sible, another comparable technology or*
 11 *practice; and*

12 *“(ii) in compliance with regulations*
 13 *promulgated under this chapter, including*
 14 *any regulations that became effective while*
 15 *the pipeline was idled.”.*

16 ***(b) CLERICAL AMENDMENT.—****The table of sections for*
 17 *chapter 601 of title 49, United States Code (as amended*
 18 *by section 104(b)), is amended by inserting after the item*
 19 *relating to section 60142 the following:*

“60143. Idled pipelines.”.

20 ***SEC. 110. UPDATES TO STANDARDS FOR LIQUEFIED NAT-***
 21 ***URAL GAS FACILITIES.***

22 ***(a) IN GENERAL.—****Not later than 3 years after the*
 23 *date of enactment of this Act, the Secretary shall—*

1 (1) review the minimum operating and mainte-
2 nance standards prescribed under section 60103(d) of
3 title 49, United States Code; and

4 (2) based on the review under paragraph (1),
5 update the standards described in that paragraph ap-
6 plicable to large-scale liquefied natural gas facilities
7 (other than peak shaving facilities) to provide for a
8 risk-based regulatory approach for such facilities, con-
9 sistent with this section.

10 (b) *SCOPE*.—In updating the minimum operating and
11 maintenance standards under subsection (a)(2), the Sec-
12 retary shall ensure that all regulations, guidance, and in-
13 ternal documents—

14 (1) are developed and applied in a manner con-
15 sistent with this section; and

16 (2) achieve a level of safety that is equivalent to,
17 or greater than, the level of safety required by the
18 standards prescribed as of the date of enactment of
19 this Act under—

20 (A) section 60103(d) of title 49, United
21 States Code; and

22 (B) part 193 of title 49, Code of Federal
23 Regulations (as in effect on the date of enact-
24 ment of this Act).

1 (c) *REQUIREMENTS.*—*The updates to the operating*
2 *and maintenance standards required under subsection*
3 *(a)(2) shall, at a minimum, require operators—*

4 (1) *to develop and maintain written safety infor-*
5 *mation identifying hazards associated with—*

6 (A) *the processes of liquefied natural gas*
7 *conversion, storage, and transport;*

8 (B) *equipment used in the processes; and*

9 (C) *technology used in the processes;*

10 (2) *to conduct a hazard assessment, including*
11 *the identification of potential sources of accidental re-*
12 *leases;*

13 (3)(A) *to consult with employees and representa-*
14 *tives of employees on the development and execution*
15 *of hazard assessments under paragraph (2); and*

16 (B) *to provide employees access to the records of*
17 *the hazard assessments and any other records re-*
18 *quired under the updated standards;*

19 (4) *to establish a system to respond to the find-*
20 *ings of a hazard assessment conducted under para-*
21 *graph (2) that addresses prevention, mitigation, and*
22 *emergency responses;*

23 (5) *to review, when a design change occurs, the*
24 *most recent hazard assessment conducted under para-*

1 *graph (2) and the response system established under*
2 *paragraph (4);*

3 *(6) to develop and implement written operating*
4 *procedures for the processes of liquefied natural gas*
5 *conversion, storage, and transport;*

6 *(7)(A) to provide written safety and operating*
7 *information to employees; and*

8 *(B) to train employees in operating procedures*
9 *with an emphasis on addressing hazards and using*
10 *safe practices;*

11 *(8) to ensure contractors and contract employees*
12 *are provided appropriate information and training;*

13 *(9) to train and educate employees and contrac-*
14 *tors in emergency response;*

15 *(10) to establish a quality assurance program to*
16 *ensure that equipment, maintenance materials, and*
17 *spare parts relating to the operations and mainte-*
18 *nance of liquefied natural gas facilities are fabricated*
19 *and installed consistent with design specifications;*

20 *(11) to establish maintenance systems for critical*
21 *process-related equipment, including written proce-*
22 *dures, employee training, appropriate inspections,*
23 *and testing of that equipment to ensure ongoing me-*
24 *chanical integrity;*

1 (12) to conduct pre-start-up safety reviews of all
2 newly installed or modified equipment;

3 (13) to establish and implement written proce-
4 dures to manage change to processes of liquefied nat-
5 ural gas conversion, storage, and transport, tech-
6 nology, equipment, and facilities; and

7 (14)(A) to investigate each incident that results
8 in, or could have resulted in—

9 (i) loss of life;

10 (ii) destruction of private property; or

11 (iii) a major accident; and

12 (B) to have operating personnel—

13 (i) review any findings of an investigation
14 under subparagraph (A); and

15 (ii) if appropriate, take responsive meas-
16 ures.

17 (d) SUBMISSION AND APPROVAL.—

18 (1) IN GENERAL.—The Secretary shall require
19 that operators that are subject to the regulations
20 under subsection (a)(2) submit to the Secretary for
21 approval a plan for the implementation of the re-
22 quirements described in subsection (c).

23 (2) REQUIREMENT.—The implementation plan
24 described in paragraph (1) shall include—

1 (A) *an anticipated schedule for the imple-*
2 *mentation of the requirements described in sub-*
3 *section (c); and*

4 (B) *an overview of the process for imple-*
5 *mentation.*

6 (e) *INSPECTION AND COMPLIANCE ASSURANCE.—*

7 (1) *DETERMINATION OF INADEQUATE PRO-*
8 *GRAMS.—If the Secretary determines during an in-*
9 *spection carried out under chapter 601 of title 49,*
10 *United States Code, that an operator’s implementa-*
11 *tion of the requirements described in subsection (c)*
12 *does not comply with the requirements of that chapter*
13 *(including any regulations promulgated under that*
14 *chapter), has not been adequately implemented, is in-*
15 *adequate for the safe operation of a large-scale lique-*
16 *fied natural gas facility, or is otherwise inadequate,*
17 *the Secretary may conduct enforcement proceedings*
18 *under that chapter.*

19 (2) *SAVINGS CLAUSE.—Nothing in this section*
20 *shall affect the authority of the Secretary to carry out*
21 *inspections or conduct enforcement proceedings under*
22 *chapter 601 of title 49, United States Code.*

23 (f) *EMERGENCIES AND COMPLIANCE.—Nothing in this*
24 *section may be construed to diminish or modify—*

1 (B) *States, Indian Tribes, and units of local*
2 *government;*

3 (C) *postsecondary education;*

4 (D) *labor organizations;*

5 (E) *safety organizations; or*

6 (F) *Federal regulatory agencies of jurisdic-*
7 *tion, which may include—*

8 (i) *the Administration;*

9 (ii) *the Federal Energy Regulatory*
10 *Commission;*

11 (iii) *the Department of Energy;*

12 (iv) *the Occupational Safety and*
13 *Health Administration;*

14 (v) *the Coast Guard; and*

15 (vi) *the Maritime Administration.*

16 (b) *ESTABLISHMENT.—Only after submitting the re-*
17 *port under subsection (c) to the committees of Congress de-*
18 *scribed in that subsection, and subject to the availability*
19 *of funds appropriated by Congress for the applicable pur-*
20 *pose, the Secretary, in consultation with LNG sector stake-*
21 *holders, may establish a center, to be known as the “Na-*
22 *tional Center of Excellence for Liquefied Natural Gas Safe-*
23 *ty”.*

24 (c) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than 18 months
2 after the date of enactment of this Act, the Secretary
3 shall submit to the Committees on Commerce, Science,
4 and Transportation and Appropriations of the Senate
5 and the Committees on Transportation and Infra-
6 structure, Energy and Commerce, and Appropriations
7 of the House of Representatives a report on—

8 (A) *the resources necessary to establish the*
9 *Center; and*

10 (B) *the manner in which the Center will*
11 *carry out the functions described in subsection*
12 *(d).*

13 (2) *REQUIREMENT.*—The report under para-
14 graph (1) shall include an estimate of all potential
15 costs and appropriations necessary to carry out the
16 functions described in subsection (d).

17 (d) *FUNCTIONS.*—The Center shall, for activities regu-
18 lated under section 60103 of title 49, United States Code,
19 enhance the United States as the leader and foremost expert
20 in LNG operations by—

21 (1) *furthering the expertise of the Federal Gov-*
22 *ernment in the operations, management, and regu-*
23 *latory practices of LNG facilities through—*

24 (A) *the use of performance-based principles;*

1 (B) *experience and familiarity with LNG*
2 *operational facilities; and*

3 (C) *increased communication with LNG ex-*
4 *perts to learn and support state-of-the-art oper-*
5 *ational practices;*

6 (2) *acting as a repository of information on best*
7 *practices for the operation of LNG facilities; and*

8 (3) *facilitating collaboration among LNG sector*
9 *stakeholders.*

10 (e) *LOCATION.—*

11 (1) *IN GENERAL.—The Center shall be located in*
12 *close proximity to critical LNG transportation infra-*
13 *structure on, and connecting to, the Gulf of Mexico,*
14 *as determined by the Secretary.*

15 (2) *CONSIDERATIONS.—In determining the loca-*
16 *tion of the Center, the Secretary shall—*

17 (A) *take into account the strategic value of*
18 *locating resources in close proximity to LNG fa-*
19 *cilities; and*

20 (B) *locate the Center in the State with the*
21 *largest LNG production capacity, as determined*
22 *by the total capacity (in billion cubic feet per*
23 *day) of LNG production authorized by the Fed-*
24 *eral Energy Regulatory Commission under sec-*

1 *tion 3 of the Natural Gas Act (15 U.S.C. 717b)*
2 *as of the date of enactment of this Act.*

3 *(f) COORDINATION WITH TQ TRAINING CENTER.—In*
4 *carrying out the functions described in subsection (d), the*
5 *Center shall coordinate with the Training and Qualifica-*
6 *tions Training Center of the Administration in Oklahoma*
7 *City, Oklahoma, to facilitate knowledge sharing among, and*
8 *enhanced training opportunities for, Federal and State*
9 *pipeline safety inspectors and investigators.*

10 *(g) JOINT OPERATION WITH EDUCATIONAL INSTITU-*
11 *TION.—The Secretary may enter into an agreement with*
12 *an appropriate official of an institution of higher edu-*
13 *cation—*

14 *(1) to provide for joint operation of the Center;*
15 *and*

16 *(2) to provide necessary administrative services*
17 *for the Center.*

18 **SEC. 112. PRIORITIZATION OF RULEMAKING.**

19 *(a) RULEMAKING.—Not later than 90 days after the*
20 *date of enactment of this Act, the Secretary shall issue a*
21 *final rule with respect to the portion of the proposed rule*
22 *issued on April 8, 2016, entitled “Pipeline Safety: Safety*
23 *of Gas Transmission and Gathering Pipelines” (81 Fed.*
24 *Reg. 20722; Docket No. PHMSA–2011–0023) that relates*
25 *to the consideration of gathering pipelines.*

1 (b) *STUDY.*—Not later than 1 year after the date of
2 enactment of this Act, the Comptroller General of the United
3 States shall—

4 (1) review the extent to which geospatial and
5 technical data is collected by operators of gathering
6 lines, including design and material specifications;

7 (2) analyze information collected by operators of
8 gathering lines when the mapping information de-
9 scribed in paragraph (1) is not available for a gath-
10 ering line; and

11 (3) assess any plans and timelines of operators
12 of gathering lines to develop the mapping information
13 described in paragraph (1) or otherwise collect infor-
14 mation described in paragraph (2).

15 (c) *REPORT.*—The Comptroller General of the United
16 States shall submit to the Committee on Commerce, Science,
17 and Transportation of the Senate and the Committees on
18 Transportation and Infrastructure and Energy and Com-
19 merce of the House of Representatives a report on the review
20 required under subsection (b), including any recommenda-
21 tions that the Comptroller General of the United States may
22 have as a result of the review.

23 **SEC. 113. LEAK DETECTION AND REPAIR.**

24 Section 60102 of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(q) *GAS PIPELINE LEAK DETECTION AND REPAIR.*—

2 “(1) *IN GENERAL.*—Not later than 1 year after
3 the date of enactment of this subsection, the Secretary
4 shall promulgate final regulations that require opera-
5 tors of regulated gathering lines (as defined pursuant
6 to subsection (b) of section 60101 for purposes of sub-
7 section (a)(21) of that section) in a Class 2 location,
8 Class 3 location, or Class 4 location, as determined
9 under section 192.5 of title 49, Code of Federal Regu-
10 lations, operators of new and existing gas trans-
11 mission pipeline facilities, and operators of new and
12 existing gas distribution pipeline facilities to conduct
13 leak detection and repair programs—

14 “(A) to meet the need for gas pipeline safe-
15 ty, as determined by the Secretary; and

16 “(B) to protect the environment.

17 “(2) *LEAK DETECTION AND REPAIR PRO-*
18 *GRAMS.*—

19 “(A) *MINIMUM PERFORMANCE STAND-*
20 *ARDS.*—The final regulations promulgated under
21 paragraph (1) shall include, for the leak detec-
22 tion and repair programs described in that
23 paragraph, minimum performance standards
24 that reflect the capabilities of commercially
25 available advanced technologies that, with re-

1 *spect to each pipeline covered by the programs,*
2 *are appropriate for—*

3 *“(i) the type of pipeline;*

4 *“(ii) the location of the pipeline;*

5 *“(iii) the material of which the pipe-*
6 *line is constructed; and*

7 *“(iv) the materials transported by the*
8 *pipeline.*

9 *“(B) REQUIREMENT.—The leak detection*
10 *and repair programs described in paragraph (1)*
11 *shall be able to identify, locate, and categorize all*
12 *leaks that—*

13 *“(i) are hazardous to human safety or*
14 *the environment; or*

15 *“(ii) have the potential to become ex-*
16 *plosive or otherwise hazardous to human*
17 *safety.*

18 *“(3) ADVANCED LEAK DETECTION TECH-*
19 *NOLOGIES AND PRACTICES.—*

20 *“(A) IN GENERAL.—The final regulations*
21 *promulgated under paragraph (1) shall—*

22 *“(i) require the use of advanced leak*
23 *detection technologies and practices de-*
24 *scribed in subparagraph (B);*

1 “(ii) identify any scenarios where op-
2 erators may use leak detection practices
3 that depend on human senses; and

4 “(iii) include a schedule for repairing
5 or replacing each leaking pipe, except a
6 pipe with a leak so small that it poses no
7 potential hazard, with appropriate dead-
8 lines.

9 “(B) *ADVANCED LEAK DETECTION TECH-*
10 *NOLOGIES AND PRACTICES DESCRIBED.*—The ad-
11 vanced leak detection technologies and practices
12 referred to in subparagraph (A)(i) include—

13 “(i) for new and existing gas distribu-
14 tion pipeline facilities, technologies and
15 practices to detect pipeline leaks—

16 “(I) through continuous moni-
17 toring on or along the pipeline; or

18 “(II) through periodic surveys
19 with handheld equipment, equipment
20 mounted on mobile platforms, or other
21 means using commercially available
22 technology;

23 “(ii) for new and existing gas trans-
24 mission pipeline facilities, technologies and
25 practices to detect pipeline leaks through—

1 “(I) equipment that is capable of
2 continuous monitoring; or

3 “(II) periodic surveys with
4 handheld equipment, equipment
5 mounted on mobile platforms, or other
6 means using commercially available
7 technology; and

8 “(iii) for regulated gathering lines in
9 Class 2 locations, Class 3 locations, or Class
10 4 locations, technologies and practices to de-
11 tect pipeline leaks through—

12 “(I) equipment that is capable of
13 continuous monitoring; or

14 “(II) periodic surveys with
15 handheld equipment, equipment
16 mounted on mobile platforms, or other
17 means using commercially available
18 technology.

19 “(4) RULES OF CONSTRUCTION.—

20 “(A) SURVEYS AND TIMELINES.—In pro-
21 mulgating regulations under this subsection, the
22 Secretary—

23 “(i) may not reduce the frequency of
24 surveys required under any other provision
25 of this chapter or stipulated by regulation

1 *as of the date of enactment of this sub-*
2 *section; and*

3 “(ii) may not extend the duration of
4 any timelines for the repair or remediation
5 of leaks that are stipulated by regulation as
6 of the date of enactment of this subsection.

7 “(B) *APPLICATION.*—*The limitations in this*
8 *paragraph do not restrict the Secretary’s ability*
9 *to modify any regulations through proceedings*
10 *separate from or subsequent to the final regula-*
11 *tions required under paragraph (1).*

12 “(C) *EXISTING AUTHORITY.*—*Nothing in*
13 *this subsection may be construed to alter the au-*
14 *thority of the Secretary to regulate gathering*
15 *lines as defined pursuant to section 60101.”.*

16 **SEC. 114. INSPECTION AND MAINTENANCE PLANS.**

17 (a) *IN GENERAL.*—*Section 60108 of title 49, United*
18 *States Code, is amended—*

19 (1) *in subsection (a)—*

20 (A) *in paragraph (2)—*

21 (i) *in the matter preceding subpara-*
22 *graph (A), by inserting “, must meet the re-*
23 *quirements of any regulations promulgated*
24 *under section 60102(q),” after “the need for*
25 *pipeline safety”;*

1 (ii) in subparagraph (C), by striking
2 “and” at the end; and

3 (iii) by striking subparagraph (D) and
4 inserting the following:

5 “(D) the extent to which the plan will con-
6 tribute to—

7 “(i) public safety;

8 “(ii) eliminating hazardous leaks and
9 minimizing releases of natural gas from
10 pipeline facilities; and

11 “(iii) the protection of the environ-
12 ment; and

13 “(E) the extent to which the plan addresses
14 the replacement or remediation of pipelines that
15 are known to leak based on the material (includ-
16 ing cast iron, unprotected steel, wrought iron,
17 and historic plastics with known issues), design,
18 or past operating and maintenance history of the
19 pipeline.”; and

20 (B) by striking paragraph (3) and inserting
21 the following:

22 “(3) REVIEW OF PLANS.—

23 “(A) IN GENERAL.—Not later than 2 years
24 after the date of enactment of this subparagraph,
25 and not less frequently than once every 5 years

1 *thereafter, the Secretary or relevant State au-*
2 *thority with a certification in effect under sec-*
3 *tion 60105 shall review each plan described in*
4 *this subsection.*

5 “(B) *CONTEXT OF REVIEW.*—*The Secretary*
6 *may conduct a review under this paragraph as*
7 *an element of the inspection of the operator car-*
8 *ried out by the Secretary under subsection (b).*

9 “(C) *INADEQUATE PROGRAMS.*—*If the Sec-*
10 *retary determines that a plan reviewed under*
11 *this paragraph does not comply with the require-*
12 *ments of this chapter (including any regulations*
13 *promulgated under this chapter), has not been*
14 *adequately implemented, is inadequate for the*
15 *safe operation of a pipeline facility, or is other-*
16 *wise inadequate, the Secretary may conduct en-*
17 *forcement proceedings under this chapter.”; and*

18 (2) *in subsection (b)(1)(B), by inserting “con-*
19 *struction material,” after “method of construction,”.*

20 (b) *DEADLINE.*—*Not later than 1 year after the date*
21 *of enactment of this Act, each pipeline operator shall update*
22 *the inspection and maintenance plan prepared by the oper-*
23 *ator under section 60108(a) of title 49, United States Code,*
24 *to address the elements described in the amendments to that*
25 *section made by subsection (a).*

1 (c) *INSPECTION AND MAINTENANCE PLAN OVER-*
2 *SIGHT.*—

3 (1) *STUDY.*—*The Comptroller General of the*
4 *United States shall conduct a study to evaluate the*
5 *procedures used by the Secretary and States in re-*
6 *viewing plans prepared by pipeline operators under*
7 *section 60108(a) of title 49, United States Code, pur-*
8 *suant to subsection (b) in minimizing releases of nat-*
9 *ural gas from pipeline facilities.*

10 (2) *REPORT OF THE COMPTROLLER GENERAL OF*
11 *THE UNITED STATES.*—*Not later than 1 year after the*
12 *Secretary's review of the operator plans prepared*
13 *under section 60108(a) of title 49, United States*
14 *Code, the Comptroller General of the United States*
15 *shall submit to the Secretary, the Committee on Com-*
16 *merce, Science, and Transportation of the Senate,*
17 *and the Committees on Transportation and Infra-*
18 *structure and Energy and Commerce of the House of*
19 *Representatives a report that—*

20 (A) *describes the results of the study con-*
21 *ducted under paragraph (1), including an eval-*
22 *uation of the procedures used by the Secretary*
23 *and States in reviewing the effectiveness of the*
24 *plans prepared by pipeline operators under sec-*
25 *tion 60108(a) of title 49, United States Code,*

1 *pursuant to subsection (b) in minimizing re-*
2 *leases of natural gas from pipeline facilities; and*

3 *(B) provides recommendations for how to*
4 *further minimize releases of natural gas from*
5 *pipeline facilities without compromising pipeline*
6 *safety based on observations and information ob-*
7 *tained through the study conducted under para-*
8 *graph (1).*

9 *(3) RESPONSE OF THE SECRETARY.—Not later*
10 *than 90 days after the date on which the report under*
11 *paragraph (2) is published, the Secretary shall submit*
12 *to the Committee on Commerce, Science, and Trans-*
13 *portation of the Senate and the Committees on Trans-*
14 *portation and Infrastructure and Energy and Com-*
15 *merce of the House of Representatives a report that*
16 *includes a response to the results of the study con-*
17 *ducted under paragraph (1) and the recommendations*
18 *contained in the report submitted under paragraph*
19 *(2).*

20 *(d) BEST AVAILABLE TECHNOLOGIES OR PRAC-*
21 *TICES.—*

22 *(1) REPORT OF THE SECRETARY.—Not later*
23 *than 18 months after the date of enactment of this*
24 *Act, the Secretary shall submit to the Committee on*
25 *Commerce, Science, and Transportation of the Senate*

1 *and the Committees on Transportation and Infra-*
2 *structure and Energy and Commerce of the House of*
3 *Representatives a report—*

4 *(A) discussing—*

5 *(i) the best available technologies or*
6 *practices to prevent or minimize, without*
7 *compromising pipeline safety, the release of*
8 *natural gas when making planned repairs,*
9 *replacements, or maintenance to a pipeline*
10 *facility;*

11 *(ii) the best available technologies or*
12 *practices to prevent or minimize, without*
13 *compromising pipeline safety, the release of*
14 *natural gas when the operator intentionally*
15 *vents or releases natural gas, including*
16 *blowdowns; and*

17 *(iii) pipeline facility designs that,*
18 *without compromising pipeline safety, miti-*
19 *gate the need to intentionally vent natural*
20 *gas; and*

21 *(B) recommending a timeline for updating*
22 *pipeline safety regulations, as the Secretary de-*
23 *termines to be appropriate, to address the mat-*
24 *ters described in subparagraph (A).*

1 (1) in subsection (a)(1), in the matter preceding
2 subparagraph (A), by striking “employee with” and
3 inserting “current or former employee with”;

4 (2) in subsection (b)(3), by adding at the end the
5 following:

6 “(D) *DE NOVO REVIEW*.—

7 “(i) *IN GENERAL*.—With respect to a
8 complaint under paragraph (1), if the Sec-
9 retary of Labor has not issued a final deci-
10 sion by the date that is 210 days after the
11 date on which the complaint was filed, and
12 if the delay is not due to the bad faith of
13 the employee who filed the complaint, that
14 employee may bring an original action at
15 law or equity for de novo review in the ap-
16 propriate district court of the United
17 States, which shall have jurisdiction over
18 such action without regard to the amount
19 in controversy, and which action shall, at
20 the request of either party to the action, be
21 tried by the court with a jury.

22 “(ii) *BURDENS OF PROOF*.—An origi-
23 nal action described in clause (i) shall be
24 governed by the same legal burdens of proof

1 *specified in paragraph (2)(B) for review by*
2 *the Secretary of Labor.”; and*

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

4 “(e) *NONENFORCEABILITY OF CERTAIN PROVISIONS*
5 *WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRA-*
6 *TION OF DISPUTES.—*

7 “(1) *WAIVER OF RIGHTS AND REMEDIES.—The*
8 *rights and remedies provided under this section may*
9 *not be waived by any agreement, policy, form, or con-*
10 *dition of employment, including by a predispute arbi-*
11 *tration agreement.*

12 “(2) *PREDISPUTE ARBITRATION AGREEMENTS.—*
13 *No provision of a predispute arbitration agreement*
14 *shall be valid or enforceable if the provision requires*
15 *arbitration of a dispute arising under subsection*
16 *(a)(1).”.*

17 **SEC. 117. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.**

18 (a) *IN GENERAL.—Not later than 18 months after the*
19 *date of enactment of this Act, the Secretary shall amend*
20 *the auditing program for the drug and alcohol regulations*
21 *in part 199 of title 49, Code of Federal Regulations, to im-*
22 *prove the efficiency and processes of those regulations as ap-*
23 *plied to—*

24 (1) *operators; and*

1 (2) *pipeline contractors working for multiple op-*
2 *erators in multiple States.*

3 (b) *REQUIREMENT.*—*In carrying out subsection (a),*
4 *the Secretary shall minimize duplicative audits of the same*
5 *operators, and the contractors working for those operators,*
6 *by the Administration and multiple State agencies.*

7 (c) *RULE OF CONSTRUCTION.*—*Nothing in this section*
8 *may be construed to require modification of the inspection*
9 *or enforcement authority of any Federal agency or State.*

10 **SEC. 118. PURPOSE AND GENERAL AUTHORITY.**

11 *Section 60102(b)(5) of title 49, United States Code, is*
12 *amended—*

13 (1) *by striking “Chapter” and inserting “chap-*
14 *ter”;* and

15 (2) *by inserting “, including safety and environ-*
16 *mental benefits,” after “benefits”.*

17 **SEC. 119. NATIONAL ACADEMY OF SCIENCES STUDY ON**
18 **AUTOMATIC AND REMOTE-CONTROLLED**
19 **SHUT-OFF VALVES ON EXISTING PIPELINES.**

20 (a) *STUDY.*—*The Secretary shall enter into an ar-*
21 *rangement with the National Academy of Sciences under*
22 *which the National Academy of Sciences shall conduct a*
23 *study of potential methodologies or standards for the instal-*
24 *lation of automatic or remote-controlled shut-off valves on*
25 *an existing pipeline in—*

1 (1) *a high consequence area (as defined in sec-*
2 *tion 192.903 of title 49, Code of Federal Regulations*
3 *(or a successor regulation)) for a gas transmission*
4 *pipeline facility; or*

5 (2) *for a hazardous liquid pipeline facility—*

6 (A) *a commercially navigable waterway (as*
7 *defined in section 195.450 of that title (or a suc-*
8 *cessor regulation)); or*

9 (B) *an unusually sensitive area (as defined*
10 *in section 195.6 of that title (or a successor regu-*
11 *lation)).*

12 (b) *FACTORS FOR CONSIDERATION.—In conducting the*
13 *study under subsection (a), the National Academy of*
14 *Sciences shall take into consideration, as applicable—*

15 (1) *methodologies that conform to the rec-*
16 *ommendations submitted by the National Transpor-*
17 *tation Safety Board to the Pipeline and Hazardous*
18 *Materials Safety Administration and Congress re-*
19 *garding automatic and remote-controlled shut-off*
20 *valves;*

21 (2) *to the extent practicable, compatibility with*
22 *existing regulations of the Administration, including*
23 *any regulations promulgated pursuant to docket num-*
24 *ber PHMSA–2013–0255, relating to the installation*
25 *of automatic and remote-controlled shutoff valves;*

1 (3) methodologies that maximize safety and envi-
2 ronmental benefits; and

3 (4) the economic, technical, and operational fea-
4 sibility of installing automatic or remote-controlled
5 shut-off valves on existing pipelines by employing
6 such methodologies or standards.

7 (c) *REPORT.*—Not later than 2 years after the date of
8 enactment of this Act, the National Academy of Sciences
9 shall submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committees on Trans-
11 portation and Infrastructure and Energy and Commerce of
12 the House of Representatives a report describing the results
13 of the study under subsection (a).

14 **SEC. 120. UNUSUALLY SENSITIVE AREAS.**

15 (a) *CERTAIN COASTAL WATERS; COASTAL BEACH-*
16 *ES.*—Section 19(b) of the *PIPES Act of 2016* (49 U.S.C.
17 60109 note; Public Law 114–183) is amended—

18 (1) by striking “The Secretary” and inserting
19 the following: “

20 “(1) *DEFINITIONS.*—In this subsection:

21 “(A) *CERTAIN COASTAL WATERS.*—The term
22 ‘certain coastal waters’ means—

23 “(i) the territorial sea of the United
24 States;

1 “(ii) *the Great Lakes and their con-*
2 *necting waters; and*

3 “(iii) *the marine and estuarine waters*
4 *of the United States up to the head of tidal*
5 *influence.*

6 “(B) *COASTAL BEACH.*—*The term ‘coastal*
7 *beach’ means any land between the high- and*
8 *low-water marks of certain coastal waters.*

9 “(2) *REVISION.*—*The Secretary’; and*
10 (2) *in paragraph (2) (as so designated), by strik-*
11 *ing “marine coastal waters” and inserting “certain*
12 *coastal waters”.*

13 (b) *CERTAIN COASTAL WATERS.*—*Section 60109(b)(2)*
14 *of title 49, United States Code, is amended by striking “ma-*
15 *rine coastal waters” and inserting “certain coastal waters”.*

16 (c) *UPDATE TO REGULATIONS.*—*The Secretary shall*
17 *complete the revision to regulations required under section*
18 *19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note;*
19 *Public Law 114–183) (as amended by subsection (a)) by*
20 *not later than 90 days after the date of enactment of this*
21 *Act.*

22 (d) *HAZARDOUS LIQUID PIPELINE FACILITIES LO-*
23 *CATED IN CERTAIN AREAS.*—*Section 60109(g) of title 49,*
24 *United States Code, is amended—*

1 (1) in paragraph (1)(B), by inserting “, but not
2 less often than once every 12 months” before the pe-
3 riod at the end; and

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

5 “(5) *CONSIDERATIONS.*—In carrying out this
6 subsection, each operator shall implement procedures
7 that assess potential impacts by maritime equipment
8 or other vessels, including anchors, anchor chains, or
9 any other attached equipment.”.

10 **SEC. 121. SAFETY-RELATED CONDITION REPORTS.**

11 Section 60102(h) of title 49, United States Code, is
12 amended by striking paragraph (2) and inserting the fol-
13 lowing:

14 “(2) *SUBMISSION OF REPORT.*—As soon as prac-
15 ticable, but not later than 5 business days, after a
16 representative of a person to whom this section ap-
17 plies first establishes that a condition described in
18 paragraph (1) exists, the operator shall submit the re-
19 port required under that paragraph to—

20 “(A) the Secretary;

21 “(B) the appropriate State authority or,
22 where no appropriate State authority exists, to
23 the Governor of a State where the subject of the
24 Safety Related Condition report occurred; and

1 “(C) the appropriate Tribe where the subject
2 of the Safety Related Condition report occurred.

3 “(3) *SUBMISSION OF REPORT TO OTHER ENTI-*
4 *TIES.*—Upon request, a State authority or a Governor
5 that receives a report submitted under this subsection
6 may submit the report to any relevant emergency re-
7 sponse or planning entity, including any—

8 “(A) State emergency response commission
9 established pursuant to section 301 of the Emer-
10 gency Planning and Community Right-To-Know
11 Act of 1986 (42 U.S.C. 11001);

12 “(B) Tribal emergency response commission
13 or emergency planning committee (as defined in
14 part 355 of title 40, Code of Federal Regulations
15 (or a successor regulation));

16 “(C) local emergency planning committee
17 established pursuant to section 301 of the Emer-
18 gency Planning and Community Right-To-Know
19 Act of 1986 (42 U.S.C. 11001); or

20 “(D) other public agency responsible for
21 emergency response.”.

22 **SEC. 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
23 **PROGRAMS.**

24 Section 60109(c) of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(12) *DISTRIBUTION PIPELINES.*—

2 “(A) *STUDY.*—*The Secretary shall conduct*
3 *a study of methods that may be used under*
4 *paragraph (3), other than direct assessment, to*
5 *assess distribution pipelines to determine wheth-*
6 *er any such method—*

7 “(i) *would provide a greater level of*
8 *safety than direct assessment of the pipe-*
9 *lines; and*

10 “(ii) *is feasible.*

11 “(B) *REPORT.*—*Not later than 2 years after*
12 *the date of enactment of this paragraph, the Sec-*
13 *retary shall submit to the Committee on Com-*
14 *merce, Science, and Transportation of the Senate*
15 *and the Committees on Energy and Commerce*
16 *and Transportation and Infrastructure of the*
17 *House of Representatives a report describing—*

18 “(i) *the results of the study under sub-*
19 *paragraph (A); and*

20 “(ii) *recommendations based on that*
21 *study, if any.”.*

22 **SEC. 123. RULE OF CONSTRUCTION.**

23 *Nothing in this title or an amendment made by this*
24 *title may be construed to affect the authority of the Admin-*
25 *istrator of the Environmental Protection Agency under the*

1 *Clean Air Act (42 U.S.C. 7401 et seq.), the authority of*
2 *the Secretary of the Interior under the Mineral Leasing Act*
3 *(30 U.S.C. 181 et seq.), or the authority of any State, to*
4 *regulate a release of pollutants or hazardous substances to*
5 *air, water, or land, including through the establishment and*
6 *enforcement of requirements relating to such release.*

7 **TITLE II—LEONEL RONDON**
8 **PIPELINE SAFETY ACT**

9 **SEC. 201. SHORT TITLE.**

10 *This title may be cited as the “Leonel Rondon Pipeline*
11 *Safety Act”.*

12 **SEC. 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

13 *(a) IN GENERAL.—Section 60109(e) of title 49, United*
14 *States Code, is amended by adding at the end the following:*

15 “(7) *EVALUATION OF RISK.—*

16 “(A) *IN GENERAL.—Not later than 2 years*
17 *after the date of enactment of this paragraph, the*
18 *Secretary shall promulgate regulations to ensure*
19 *that each distribution integrity management*
20 *plan developed by an operator of a distribution*
21 *system includes an evaluation of—*

22 “(i) *the risks resulting from the pres-*
23 *ence of cast iron pipes and mains in the*
24 *distribution system; and*

1 “(i) *the risks that could lead to or re-*
2 *sult from the operation of a low-pressure*
3 *distribution system at a pressure that*
4 *makes the operation of any connected and*
5 *properly adjusted low-pressure gas burning*
6 *equipment unsafe, as determined by the Sec-*
7 *retary.*

8 “(B) *CONSIDERATION.—In carrying out*
9 *subparagraph (A)(i), the Secretary shall ensure*
10 *that an operator of a distribution system—*

11 “(i) *considers factors other than past*
12 *observed abnormal operating conditions (as*
13 *defined in section 192.803 of title 49, Code*
14 *of Federal Regulations (or a successor regu-*
15 *lation)) in ranking risks and identifying*
16 *measures to mitigate those risks; and*

17 “(ii) *may not determine that there are*
18 *no potential consequences associated with*
19 *low probability events unless that deter-*
20 *mination is otherwise supported by engi-*
21 *neering analysis or operational knowledge.*

22 “(C) *DEADLINES.—*

23 “(i) *IN GENERAL.—Not later than 2*
24 *years after the date of enactment of this*
25 *paragraph, each operator of a distribution*

1 *system shall make available to the Secretary*
2 *or the relevant State authority with a cer-*
3 *tification in effect under section 60105, as*
4 *applicable, a copy of—*

5 “(I) *the distribution integrity*
6 *management plan of the operator;*

7 “(II) *the emergency response plan*
8 *under section 60102(d)(5); and*

9 “(III) *the procedural manual for*
10 *operations, maintenance, and emer-*
11 *gencies under section 60102(d)(4).*

12 “(ii) *UPDATES.—Each operator of a*
13 *distribution system shall make available to*
14 *the Secretary or make available for inspec-*
15 *tion to the relevant State authority de-*
16 *scribed in clause (i), if applicable, an up-*
17 *dated plan or manual described in that*
18 *clause by not later than 60 days after the*
19 *date of a significant update, as determined*
20 *by the Secretary.*

21 “(iii) *APPLICABILITY OF FOIA.—Noth-*
22 *ing in this subsection shall be construed to*
23 *authorize the disclosure of any information*
24 *that is exempt from disclosure under section*
25 *552(b) of title 5.*

1 “(D) *REVIEW OF PLANS AND DOCUMENTS.*—

2 “(i) *TIMING.*—

3 “(I) *IN GENERAL.*—Not later than
4 2 years after the date of promulgation
5 of the regulations under subparagraph
6 (A), and not less frequently than once
7 every 5 years thereafter, the Secretary
8 or relevant State authority with a cer-
9 tification in effect under section 60105
10 shall review the distribution integrity
11 management plan, the emergency re-
12 sponse plan, and the procedural man-
13 ual for operations, maintenance, and
14 emergencies of each operator of a dis-
15 tribution system and record the results
16 of that review for use in the next re-
17 view of the program of that operator.

18 “(II) *GRACE PERIOD.*—For the
19 third, fourth, and fifth years after the
20 date of promulgation of the regulations
21 under subparagraph (A), the Sec-
22 retary—

23 “(aa) shall not use subclause
24 (I) as justification to reduce fund-
25 ing, decertify, or penalize in any

1 way under section 60105, 60106,
2 or 60107 a State authority that
3 has in effect a certification under
4 section 60105 or an agreement
5 under section 60106; and

6 “(bb) shall—

7 “(AA) submit to the
8 Committee on Commerce,
9 Science, and Transportation
10 of the Senate and the Com-
11 mittees on Transportation
12 and Infrastructure and En-
13 ergy and Commerce of the
14 House of Representatives a
15 list of States found to be non-
16 compliant with subclause (I)
17 during the annual program
18 evaluation; and

19 “(BB) provide a written
20 notice to each State author-
21 ity described in item (aa)
22 that is not in compliance
23 with the requirements of sub-
24 clause (I).

1 “(ii) *REVIEW.*—*Each plan or proce-*
2 *dural manual made available under sub-*
3 *paragraph (C)(i) shall be reexamined—*

4 “(I) *on significant change to the*
5 *plans or procedural manual, as appli-*
6 *cable;*

7 “(II) *on significant change to the*
8 *gas distribution system of the operator,*
9 *as applicable; and*

10 “(III) *not less frequently than*
11 *once every 5 years.*

12 “(iii) *CONTEXT OF REVIEW.*—*The Sec-*
13 *retary may conduct a review under clause*
14 *(i) or (ii) as an element of the inspection of*
15 *the operator carried out by the Secretary.*

16 “(iv) *INADEQUATE PROGRAMS.*—*If the*
17 *Secretary determines that the documents re-*
18 *viewed under clause (i) or (ii) do not com-*
19 *ply with the requirements of this chapter*
20 *(including regulations to implement this*
21 *chapter), have not been adequately imple-*
22 *mented, or are inadequate for the safe oper-*
23 *ation of a pipeline facility, the Secretary*
24 *may conduct proceedings under this chap-*
25 *ter.”.*

1 **(b) CONTENTS OF STATE PIPELINE SAFETY PROGRAM**

2 **CERTIFICATIONS.—**

3 **(1) IN GENERAL.—***Section 60105(b) of title 49,*
4 *United States Code, is amended—*

5 **(A)** *in paragraph (6), by striking “and” at*
6 *the end;*

7 **(B)** *in paragraph (7), by striking the period*
8 *at the end and inserting a semicolon; and*

9 **(C)** *by adding at the end the following:*

10 *“(8) has the capability to sufficiently review and*
11 *evaluate the adequacy of the plans and manuals de-*
12 *scribed in section 60109(e)(7)(C)(i); and*

13 *“(9) has a sufficient number of employees de-*
14 *scribed in paragraph (3) to ensure safe operations of*
15 *pipeline facilities, updating the State Inspection Cal-*
16 *culatation Tool to take into account factors including—*

17 *“(A) the number of miles of natural gas and*
18 *hazardous liquid pipelines in the State, includ-*
19 *ing the number of miles of cast iron and bare*
20 *steel pipelines;*

21 *“(B) the number of services in the State;*

22 *“(C) the age of the gas distribution system*
23 *in the State; and*

1 “(D) *environmental factors that could im-*
2 *pect the integrity of the pipeline, including rel-*
3 *evant geological issues.*”.

4 (2) *RULEMAKING.—The Secretary shall promul-*
5 *gate regulations to require that a State authority*
6 *with a certification in effect under section 60105 of*
7 *title 49, United States Code, has a sufficient number*
8 *of qualified inspectors to ensure safe operations, as*
9 *determined by the State Inspection Calculation Tool*
10 *and other factors determined to be appropriate by the*
11 *Secretary.*

12 (3) *DEADLINE.—Not later than 2 years after the*
13 *date of enactment of this Act, the Secretary shall pro-*
14 *mulgate regulations to implement the amendments*
15 *made by this subsection.*

16 **SEC. 203. EMERGENCY RESPONSE PLANS.**

17 *Section 60102 of title 49, United States Code (as*
18 *amended by section 113), is amended by adding at the end*
19 *the following:*

20 “(r) *EMERGENCY RESPONSE PLANS.—Not later than*
21 *2 years after the date of enactment of this subsection, the*
22 *Secretary shall update regulations to ensure that each emer-*
23 *gency response plan developed by an operator of a distribu-*
24 *tion system under subsection (d)(5), includes written proce-*
25 *dures for—*

1 “(1) *establishing communication with first re-*
2 *sponders and other relevant public officials, as soon*
3 *as practicable, beginning from the time of confirmed*
4 *discovery, as determined by the Secretary, by the op-*
5 *erator of a gas pipeline emergency involving a release*
6 *of gas from a distribution system of that operator*
7 *that results in—*

8 “(A) *a fire related to an unintended release*
9 *of gas;*

10 “(B) *an explosion;*

11 “(C) *1 or more fatalities; or*

12 “(D) *the unscheduled release of gas and*
13 *shutdown of gas service to a significant number*
14 *of customers, as determined by the Secretary;*

15 “(2) *establishing general public communication*
16 *through an appropriate channel—*

17 “(A) *as soon as practicable, as determined*
18 *by the Secretary, after a gas pipeline emergency*
19 *described in paragraph (1); and*

20 “(B) *that provides information regarding—*

21 “(i) *the emergency described in sub-*
22 *paragraph (A); and*

23 “(ii) *the status of public safety; and*

24 “(3) *the development and implementation of a*
25 *voluntary, opt-in system that would allow operators*

1 *of distribution systems to rapidly communicate with*
2 *customers in the event of an emergency.”.*

3 **SEC. 204. OPERATIONS AND MAINTENANCE MANUALS.**

4 *Section 60102 of title 49, United States Code (as*
5 *amended by section 203), is amended by adding at the end*
6 *the following:*

7 “(s) *OPERATIONS AND MAINTENANCE MANUALS.—Not*
8 *later than 2 years after the date of enactment of this sub-*
9 *section, the Secretary shall update regulations to ensure*
10 *that each procedural manual for operations, maintenance,*
11 *and emergencies developed by an operator of a distribution*
12 *pipeline under subsection (d)(4), includes written proce-*
13 *dures for—*

14 “(1) *responding to overpressurization indica-*
15 *tions, including specific actions and an order of oper-*
16 *ations for immediately reducing pressure in or shut-*
17 *ting down portions of the gas distribution system, if*
18 *necessary; and*

19 “(2) *a detailed procedure for the management of*
20 *the change process, which shall—*

21 “(A) *be applied to significant technology,*
22 *equipment, procedural, and organizational*
23 *changes to the distribution system; and*

24 “(B) *ensure that relevant qualified per-*
25 *sonnel, such as an engineer with a professional*

1 *engineer licensure, subject matter expert, or other*
2 *employee who possesses the necessary knowledge,*
3 *experience, and skills regarding natural gas dis-*
4 *tribution systems, review and certify construc-*
5 *tion plans for accuracy, completeness, and cor-*
6 *rectness.”.*

7 **SEC. 205. PIPELINE SAFETY MANAGEMENT SYSTEMS.**

8 *(a) IN GENERAL.—Not later than 3 years after the*
9 *date of enactment of this Act, the Secretary shall submit*
10 *to the Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate and the Committees on Transportation*
12 *and Infrastructure and Energy and Commerce of the House*
13 *of Representatives a report describing—*

14 *(1) the number of operators of natural gas dis-*
15 *tribution systems who have implemented a pipeline*
16 *safety management system in accordance with the*
17 *standard established by the American Petroleum In-*
18 *stitute entitled “Pipeline Safety Management System*
19 *Requirements” and numbered American Petroleum*
20 *Institute Recommended Practice 1173;*

21 *(2) the progress made by operators of natural*
22 *gas distribution systems who have implemented, or*
23 *are in the process of implementing, a pipeline safety*
24 *management system described in paragraph (1); and*

1 (3) *the feasibility of an operator of a natural gas*
2 *distribution system implementing a pipeline safety*
3 *management system described in paragraph (1) based*
4 *on the size of the operator as measured by—*

5 (A) *the number of customers the operator*
6 *has; and*

7 (B) *the amount of natural gas the operator*
8 *transports.*

9 (b) *REQUIREMENTS.—As part of the report required*
10 *under subsection (a), the Secretary shall provide guidance*
11 *or recommendations that would further the adoption of safe-*
12 *ty management systems in accordance with the standard*
13 *established by the American Petroleum Institute entitled*
14 *“Pipeline Safety Management System Requirements” and*
15 *numbered American Petroleum Institute Recommended*
16 *Practice 1173.*

17 (c) *EVALUATION AND PROMOTION OF SAFETY MAN-*
18 *AGEMENT SYSTEMS.—The Secretary and the relevant State*
19 *authority with a certification in effect under section 60105*
20 *of title 49, United States Code, as applicable, shall—*

21 (1) *promote and assess pipeline safety manage-*
22 *ment systems frameworks developed by operators of*
23 *natural gas distribution systems and described in the*
24 *report under subsection (a), including—*

1 (A) if necessary, using independent third-
2 party evaluators; and

3 (B) through a system that promotes self-dis-
4 closure of—

5 (i) errors; and

6 (ii) deviations from regulatory stand-
7 ards; and

8 (2) if a deviation from a regulatory standard is
9 identified during the development and application of
10 a pipeline safety management system, certify that—

11 (A) due consideration will be given to fac-
12 tors such as flawed procedures, honest mistakes,
13 or lack of understanding; and

14 (B) the operators and regulators use the
15 most appropriate tools to fix the deviation, re-
16 turn to compliance, and prevent the recurrence
17 of the deviation, including—

18 (i) root cause analysis; and

19 (ii) training, education, or other ap-
20 propriate improvements to procedures or
21 training programs.

22 **SEC. 206. PIPELINE SAFETY PRACTICES.**

23 Section 60102 of title 49, United States Code (as
24 amended by section 204), is amended by adding at the end
25 the following:

1 “(t) *OTHER PIPELINE SAFETY PRACTICES.*—

2 “(1) *RECORDS.*—Not later than 2 years after the
3 date of enactment of this subsection, the Secretary
4 shall promulgate regulations to require an operator of
5 a distribution system—

6 “(A) to identify and manage traceable, reli-
7 able, and complete records, including maps and
8 other drawings, critical to ensuring proper pres-
9 sure controls for a gas distribution system, and
10 updating these records as needed, while collecting
11 and identifying other records necessary for risk
12 analysis on an opportunistic basis; and

13 “(B) to ensure that the records required
14 under subparagraph (A) are—

15 “(i) accessible to all personnel respon-
16 sible for performing or overseeing relevant
17 construction or engineering work; and

18 “(ii) submitted to, or made available
19 for inspection by, the Secretary or the rel-
20 evant State authority with a certification
21 in effect under section 60105.

22 “(2) *PRESENCE OF QUALIFIED EMPLOYEES.*—

23 “(A) *IN GENERAL.*—Not later than 180
24 days after the date of enactment of this sub-
25 section, the Secretary shall promulgate regula-

1 *tions to require that not less than 1 agent of an*
2 *operator of a distribution system who is quali-*
3 *fied to perform relevant covered tasks, as deter-*
4 *mined by the Secretary, shall monitor gas pres-*
5 *sure at the district regulator station or at an al-*
6 *ternative site with equipment capable of ensur-*
7 *ing proper pressure controls and have the capa-*
8 *bility to promptly shut down the flow of gas or*
9 *control over pressurization at a district regulator*
10 *station during any construction project that has*
11 *the potential to cause a hazardous over-*
12 *pressurization at that station, including tie-ins*
13 *and abandonment of distribution lines and*
14 *mains, based on an evaluation, conducted by the*
15 *operator, of threats that could result in unsafe*
16 *operation.*

17 *“(B) EXCLUSION.—In promulgating regula-*
18 *tions under subparagraph (A), the Secretary*
19 *shall ensure that those regulations do not apply*
20 *to a district regulating station that has a moni-*
21 *toring system and the capability for remote or*
22 *automatic shutoff.*

23 *“(3) DISTRICT REGULATOR STATIONS.—*

24 *“(A) IN GENERAL.—Not later than 1 year*
25 *after the date of enactment of this subsection, the*

1 *Secretary shall promulgate regulations to require*
2 *that each operator of a distribution system as-*
3 *sesses and upgrades, as appropriate, each district*
4 *regulator station of the operator to ensure that—*

5 *“(i) the risk of the gas pressure in the*
6 *distribution system exceeding, by a common*
7 *mode of failure, the maximum allowable op-*
8 *erating pressure (as described in section*
9 *192.623 of title 49, Code of Federal Regula-*
10 *tions (or a successor regulation)) allowed*
11 *under Federal law (including regulations)*
12 *is minimized;*

13 *“(ii) the gas pressure of a low-pressure*
14 *distribution system is monitored, particu-*
15 *larly at or near the location of critical pres-*
16 *sure-control equipment;*

17 *“(iii) the regulator station has sec-*
18 *ondary or backup pressure-relieving or over-*
19 *pressure-protection safety technology, such*
20 *as a relief valve or automatic shutoff valve,*
21 *or other pressure-limiting devices appro-*
22 *priate for the configuration and siting of*
23 *the station and, in the case of a regulator*
24 *station that employs the primary and mon-*
25 *itor regulator design, the operator shall*

1 *eliminate the common mode of failure or*
2 *provide backup protection capable of either*
3 *shutting the flow of gas, relieving gas to the*
4 *atmosphere to fully protect the distribution*
5 *system from overpressurization events, or*
6 *there must be technology in place to elimi-*
7 *nate a common mode of failure; and*

8 *“(iv) if the Secretary determines that*
9 *it is not operationally possible for an oper-*
10 *ator to implement the requirements under*
11 *clause (iii), the Secretary shall require such*
12 *operator to identify actions in their plan*
13 *that minimize the risk of an overpressuriza-*
14 *tion event.”.*

15 ***DIVISION S—INNOVATION FOR***
16 ***THE ENVIRONMENT***

17 ***SEC. 101. REAUTHORIZATION OF DIESEL EMISSIONS RE-***
18 ***DUCTION PROGRAM.***

19 *Section 797(a) of the Energy Policy Act of 2005 (42*
20 *U.S.C. 16137(a)) is amended by striking “2016” and in-*
21 *serting “2024”.*

1 **SEC. 102. ENCOURAGING PROJECTS TO REDUCE EMIS-**
 2 **SIONS.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
 4 *“Utilizing Significant Emissions with Innovative Tech-*
 5 *nologies Act” or the “USE IT Act”.*

6 (b) *RESEARCH, INVESTIGATION, TRAINING, AND*
 7 *OTHER ACTIVITIES.*—*Section 103 of the Clean Air Act (42*
 8 *U.S.C. 7403) is amended—*

9 (1) *in subsection (c)(3), in the first sentence of*
 10 *the matter preceding subparagraph (A), by striking*
 11 *“percursors” and inserting “precursors”; and*

12 (2) *in subsection (g)—*

13 (A) *by redesignating paragraphs (1)*
 14 *through (4) as subparagraphs (A) through (D),*
 15 *respectively, and indenting appropriately;*

16 (B) *in the undesignated matter following*
 17 *subparagraph (D) (as so redesignated)—*

18 (i) *in the second sentence, by striking*
 19 *“The Administrator” and inserting the fol-*
 20 *lowing:*

21 *“(5) COORDINATION AND AVOIDANCE OF DUPLI-*
 22 *CATION.—The Administrator”;* and

23 (ii) *in the first sentence, by striking*
 24 *“Nothing” and inserting the following:*

25 *“(4) EFFECT OF SUBSECTION.—Nothing”;*

1 (C) in the matter preceding subparagraph

2 (A) (as so redesignated)—

3 (i) in the third sentence, by striking

4 “Such program” and inserting the fol-

5 lowing:

6 “(3) *PROGRAM INCLUSIONS.*—The program
7 under this subsection”;

8 (ii) in the second sentence—

9 (I) by inserting “States, institu-
10 tions of higher education,” after “sci-
11 entists,”; and

12 (II) by striking “Such strategies
13 and technologies shall be developed”
14 and inserting the following:

15 “(2) *PARTICIPATION REQUIREMENT.*—Such
16 strategies and technologies described in paragraph (1)
17 shall be developed”; and

18 (iii) in the first sentence, by striking

19 “In carrying out” and inserting the fol-
20 lowing:

21 “(1) *IN GENERAL.*—In carrying out”; and

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

23 “(6) *CERTAIN CARBON DIOXIDE ACTIVITIES.*—

1 “(A) *IN GENERAL.*—*In carrying out para-*
2 *graph (3)(A) with respect to carbon dioxide, the*
3 *Administrator—*

4 “(i) *is authorized to carry out the ac-*
5 *tivities described in subparagraph (B); and*

6 “(ii) *shall carry out the activities de-*
7 *scribed in subparagraph (C).*

8 “(B) *DIRECT AIR CAPTURE RESEARCH.*—

9 “(i) *DEFINITIONS.*—*In this subpara-*
10 *graph:*

11 “(I) *BOARD.*—*The term ‘Board’*
12 *means the Direct Air Capture Tech-*
13 *nology Advisory Board established by*
14 *clause (iii)(I).*

15 “(II) *DILUTE.*—*The term ‘dilute’*
16 *means a concentration of less than 1*
17 *percent by volume.*

18 “(III) *DIRECT AIR CAPTURE.*—

19 “(aa) *IN GENERAL.*—*The*
20 *term ‘direct air capture’, with re-*
21 *spect to a facility, technology, or*
22 *system, means that the facility,*
23 *technology, or system uses carbon*
24 *capture equipment to capture car-*
25 *bon dioxide directly from the air.*

1 “(bb) *EXCLUSION.*—*The term*
2 *‘direct air capture’ does not in-*
3 *clude any facility, technology, or*
4 *system that captures carbon diox-*
5 *ide—*

6 “(AA) *that is delib-*
7 *erately released from a natu-*
8 *rally occurring subsurface*
9 *spring; or*

10 “(BB) *using natural*
11 *photosynthesis.*

12 “(IV) *INTELLECTUAL PROP-*
13 *ERTY.*—*The term ‘intellectual property’*
14 *means—*

15 “(aa) *an invention that is*
16 *patentable under title 35, United*
17 *States Code; and*

18 “(bb) *any patent on an in-*
19 *vention described in item (aa).*

20 “(ii) *TECHNOLOGY PRIZES.*—

21 “(I) *IN GENERAL.*—*Not later than*
22 *1 year after the date of enactment of*
23 *the Utilizing Significant Emissions*
24 *with Innovative Technologies Act, the*
25 *Administrator, in consultation with*

1 *the Secretary of Energy, is authorized*
2 *to establish a program to provide fi-*
3 *nancial awards on a competitive basis*
4 *for direct air capture from media in*
5 *which the concentration of carbon diox-*
6 *ide is dilute.*

7 “(II) *DUTIES.—In carrying out*
8 *this clause, the Administrator shall—*

9 “(aa) *subject to subclause*
10 “(III), *develop specific require-*
11 *ments for—*

12 “(AA) *the competition*
13 *process; and*

14 “(BB) *the demonstra-*
15 *tion of performance of ap-*
16 *proved projects;*

17 “(bb) *offer financial awards*
18 *for a project designed—*

19 “(AA) *to the maximum*
20 *extent practicable, to capture*
21 *more than 10,000 tons of car-*
22 *bon dioxide per year;*

23 “(BB) *to operate in a*
24 *manner that would be com-*
25 *mercially viable in the fore-*

1 *seeable future (as determined*
2 *by the Board); and*

3 *“(CC) to improve the*
4 *technologies or information*
5 *systems that enable moni-*
6 *toring and verification meth-*
7 *ods for direct air capture*
8 *projects; and*

9 *“(cc) to the maximum extent*
10 *practicable, make financial*
11 *awards to geographically diverse*
12 *projects, including at least—*

13 *“(AA) 1 project in a*
14 *coastal State; and*

15 *“(BB) 1 project in a*
16 *rural State.*

17 *“(III) PUBLIC PARTICIPATION.—*
18 *In carrying out subclause (II)(aa), the*
19 *Administrator shall—*

20 *“(aa) provide notice of and,*
21 *for a period of not less than 60*
22 *days, an opportunity for public*
23 *comment on, any draft or pro-*
24 *posed version of the requirements*

1 described in subclause (II)(aa);
2 and

3 “(bb) take into account pub-
4 lic comments received in devel-
5 oping the final version of those re-
6 quirements.

7 “(iii) *DIRECT AIR CAPTURE TECH-*
8 *NOLOGY ADVISORY BOARD.*—

9 “(I) *ESTABLISHMENT.*—*The Ad-*
10 *ministrator may establish an advisory*
11 *board to be known as the ‘Direct Air*
12 *Capture Technology Advisory Board’.*

13 “(II) *COMPOSITION.*—*The Board,*
14 *on the establishment of the Board, shall*
15 *be composed of 9 members appointed*
16 *by the Administrator, who shall pro-*
17 *vide expertise in—*

18 “(aa) *climate science;*

19 “(bb) *physics;*

20 “(cc) *chemistry;*

21 “(dd) *biology;*

22 “(ee) *engineering;*

23 “(ff) *economics;*

24 “(gg) *business management;*

25 and

1 “(hh) such other disciplines
2 as the Administrator determines
3 to be necessary to achieve the pur-
4 poses of this subparagraph.

5 “(III) *TERM; VACANCIES.*—

6 “(aa) *TERM.*—A member of
7 the Board shall serve for a term of
8 6 years.

9 “(bb) *VACANCIES.*—A va-
10 cancy on the Board—

11 “(AA) shall not affect
12 the powers of the Board; and

13 “(BB) shall be filled in
14 the same manner as the
15 original appointment was
16 made.

17 “(IV) *INITIAL MEETING.*—Not
18 later than 30 days after the date on
19 which all members of the Board have
20 been appointed, the Board shall hold
21 the initial meeting of the Board.

22 “(V) *MEETINGS.*—The Board
23 shall meet at the call of the Chair-
24 person or on the request of the Admin-
25 istrator.

1 “(VI) *QUORUM.*—A majority of
2 *the members of the Board shall con-*
3 *stitute a quorum, but a lesser number*
4 *of members may hold hearings.*

5 “(VII) *CHAIRPERSON AND VICE*
6 *CHAIRPERSON.*—*The Board shall select*
7 *a Chairperson and Vice Chairperson*
8 *from among the members of the Board.*

9 “(VIII) *COMPENSATION.*—*Each*
10 *member of the Board may be com-*
11 *pensated at not to exceed the daily*
12 *equivalent of the annual rate of basic*
13 *pay in effect for a position at level V*
14 *of the Executive Schedule under section*
15 *5316 of title 5, United States Code, for*
16 *each day during which the member is*
17 *engaged in the actual performance of*
18 *the duties of the Board.*

19 “(IX) *DUTIES.*—*The Board*
20 *shall—*

21 “(aa) *advise the Adminis-*
22 *trator on carrying out the duties*
23 *of the Administrator under this*
24 *subparagraph; and*

1 “(bb) provide other assistance
2 and advice as requested by the
3 Administrator.

4 “(iv) *INTELLECTUAL PROPERTY.*—

5 “(I) *IN GENERAL.*—As a condi-
6 tion of receiving a financial award
7 under this subparagraph, an applicant
8 shall agree to vest the intellectual prop-
9 erty of the applicant derived from the
10 technology in 1 or more entities that
11 are incorporated in the United States.

12 “(II) *RESERVATION OF LI-*
13 *CENSE.*—The United States—

14 “(aa) may reserve a non-
15 exclusive, nontransferable, irrev-
16 ocable, paid-up license, to have
17 practiced for or on behalf of the
18 United States, in connection with
19 any intellectual property de-
20 scribed in subclause (I); but

21 “(bb) shall not, in the exer-
22 cise of a license reserved under
23 item (aa), publicly disclose pro-
24 prietary information relating to
25 the license.

1 “(III) *TRANSFER OF TITLE.*—
2 *Title to any intellectual property de-*
3 *scribed in subclause (I) shall not be*
4 *transferred or passed, except to an en-*
5 *tity that is incorporated in the United*
6 *States, until the expiration of the first*
7 *patent obtained in connection with the*
8 *intellectual property.*

9 “(v) *AUTHORIZATION OF APPROPRIA-*
10 *TIONS.*—*There is authorized to be appro-*
11 *priated to carry out this subparagraph*
12 *\$35,000,000, to remain available until ex-*
13 *pended.*

14 “(vi) *TERMINATION OF AUTHORITY.*—
15 *Notwithstanding section 14 of the Federal*
16 *Advisory Committee Act (5 U.S.C. App.),*
17 *the Board and all authority provided under*
18 *this subparagraph shall terminate not later*
19 *than 12 years after the date of enactment of*
20 *the Utilizing Significant Emissions with*
21 *Innovative Technologies Act.*

22 “(C) *DEEP SALINE FORMATION REPORT.*—

23 “(i) *DEFINITION OF DEEP SALINE FOR-*
24 *MATION.*—

1 “(I) *IN GENERAL.*—*In this sub-*
2 *paragraph, the term ‘deep saline for-*
3 *mation’ means a formation of sub-*
4 *surface geographically extensive sedi-*
5 *mentary rock layers saturated with*
6 *waters or brines that have a high total*
7 *dissolved solids content and that are*
8 *below the depth where carbon dioxide*
9 *can exist in the formation as a super-*
10 *critical fluid.*

11 “(II) *CLARIFICATION.*—*In this*
12 *subparagraph, the term ‘deep saline*
13 *formation’ does not include oil and gas*
14 *reservoirs.*

15 “(ii) *REPORT.*—*In consultation with*
16 *the Secretary of Energy, and, as appro-*
17 *priate, with the head of any other relevant*
18 *Federal agency and relevant stakeholders,*
19 *not later than 1 year after the date of enact-*
20 *ment of the Utilizing Significant Emissions*
21 *with Innovative Technologies Act, the Ad-*
22 *ministrator shall prepare, submit to Con-*
23 *gress, and make publicly available a report*
24 *that includes—*

1 “(I) a comprehensive identifica-
2 tion of potential risks and benefits to
3 project developers associated with in-
4 creased storage of carbon dioxide cap-
5 tured from stationary sources in deep
6 saline formations, using existing re-
7 search;

8 “(II) recommendations for man-
9 aging the potential risks identified
10 under subclause (I), including poten-
11 tial risks unique to public land; and

12 “(III) recommendations for Fed-
13 eral legislation or other policy changes
14 to mitigate any potential risks identi-
15 fied under subclause (I).

16 “(D) GAO REPORT.—Not later than 5 years
17 after the date of enactment of the Utilizing Sig-
18 nificant Emissions with Innovative Technologies
19 Act, the Comptroller General of the United
20 States shall submit to Congress a report that—

21 “(i) identifies all Federal grant pro-
22 grams in which a purpose of a grant under
23 the program is to perform research on car-
24 bon capture and utilization technologies, in-
25 cluding direct air capture technologies; and

1 “(ii) examines the extent to which the
2 Federal grant programs identified pursuant
3 to clause (i) overlap or are duplicative.”.

4 (c) *CARBON UTILIZATION PROGRAM.*—

5 (1) *IN GENERAL.*—Subtitle *F* of title *IX* of the
6 *Energy Policy Act of 2005* (42 U.S.C. 16291 et seq.)
7 is amended by inserting after section 968 the fol-
8 lowing:

9 **“SEC. 969. CARBON UTILIZATION PROGRAM.**

10 “(a) *IN GENERAL.*—The Secretary, in consultation
11 with the Administrator of the Environmental Protection
12 Agency, shall carry out a program of research, development,
13 demonstration, and commercialization relating to carbon
14 utilization.

15 “(b) *ACTIVITIES.*—Under the program described in
16 subsection (a), the Secretary shall—

17 “(1) assess and monitor—

18 “(A) potential changes in lifecycle carbon
19 dioxide and other greenhouse gas emissions; and

20 “(B) other environmental safety indicators
21 of new technologies, practices, processes, or meth-
22 ods used in enhanced hydrocarbon recovery as
23 part of the activities authorized under section
24 963;

1 “(2) *identify and evaluate novel uses for carbon*
2 *(including conversion of carbon oxides) that, on a full*
3 *lifecycle basis, achieve a permanent reduction, or*
4 *avoidance of a net increase, in carbon dioxide in the*
5 *atmosphere, for use in commercial and industrial*
6 *products such as—*

7 “(A) *chemicals;*

8 “(B) *plastics;*

9 “(C) *building materials;*

10 “(D) *fuels;*

11 “(E) *cement;*

12 “(F) *products of coal utilization in power*
13 *systems or in other applications; and*

14 “(G) *other products with demonstrated*
15 *market value;*

16 “(3) *identify and assess carbon capture tech-*
17 *nologies for industrial systems; and*

18 “(4) *identify and assess alternative uses for coal*
19 *that result in zero net emissions of carbon dioxide or*
20 *other pollutants, including products derived from car-*
21 *bon engineering, carbon fiber, and coal conversion*
22 *methods.*

23 “(c) *PRIORITIZATION.—In supporting demonstration*
24 *and commercialization research under the program de-*

1 *scribed in subsection (a), the Secretary shall prioritize con-*
2 *sideration of projects that—*

3 “(1) *have access to a carbon dioxide emissions*
4 *stream generated by a stationary source in the United*
5 *States that is capable of supplying not less than 250*
6 *metric tons per day of carbon dioxide for research;*

7 “(2) *have access to equipment for testing small-*
8 *scale carbon dioxide utilization technologies, with on-*
9 *site access to larger test bays for scale-up; and*

10 “(3) *have 1 or more existing partnerships with*
11 *a National Laboratory, an institution of higher edu-*
12 *cation, a private company, or a State or other gov-*
13 *ernment entity.*

14 “(d) *COORDINATION.—The Secretary shall coordinate*
15 *the activities authorized under this section with the activi-*
16 *ties authorized in section 969A as part of a single consoli-*
17 *dated program of the Department.*

18 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to the Secretary to carry out*
20 *this section \$50,000,000, to remain available until ex-*
21 *pended.”.*

22 (2) *STUDY.—*

23 (A) *IN GENERAL.—The Secretary of Energy,*
24 *in consultation with the Administrator of the*
25 *Environmental Protection Agency, shall seek to*

1 *enter into an agreement with the National Acad-*
2 *emies of Sciences, Engineering, and Medicine to*
3 *conduct a study that assesses the barriers and*
4 *opportunities relating to the commercial applica-*
5 *tion of carbon dioxide in the United States.*

6 *(B) CONTENTS.—The study under subpara-*
7 *graph (A) shall—*

8 *(i) analyze the technical feasibility, re-*
9 *lated challenges, and impacts of—*

10 *(I) commercializing carbon diox-*
11 *ide; and*

12 *(II) as part of that commer-*
13 *cialization—*

14 *(aa) creating a national sys-*
15 *tem of carbon dioxide pipelines*
16 *and geologic sequestration sites;*

17 *(bb) mitigating environ-*
18 *mental and landowner impacts;*
19 *and*

20 *(cc) regional economic chal-*
21 *lenges and regional economic op-*
22 *portunities;*

23 *(ii) identify potential markets, indus-*
24 *tries, or sectors that may benefit from great-*
25 *er access to commercial carbon dioxide;*

1 (iii) assess the current state of infra-
2 structure and any necessary updates to that
3 infrastructure to allow for the integration of
4 safe and reliable carbon dioxide transpor-
5 tation, utilization, and storage;

6 (iv)(I) estimate the economic, climate,
7 and environmental impacts of any well-in-
8 tegrated national carbon dioxide pipeline
9 system; and

10 (II) suggest policies that could improve
11 the economic impact of that system;

12 (v) assess the global status and
13 progress of existing chemical and biological
14 carbon utilization technologies that utilize
15 waste carbon (including carbon dioxide,
16 carbon monoxide, methane, and biogas)
17 from power generation, biofuels production,
18 and other industrial processes relevant to
19 minimizing net greenhouse gas emissions;

20 (vi) identify emerging technologies for
21 and approaches to carbon utilization that
22 show promise for scale-up, demonstration,
23 deployment, and commercialization relevant
24 to minimizing net greenhouse gas emissions;

1 (vii) analyze the factors associated
2 with making carbon utilization technologies
3 relevant to minimizing net greenhouse gas
4 emissions viable at a commercial scale, in-
5 cluding carbon waste stream availability,
6 economics, market capacity, and energy and
7 lifecycle requirements;

8 (viii)(I) assess the major technical
9 challenges associated with increasing the
10 commercial viability of carbon reuse tech-
11 nologies; and

12 (II) identify the research and develop-
13 ment questions that will address those chal-
14 lenges;

15 (ix)(I) assess current research efforts,
16 including engineering and computational
17 research, that address the challenges de-
18 scribed in clause (viii)(I); and

19 (II) identify any gaps in the current
20 research portfolio; and

21 (x) develop a comprehensive research
22 agenda that addresses both long- and short-
23 term research needs and opportunities for
24 carbon capture utilization and storage tech-

1 *nologies relevant to minimizing net green-*
2 *house gas emissions.*

3 (3) *TECHNICAL AMENDMENT.—The table of con-*
4 *tents for the Energy Policy Act of 2005 (Public Law*
5 *109–58; 119 Stat. 600) is amended by inserting after*
6 *the item relating to section 968 the following:*

“Sec. 969. Carbon utilization program.”.

7 (d) *IMPROVEMENT OF PERMITTING PROCESS FOR CAR-*
8 *BON DIOXIDE CAPTURE AND INFRASTRUCTURE*
9 *PROJECTS.—*

10 (1) *INCLUSION OF CARBON CAPTURE INFRA-*
11 *STRUCTURE PROJECTS.—Section 41001(6) of the*
12 *FAST Act (42 U.S.C. 4370m(6)) is amended—*

13 (A) *in subparagraph (A)—*

14 (i) *in the matter preceding clause (i),*
15 *by inserting “carbon capture,” after “man-*
16 *ufacturing,”;*

17 (ii) *in clause (i)(III), by striking “or”*
18 *at the end;*

19 (iii) *by redesignating clause (ii) as*
20 *clause (iii); and*

21 (iv) *by inserting after clause (i) the*
22 *following:*

23 *“(i) is covered by a programmatic*
24 *plan or environmental review developed for*

1 *the primary purpose of facilitating develop-*
2 *ment of carbon dioxide pipelines; or”;* and
3 *(B) by adding at the end the following:*

4 “(C) *INCLUSION.—For purposes of subpara-*
5 *graph (A), construction of infrastructure for car-*
6 *bon capture includes construction of—*

7 “(i) *any facility, technology, or system*
8 *that captures, utilizes, or sequesters carbon*
9 *dioxide emissions, including projects for di-*
10 *rect air capture (as defined in paragraph*
11 *(6)(B)(i) of section 103(g) of the Clean Air*
12 *Act (42 U.S.C. 7403(g)); and*

13 “(ii) *carbon dioxide pipelines.”.*

14 (2) *DEVELOPMENT OF CARBON CAPTURE, UTILI-*
15 *ZATION, AND SEQUESTRATION REPORT, PERMITTING*
16 *GUIDANCE, AND REGIONAL PERMITTING TASK*
17 *FORCE.—*

18 (A) *DEFINITIONS.—In this paragraph:*

19 (i) *CARBON CAPTURE, UTILIZATION,*
20 *AND SEQUESTRATION PROJECTS.—The term*
21 *“carbon capture, utilization, and sequestra-*
22 *tion projects” includes projects for direct air*
23 *capture (as defined in paragraph (6)(B)(i)*
24 *of section 103(g) of the Clean Air Act (42*
25 *U.S.C. 7403(g)).*

1 (ii) *EFFICIENT, ORDERLY, AND RE-*
2 *SPONSIBLE.—The term “efficient, orderly,*
3 *and responsible” means, with respect to de-*
4 *velopment or the permitting process for car-*
5 *bon capture, utilization, and sequestration*
6 *projects and carbon dioxide pipelines, a*
7 *process that promotes environmental, health,*
8 *and safety protections while maintaining a*
9 *process that is completed in an expeditious*
10 *manner.*

11 (B) *REPORT.—*

12 (i) *IN GENERAL.—Not later than 180*
13 *days after the date of enactment of this Act,*
14 *the Chair of the Council on Environmental*
15 *Quality (referred to in this section as the*
16 *“Chair”), in consultation with the Adminis-*
17 *trator of the Environmental Protection*
18 *Agency, the Secretary of Energy, the Sec-*
19 *retary of the Interior, the Secretary of*
20 *Transportation, the Executive Director of*
21 *the Federal Permitting Improvement Coun-*
22 *cil, and the head of any other relevant Fed-*
23 *eral agency (as determined by the Presi-*
24 *dent), shall prepare a report that—*

1 (I) compiles all existing relevant
2 Federal permitting and review infor-
3 mation and resources for project appli-
4 cants, agencies, and other stakeholders
5 interested in the deployment and im-
6 pact of carbon capture, utilization, and
7 sequestration projects and carbon diox-
8 ide pipelines, including—

9 (aa) the appropriate points
10 of interaction with Federal agen-
11 cies;

12 (bb) clarification of the per-
13 mitting responsibilities and au-
14 thorities among Federal agencies;
15 and

16 (cc) best practices and tem-
17 plates for permitting in an effi-
18 cient, orderly, and responsible
19 manner, including through im-
20 proved staff capacity and train-
21 ing at Federal permitting agen-
22 cies;

23 (II) inventories current or emerg-
24 ing activities that transform captured
25 carbon dioxide into a product of com-

1 *mercial value, or as an input to prod-*
2 *ucts of commercial value;*

3 *(III) inventories existing initia-*
4 *tives and recent publications that ana-*
5 *lyze or identify priority carbon dioxide*
6 *pipelines needed to enable efficient, or-*
7 *derly, and responsible development of*
8 *carbon capture, utilization, and seques-*
9 *tration projects at increased scale;*

10 *(IV) identifies gaps in the current*
11 *Federal regulatory framework for the*
12 *deployment of carbon capture, utiliza-*
13 *tion, and sequestration projects and*
14 *carbon dioxide pipelines;*

15 *(V) identifies Federal financing*
16 *mechanisms available to project devel-*
17 *opers; and*

18 *(VI) identifies public engagement*
19 *opportunities through existing laws,*
20 *including under the National Environ-*
21 *mental Policy Act of 1969 (42 U.S.C.*
22 *4321 et seq.).*

23 *(ii) SUBMISSION; PUBLICATION.—The*
24 *Chair shall—*

1 (I) submit the report under clause
2 (i) to the Committee on Environment
3 and Public Works of the Senate and
4 the Committee on Energy and Com-
5 merce, the Committee on Natural Re-
6 sources, and the Committee on Trans-
7 portation and Infrastructure of the
8 House of Representatives; and

9 (II) as soon as practicable, make
10 the report publicly available.

11 (C) GUIDANCE.—

12 (i) IN GENERAL.—After submission of
13 the report under subparagraph (B)(ii), but
14 not later than 1 year after the date of enact-
15 ment of this Act, the Chair shall submit
16 guidance consistent with that report to all
17 relevant Federal agencies that—

18 (I) facilitates reviews associated
19 with the deployment of carbon capture,
20 utilization, and sequestration projects
21 and carbon dioxide pipelines; and

22 (II) supports the efficient, orderly,
23 and responsible development of carbon
24 capture, utilization, and sequestration
25 projects and carbon dioxide pipelines.

1 (ii) *REQUIREMENTS.*—

2 (I) *IN GENERAL.*—*The guidance*
3 *under clause (i) shall address applica-*
4 *ble requirements under—*

5 (aa) *the National Environ-*
6 *mental Policy Act of 1969 (42*
7 *U.S.C. 4321 et seq.);*

8 (bb) *the Federal Water Pollu-*
9 *tion Control Act (33 U.S.C. 1251*
10 *et seq.);*

11 (cc) *the Clean Air Act (42*
12 *U.S.C. 7401 et seq.);*

13 (dd) *the Safe Drinking*
14 *Water Act (42 U.S.C. 300f et*
15 *seq.);*

16 (ee) *the Endangered Species*
17 *Act of 1973 (16 U.S.C. 1531 et*
18 *seq.);*

19 (ff) *division A of subtitle III*
20 *of title 54, United States Code*
21 *(formerly known as the “National*
22 *Historic Preservation Act”);*

23 (gg) *the Migratory Bird*
24 *Treaty Act (16 U.S.C. 703 et*
25 *seq.);*

1 *(hh) the Act of June 8, 1940*
2 *(16 U.S.C. 668 et seq.) (commonly*
3 *known as the “Bald and Golden*
4 *Eagle Protection Act”);*

5 *(ii) chapter 601 of title 49,*
6 *United States Code (including*
7 *those provisions formerly cited as*
8 *the Natural Gas Pipeline Safety*
9 *Act of 1968 (Public Law 90–481;*
10 *82 Stat. 720) and the Hazardous*
11 *Liquid Pipeline Safety Act of*
12 *1979 (Public Law 96–129; 93*
13 *Stat. 1003)); and*

14 *(jj) any other Federal law*
15 *that the Chair determines to be*
16 *appropriate.*

17 *(II) ENVIRONMENTAL REVIEWS.—*

18 *The guidance under clause (i) shall in-*
19 *clude direction to States and other in-*
20 *terested parties for the development of*
21 *programmatic environmental reviews*
22 *under the National Environmental*
23 *Policy Act of 1969 (42 U.S.C. 4321 et*
24 *seq.) for carbon capture, utilization,*

1 *and sequestration projects and carbon*
2 *dioxide pipelines.*

3 *(III) PUBLIC INVOLVEMENT.—The*
4 *guidance under clause (i) shall be sub-*
5 *ject to the public notice, comment, and*
6 *solicitation of information procedures*
7 *under section 1506.6 of title 40, Code*
8 *of Federal Regulations (or a successor*
9 *regulation).*

10 *(iii) SUBMISSION; PUBLICATION.—The*
11 *Chair shall—*

12 *(I) submit the guidance under*
13 *clause (i) to the Committee on Envi-*
14 *ronment and Public Works of the Sen-*
15 *ate and the Committee on Energy and*
16 *Commerce, the Committee on Natural*
17 *Resources, and the Committee on*
18 *Transportation and Infrastructure of*
19 *the House of Representatives; and*

20 *(II) as soon as practicable, make*
21 *the guidance publicly available.*

22 *(iv) EVALUATION.—The Chair shall—*

23 *(I) periodically evaluate the re-*
24 *ports of the task forces under subpara-*

1 *graph (D)(v) and, as necessary, revise*
2 *the guidance under clause (i); and*
3 *(II) each year, submit to the Com-*
4 *mittee on Environment and Public*
5 *Works of the Senate, the Committee on*
6 *Energy and Commerce, the Committee*
7 *on Natural Resources, and the Com-*
8 *mittee on Transportation and Infra-*
9 *structure of the House of Representa-*
10 *tives, and relevant Federal agencies a*
11 *report that describes any recommenda-*
12 *tions for rules, revisions to rules, or*
13 *other policies that would address the*
14 *issues identified by the task forces*
15 *under subparagraph (D)(v).*

16 *(D) TASK FORCES.—*

17 *(i) ESTABLISHMENT.—Not later than*
18 *18 months after the date of enactment of*
19 *this Act, the Chair shall establish not less*
20 *than 2 task forces, which shall each cover a*
21 *different geographical area with differing*
22 *demographic, land use, or geological*
23 *issues—*

24 *(I) to identify permitting and*
25 *other challenges and successes that per-*

1 *mitting authorities and project devel-*
2 *opers and operators face in permitting*
3 *projects in an efficient, orderly, and*
4 *responsible manner; and*

5 *(II) to improve the performance of*
6 *the permitting process and regional co-*
7 *ordination for the purpose of pro-*
8 *moting the efficient, orderly, and re-*
9 *sponsible development of carbon cap-*
10 *ture, utilization, and sequestration*
11 *projects and carbon dioxide pipelines.*

12 *(ii) MEMBERS AND SELECTION.—*

13 *(I) IN GENERAL.—The Chair*
14 *shall—*

15 *(aa) develop criteria for the*
16 *selection of members to each task*
17 *force; and*

18 *(bb) select members for each*
19 *task force in accordance with item*
20 *(aa) and subclause (II).*

21 *(II) MEMBERS.—Each task*
22 *force—*

23 *(aa) shall include not less*
24 *than 1 representative of each of—*

1 (AA) *the Environmental*
2 *Protection Agency;*

3 (BB) *the Department of*
4 *Energy;*

5 (CC) *the Department of*
6 *the Interior;*

7 (DD) *the Pipeline and*
8 *Hazardous Materials Safety*
9 *Administration;*

10 (EE) *any other Federal*
11 *agency the Chair determines*
12 *to be appropriate;*

13 (FF) *any State that re-*
14 *quests participation in the*
15 *geographical area covered by*
16 *the task force;*

17 (GG) *developers or oper-*
18 *ators of carbon capture, uti-*
19 *lization, and sequestration*
20 *projects or carbon dioxide*
21 *pipelines; and*

22 (HH) *nongovernmental*
23 *membership organizations,*
24 *the primary mission of*

1 *which concerns protection of*
2 *the environment;*

3 *(bb) at the request of a Trib-*
4 *al or local government, may in-*
5 *clude a representative of—*

6 *(AA) not less than 1*
7 *local government in the geo-*
8 *graphical area covered by the*
9 *task force; and*

10 *(BB) not less than 1*
11 *Tribal government in the*
12 *geographical area covered by*
13 *the task force; and*

14 *(cc) shall include 1 expert in*
15 *each of the following fields—*

16 *(AA) health and envi-*
17 *ronmental effects, including*
18 *exposure evaluation; and*

19 *(BB) pipeline safety.*

20 *(iii) MEETINGS.—*

21 *(I) IN GENERAL.—Each task force*
22 *shall meet not less than twice each*
23 *year.*

24 *(II) JOINT MEETING.—To the*
25 *maximum extent practicable, the task*

1 *forces shall meet collectively not less*
2 *than once each year.*

3 *(iv) DUTIES.—Each task force shall—*

4 *(I) inventory existing or potential*
5 *Federal and State approaches to facili-*
6 *tate reviews associated with the deploy-*
7 *ment of carbon capture, utilization,*
8 *and sequestration projects and carbon*
9 *dioxide pipelines, including best prac-*
10 *tices that—*

11 *(aa) avoid duplicative re-*
12 *views to the extent permitted by*
13 *law;*

14 *(bb) engage stakeholders early*
15 *in the permitting process; and*

16 *(cc) make the permitting*
17 *process efficient, orderly, and re-*
18 *sponsible;*

19 *(II) develop common models for*
20 *State-level carbon dioxide pipeline reg-*
21 *ulation and oversight guidelines that*
22 *can be shared with States in the geo-*
23 *graphical area covered by the task*
24 *force;*

1 (III) provide technical assistance
2 to States in the geographical area cov-
3 ered by the task force in implementing
4 regulatory requirements and any mod-
5 els developed under subclause (II);

6 (IV) inventory current or emerg-
7 ing activities that transform captured
8 carbon dioxide into a product of com-
9 mercial value, or as an input to prod-
10 ucts of commercial value;

11 (V) identify any priority carbon
12 dioxide pipelines needed to enable effi-
13 cient, orderly, and responsible develop-
14 ment of carbon capture, utilization,
15 and sequestration projects at increased
16 scale;

17 (VI) identify gaps in the current
18 Federal and State regulatory frame-
19 work and in existing data for the de-
20 ployment of carbon capture, utiliza-
21 tion, and sequestration projects and
22 carbon dioxide pipelines;

23 (VII) identify Federal and State
24 financing mechanisms available to
25 project developers; and

1 (VIII) *develop recommendations*
2 *for relevant Federal agencies on how to*
3 *develop and research technologies*
4 *that—*

5 (aa) *can capture carbon di-*
6 *oxide; and*

7 (bb) *would be able to be de-*
8 *ployed within the region covered*
9 *by the task force, including any*
10 *projects that have received tech-*
11 *nical or financial assistance for*
12 *research under paragraph (6) of*
13 *section 103(g) of the Clean Air*
14 *Act (42 U.S.C. 7403(g)).*

15 (v) *REPORT.—Each year, each task*
16 *force shall prepare and submit to the Chair*
17 *and to the other task forces a report that in-*
18 *cludes—*

19 (I) *any recommendations for im-*
20 *provements in efficient, orderly, and*
21 *responsible issuance or administration*
22 *of Federal permits and other Federal*
23 *authorizations required under a law*
24 *described in subparagraph (C)(ii)(I);*
25 *and*

1 (ii) any other nationally relevant
2 information that the task force has col-
3 lected in carrying out the duties under
4 clause (iv).

5 (vi) *EVALUATION*.—Not later than 5
6 years after the date of enactment of this Act,
7 the Chair shall—

8 (I) reevaluate the need for the task
9 forces; and

10 (II) submit to Congress a rec-
11 ommendation as to whether the task
12 forces should continue.

13 **SEC. 103. AMERICAN INNOVATION AND MANUFACTURING.**

14 (a) *SHORT TITLE*.—This section may be cited as the
15 “American Innovation and Manufacturing Act of 2020”.

16 (b) *DEFINITIONS*.—In this section:

17 (1) *ADMINISTRATOR*.—The term “Adminis-
18 trator” means the Administrator of the Environ-
19 mental Protection Agency.

20 (2) *ALLOWANCE*.—The term “allowance” means
21 a limited authorization for the production or con-
22 sumption of a regulated substance established under
23 subsection (e).

1 (3) *CONSUMPTION.*—The term “consumption”,
2 with respect to a regulated substance, means a quan-
3 tity equal to the difference between—

4 (A) a quantity equal to the sum of—

5 (i) the quantity of that regulated sub-
6 stance produced in the United States; and

7 (ii) the quantity of the regulated sub-
8 stance imported into the United States; and

9 (B) the quantity of the regulated substance
10 exported from the United States.

11 (4) *CONSUMPTION BASELINE.*—The term “con-
12 sumption baseline” means the baseline established for
13 the consumption of regulated substances under sub-
14 section (e)(1)(C).

15 (5) *EXCHANGE VALUE.*—The term “exchange
16 value” means the value assigned to a regulated sub-
17 stance in accordance with subsections (c) and (e), as
18 applicable.

19 (6) *IMPORT.*—The term “import” means to land
20 on, bring into, or introduce into, or attempt to land
21 on, bring into, or introduce into, any place subject to
22 the jurisdiction of the United States, regardless of
23 whether that landing, bringing, or introduction con-
24 stitutes an importation within the meaning of the
25 customs laws of the United States.

1 (7) *PRODUCE*.—

2 (A) *IN GENERAL*.—The term “produce”
3 means the manufacture of a regulated substance
4 from a raw material or feedstock chemical (but
5 not including the destruction of a regulated sub-
6 stance by a technology approved by the Adminis-
7 trator).

8 (B) *EXCLUSIONS*.—The term “produce”
9 does not include—

10 (i) the manufacture of a regulated sub-
11 stance that is used and entirely consumed
12 (except for trace quantities) in the manufac-
13 ture of another chemical; or

14 (ii) the reclamation, reuse, or recycling
15 of a regulated substance.

16 (8) *PRODUCTION BASELINE*.—The term “produc-
17 tion baseline” means the baseline established for the
18 production of regulated substances under subsection
19 (e)(1)(B).

20 (9) *RECLAIM; RECLAMATION*.—The terms “re-
21 claim” and “reclamation” mean—

22 (A) the reprocessing of a recovered regulated
23 substance to at least the purity described in
24 standard 700–2016 of the Air-Conditioning,
25 Heating, and Refrigeration Institute (or an ap-

1 *propriate successor standard adopted by the Ad-*
2 *ministrator); and*

3 *(B) the verification of the purity of that*
4 *regulated substance using, at a minimum, the*
5 *analytical methodology described in the standard*
6 *referred to in subparagraph (A).*

7 (10) *RECOVER.*—*The term “recover” means the*
8 *process by which a regulated substance is—*

9 *(A) removed, in any condition, from equip-*
10 *ment; and*

11 *(B) stored in an external container, with or*
12 *without testing or processing the regulated sub-*
13 *stance.*

14 (11) *REGULATED SUBSTANCE.*—*The term “regu-*
15 *lated substance” means—*

16 *(A) a substance listed in the table contained*
17 *in subsection (c)(1); and*

18 *(B) a substance included as a regulated sub-*
19 *stance by the Administrator under subsection*
20 *(c)(3).*

21 (c) *LISTING OF REGULATED SUBSTANCES.*—

22 (1) *LIST OF REGULATED SUBSTANCES.*—*Each of*
23 *the following substances, and any isomers of such a*
24 *substance, shall be a regulated substance:*

<i>Chemical Name</i>	<i>Common Name</i>	<i>Exchange Value</i>
CHF_2CHF_2	<i>HFC-134</i>	1100
CH_2FCF_3	<i>HFC-134a</i>	1430
CH_2FCHF_2	<i>HFC-143</i>	353
$\text{CHF}_2\text{CH}_2\text{CF}_3$	<i>HFC-245fa</i>	1030
$\text{CF}_3\text{CH}_2\text{CF}_2\text{CH}_3$	<i>HFC-365mfc</i>	794
$\text{CF}_3\text{CHF}_2\text{CF}_3$	<i>HFC-227ea</i>	3220
$\text{CH}_2\text{FCF}_2\text{CF}_3$	<i>HFC-236cb</i>	1340
$\text{CHF}_2\text{CHF}_2\text{CF}_3$	<i>HFC-236ea</i>	1370
$\text{CF}_3\text{CH}_2\text{CF}_3$	<i>HFC-236fa</i>	9810
$\text{CH}_2\text{FCF}_2\text{CHF}_2$	<i>HFC-245ca</i>	693
$\text{CF}_3\text{CHFCH}_2\text{CF}_2\text{CF}_3$	<i>HFC-43-10mee</i>	1640
CH_2F_2	<i>HFC-32</i>	675
CHF_2CF_3	<i>HFC-125</i>	3500
CH_3CF_3	<i>HFC-143a</i>	4470
CH_3F	<i>HFC-41</i>	92
$\text{CH}_2\text{FCH}_2\text{F}$	<i>HFC-152</i>	53
CH_3CHF_2	<i>HFC-152a</i>	124
CHF_3	<i>HFC-23</i>	14800.

- 1 (2) *REVIEW.*—*The Administrator may—*
- 2 (A) *review the exchange values listed in the*
- 3 *table contained in paragraph (1) on a periodic*
- 4 *basis; and*
- 5 (B) *subject to notice and opportunity for*
- 6 *public comment, adjust the exchange values sole-*
- 7 *ly on the basis of—*
- 8 (i) *the best available science; and*
- 9 (ii) *other information consistent with*
- 10 *widely used or commonly accepted existing*
- 11 *exchange values.*
- 12 (3) *OTHER REGULATED SUBSTANCES.*—

1 (A) *IN GENERAL.*—*Subject to notice and op-*
2 *portunity for public comment, the Administrator*
3 *may designate a substance not included in the*
4 *table contained in paragraph (1) as a regulated*
5 *substance if—*

6 (i) *the substance—*

7 (I) *is a chemical substance that is*
8 *a saturated hydrofluorocarbon; and*

9 (II) *has an exchange value, as de-*
10 *termined by the Administrator in ac-*
11 *cordance with the basis described in*
12 *paragraph (2)(B), of greater than 53;*
13 *and*

14 (ii) *the designation of the substance as*
15 *a regulated substance would be consistent*
16 *with the purposes of this section.*

17 (B) *SAVINGS PROVISION.*—

18 (i) *IN GENERAL.*—*Nothing in this*
19 *paragraph authorizes the Administrator to*
20 *designate as a regulated substance a blend*
21 *of substances that includes a saturated*
22 *hydrofluorocarbon for purposes of phasing*
23 *down production or consumption of regu-*
24 *lated substances under subsection (e), even if*

1 *the saturated hydrofluorocarbon is, or may*
2 *be, designated as a regulated substance.*

3 *(ii) AUTHORITY OF ADMINISTRATOR.—*
4 *Clause (i) does not affect the authority of*
5 *the Administrator to regulate under this Act*
6 *a regulated substance within a blend of sub-*
7 *stances.*

8 *(d) MONITORING AND REPORTING REQUIREMENTS.—*
9 *(1) PRODUCTION, IMPORT, AND EXPORT LEVEL*
10 *REPORTS.—*

11 *(A) IN GENERAL.—On a periodic basis, to*
12 *be determined by the Administrator, but not less*
13 *frequently than annually, each person who, with-*
14 *in the applicable reporting period, produces, im-*
15 *ports, exports, destroys, transforms, uses as a*
16 *process agent, or reclaims a regulated substance*
17 *shall submit to the Administrator a report that*
18 *describes, as applicable, the quantity of the regu-*
19 *lated substance that the person—*

20 *(i) produced, imported, and exported;*

21 *(ii) reclaimed;*

22 *(iii) destroyed by a technology ap-*
23 *proved by the Administrator;*

1 (iv) used and entirely consumed (ex-
2 cept for trace quantities) in the manufac-
3 ture of another chemical; or

4 (v) used as a process agent.

5 (B) REQUIREMENTS.—

6 (i) SIGNED AND ATTESTED.—The re-
7 port under subparagraph (A) shall be
8 signed and attested by a responsible officer
9 (within the meaning of the Clean Air Act
10 (42 U.S.C. 7401 et seq.)).

11 (ii) NO FURTHER REPORTS RE-
12 QUIRED.—A report under subparagraph (A)
13 shall not be required from a person if the
14 person—

15 (I) permanently ceases produc-
16 tion, importation, exportation, destruc-
17 tion, transformation, use as a process
18 agent, or reclamation of all regulated
19 substances; and

20 (II) notifies the Administrator in
21 writing that the requirement under
22 subclause (I) has been met.

23 (iii) BASELINE PERIOD.—Each report
24 under subparagraph (A) shall include, as
25 applicable, the information described in

1 that subparagraph for the baseline period of
2 calendar years 2011 through 2013.

3 (2) *COORDINATION.*—*The Administrator may*
4 *allow any person subject to the requirements of para-*
5 *graph (1)(A) to combine and include the information*
6 *required to be reported under that paragraph with*
7 *any other related information that the person is re-*
8 *quired to report to the Administrator.*

9 (e) *PHASE-DOWN OF PRODUCTION AND CONSUMPTION*
10 *OF REGULATED SUBSTANCES.*—

11 (1) *BASELINES.*—

12 (A) *IN GENERAL.*—*Subject to subparagraph*
13 *(D), the Administrator shall establish for the*
14 *phase-down of regulated substances—*

15 (i) *a production baseline for the pro-*
16 *duction of all regulated substances in the*
17 *United States, as described in subparagraph*
18 *(B); and*

19 (ii) *a consumption baseline for the con-*
20 *sumption of all regulated substances in the*
21 *United States, as described in subparagraph*
22 *(C).*

23 (B) *PRODUCTION BASELINE DESCRIBED.*—
24 *The production baseline referred to in subpara-*

1 *graph (A)(i) is the quantity equal to the sum*
2 *of—*

3 *(i) the average annual quantity of all*
4 *regulated substances produced in the United*
5 *States during the period—*

6 *(I) beginning on January 1,*
7 *2011; and*

8 *(II) ending on December 31, 2013;*
9 *and*

10 *(ii) the quantity equal to the sum of—*

11 *(I) 15 percent of the production*
12 *level of hydrochlorofluorocarbons in*
13 *calendar year 1989; and*

14 *(II) 0.42 percent of the production*
15 *level of chlorofluorocarbons in calendar*
16 *year 1989.*

17 *(C) CONSUMPTION BASELINE DESCRIBED.—*

18 *The consumption baseline referred to in subpara-*
19 *graph (A)(ii) is the quantity equal to the sum*
20 *of—*

21 *(i) the average annual quantity of all*
22 *regulated substances consumed in the*
23 *United States during the period—*

24 *(I) beginning on January 1,*
25 *2011; and*

1 (II) ending on December 31, 2013;

2 and

3 (ii) the quantity equal to the sum of—

4 (I) 15 percent of the consumption
5 level of hydrochlorofluorocarbons in
6 calendar year 1989; and

7 (II) 0.42 percent of the consump-
8 tion level of chlorofluorocarbons in cal-
9 endar year 1989.

10 (D) EXCHANGE VALUES.—

11 (i) IN GENERAL.—For purposes of es-
12 tablishing the baselines pursuant to sub-
13 paragraphs (B) and (C), the Administrator
14 shall use the exchange values listed in the
15 table contained in subsection (c)(1) for reg-
16 ulated substances and the following ex-
17 change values for hydrochlorofluorocarbons
18 and chlorofluorocarbons:

Chemical Name	Common Name	Exchange Value
<i>CHFC₁₂</i>	<i>HCFC-21</i>	<i>151</i>
<i>CHF₂C1</i>	<i>HCFC-22</i>	<i>1810</i>
<i>C₂HF₃C1₂</i>	<i>HCFC-123</i>	<i>77</i>
<i>C₂HF₄C1</i>	<i>HCFC-124</i>	<i>609</i>
<i>CH₃CFC1₂</i>	<i>HCFC-141b</i>	<i>725</i>
<i>CH₃CF₂C1</i>	<i>HCFC-142b</i>	<i>2310</i>
<i>CF₃CF₂CHC1₂</i>	<i>HCFC-225ca</i>	<i>122</i>
<i>CF₂C1CF₂CHC1F</i>	<i>HCFC-225cb</i>	<i>595</i>

<i>Table 3</i>		
<i>Chemical Name</i>	<i>Common Name</i>	<i>Exchange Value</i>
<i>CFC1₃</i>	<i>CFC-11</i>	<i>4750</i>
<i>CF₂C1₂</i>	<i>CFC-12</i>	<i>10900</i>
<i>C₂F₃C1₃</i>	<i>CFC-113</i>	<i>6130</i>
<i>C₂F₄C1₂</i>	<i>CFC-114</i>	<i>10000</i>
<i>C₂F₅C1</i>	<i>CFC-115</i>	<i>7370</i>

1 (ii) *REVIEW.—The Administrator*
2 *may—*

3 (I) *review the exchange values*
4 *listed in the tables contained in clause*
5 *(i) on a periodic basis; and*

6 (II) *subject to notice and oppor-*
7 *tunity for public comment, adjust the*
8 *exchange values solely on the basis of—*

9 (aa) *the best available*
10 *science; and*

11 (bb) *other information con-*
12 *sistent with widely used or com-*
13 *monly accepted existing exchange*
14 *values.*

15 (2) *PRODUCTION AND CONSUMPTION PHASE-*
16 *DOWN.—*

17 (A) *IN GENERAL.—During the period begin-*
18 *ning on January 1 of each year listed in the*
19 *table contained in subparagraph (C) and ending*
20 *on December 31 of the year before the next year*

1 *listed on that table, except as otherwise permitted*
2 *under this section, no person shall—*

3 *(i) produce a quantity of a regulated*
4 *substance without a corresponding quantity*
5 *of production allowances, except as provided*
6 *in paragraph (5);*

7 *(ii) consume a quantity of a regulated*
8 *substance without a corresponding quantity*
9 *of consumption allowances; or*

10 *(iii) hold, use, or transfer any produc-*
11 *tion allowance or consumption allowance*
12 *allocated under this section except in ac-*
13 *cordance with regulations promulgated by*
14 *the Administrator pursuant to subsection*
15 *(g).*

16 *(B) COMPLIANCE.—For each year listed on*
17 *the table contained in subparagraph (C), the Ad-*
18 *ministrator shall ensure that the annual quan-*
19 *tity of all regulated substances produced or con-*
20 *sumed in the United States does not exceed the*
21 *product obtained by multiplying—*

22 *(i) the production baseline or consump-*
23 *tion baseline, as applicable; and*

24 *(ii) the applicable percentage listed on*
25 *the table contained in subparagraph (C).*

1 (C) *RELATION TO BASELINE.*—On January
 2 1 of each year listed in the following table, the
 3 Administrator shall apply the applicable per-
 4 centage, as described in subparagraph (A):

<i>Date</i>	<i>Percentage of Production Base- line</i>	<i>Percentage of Consumption Baseline</i>
<i>2020–2023</i>	<i>90 percent</i>	<i>90 percent</i>
<i>2024–2028</i>	<i>60 percent</i>	<i>60 percent</i>
<i>2029–2033</i>	<i>30 percent</i>	<i>30 percent</i>
<i>2034–2035</i>	<i>20 percent</i>	<i>20 percent</i>
<i>2036 and thereafter</i>	<i>15 percent</i>	<i>15 percent</i>

5 (D) *ALLOWANCES.*—

6 (i) *QUANTITY.*—Not later than October
 7 1 of each calendar year, the Administrator
 8 shall use the quantity calculated under sub-
 9 paragraph (B) to determine the quantity of
 10 allowances for the production and consump-
 11 tion of regulated substances that may be
 12 used for the following calendar year.

13 (ii) *NATURE OF ALLOWANCES.*—

14 (I) *IN GENERAL.*—An allowance
 15 allocated under this section—

16 (aa) does not constitute a
 17 property right; and

18 (bb) is a limited authoriza-
 19 tion for the production or con-

1 *sumption of a regulated substance*
2 *under this section.*

3 (II) *SAVINGS PROVISION.—Nothing*
4 *in this section or in any other pro-*
5 *vision of law limits the authority of*
6 *the United States to terminate or limit*
7 *an authorization described in subclause*
8 *(I)(bb).*

9 (3) *REGULATIONS REGARDING PRODUCTION AND*
10 *CONSUMPTION OF REGULATED SUBSTANCES.—Not*
11 *later than 270 days after the date of enactment of this*
12 *Act, which shall include a period of notice and oppor-*
13 *tunity for public comment, the Administrator shall*
14 *issue a final rule—*

15 (A) *phasing down the production of regu-*
16 *lated substances in the United States through an*
17 *allowance allocation and trading program in ac-*
18 *cordance with this section; and*

19 (B) *phasing down the consumption of regu-*
20 *lated substances in the United States through an*
21 *allowance allocation and trading program in ac-*
22 *cordance with the schedule under paragraph*
23 *(2)(C) (subject to the same exceptions and other*
24 *requirements as are applicable to the phase-down*

1 *of production of regulated substances under this*
2 *section).*

3 (4) *EXCEPTIONS; ESSENTIAL USES.—*

4 (A) *FEEDSTOCKS AND PROCESS AGENTS.—*

5 *Except for the reporting requirements described*
6 *in subsection (d)(1), this section does not apply*
7 *to—*

8 (i) *a regulated substance that is used*
9 *and entirely consumed (except for trace*
10 *quantities) in the manufacture of another*
11 *chemical; or*

12 (ii) *a regulated substance that is used*
13 *and not entirely consumed in the manufac-*
14 *ture of another chemical, if the remaining*
15 *amounts of the regulated substance are sub-*
16 *sequently destroyed.*

17 (B) *ESSENTIAL USES.—*

18 (i) *IN GENERAL.—Beginning on the*
19 *date of enactment of this Act and subject to*
20 *paragraphs (2) and (3) and clauses (ii) and*
21 *(iii), the Administrator may, by rule, after*
22 *considering technical achievability, commer-*
23 *cial demands, affordability for residential*
24 *and small business consumers, safety, and*
25 *other relevant factors, including overall eco-*

1 *conomic costs and environmental impacts*
2 *compared to historical trends, allocate a*
3 *quantity of allowances for a period of not*
4 *more than 5 years for the production and*
5 *consumption of a regulated substance exclu-*
6 *sively for the use of the regulated substance*
7 *in an application, if—*

8 *(I) no safe or technically achiev-*
9 *able substitute will be available during*
10 *the applicable period for that applica-*
11 *tion; and*

12 *(II) the supply of the regulated*
13 *substance that manufacturers or users*
14 *of the regulated substance for that ap-*
15 *plication are capable of securing from*
16 *chemical manufacturers, as authorized*
17 *under paragraph (2)(A), including any*
18 *quantities of a regulated substance*
19 *available from production or import, is*
20 *insufficient to accommodate the appli-*
21 *cation.*

22 *(ii) PETITION.—If the Administrator*
23 *receives a petition requesting the designa-*
24 *tion of an application as an essential use*
25 *under clause (i), the Administrator shall—*

1 (I) not later than 180 days after
2 the date on which the Administrator
3 receives the petition—

4 (aa) make the complete peti-
5 tion available to the public; and

6 (bb) when making the peti-
7 tion available to the public under
8 item (aa), propose and seek public
9 comment on—

10 (AA) a determination of
11 whether to designate the ap-
12 plication as an essential use;
13 and

14 (BB) if the Adminis-
15 trator proposes to designate
16 the application as an essen-
17 tial use, making the requisite
18 allocation of allowances; and

19 (II) not later than 270 days after
20 the date on which the Administrator
21 receives the petition, take final action
22 on the petition.

23 (iii) *LIMITATION.*—A person receiving
24 an allocation under clause (i) or (iv) or as
25 a result of a petition granted under clause

1 (ii) may not produce or consume a pro-
2 duced quantity of regulated substances that,
3 considering the respective exchange values of
4 the regulated substances, exceeds the number
5 of allowances issued under paragraphs (2)
6 and (3) that are held by that person.

7 (iv) *MANDATORY ALLOCATIONS.*—

8 (I) *IN GENERAL.*—Notwith-
9 standing clause (i) and subject to
10 clause (iii) and paragraphs (2) and
11 (3), for the 5-year period beginning on
12 the date of enactment of this Act, the
13 Administrator shall allocate the full
14 quantity of allowances necessary, based
15 on projected, current, and historical
16 trends, for the production or consump-
17 tion of a regulated substance for the ex-
18 clusive use of the regulated substance
19 in an application solely for—

20 (aa) a propellant in metered-
21 dose inhalers;

22 (bb) defense sprays;

23 (cc) structural composite
24 preformed polyurethane foam for
25 marine use and trailer use;

1 *(dd) the etching of semicon-*
2 *ductor material or wafers and the*
3 *cleaning of chemical vapor deposi-*
4 *tion chambers within the semicon-*
5 *ductor manufacturing sector;*

6 *(ee) mission-critical military*
7 *end uses, such as armored vehicle*
8 *engine and shipboard fire sup-*
9 *pression systems and systems used*
10 *in deployable and expeditionary*
11 *applications; and*

12 *(ff) onboard aerospace fire*
13 *suppression.*

14 *(II) REQUIREMENT.—The alloca-*
15 *tion of allowances under subclause (I)*
16 *shall be determined through a rule-*
17 *making.*

18 *(v) REVIEW.—*

19 *(I) IN GENERAL.—For each essen-*
20 *tial use application receiving an allo-*
21 *cation of allowances under clause (i) or*
22 *(iv), the Administrator shall review the*
23 *availability of substitutes, including*
24 *any quantities of the regulated sub-*
25 *stance available from reclaiming or*

1 *prior production, not less frequently*
2 *than once every 5 years.*

3 (II) *EXTENSION.*—*If, pursuant to*
4 *a review under subclause (I), the Ad-*
5 *ministrator determines, subject to no-*
6 *tice and opportunity for public com-*
7 *ment, that the requirements described*
8 *in subclauses (I) and (II) of clause (i)*
9 *are met, the Administrator shall au-*
10 *thorize the production or consumption,*
11 *as applicable, of any regulated sub-*
12 *stance used in the application for re-*
13 *newable periods of not more than 5*
14 *years for exclusive use in the applica-*
15 *tion.*

16 (5) *DOMESTIC MANUFACTURING.*—*Notwith-*
17 *standing paragraph (2)(A)(i), the Administrator*
18 *may, by rule, authorize a person to produce a regu-*
19 *lated substance in excess of the number of production*
20 *allowances held by that person, subject to the condi-*
21 *tions that—*

22 (A) *the authorization is—*

23 (i) *for a renewable period of not more*
24 *than 5 years; and*

1 (ii) subject to notice and opportunity
2 for public comment; and

3 (B) the production—

4 (i) is at a facility located in the
5 United States;

6 (ii) is solely for export to, and use in,
7 a foreign country that is not subject to the
8 prohibition in subsection (j)(1); and

9 (iii) would not violate paragraph
10 (2)(B).

11 (f) ACCELERATED SCHEDULE.—

12 (1) IN GENERAL.—Subject to paragraph (4), the
13 Administrator may, only in response to a petition
14 submitted to the Administrator in accordance with
15 paragraph (3) and after notice and opportunity for
16 public comment, promulgate regulations that establish
17 a schedule for phasing down the production or con-
18 sumption of regulated substances that is more strin-
19 gent than the production and consumption levels of
20 regulated substances required under subsection
21 (e)(2)(C).

22 (2) REQUIREMENTS.—Any regulations promul-
23 gated under this subsection—

24 (A) shall—

1 (i) apply uniformly to the allocation of
2 production and consumption allowances for
3 regulated substances, in accordance with
4 subsection (e)(3);

5 (ii) ensure that there will be sufficient
6 quantities of regulated substances, including
7 substances available from reclaiming, prior
8 production, or prior import, to meet the
9 needs for—

10 (I) applications that receive an
11 allocation under clause (i) of sub-
12 section (e)(4)(B); and

13 (II) all applications that receive a
14 mandatory allocation under items (aa)
15 through (ff) of clause (iv)(I) of that
16 subsection; and

17 (iii) foster continued reclamation of
18 and transition from regulated substances;
19 and

20 (B) shall not set the level of production al-
21 lowances or consumption allowances below the
22 percentage of the consumption baseline that is
23 actually consumed during the calendar year
24 prior to the year during which the Adminis-
25 trator makes a final determination with respect

1 to the applicable proposal described in para-
2 graph (3)(C)(iii)(I).

3 (3) *PETITION.*—

4 (A) *IN GENERAL.*—A person may petition
5 the Administrator to promulgate regulations for
6 an accelerated schedule for the phase-down of
7 production or consumption of regulated sub-
8 stances under paragraph (1).

9 (B) *REQUIREMENT.*—A petition submitted
10 under subparagraph (A) shall—

11 (i) be made at such time, in such man-
12 ner, and containing such information as the
13 Administrator shall require; and

14 (ii) include a showing by the petitioner
15 that there are data to support the petition.

16 (C) *TIMELINES.*—

17 (i) *IN GENERAL.*—If the Administrator
18 receives a petition under subparagraph (A),
19 the Administrator shall—

20 (I) not later than 180 days after
21 the date on which the Administrator
22 receives the petition—

23 (aa) make the complete peti-
24 tion available to the public; and

1 *(bb) when making the peti-*
2 *tion available to the public under*
3 *item (aa), propose and seek public*
4 *comment on the proposal of the*
5 *Administrator to grant or deny*
6 *the petition; and*

7 *(II) not later than 270 days after*
8 *the date on which the Administrator*
9 *receives the petition, take final action*
10 *on the petition.*

11 *(ii) FACTORS FOR DETERMINATION.—*

12 *In making a determination to grant or*
13 *deny a petition submitted under subpara-*
14 *graph (A), the Administrator shall, to the*
15 *extent practicable, factor in—*

16 *(I) the best available data;*

17 *(II) the availability of substitutes*
18 *for uses of the regulated substance that*
19 *is the subject of the petition, taking*
20 *into account technological*
21 *achievability, commercial demands, af-*
22 *fordability for residential and small*
23 *business consumers, safety, consumer*
24 *costs, building codes, appliance effi-*
25 *ciency standards, contractor training*

1 costs, and other relevant factors, in-
2 cluding the quantities of regulated sub-
3 stances available from reclaiming,
4 prior production, or prior import;

5 (III) overall economic costs and
6 environmental impacts, as compared to
7 historical trends; and

8 (IV) the remaining phase-down
9 period for regulated substances under
10 the final rule issued under subsection
11 (e)(3), if applicable.

12 (iii) REGULATIONS.—After receiving
13 public comment with respect to the proposal
14 under clause (i)(I)(bb), if the Administrator
15 makes a final determination to grant a pe-
16 tition under subparagraph (A), the final
17 regulations with respect to the petition
18 shall—

19 (I) be promulgated by not later
20 than 1 year after the date on which the
21 Administrator makes the proposal to
22 grant the petition under that clause;
23 and

24 (II) meet the requirements of
25 paragraph (2).

1 (D) *PUBLICATION.*—When the Adminis-
2 trator makes a final determination to grant or
3 deny a petition under subparagraph (A), the Ad-
4 ministrators shall publish a description of the
5 reasons for that grant or denial, including a de-
6 scription of the information considered under
7 subclauses (I) through (IV) of subparagraph
8 (C)(ii).

9 (E) *INSUFFICIENT INFORMATION.*—If the
10 Administrator determines that the data included
11 under subparagraph (B)(ii) in a petition are not
12 sufficient to make a determination under this
13 paragraph, the Administrator shall use any au-
14 thority available to the Administrator to acquire
15 the necessary data.

16 (4) *DATE OF EFFECTIVENESS.*—The Adminis-
17 trator may not promulgate under paragraph (1) a
18 regulation for the production or consumption of regu-
19 lated substances that is more stringent than the pro-
20 duction or consumption levels required under sub-
21 section (e)(2)(C) that takes effect before January 1,
22 2025.

23 (5) *REVIEW.*—

24 (A) *IN GENERAL.*—The Administrator shall
25 review the availability of substitutes for regu-

1 *lated substances subject to an accelerated sched-*
2 *ule established under paragraph (1) in each sec-*
3 *tor and subsector in which the regulated sub-*
4 *stance is used, taking into account technological*
5 *achievability, commercial demands, safety, and*
6 *other relevant factors, including the quantities of*
7 *regulated substances available from reclaiming,*
8 *prior production, or prior import, by January 1,*
9 *2026 (for the first review), by January 1, 2031*
10 *(for the second review), and at least once every*
11 *5 years thereafter.*

12 *(B) PUBLIC AVAILABILITY.—The Adminis-*
13 *trator shall make the results of a review con-*
14 *ducted under subparagraph (A) publicly avail-*
15 *able.*

16 *(6) SAVINGS PROVISION.—Nothing in this sub-*
17 *section authorizes the Administrator to promulgate*
18 *regulations pursuant to this subsection that establish*
19 *a schedule for phasing down the production or con-*
20 *sumption of regulated substances that is less stringent*
21 *than the production and consumption levels of regu-*
22 *lated substances required under subsection (e)(2)(C).*

23 *(g) EXCHANGE AUTHORITY.—*

24 *(1) TRANSFERS.—Not later than 270 days after*
25 *the date of enactment of this Act, which shall include*

1 *a period of notice and opportunity for public com-*
2 *ment, the Administrator shall promulgate a final reg-*
3 *ulation that governs the transfer of allowances for the*
4 *production of regulated substances under subsection*
5 *(e)(3)(A) that uses—*

6 *(A) the applicable exchange values described*
7 *in the table contained in subsection (c)(1); or*

8 *(B) the exchange value described in the rule*
9 *designating the substance as a regulated sub-*
10 *stance under subsection (c)(3).*

11 *(2) REQUIREMENTS.—The final rule promul-*
12 *gated pursuant to paragraph (1) shall—*

13 *(A) ensure that the transfers under this sub-*
14 *section will result in greater total reductions in*
15 *the production of regulated substances in each*
16 *year than would occur during the year in the ab-*
17 *sence of the transfers;*

18 *(B) permit 2 or more persons to transfer*
19 *production allowances if the transferor of the al-*
20 *lowances will be subject, under the final rule, to*
21 *an enforceable and quantifiable reduction in an-*
22 *annual production that—*

23 *(i) exceeds the reduction otherwise ap-*
24 *plicable to the transferor under this section;*

1 (ii) exceeds the quantity of production
2 represented by the production allowances
3 transferred to the transferee; and

4 (iii) would not have occurred in the
5 absence of the transaction; and

6 (C) provide for the trading of consumption
7 allowances in the same manner as is applicable
8 under this subsection to the trading of produc-
9 tion allowances.

10 (h) *MANAGEMENT OF REGULATED SUBSTANCES.*—

11 (1) *IN GENERAL.*—For purposes of maximizing
12 reclaiming and minimizing the release of a regulated
13 substance from equipment and ensuring the safety of
14 technicians and consumers, the Administrator shall
15 promulgate regulations to control, where appropriate,
16 any practice, process, or activity regarding the serv-
17 icing, repair, disposal, or installation of equipment
18 (including requiring, where appropriate, that any
19 such servicing, repair, disposal, or installation be per-
20 formed by a trained technician meeting minimum
21 standards, as determined by the Administrator) that
22 involves—

23 (A) a regulated substance;

24 (B) a substitute for a regulated substance;

1 (C) *the reclaiming of a regulated substance*
2 *used as a refrigerant; or*

3 (D) *the reclaiming of a substitute for a reg-*
4 *ulated substance used as a refrigerant.*

5 (2) *RECLAIMING.—*

6 (A) *IN GENERAL.—In carrying out this sec-*
7 *tion, the Administrator shall consider the use of*
8 *authority available to the Administrator under*
9 *this section to increase opportunities for the re-*
10 *claiming of regulated substances used as refrig-*
11 *erants.*

12 (B) *RECOVERY.—A regulated substance*
13 *used as a refrigerant that is recovered shall be*
14 *reclaimed before the regulated substance is sold*
15 *or transferred to a new owner, except where the*
16 *recovered regulated substance is sold or trans-*
17 *ferred to a new owner solely for the purposes of*
18 *being reclaimed or destroyed.*

19 (3) *COORDINATION.—In promulgating regula-*
20 *tions to carry out this subsection, the Administrator*
21 *may coordinate those regulations with any other regu-*
22 *lations promulgated by the Administrator that in-*
23 *volve—*

1 (A) *the same or a similar practice, process,*
2 *or activity regarding the servicing, repair, dis-*
3 *posal, or installation of equipment; or*

4 (B) *reclaiming.*

5 (4) *INAPPLICABILITY.—No regulation promul-*
6 *gated pursuant to this subsection shall apply to a regu-*
7 *lated substance or a substitute for a regulated sub-*
8 *stance that is contained in a foam.*

9 (5) *SMALL BUSINESS GRANTS.—*

10 (A) *DEFINITION OF SMALL BUSINESS CON-*
11 *CERN.—In this paragraph, the term “small busi-*
12 *ness concern” has the same meaning as in sec-*
13 *tion 3 of the Small Business Act (15 U.S.C.*
14 *632).*

15 (B) *ESTABLISHMENT.—Subject to the avail-*
16 *ability of appropriations, the Administrator*
17 *shall establish a grant program to award grants*
18 *to small business concerns for the purchase of*
19 *new specialized equipment for the recycling, re-*
20 *covery, or reclamation of a substitute for a regu-*
21 *lated substance, including the purchase of ap-*
22 *proved refrigerant recycling equipment (as de-*
23 *finied in section 609(b) of the Clean Air Act (42*
24 *U.S.C. 7671h(b))) for recycling, recovery, or rec-*

1 *lamation in the service or repair of motor vehicle*
2 *air conditioning systems.*

3 (C) *MATCHING FUNDS.—The non-Federal*
4 *share of a project carried out with a grant under*
5 *this paragraph shall be not less than 25 percent.*

6 (D) *AUTHORIZATION OF APPROPRIA-*
7 *TIONS.—There is authorized to be appropriated*
8 *to carry out this paragraph \$5,000,000 for each*
9 *of fiscal years 2021 through 2023.*

10 (i) *TECHNOLOGY TRANSITIONS.—*

11 (1) *AUTHORITY.—Subject to the provisions of*
12 *this subsection, the Administrator may by rule re-*
13 *strict, fully, partially, or on a graduated schedule, the*
14 *use of a regulated substance in the sector or subsector*
15 *in which the regulated substance is used.*

16 (2) *NEGOTIATED RULEMAKING.—*

17 (A) *CONSIDERATION REQUIRED.—Before*
18 *proposing a rule for the use of a regulated sub-*
19 *stance for a sector or subsector under paragraph*
20 *(1), the Administrator shall consider negotiating*
21 *with stakeholders in the sector or subsector sub-*
22 *ject to the potential rule in accordance with the*
23 *negotiated rulemaking procedure provided for*
24 *under subchapter III of chapter 5 of title 5,*

1 *United States Code (commonly known as the*
2 *“Negotiated Rulemaking Act of 1990”).*

3 *(B) NEGOTIATED RULEMAKINGS.—If the*
4 *Administrator negotiates a rulemaking with*
5 *stakeholders using the procedure described in*
6 *subparagraph (A), the Administrator shall, to*
7 *the extent practicable, give priority to com-*
8 *pleting that rulemaking over completing*
9 *rulemakings under this subsection that were not*
10 *negotiated using that procedure.*

11 *(C) NO NEGOTIATED RULEMAKING.—If the*
12 *Administrator does not negotiate a rulemaking*
13 *with stakeholders using the procedure described*
14 *in subparagraph (A), the Administrator shall,*
15 *before commencement of the rulemaking process*
16 *for a rule under paragraph (1), publish an ex-*
17 *planation of the decision of the Administrator to*
18 *not use that procedure.*

19 *(3) PETITIONS.—*

20 *(A) IN GENERAL.—A person may petition*
21 *the Administrator to promulgate a rule under*
22 *paragraph (1) for the restriction on use of a reg-*
23 *ulated substance in a sector or subsector, which*
24 *shall include a request that the Administrator*

1 *negotiate with stakeholders in accordance with*
2 *paragraph (2)(A).*

3 *(B) RESPONSE.—The Administrator shall*
4 *grant or deny a petition under subparagraph*
5 *(A) not later than 180 days after the date of re-*
6 *ceipt of the petition.*

7 *(C) REQUIREMENTS.—*

8 *(i) EXPLANATION.—If the Adminis-*
9 *trator denies a petition under subparagraph*
10 *(B), the Administrator shall publish in the*
11 *Federal Register an explanation of the de-*
12 *denial.*

13 *(ii) FINAL RULE.—If the Adminis-*
14 *trator grants a petition under subpara-*
15 *graph (B), the Administrator shall promul-*
16 *gate a final rule not later than 2 years after*
17 *the date on which the Administrator grants*
18 *the petition.*

19 *(iii) PUBLICATION OF PETITIONS.—Not*
20 *later than 30 days after the date on which*
21 *the Administrator receives a petition under*
22 *subparagraph (A), the Administrator shall*
23 *make that petition available to the public in*
24 *full.*

1 (4) *FACTORS FOR DETERMINATION.*—*In carrying*
2 *out a rulemaking using the procedure described in*
3 *paragraph (2) or making a determination to grant or*
4 *deny a petition submitted under paragraph (3), the*
5 *Administrator shall, to the extent practicable, factor*
6 *in—*

7 (A) *the best available data;*

8 (B) *the availability of substitutes for use of*
9 *the regulated substance that is the subject of the*
10 *rulemaking or petition, as applicable, in a sector*
11 *or subsector, taking into account technological*
12 *achievability, commercial demands, affordability*
13 *for residential and small business consumers,*
14 *safety, consumer costs , building codes, appliance*
15 *efficiency standards, contractor training costs,*
16 *and other relevant factors, including the quan-*
17 *tities of regulated substances available from re-*
18 *claiming, prior production, or prior import;*

19 (C) *overall economic costs and environ-*
20 *mental impacts, as compared to historical*
21 *trends; and*

22 (D) *the remaining phase-down period for*
23 *regulated substances under the final rule issued*
24 *under subsection (e)(3), if applicable.*

1 (5) *EVALUATION.*—*In carrying out this sub-*
2 *section, the Administrator shall—*

3 (A) *evaluate substitutes for regulated sub-*
4 *stances in a sector or subsector, taking into ac-*
5 *count technological achievability, commercial de-*
6 *mands, safety, overall economic costs and envi-*
7 *ronmental impacts, and other relevant factors;*
8 *and*

9 (B) *make the evaluation under subpara-*
10 *graph (A) available to the public, including the*
11 *factors associated with the safety of those sub-*
12 *stitutes.*

13 (6) *EFFECTIVE DATE OF RULES.*—*No rule under*
14 *this subsection may take effect before the date that is*
15 *1 year after the date on which the Administrator pro-*
16 *mulgates the applicable rule under this subsection.*

17 (7) *APPLICABILITY.*—

18 (A) *DEFINITION OF RETROFIT.*—*In this*
19 *paragraph, the term “retrofit” means to upgrade*
20 *existing equipment where the regulated substance*
21 *is changed, which—*

22 (i) *includes the conversion of equip-*
23 *ment to achieve system compatibility; and*

1 (ii) may include changes in lubricants,
2 gaskets, filters, driers, valves, o-rings, or
3 equipment components for that purpose.

4 (B) *APPLICABILITY OF RULES.*—A rule pro-
5 mulgated under this subsection shall not apply
6 to—

7 (i) an essential use under clause (i) or
8 (iv) of subsection (e)(4)(B), including any
9 use for which the production or consump-
10 tion of the regulated substance is extended
11 under clause (v)(II) of that subsection; or

12 (ii) except for a retrofit application,
13 equipment in existence in a sector or sub-
14 sector before the date of enactment of this
15 Act.

16 (j) *INTERNATIONAL COOPERATION.*—

17 (1) *IN GENERAL.*—Subject to paragraph (2), no
18 person subject to the requirements of this section shall
19 trade or transfer a production allowance or, after
20 January 1, 2033, export a regulated substance to a
21 person in a foreign country that, as determined by
22 the Administrator, has not enacted or otherwise estab-
23 lished within a reasonable timeframe after the date of
24 enactment of this Act the same or similar require-
25 ments or otherwise undertaken commitments regard-

1 *ing the production and consumption of regulated sub-*
2 *stances as are contained in this section.*

3 (2) *TRANSFERS.*—*Pursuant to paragraph (1), a*
4 *person in the United States may engage in a trade*
5 *or transfer of a production allowance—*

6 (A) *to a person in a foreign country if, at*
7 *the time of the transfer, the Administrator re-*
8 *vises the number of allowances for production*
9 *under subsection (e)(2), as applicable, for the*
10 *United States such that the aggregate national*
11 *production of the regulated substance to be trad-*
12 *ed under the revised production limits is equal*
13 *to the least of—*

14 (i) *the maximum production level per-*
15 *mitted for the applicable regulated sub-*
16 *stance in the year of the transfer under this*
17 *section, less the production allowances*
18 *transferred;*

19 (ii) *the maximum production level per-*
20 *mitted for the applicable regulated sub-*
21 *stances in the transfer year under applica-*
22 *ble law, less the production allowances*
23 *transferred; and*

24 (iii) *the average of the actual national*
25 *production level of the applicable regulated*

1 *substances for the 3-year period ending on*
2 *the date of the transfer, less the production*
3 *allowances transferred; or*

4 *(B) from a person in a foreign country if,*
5 *at the time of the trade or transfer, the Adminis-*
6 *trator finds that the foreign country has revised*
7 *the domestic production limits of the regulated*
8 *substance in the same manner as provided with*
9 *respect to transfers by a person in United States*
10 *under this subsection.*

11 (3) *EFFECT OF TRANSFERS ON PRODUCTION LIM-*
12 *ITS.—The Administrator may—*

13 *(A) reduce the production limits established*
14 *under subsection (e)(2)(B) as required as a pre-*
15 *requisite to a transfer described in paragraph*
16 *(2)(A); or*

17 *(B) increase the production limits estab-*
18 *lished under subsection (e)(2)(B) to reflect pro-*
19 *duction allowances acquired under a trade or*
20 *transfer described in paragraph (2)(B).*

21 (4) *REGULATIONS.—The Administrator shall—*

22 *(A) not later than 1 year after the date of*
23 *enactment of this Act, promulgate a final rule to*
24 *carry out this subsection; and*

1 (B) *not less frequently than annually, re-*
2 *view and, if necessary, revise the final rule pro-*
3 *mulgated pursuant to subparagraph (A).*

4 (k) *RELATIONSHIP TO OTHER LAW.—*

5 (1) *IMPLEMENTATION.—*

6 (A) *RULEMAKINGS.—The Administrator*
7 *may promulgate such regulations as are nec-*
8 *essary to carry out the functions of the Adminis-*
9 *trator under this section.*

10 (B) *DELEGATION.—The Administrator may*
11 *delegate to any officer or employee of the Envi-*
12 *ronmental Protection Agency such of the powers*
13 *and duties of the Administrator under this sec-*
14 *tion as the Administrator determines to be ap-*
15 *propriate.*

16 (C) *CLEAN AIR ACT.—Sections 113, 114,*
17 *304, and 307 of the Clean Air Act (42 U.S.C.*
18 *7413, 7414, 7604, 7607) shall apply to this sec-*
19 *tion and any rule, rulemaking, or regulation*
20 *promulgated by the Administrator pursuant to*
21 *this section as though this section were expressly*
22 *included in title VI of that Act (42 U.S.C. 7671*
23 *et seq.).*

24 (2) *PREEMPTION.—*

1 (A) *IN GENERAL.*—Subject to subparagraph
2 (B), during the 5-year period beginning on the
3 date of enactment of this Act, and with respect
4 to an exclusive use for which a mandatory allo-
5 cation of allowances is provided under subsection
6 (e)(4)(B)(iv)(I), no State or political subdivision
7 of a State may enforce a statute or administra-
8 tive action restricting the management or use of
9 a regulated substance within that exclusive use.

10 (B) *EXTENSION.*—

11 (i) *IN GENERAL.*—Subject to clause
12 (ii), if, pursuant to subclause (I) of sub-
13 section (e)(4)(B)(v), the Administrator au-
14 thorizes an additional period under sub-
15 clause (II) of that subsection for the produc-
16 tion or consumption of a regulated sub-
17 stance for an exclusive use described in sub-
18 paragraph (A), no State or political sub-
19 division of a State may enforce a statute or
20 administrative action restricting the man-
21 agement or use of the regulated substance
22 within that exclusive use for the duration of
23 that additional period.

24 (ii) *LIMITATION.*—The period for
25 which the limitation under clause (i) ap-

1 *plies shall not exceed 5 years from the date*
 2 *on which the period described in subpara-*
 3 *graph (A) ends.*

4 ***DIVISION T—SMITHSONIAN***
 5 ***AMERICAN WOMEN’S HISTORY***
 6 ***MUSEUM ACT AND NATIONAL***
 7 ***MUSEUM OF THE AMERICAN***
 8 ***LATINO***
 9 ***TITLE I—SMITHSONIAN AMER-***
 10 ***ICAN WOMEN’S HISTORY MU-***
 11 ***SEUM ACT***

12 ***SEC. 101. SHORT TITLE.***

13 *This title may be cited as the “Smithsonian American*
 14 *Women’s History Museum Act”.*

15 ***SEC. 102. FINDINGS.***

16 *Congress finds the following:*

17 (1) *Since its founding, the United States has*
 18 *greatly benefitted from the contributions of women.*

19 (2) *Historical accounts, monuments, memorials,*
 20 *and museums disproportionately represent men’s*
 21 *achievements and contributions and often neglect*
 22 *those of women. For example—*

23 (A) *a study of 18 United States history*
 24 *textbooks concluded that 10 percent of the mate-*
 25 *rial documented contributions of women;*

1 (B) 9 statues out of 91 in the United States
2 Capitol's National Statuary Hall depict women;
3 and

4 (C) only one of the 44 monuments operated
5 by the National Park Service specifically honors
6 the achievements of women after the 2016 des-
7 ignation of the Belmont-Paul Women's Equality
8 National Monument.

9 (3) There exists no national museum in the
10 United States that is devoted to the documentation of
11 women's contributions throughout the Nation's his-
12 tory.

13 (4) On December 19, 2014, Congress created a
14 Congressional Commission to study the potential for
15 an American museum of women's history. The bipar-
16 tisan Commission unanimously concluded that the
17 United States needs and deserves a physical national
18 museum dedicated to showcasing the historical experi-
19 ences and impact of women in the United States.

20 (5) A comprehensive women's history museum
21 would document the full spectrum of the experiences
22 of women in the United States, represent a diverse
23 range of viewpoints, experiences, and backgrounds,
24 more accurately depict the history of the United
25 States, and add value to the Smithsonian Institution.

1 (6) *The collections, exhibits, historical narrative*
2 *materials, and museum programming of the women’s*
3 *history museum should be inclusive, comprehensive,*
4 *and innovative. Such collections, exhibits, materials,*
5 *and programming should present the diverse range of*
6 *experiences and viewpoints of all women in the*
7 *United States, reflecting upon the things that set*
8 *women apart from one another while also high-*
9 *lighting the experiences that many of these women*
10 *share.*

11 **SEC. 103. ESTABLISHMENT OF MUSEUM.**

12 (a) *ESTABLISHMENT.*—*There is established within the*
13 *Smithsonian Institution a comprehensive women’s history*
14 *museum, to be named by the Board of Regents in consulta-*
15 *tion with the council established under section 104 (referred*
16 *to in this Act as the “Museum”).*

17 (b) *PURPOSE.*—*The purpose of the Museum established*
18 *under this section shall be to provide for—*

19 (1) *the collection and study of, and the establish-*
20 *ment of programs relating to, women’s contributions*
21 *to various fields and throughout different periods of*
22 *history that have influenced the direction of the*
23 *United States;*

1 (2) *collaboration with other Smithsonian Insti-*
2 *tution museums and facilities, outside museums, and*
3 *educational institutions; and*

4 (3) *the creation of exhibitions and programs that*
5 *recognize diverse perspectives on women’s history and*
6 *contributions.*

7 **SEC. 104. COUNCIL.**

8 (a) *ESTABLISHMENT.*—*There is established within the*
9 *Smithsonian Institution a council to carry out the duties*
10 *set forth under subsection (b) and other provisions of this*
11 *Act (referred to in this section as the “Council”).*

12 (b) *DUTIES.*—

13 (1) *IN GENERAL.*—*The Council established under*
14 *this section shall—*

15 (A) *make recommendations to the Board of*
16 *Regents concerning the planning, design, and*
17 *construction of the Museum;*

18 (B) *advise and assist the Board of Regents*
19 *on all matters relating to the administration, op-*
20 *eration, maintenance, and preservation of the*
21 *Museum;*

22 (C) *recommend annual operating budgets*
23 *for the Museum to the Board of Regents;*

24 (D) *report annually to the Board of Regents*
25 *on the acquisition, disposition, and display of*

1 *objects relating to women’s art, history, and cul-*
2 *ture; and*

3 *(E) adopt bylaws for the operation of the*
4 *Council.*

5 *(2) PRINCIPAL RESPONSIBILITIES.—The Council,*
6 *subject to the general policies of the Board of Regents,*
7 *shall have sole authority to—*

8 *(A) purchase, accept, borrow, and otherwise*
9 *acquire artifacts for addition to the collections of*
10 *the Museum;*

11 *(B) loan, exchange, sell, and otherwise dis-*
12 *pose of any part of the collections of the Museum,*
13 *but only if the funds generated by that disposi-*
14 *tion are used for additions to the collections of*
15 *the Museum; or*

16 *(C) specify criteria with respect to the use*
17 *of the collections and resources of the Museum,*
18 *including policies on programming, education,*
19 *exhibitions, and research with respect to—*

20 *(i) the life, art, history, and culture of*
21 *women;*

22 *(ii) the role of women in the history of*
23 *the United States; and*

24 *(iii) the contributions of women to so-*
25 *ciety.*

1 (3) *OTHER RESPONSIBILITIES.*—*The Council,*
2 *subject to the general policies of the Board of Regents,*
3 *shall have authority—*

4 (A) *to provide for preservation, restoration,*
5 *and maintenance of the collections of the Mu-*
6 *seum; and*

7 (B) *to solicit, accept, use, and dispose of*
8 *gifts, bequests, and devises of personal property*
9 *for the purpose of aiding and facilitating the*
10 *work of the Museum.*

11 (4) *ENSURING DIVERSITY OF POLITICAL VIEW-*
12 *POINTS IN EXHIBITS AND PROGRAMS.*—*In carrying*
13 *out its duties, the Council shall ensure that the exhib-*
14 *its and programs of the Museum reflect, to the extent*
15 *practicable, an equal representation of the diversity of*
16 *the political viewpoints held by women of the United*
17 *States on the events and issues relating to the history*
18 *of women in the United States.*

19 (c) *COMPOSITION AND APPOINTMENT.*—

20 (1) *IN GENERAL.*—*The Council shall be composed*
21 *of 25 voting members as provided under paragraph*
22 (2).

23 (2) *VOTING MEMBERS.*—*The Council shall in-*
24 *clude the following voting members:*

1 (A) *One member appointed by the majority*
2 *leader of the Senate.*

3 (B) *One member appointed by the minority*
4 *leader of the Senate.*

5 (C) *One member appointed by the Speaker*
6 *of the House of Representatives.*

7 (D) *One member appointed by the minority*
8 *leader of the House of Representatives.*

9 (E) *The Secretary of the Smithsonian Insti-*
10 *tution.*

11 (F) *One member of the Board of Regents,*
12 *appointed by the Board of Regents.*

13 (G) *Nineteen individuals appointed by the*
14 *Board of Regents. In appointing members under*
15 *this subparagraph, the Board of Regents should*
16 *give special consideration to appointing—*

17 (i) *members of the Congressional Com-*
18 *mission;*

19 (ii) *board members of the National*
20 *Women's History Museum, a nonprofit,*
21 *educational organization described in sec-*
22 *tion 501(c)(3) of the Internal Revenue Code*
23 *of 1986 that was incorporated in 1996 in*
24 *the District of Columbia and that is dedi-*

1 cated for the purpose of establishing a wom-
2 en's history museum; and

3 (iii) scholars and representatives of or-
4 ganizations that are committed to the study
5 of women's history.

6 (3) *INITIAL APPOINTMENTS.*—*The Board of Re-*
7 *gents shall make initial appointments to the Council*
8 *under paragraph (2) not later than 180 days after the*
9 *date of the enactment of this Act.*

10 (d) *TERMS.*—

11 (1) *IN GENERAL.*—*Except as provided in this*
12 *subsection, each appointed member of the Council*
13 *shall be appointed for a term of 3 years.*

14 (2) *INITIAL APPOINTEES.*—*As designated by the*
15 *Board of Regents at the time of appointment, of the*
16 *voting members first appointed under subparagraph*
17 *(G) of subsection (c)(2)—*

18 (A) *7 members shall be appointed for a*
19 *term of 1 year;*

20 (B) *6 members shall be appointed for a*
21 *term of 2 years; and*

22 (C) *6 members shall be appointed for a*
23 *term of 3 years.*

24 (3) *REAPPOINTMENT.*—*A member of the Council*
25 *may be reappointed, except that no individual may*

1 *serve on the Council for a total of more than 2 terms.*
2 *For purposes of this paragraph, the number of terms*
3 *an individual serves on the Council shall not include*
4 *any portion of a term for which an individual is ap-*
5 *pointed to fill a vacancy under paragraph (4)(B).*

6 (4) *VACANCIES.—*

7 (A) *IN GENERAL.—A vacancy on the Coun-*
8 *cil—*

9 (i) *shall not affect the powers of the*
10 *Council; and*

11 (ii) *shall be filled in the same manner*
12 *as the original appointment was made.*

13 (B) *TERM.—Any member of the Council ap-*
14 *pointed to fill a vacancy occurring before the ex-*
15 *piration of the term for which the member's*
16 *predecessor was appointed shall be appointed for*
17 *the remainder of that term.*

18 (e) *COMPENSATION.—*

19 (1) *IN GENERAL.—Except as provided in para-*
20 *graph (2), a member of the Council shall serve with-*
21 *out pay.*

22 (2) *TRAVEL EXPENSES.—A member of the Coun-*
23 *cil shall be allowed travel expenses, including per*
24 *diem in lieu of subsistence, at rates authorized for an*
25 *employee of an agency under subchapter I of chapter*

1 57 of title 5, United States Code, while away from the
2 home or regular place of business of the member in
3 the performance of the duties of the Council.

4 (f) *CHAIRPERSON.*—By a majority vote of its voting
5 members, the Council shall elect a chairperson from its
6 members.

7 (g) *MEETINGS.*—

8 (1) *IN GENERAL.*—The Council shall meet at the
9 call of the chairperson or on the written request of a
10 majority of the voting members of the Council, but
11 not fewer than twice each year.

12 (2) *INITIAL MEETINGS.*—During the 1-year pe-
13 riod beginning on the date of the first meeting of the
14 Council, the Council shall meet not fewer than 4
15 times for the purpose of carrying out the duties of the
16 Council under this Act.

17 (h) *QUORUM.*—A majority of the voting members of
18 the Council holding office shall constitute a quorum for the
19 purpose of conducting business, but a lesser number may
20 receive information on behalf of the Council.

21 **SEC. 105. DIRECTOR AND STAFF OF THE MUSEUM.**

22 (a) *DIRECTOR.*—

23 (1) *IN GENERAL.*—The Museum shall have a Di-
24 rector who shall be appointed by the Secretary, taking

1 *into consideration individuals recommended by the*
2 *council established under section 104.*

3 (2) *DUTIES.*—*The Director shall manage the*
4 *Museum subject to the policies of the Board of Re-*
5 *gents.*

6 (b) *STAFF.*—*The Secretary may appoint 2 additional*
7 *employees to serve under the Director, except that such ad-*
8 *ditional employees may be appointed without regard to the*
9 *provisions of title 5, United States Code, governing ap-*
10 *pointments in the competitive service.*

11 (c) *PAY.*—*The employees appointed by the Secretary*
12 *under subsection (b) may be paid without regard to the pro-*
13 *visions of chapter 51 and subchapter III of chapter 53 of*
14 *title 5, United States Code, relating to classification of posi-*
15 *tions and General Schedule pay rates.*

16 **SEC. 106. EDUCATIONAL AND LIAISON PROGRAMS.**

17 (a) *PROGRAMS AUTHORIZED.*—*The Director of the*
18 *Museum may carry out educational and liaison programs*
19 *in support of the goals of the Museum.*

20 (b) *COLLABORATION WITH SCHOOLS.*—*In carrying*
21 *out this section, the Director shall carry out educational*
22 *programs in collaboration with elementary schools, sec-*
23 *ondary schools, and postsecondary schools.*

24 **SEC. 107. BUILDING.**

25 (a) *LOCATION.*—

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of the enactment of this Act, the Board of Re-
3 gents shall designate a site for the Museum.

4 (2) *SITES FOR CONSIDERATION.*—In designating
5 a site under paragraph (1), the Board of Regents
6 shall—

7 (A) select a site in the District of Columbia;

8 and

9 (B) include the consideration of the fol-
10 lowing sites:

11 (i) The site known as the “South
12 Monument site”, located on the National
13 Mall and bordered by 14th Street North-
14 west, Jefferson Drive Southwest, Raoul
15 Wallenberg Place Southwest, and Independ-
16 ence Ave Southwest.

17 (ii) The Northwest United States Cap-
18 itol site, bordered by 3rd Street Northwest,
19 Constitution Avenue Northwest, 1st Street
20 Northwest, and Pennsylvania Ave North-
21 west.

22 (3) *FACTORS CONSIDERED.*—In designating a
23 site under paragraph (1), the Board of Regents shall
24 take into consideration each of the following factors:

1 (A) *An estimate of the costs associated with*
2 *each potential site.*

3 (B) *An assessment of the suitability of the*
4 *space of each potential site, including size, prox-*
5 *imity to other buildings and transportation, and*
6 *other external environmental conditions, as ap-*
7 *propriate.*

8 (C) *The recommendations of the Congres-*
9 *sional Commission.*

10 (4) *CONSULTATION.—The Board of Regents shall*
11 *carry out its duties under this subsection in consulta-*
12 *tion with each of the following:*

13 (A) *The Chair of the National Capital*
14 *Planning Commission.*

15 (B) *The Director of the National Park Serv-*
16 *ice.*

17 (C) *The Chair of the National Capital Me-*
18 *morial Advisory Commission.*

19 (D) *The Chair of the Commission on Fine*
20 *Arts.*

21 (E) *The Chair of the Congressional Com-*
22 *mission.*

23 (F) *The Architect of the Capitol.*

24 (G) *The chair and ranking member of each*
25 *of the following committees:*

1 (i) *The Committee on Rules and Ad-*
2 *ministration of the Senate.*

3 (ii) *The Committee on House Adminis-*
4 *tration of the House of Representatives.*

5 (iii) *The Committee on Energy and*
6 *Natural Resources of the Senate.*

7 (iv) *The Committee on Natural Re-*
8 *sources of the House of Representatives.*

9 (v) *The Committee on Transportation*
10 *and Infrastructure of the House of Rep-*
11 *resentatives.*

12 (vi) *The Committee on Appropriations*
13 *of the House of Representatives.*

14 (vii) *The Committee on Appropriations*
15 *of the Senate.*

16 (5) *INTENT OF CONGRESS.—It is the intent of*
17 *Congress that the Museum be located on or near the*
18 *National Mall, to the maximum extent practicable, in*
19 *accordance with this section.*

20 (b) *SITE UNDER THE JURISDICTION OF ANOTHER*
21 *FEDERAL AGENCY.—*

22 (1) *WRITTEN NOTIFICATION OF AGREEMENT.—*
23 *The Board of Regents shall not designate a site for the*
24 *Museum that is under the administrative jurisdiction*
25 *of another Federal agency or entity unless the head of*

1 *the Federal agency or entity submits to each of the*
2 *committees described in subsection (a)(4)(G) written*
3 *notification stating that the head of the Federal agen-*
4 *cy or entity concurs with locating the Museum on the*
5 *land or in the structure that is under the administra-*
6 *tive jurisdiction of the Federal agency or entity.*

7 (2) *TRANSFER.—As soon as practicable after the*
8 *date on which Congress receives the written notifica-*
9 *tion described in paragraph (1), the head of the Fed-*
10 *eral agency or entity shall transfer to the Smithso-*
11 *nian Institution its administrative jurisdiction over*
12 *the land or structure that has been designated as the*
13 *site for the Museum.*

14 (c) *CONSTRUCTION OF BUILDING.—The Board of Re-*
15 *gents, in consultation with the council established under*
16 *section 104, may plan, design, and construct a building for*
17 *the Museum, which shall be located at the site designated*
18 *by the Board of Regents under subsection (a), in accordance*
19 *with this section.*

20 (d) *COMMEMORATIVE WORKS ACT.—Chapter 89 of*
21 *title 40, United States Code, shall not apply with respect*
22 *to the Museum, except that the Museum shall not be located*
23 *in the Reserve (as defined in section 8902(a) of that title).*

24 (e) *COST SHARING.—The Board of Regents shall*
25 *pay—*

1 (1) 50 percent of the costs of carrying out this
2 section from Federal funds; and

3 (2) 50 percent of the costs of carrying out this
4 section from non-Federal sources.

5 **SEC. 108. DEFINITIONS.**

6 *In this Act, the following definitions apply:*

7 (1) The term “Board of Regents” means the
8 Board of Regents of the Smithsonian Institution.

9 (2) The term “Congressional Commission”
10 means the Commission to Study the Potential Cre-
11 ation of a National Women’s History Museum, estab-
12 lished under section 3056 of the Military Construction
13 Authorization Act for Fiscal Year 2015 (Public Law
14 113–291; 128 Stat. 3810).

15 (3) The term “Secretary” means the Secretary of
16 the Smithsonian Institution.

17 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) *IN GENERAL.*—There are authorized to be appro-
19 priated to the Smithsonian Institution to carry out this
20 Act, including the planning, design, construction, and oper-
21 ation of the Museum established under section 103, such
22 sums as may be necessary for fiscal year 2020 and each
23 succeeding fiscal year.

1 (b) *AVAILABILITY.*—Amounts appropriated pursuant
2 to the authorization under this section shall remain avail-
3 able until expended.

4 (c) *USE OF FUNDS FOR FUNDRAISING.*—Amounts ap-
5 propriated pursuant to the authorization under this section
6 may be used to conduct fundraising in support of the Mu-
7 seum from private sources.

8 **TITLE II—NATIONAL MUSEUM OF**
9 **THE AMERICAN LATINO**

10 **SEC. 201. NATIONAL MUSEUM OF THE AMERICAN LATINO.**

11 (a) *FINDINGS.*—Congress finds the following:

12 (1) *The United States is a symbol of democracy,*
13 *freedom, and economic opportunity around the world,*
14 *and the legacy of Latinos is deeply rooted in the very*
15 *fabric of the history, democracy, freedom, and eco-*
16 *nommic opportunity of the United States.*

17 (2) *There exists no national museum within the*
18 *Smithsonian Institution that is devoted to the docu-*
19 *mentation and explication of Latino life, art, history,*
20 *and culture.*

21 (3) *The establishment of the National Museum of*
22 *the American Latino will be consistent with the pur-*
23 *poses of the Smithsonian Institution, created by Con-*
24 *gress in 1846, “for the increase and diffusion of*
25 *knowledge”.*

1 (4) *The National Museum of the American*
2 *Latino—*

3 (A) *will be the keystone for people in the*
4 *United States and other Smithsonian Institution*
5 *visitors to learn about Latino contributions to*
6 *life, art, history, and culture in the United*
7 *States at its signature location on the National*
8 *Mall; and*

9 (B) *will serve as a gateway for visitors to*
10 *view other Latino exhibitions, collections, and*
11 *programming at other Smithsonian Institution*
12 *facilities and museums throughout the United*
13 *States and the territories of the United States.*

14 (b) *DEFINITIONS.—In this section:*

15 (1) *BOARD OF REGENTS.—The term “Board of*
16 *Regents” means the Board of Regents of the Smithso-*
17 *nian Institution.*

18 (2) *BOARD OF TRUSTEES.—The term “Board of*
19 *Trustees” means the Board of Trustees of the National*
20 *Museum of the American Latino as established by*
21 *subsection (d).*

22 (3) *DIRECTOR.—The term “Director” means the*
23 *Director of the National Museum of the American*
24 *Latino.*

1 (4) *MUSEUM.*—*The term “Museum” means the*
2 *National Museum of the American Latino established*
3 *by subsection (c).*

4 (5) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of the Smithsonian Institution.*

6 (c) *ESTABLISHMENT OF MUSEUM.*—

7 (1) *ESTABLISHMENT.*—*There is established with-*
8 *in the Smithsonian Institution a museum to be*
9 *known as the “National Museum of the American*
10 *Latino”.*

11 (2) *PURPOSES.*—*The purposes of the Museum*
12 *are—*

13 (A) *to illuminate the story of the United*
14 *States for the benefit of all by featuring Latino*
15 *contributions; and*

16 (B) *to provide for—*

17 (i) *the collection, study, research, pub-*
18 *lication, and establishment of exhibitions*
19 *and programs relating to Latino life, art,*
20 *history, and culture that encompass—*

21 (I) *Latino contributions to the*
22 *early history of what now encompasses*
23 *the United States of America and its*
24 *territories;*

- 1 (II) *Latino contributions in the*
2 *armed services from the earliest days of*
3 *the American Revolution to current*
4 *military activities in defense of our*
5 *freedoms;*
- 6 (III) *Latino contributions to the*
7 *freedom, well-being, and economic*
8 *prosperity of all people in the United*
9 *States through historical movements;*
- 10 (IV) *entrepreneurial and chari-*
11 *table activities of Latinos;*
- 12 (V) *contributions by Latinos to—*
- 13 (aa) *the social, natural, and*
14 *physical sciences; and*
- 15 (bb) *art, history, and culture,*
16 *including food, music, dance, film,*
17 *theater, sports, and other forms of*
18 *popular culture in the United*
19 *States; and*
- 20 (ii) *collaboration between the Museum,*
21 *other museums and research centers of the*
22 *Smithsonian Institution, and other muse-*
23 *ums and educational institutions through-*
24 *out the United States and abroad, to pro-*
25 *mote the study and appreciation of Latino*

1 *life, art, history, culture, and its impact on*
2 *society in the United States, including col-*
3 *laboration concerning joint research*
4 *projects, programs, exhibitions, collection*
5 *management, and training of museum staff.*

6 *(d) BOARD OF TRUSTEES.—*

7 *(1) ESTABLISHMENT.—There is established with-*
8 *in the Smithsonian Institution a Board of Trustees of*
9 *the Museum with the duties, powers, and authority*
10 *specified in this subsection.*

11 *(2) DUTIES.—*

12 *(A) IN GENERAL.—The Board of Trustees—*

13 *(i) shall—*

14 *(I) make recommendations to the*
15 *Board of Regents concerning the loca-*
16 *tion, planning, design, and construc-*
17 *tion of the Museum;*

18 *(II) recommend annual operating*
19 *budgets for the Museum to the Board of*
20 *Regents;*

21 *(III) adopt bylaws for the Board*
22 *of Trustees;*

23 *(IV) report annually to the Board*
24 *of Regents on the acquisition, disposi-*
25 *tion, and display of Latino collections,*

1 *objects and artifacts, and on other ap-*
2 *propriate matters; and*

3 *(V) advise and assist the Board of*
4 *Regents on all matters relating to the*
5 *administration, operation, mainte-*
6 *nance, and preservation of the Mu-*
7 *seum, including long-term mainte-*
8 *nance; and*

9 *(ii) may delegate the duties described*
10 *in subclauses (I) through (IV) of clause (i)*
11 *to the Director.*

12 *(B) PRINCIPAL RESPONSIBILITIES.—Subject*
13 *to the general policies of the Board of Regents,*
14 *the Board of Trustees shall have the sole author-*
15 *ity to—*

16 *(i) purchase, accept, borrow, or other-*
17 *wise acquire artifacts and other objects for*
18 *addition to the collections of the Museum;*

19 *(ii) loan, exchange, sell, or otherwise*
20 *dispose of any part of the collections of the*
21 *Museum, with the proceeds of such trans-*
22 *actions to be used for additions to the collec-*
23 *tions of the Museum; and*

24 *(iii) specify criteria with respect to the*
25 *use of the collections and resources of the*

1 *Museum, including policies on program-*
2 *ming, education, exhibitions, and research*
3 *with respect to—*

4 *(I) the life, art, history, culture,*
5 *and other aspects of Latinos in the*
6 *United States and the territories of the*
7 *United States;*

8 *(II) the role of Latinos in the his-*
9 *tory of the United States from the ar-*
10 *ival of the first explorers to the Amer-*
11 *icas to the present;*

12 *(III) the contributions of Latinos*
13 *to society and culture in the United*
14 *States, and exploring what it means to*
15 *be an American; and*

16 *(IV) sharing how values in the*
17 *United States such as resiliency, opti-*
18 *mism, and spirituality are reflected in*
19 *Latino history and culture.*

20 *(C) OTHER RESPONSIBILITIES.—Subject to*
21 *the general policies of the Board of Regents, the*
22 *Board of Trustees shall have authority to—*

23 *(i) provide for preservation, restora-*
24 *tion, and maintenance of the collections of*
25 *the Museum; and*

1 (ii) solicit, accept, use, and dispose of
2 gifts, bequests, and devises of personal and
3 real property for the purpose of aiding and
4 facilitating the work of the Museum.

5 (D) ENSURING DIVERSITY OF POLITICAL
6 VIEWPOINTS IN EXHIBITS AND PROGRAMS.—In
7 carrying out its duties, the Board of Trustees
8 shall ensure that the exhibits and programs of
9 the Museum reflect the diversity of the political
10 viewpoints held by Latinos of the United States
11 on the events and issues relating to the history
12 of Latinos in the United States.

13 (3) COMPOSITION AND APPOINTMENT.—

14 (A) IN GENERAL.—The Board of Trustees
15 shall be composed of not more than 19 voting
16 members as provided under subparagraph (B).

17 (B) VOTING MEMBERS.—The Board of
18 Trustees shall include the following voting mem-
19 bers:

20 (i) The Secretary of the Smithsonian
21 Institution.

22 (ii) The Under Secretary of Museums
23 and Research of the Smithsonian Institu-
24 tion.

1 (iii) *The chair of the Smithsonian Na-*
2 *tional Latino Board.*

3 (iv) *One member of the Board of Re-*
4 *gents, appointed by the Board of Regents.*

5 (v) *Two Members of Congress, one from*
6 *each political party, designated by the Con-*
7 *gressional Hispanic Caucus and the Con-*
8 *gressional Hispanic Conference.*

9 (vi) *Thirteen individuals who shall be*
10 *appointed by the Board of Regents after*
11 *taking into consideration—*

12 (I) *efforts to have a politically*
13 *and geographically diverse representa-*
14 *tion on the Board of Trustees reflecting*
15 *States and territories with significant*
16 *Latino populations;*

17 (II) *individuals recommended by*
18 *members of the Board of Trustees; and*

19 (III) *individuals recommended by*
20 *organizations and entities that are*
21 *committed to the advancement of*
22 *knowledge of Latino life, art, history,*
23 *and culture.*

24 (C) *INITIAL APPOINTMENTS.—The Board of*
25 *Regents shall make initial appointments to the*

1 *Board of Trustees under subparagraph (B) not*
2 *later than 180 days after the date of enactment*
3 *of this Act.*

4 (4) *TERMS OF SERVICE.—*

5 (A) *IN GENERAL.—Except as provided in*
6 *this paragraph, each appointed member of the*
7 *Board of Trustees shall be appointed for a term*
8 *of 3 years.*

9 (B) *INITIAL APPOINTEES.—As designated*
10 *by the Board of Regents at the time of appoint-*
11 *ment, of the voting members first appointed*
12 *under clause (vi) of paragraph (3)(B)—*

13 (i) *Five members shall be appointed for*
14 *a term of 1 year;*

15 (ii) *Four members shall be appointed*
16 *for a term of 2 years; and*

17 (iii) *Four members shall be appointed*
18 *for a term of 3 years.*

19 (C) *REAPPOINTMENT.—A member of the*
20 *Board of Trustees may be reappointed, except*
21 *that no individual may serve on the Board of*
22 *Trustees for a total of more than 2 full terms.*
23 *For purposes of this subparagraph, the number*
24 *of terms an individual serves on the Board of*
25 *Trustees shall not include any portion of a term*

1 *for which an individual is appointed to fill a va-*
2 *cancy under subparagraph (D)(ii).*

3 *(D) VACANCIES.—*

4 *(i) IN GENERAL.—A vacancy on the*
5 *Board of Trustees—*

6 *(I) shall not affect the powers of*
7 *the Board of Trustees; and*

8 *(II) shall be filled in the same*
9 *manner as the original appointment*
10 *was made.*

11 *(ii) TERM.—Any member of the Board*
12 *of Trustees appointed to fill a vacancy oc-*
13 *curring before the expiration of the term for*
14 *which the member's predecessor was ap-*
15 *pointed shall be appointed for the remain-*
16 *der of that term.*

17 *(5) COMPENSATION.—*

18 *(A) IN GENERAL.—Except as provided in*
19 *subparagraph (B), a member of the Board of*
20 *Trustees shall serve without pay.*

21 *(B) TRAVEL EXPENSES.—A member of the*
22 *Board of Trustees shall be allowed travel ex-*
23 *penses, including per diem in lieu of subsistence,*
24 *at rates authorized for an employee of an agency*
25 *under subchapter I of chapter 57 of title 5,*

1 *United States Code, while away from the home*
2 *or regular place of business of the member in the*
3 *performance of the duties of the Board of Trust-*
4 *ees.*

5 (6) *CHAIRPERSON.—By a majority vote of its*
6 *voting members, the Board of Trustees shall elect a*
7 *chairperson from its members.*

8 (7) *MEETINGS.—*

9 (A) *IN GENERAL.—The Board of Trustees*
10 *shall meet at the call of the chairperson or on the*
11 *written request of a majority of the voting mem-*
12 *bers of the Board of Trustees, but not fewer than*
13 *twice each year.*

14 (B) *MEETING FORMAT.—Regularly sched-*
15 *uled meetings and special meetings may be con-*
16 *ducted in-person, telephonically, electronically,*
17 *or by any means appropriate as determined by*
18 *the chairperson.*

19 (8) *QUORUM.—A majority of the voting members*
20 *of the Board of Trustees holding office shall constitute*
21 *a quorum for the purpose of conducting business, but*
22 *a lesser number may receive information on behalf of*
23 *the Board of Trustees.*

24 (e) *DIRECTOR AND STAFF OF MUSEUM.—*

25 (1) *DIRECTOR.—*

1 (A) *IN GENERAL.*—*The Museum shall have*
2 *a Director who shall be appointed by the Sec-*
3 *retary in consultation with Board of Trustees.*
4 *The Secretary may appoint an interim Director*
5 *to oversee the initial activity of establishing the*
6 *Museum until a permanent Director is selected.*

7 (B) *DUTIES.*—*The Director shall manage*
8 *the Museum subject to the policies of the Board*
9 *of Regents and the Board of Trustees.*

10 (2) *STAFF.*—*The Secretary may appoint two ad-*
11 *ditional employees to serve under the Director, except*
12 *that such additional employees may be appointed*
13 *without regard to the provisions of title 5, United*
14 *States Code, governing appointments in the competi-*
15 *tive service.*

16 (3) *PAY.*—*The employees appointed by the Sec-*
17 *retary under paragraph (2) may be paid without re-*
18 *gard to the provisions of chapter 51 and subchapter*
19 *III of chapter 53 of title 5, United States Code, relat-*
20 *ing to classification of positions and General Schedule*
21 *pay rates.*

22 (f) *EDUCATIONAL AND LIAISON PROGRAMS.*—

23 (1) *IN GENERAL.*—

24 (A) *PROGRAMS AUTHORIZED.*—*The Director*
25 *of the Museum may carry out educational and*

1 *liaison programs in support of the goals of the*
2 *Museum.*

3 *(B) SPECIFIC ACTIVITIES.—In carrying out*
4 *this subsection, the Director shall—*

5 *(i) carry out educational programs re-*
6 *lating to Latino life, art, history, and cul-*
7 *ture, including—*

8 *(I) programs using digital, elec-*
9 *tronic, and interactive technologies;*
10 *and*

11 *(II) programs carried out in col-*
12 *laboration with elementary schools, sec-*
13 *ondary schools, and postsecondary*
14 *schools; and*

15 *(ii) consult with the Director of the In-*
16 *stitute of Museum and Library Services*
17 *concerning the grant programs carried out*
18 *under paragraph (2).*

19 *(2) GRANT PROGRAMS.—*

20 *(A) IN GENERAL.—The Director of the In-*
21 *stitute of Museum and Library Services, in con-*
22 *sultation with the Board of Trustees and the Di-*
23 *rector of the Museum, shall establish and carry*
24 *out—*

1 (i) a grant program with the purpose
2 of improving operations, care of collections,
3 culturally appropriate public outreach, and
4 development of professional management at
5 American Latino museums;

6 (ii) a grant program with the purpose
7 of providing internship and fellowship op-
8 portunities at American Latino museums;

9 (iii) a scholarship program, in part-
10 nership with Hispanic-serving institutions,
11 minority-serving institutions, historically
12 black colleges and universities, and other in-
13 stitutions of higher education, with the pur-
14 pose of assisting individuals who are pur-
15 suing careers or carrying out studies in the
16 arts, humanities, and sciences in the study
17 of American Latino life, art, history, and
18 culture;

19 (iv) in cooperation with other muse-
20 ums, historical societies, and educational
21 institutions, a grant program with the pur-
22 pose of promoting the understanding of the
23 Latin American diaspora in the United
24 States; and

1 (v) a grant program under which an
2 American Latino museum (including a
3 nonprofit education organization the pri-
4 mary mission of which is to promote the
5 study of the Latin American diaspora in
6 the United States) may use funds provided
7 under the grant to increase an endowment
8 fund established by the museum (or organi-
9 zation) as of October 1, 2020, for the pur-
10 poses of enhancing educational program-
11 ming, and maintaining and operating trav-
12 eling educational exhibits.

13 (B) CLARIFICATION OF TREATMENT OF MU-
14 SEUM.—In this paragraph, the term “American
15 Latino museum” does not include the Museum.

16 (C) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There are authorized to be appropriated
18 to the Institute of Museum and Library Services
19 to carry out this paragraph—

20 (i) \$15,000,000 for fiscal year 2021;

21 and

22 (ii) such sums as may be necessary for
23 fiscal year 2022 and each succeeding fiscal
24 year.

1 (g) *NATIONAL MUSEUM OF THE AMERICAN LATINO*
2 *BUILDING AND SUPPORT FACILITIES.*—

3 (1) *IN GENERAL.*—

4 (A) *LOCATION.*—

5 (i) *IN GENERAL.*—*Not later than 2*
6 *years after the date of enactment of this Act,*
7 *the Board of Regents shall designate a site*
8 *for the Museum.*

9 (ii) *SITES FOR CONSIDERATION.*—*In*
10 *designating a site under clause (i), the*
11 *Board of Regents shall—*

12 (I) *select a site in the District of*
13 *Columbia; and*

14 (II) *include the consideration of*
15 *the following sites:*

16 (aa) *The Arts and Industries*
17 *Building of the Smithsonian In-*
18 *stitution, located on the National*
19 *Mall at 900 Jefferson Drive,*
20 *Southwest, Washington, District*
21 *of Columbia.*

22 (bb) *A vacant area bounded*
23 *by Independence Avenue, Jefferson*
24 *Drive, Raoul Wallenberg Place,*
25 *and 14th Street Southwest, cur-*

1 *rently under the jurisdiction of*
2 *the National Park Service.*

3 *(cc) The area bounded by 3rd*
4 *Street and 1st Street, Northwest*
5 *and Constitution Avenue and*
6 *Pennsylvania Avenue, Northwest,*
7 *as measured from curb to curb,*
8 *currently under the jurisdiction of*
9 *the Architect of the Capitol.*

10 *(dd) The facility and*
11 *grounds on the National Mall be-*
12 *tween 12th and 14th Streets,*
13 *Southwest, and Jefferson Drive*
14 *and Independence Avenue, South-*
15 *west, currently under the jurisdic-*
16 *tion of the Department of Agri-*
17 *culture.*

18 *(iii) FACTORS CONSIDERED.—In desig-*
19 *nating a site under clause (i), the Board of*
20 *Regents shall take into consideration each of*
21 *the following factors:*

22 *(I) An estimate of the costs associ-*
23 *ated with each potential site.*

24 *(II) An assessment of the suit-*
25 *ability of the space of each potential*

1 *site, including size, proximity to other*
2 *buildings and transportation, and*
3 *other external environmental condi-*
4 *tions, as appropriate.*

5 *(III) The recommendations of the*
6 *Commission referred to in subsection*
7 *(h).*

8 *(iv) CONSULTATION.—The Board of*
9 *Regents shall carry out its duties under this*
10 *subparagraph in consultation with the fol-*
11 *lowing:*

12 *(I) The Chair of the National*
13 *Capital Planning Commission.*

14 *(II) The Director of the National*
15 *Park Service.*

16 *(III) The Chair of the National*
17 *Capital Memorial Advisory Commis-*
18 *sion.*

19 *(IV) The Chair of the Commission*
20 *of Fine Arts.*

21 *(V) The Chair and Vice Chair of*
22 *the Commission referred to in sub-*
23 *section (h).*

1 (VI) *The Chair of the Building*
2 *and Site Subcommittee of the Commis-*
3 *sion referred to in subsection (h).*

4 (VII) *The Architect of the Capitol.*

5 (VIII) *The Chair and ranking mi-*
6 *nority member of each of the following*
7 *committees:*

8 (aa) *The Committee on Rules*
9 *and Administration of the Senate.*

10 (bb) *The Committee on*
11 *House Administration of the*
12 *House of Representatives.*

13 (cc) *The Committee on En-*
14 *ergy and Natural Resources of the*
15 *Senate.*

16 (dd) *The Committee on Nat-*
17 *ural Resources of the House of*
18 *Representatives.*

19 (ee) *The Committee on*
20 *Transportation and Infrastruc-*
21 *ture of the House of Representa-*
22 *tives.*

23 (ff) *The Committee on Ap-*
24 *propriations of the House of Rep-*
25 *resentatives.*

1 (gg) *The Committee on Ap-*
2 *propriations of the Senate.*

3 (v) *INTENT OF CONGRESS.—It is the*
4 *intent of Congress that the Museum be lo-*
5 *cated on or near the National Mall, to the*
6 *maximum extent practicable, in accordance*
7 *with this subsection.*

8 (B) *SIZE OF BUILDING.—The building con-*
9 *structed or modified to serve as the Museum shall*
10 *occupy no less than the recommended square*
11 *footage set forth in the report submitted by the*
12 *Commission to Study the Potential Creation of*
13 *a National Museum of the American Latino es-*
14 *tablished under section 333 of the Consolidated*
15 *Natural Resources Act of 2008 (Public Law 110-*
16 *229; 122 Stat. 784).*

17 (C) *CONSTRUCTION OF BUILDING.—The*
18 *Board of Regents, in consultation with the Board*
19 *of Trustees and other appropriate Federal and*
20 *local agencies is authorized to prepare plans, de-*
21 *sign, and construct a building or modify an ex-*
22 *isting building for the Museum, which shall be*
23 *located at the site selected by the Board of Re-*
24 *gents, in accordance with this subsection.*

1 (2) *SITE UNDER THE JURISDICTION OF ANOTHER*
2 *FEDERAL AGENCY.—*

3 (A) *IN GENERAL.—The Board of Regents*
4 *shall not designate a site for the Museum that is*
5 *under the administrative jurisdiction of another*
6 *Federal agency or entity unless the head of the*
7 *Federal agency or entity submits to each of the*
8 *committees described in paragraph*
9 *(1)(A)(iv)(VIII) written notification stating that*
10 *the head of the Federal agency or entity concurs*
11 *with locating the Museum on the land or in the*
12 *structure that is under the administrative juris-*
13 *isdiction of the Federal agency or entity.*

14 (B) *TRANSFER.—As soon as practicable*
15 *after the date on which the committees receive*
16 *the written notification described in subpara-*
17 *graph (A), the head of the Federal agency or en-*
18 *tity shall transfer to the Smithsonian Institution*
19 *administrative jurisdiction over the land or*
20 *structure that has been designated as the site for*
21 *the Museum.*

22 (3) *COST SHARING.—The Board of Regents shall*
23 *pay—*

24 (A) *50 percent of the costs of carrying out*
25 *this subsection from Federal funds; and*

1 (B) 50 percent of the costs of carrying out
2 this subsection from non-Federal sources.

3 (4) *COMMEMORATIVE WORKS ACT.*—Chapter 89
4 of title 40, United States Code, shall not apply with
5 respect to the Museum, except that the Museum shall
6 not be located in the Reserve (as defined in section
7 8902(a) of that title).

8 (5) *AUTHORIZATION OF APPROPRIATIONS.*—
9 There are authorized to be appropriated such sums as
10 are necessary to carry out this subsection.

11 (h) *CONSIDERATION OF RECOMMENDATIONS OF COM-*
12 *MISSION.*—In carrying out their duties under this section,
13 the Board of Trustees and the Board of Regents shall take
14 into consideration the reports and plans submitted by the
15 Commission to Study the Potential Creation of a National
16 Museum of the American Latino established under section
17 333 of the Consolidated Natural Resources Act of 2008
18 (Public Law 110–229; 122 Stat. 784).

19 (i) *CONGRESSIONAL BUDGET ACT COMPLIANCE.*—Au-
20 thority under this section to enter into contracts or to make
21 payments shall be effective in any fiscal year only to the
22 extent provided in advance in an appropriations Act.

23 (j) *AUTHORIZATION OF APPROPRIATIONS.*—

24 (1) *IN GENERAL.*—There are authorized to be ap-
25 propriated to the Smithsonian Institution to carry

1 out this section, other than subsections (f)(2) and
2 (g)—

3 (A) \$20,000,000 for fiscal year 2021; and

4 (B) such sums as are necessary for each fis-
5 cal year thereafter.

6 (2) *AVAILABILITY.*—Amounts appropriated pur-
7 suant to the authorization of appropriations under
8 paragraph (1) shall remain available until expended.

9 (3) *USE OF FUNDS FOR FUNDRAISING.*—
10 Amounts appropriated pursuant to the authorization
11 under this subsection may be used to conduct fund-
12 raising in support of the Museum from private
13 sources.

14 ***DIVISION U—HOMELAND SECU-***
15 ***RITY AND GOVERNMENTAL***
16 ***AFFAIRS PROVISIONS***
17 ***TITLE I—AI IN GOVERNMENT***
18 ***ACT OF 2020***

19 ***SEC. 101. SHORT TITLE.***

20 *This title may be cited as the “AI in Government Act*
21 *of 2020”.*

22 ***SEC. 102. DEFINITIONS.***

23 *In this Act—*

24 (1) *the term “Administrator” means the Admin-*
25 *istrator of General Services;*

1 (2) *the term “agency” has the meaning given the*
2 *term in section 3502 of title 44, United States Code;*

3 (3) *the term “AI CoE” means the AI Center of*
4 *Excellence described in section 103;*

5 (4) *the term “artificial intelligence” has the*
6 *meaning given the term in section 238(g) of the John*
7 *S. McCain National Defense Authorization Act for*
8 *Fiscal Year 2019 (10 U.S.C. 2358 note);*

9 (5) *the term “Director” means the Director of the*
10 *Office of Management and Budget;*

11 (6) *the term “institution of higher education”*
12 *has the meaning given the term in section 101 of the*
13 *Higher Education Act of 1965 (20 U.S.C. 1001); and*

14 (7) *the term “nonprofit organization” means an*
15 *organization described in section 501(c)(3) of the In-*
16 *ternal Revenue Code of 1986 and exempt from tax-*
17 *ation under section 501(a) of that Code.*

18 **SEC. 103. AI CENTER OF EXCELLENCE.**

19 (a) *IN GENERAL.—There is created within the General*
20 *Services Administration a program to be known as the “AI*
21 *Center of Excellence”, which shall—*

22 (1) *facilitate the adoption of artificial intel-*
23 *ligence technologies in the Federal Government;*

1 (2) *improve cohesion and competency in the*
2 *adoption and use of artificial intelligence within the*
3 *Federal Government; and*

4 (3) *carry out paragraphs (1) and (2) for the*
5 *purposes of benefitting the public and enhancing the*
6 *productivity and efficiency of Federal Government*
7 *operations.*

8 (b) *DUTIES.—The duties of the AI CoE shall include—*

9 (1) *regularly convening individuals from agen-*
10 *cies, industry, Federal laboratories, nonprofit organi-*
11 *zations, institutions of higher education, and other*
12 *entities to discuss recent developments in artificial in-*
13 *telligence, including the dissemination of information*
14 *regarding programs, pilots, and other initiatives at*
15 *agencies, as well as recent trends and relevant infor-*
16 *mation on the understanding, adoption, and use of*
17 *artificial intelligence;*

18 (2) *collecting, aggregating, and publishing on a*
19 *publicly available website information regarding pro-*
20 *grams, pilots, and other initiatives led by other agen-*
21 *cies and any other information determined appro-*
22 *priate by the Administrator;*

23 (3) *advising the Administrator, the Director,*
24 *and agencies on the acquisition and use of artificial*

1 *intelligence through technical insight and expertise, as*
2 *needed;*

3 *(4) assist agencies in applying Federal policies*
4 *regarding the management and use of data in appli-*
5 *cations of artificial intelligence;*

6 *(5) consulting with agencies, including the De-*
7 *partment of Defense, the Department of Commerce,*
8 *the Department of Energy, the Department of Home-*
9 *land Security, the Office of Management and Budget,*
10 *the Office of the Director of National Intelligence, and*
11 *the National Science Foundation, that operate pro-*
12 *grams, create standards and guidelines, or otherwise*
13 *fund internal projects or coordinate between the pub-*
14 *lic and private sectors relating to artificial intel-*
15 *ligence;*

16 *(6) advising the Director on developing policy*
17 *related to the use of artificial intelligence by agencies;*
18 *and*

19 *(7) advising the Director of the Office of Science*
20 *and Technology Policy on developing policy related to*
21 *research and national investment in artificial intel-*
22 *ligence.*

23 *(c) STAFF.—*

1 (1) *IN GENERAL.*—*The Administrator shall provide necessary staff, resources, and administrative support for the AI CoE.*

4 (2) *SHARED STAFF.*—*To the maximum extent practicable, the Administrator shall meet the requirements described under paragraph (1) by using staff of the General Services Administration, including those from other agency centers of excellence, and detailees, on a reimbursable or nonreimbursable basis, from other agencies.*

11 (3) *FELLOWS.*—*The Administrator may, to the maximum extent practicable, appoint fellows to participate in the AI CoE from nonprofit organizations, think tanks, institutions of higher education, and industry.*

16 (d) *SUNSET.*—*This section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.*

19 **SEC. 104. GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-**
20 **TELLIGENCE.**

21 (a) *GUIDANCE.*—*Not later than 270 days after the date of enactment of this Act, the Director, in coordination with the Director of the Office of Science and Technology Policy in consultation with the Administrator and any other relevant agencies and key stakeholders as determined by the*

1 *Director, shall issue a memorandum to the head of each*
2 *agency that shall—*

3 (1) *inform the development of policies regarding*
4 *Federal acquisition and use by agencies regarding*
5 *technologies that are empowered or enabled by artifi-*
6 *cial intelligence, including an identification of the re-*
7 *sponsibilities of agency officials managing the use of*
8 *such technology;*

9 (2) *recommend approaches to remove barriers for*
10 *use by agencies of artificial intelligence technologies*
11 *in order to promote the innovative application of*
12 *those technologies while protecting civil liberties, civil*
13 *rights, and economic and national security;*

14 (3) *identify best practices for identifying, assess-*
15 *ing, and mitigating any discriminatory impact or*
16 *bias on the basis of any classification protected under*
17 *Federal nondiscrimination laws, or any unintended*
18 *consequence of the use of artificial intelligence, in-*
19 *cluding policies to identify data used to train artifi-*
20 *cial intelligence algorithms as well as the data ana-*
21 *lyzed by artificial intelligence used by the agencies;*
22 *and*

23 (4) *provide a template of the required contents of*
24 *the agency plans described in subsection (c).*

1 (b) *PUBLIC COMMENT.*—To help ensure public trust in
2 the applications of artificial intelligence technologies, the
3 Director shall issue a draft version of the memorandum re-
4 quired under subsection (a) for public comment not later
5 than 180 days after date of enactment of this Act.

6 (c) *PLANS.*—Not later than 180 days after the date on
7 which the Director issues the memorandum required under
8 subsection (a) or an update to the memorandum required
9 under subsection (d), the head of each agency shall submit
10 to the Director and post on a publicly available page on
11 the website of the agency—

12 (1) a plan to achieve consistency with the memo-
13 randum; or

14 (2) a written determination that the agency does
15 not use and does not anticipate using artificial intel-
16 ligence.

17 (d) *UPDATES.*—Not later than 2 years after the date
18 on which the Director issues the memorandum required
19 under subsection (a), and every 2 years thereafter for 10
20 years, the Director shall issue updates to the memorandum.

21 **SEC. 105. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**
22 **CIAL INTELLIGENCE.**

23 (a) *IN GENERAL.*—Not later than 18 months after the
24 date of enactment of this Act, and in accordance with chap-

1 *ter 51 of title 5, United States Code, the Director of the*
2 *Office of Personnel Management shall—*

3 (1) *identify key skills and competencies needed*
4 *for positions related to artificial intelligence;*

5 (2) *establish an occupational series, or update*
6 *and improve an existing occupational job series, to*
7 *include positions the primary duties of which relate*
8 *to artificial intelligence;*

9 (3) *to the extent appropriate, establish an esti-*
10 *mate of the number of Federal employees in positions*
11 *related to artificial intelligence, by each agency; and*

12 (4) *using the estimate established in paragraph*
13 *(3), prepare a 2-year and 5-year forecast of the num-*
14 *ber of Federal employees in positions related to artifi-*
15 *cial intelligence that each agency will need to employ.*

16 (b) *PLAN.—Not later than 120 days after the date of*
17 *enactment of this Act, the Director of the Office of Personnel*
18 *Management shall submit to the Committee on Homeland*
19 *Security and Governmental Affairs of the Senate and the*
20 *Committee on Oversight and Reform of the House of Rep-*
21 *resentatives a comprehensive plan with a timeline to com-*
22 *plete requirements described in subsection (a).*

1 **TITLE II—DHS OVERSEAS PER-**
2 **SONNEL ENHANCEMENT ACT**
3 **OF 2019**

4 **SEC. 201. SHORT TITLE.**

5 *This title may be cited as the “DHS Overseas Per-*
6 *sonnel Enhancement Act of 2019”.*

7 **SEC. 202. OVERSEAS PERSONNEL BRIEFING.**

8 *(a) IN GENERAL.—Not later than 90 days after sub-*
9 *mission of the comprehensive 3-year strategy required under*
10 *section 1910 of the National Defense Authorization Act for*
11 *Fiscal Year 2017 (Public Law 114–328) and annually*
12 *thereafter, the Secretary shall brief the Committee on Home-*
13 *land Security of the House of Representatives and the Com-*
14 *mittee on Homeland Security and Governmental Affairs of*
15 *the Senate regarding Department personnel with primary*
16 *duties that take place outside of the United States.*

17 *(b) REQUIREMENTS.—The briefings required under*
18 *subsection (a) shall include the following:*

19 *(1) A detailed summary of, and deployment*
20 *schedule for, each type of personnel position with pri-*
21 *mary duties that take place outside of the United*
22 *States and how each such position contributes to the*
23 *Department’s mission.*

1 (2) *Information related to how the geographic*
2 *and regional placement of such positions contributes*
3 *to the Department's mission.*

4 (3) *Information related to any risk mitigation*
5 *plans for each geographic and regional placement, in-*
6 *cluding to address counter-intelligence risks.*

7 (4) *Information regarding the costs of deploying*
8 *or maintaining personnel at each geographic and re-*
9 *gional placement, including information on any cost-*
10 *sharing agreement with foreign partners to cover a*
11 *portion or all the costs relating to such deployment or*
12 *maintenance.*

13 (5) *Information on guidance and practices to*
14 *guard against counter-espionage and counter-intel-*
15 *ligence threats, including cyber threats, associated*
16 *with Department personnel.*

17 (6) *Information regarding trends in foreign ef-*
18 *forts to influence such personnel while deployed over-*
19 *seas to contribute to the Department's mission.*

20 (7) *Information related to the position-specific*
21 *training received by such personnel before and during*
22 *placement at a foreign location.*

23 (8) *Challenges that may impede the communica-*
24 *tion of counterterrorism information between Depart-*
25 *ment personnel at foreign locations and Department*

1 *entities in the United States, including technical, re-*
2 *source, and administrative challenges.*

3 *(9) The status of efforts to implement the strat-*
4 *egy referred to in subsection (a).*

5 *(10) The status of efforts (beginning with the sec-*
6 *ond briefing required under this section) to imple-*
7 *ment the enhancement plan under section 203.*

8 **SEC. 203. OVERSEAS PERSONNEL ENHANCEMENT PLAN.**

9 *(a) IN GENERAL.—Not later than 90 days after the*
10 *first briefing required under section 202, the Secretary shall*
11 *submit to the Committee on Homeland Security of the*
12 *House of Representatives and the Committee on Homeland*
13 *Security and Governmental Affairs of the Senate a plan*
14 *to enhance the effectiveness of Department personnel at for-*
15 *eign locations.*

16 *(b) PLAN REQUIREMENTS.—The plan required under*
17 *subsection (a) shall include proposals to—*

18 *(1) improve efforts of Department personnel at*
19 *foreign locations, as necessary, for purposes of pro-*
20 *viding foreign partner capacity development and fur-*
21 *thering the Department’s mission;*

22 *(2) as appropriate, redeploy Department per-*
23 *sonnel to respond to changing threats to the United*
24 *States, consistent with the limits on the resources of*
25 *the Department;*

1 (3) *enhance collaboration among Department*
2 *personnel at foreign locations, other Federal personnel*
3 *at foreign locations, and foreign partners;*

4 (4) *improve the communication of information*
5 *between Department personnel at foreign locations*
6 *and Department entities in the United States, includ-*
7 *ing to address technical, resource, and administrative*
8 *challenges; and*

9 (5) *maintain practices to guard against counter-*
10 *espionage threats associated with Department per-*
11 *sonnel.*

12 **SEC. 204. TERMINATION.**

13 *The briefing requirement under section 202 shall ter-*
14 *minate on the date that is 4 years after the submission of*
15 *the strategy referred to in subsection (a) of such section.*

16 **SEC. 205. DEFINITIONS.**

17 *In this Act—*

18 (1) *the term “Department” means the Depart-*
19 *ment of Homeland Security; and*

20 (2) *the term “Secretary” means the Secretary of*
21 *Homeland Security.*

1 **TITLE III—SYNTHETIC OPIOID**
2 **EXPOSURE PREVENTION AND**
3 **TRAINING ACT**

4 **SEC. 301. SHORT TITLE.**

5 *This title may be cited as the “Synthetic Opioid Expo-*
6 *sure Prevention and Training Act”.*

7 **SEC. 302. PROTECTION AGAINST POTENTIAL SYNTHETIC**
8 **OPIOID EXPOSURE WITHIN U.S. CUSTOMS**
9 **AND BORDER PROTECTION.**

10 *(a) IN GENERAL.—Subtitle B of title IV of the Home-*
11 *land Security Act of 2002 (6 U.S.C. 211 et seq.) is amended*
12 *by inserting after section 415 the following new section:*

13 **“SEC. 416. PROTECTION AGAINST POTENTIAL SYNTHETIC**
14 **OPIOID EXPOSURE.**

15 *“(a) IN GENERAL.—The Commissioner of U.S. Cus-*
16 *toms and Border Protection shall issue a policy that speci-*
17 *fies effective protocols and procedures for the safe handling*
18 *of potential synthetic opioids, including fentanyl, by U.S.*
19 *Customs and Border Protection officers, agents, other per-*
20 *sonnel, and canines, and to reduce the risk of injury or*
21 *death resulting from accidental exposure and enhance post-*
22 *exposure management.*

23 *“(b) TRAINING.—*

24 *“(1) IN GENERAL.—Together with the issuance of*
25 *the policy described in subsection (a), the Commis-*

1 *sioner of U.S. Customs and Border Protection shall*
2 *require mandatory and recurrent training on the fol-*
3 *lowing:*

4 *“(A) The potential risk of opioid exposure*
5 *and safe handling procedures for potential syn-*
6 *thetic opioids, including precautionary measures*
7 *such as the use of personal protective equipment*
8 *during such handling.*

9 *“(B) How to access and administer opioid*
10 *receptor antagonists, including naloxone, post-ex-*
11 *posure to potential synthetic opioids.*

12 *“(2) INTEGRATION.—The training described in*
13 *paragraph (1) may be integrated into existing train-*
14 *ing under section 411(l) for U.S. Customs and Border*
15 *Protection officers, agents, and other personnel.*

16 *“(c) PERSONAL PROTECTIVE EQUIPMENT AND OPIOID*
17 *RECEPTOR ANTAGONISTS.—Together with the issuance of*
18 *the policy described in subsection (a), the Commissioner of*
19 *U.S. Customs and Border Protection shall ensure the avail-*
20 *ability of personal protective equipment and opioid receptor*
21 *antagonists, including naloxone, to all U.S. Customs and*
22 *Border Protection officers, agents, other personnel, and ca-*
23 *nines at risk of accidental exposure to synthetic opioids.*

24 *“(d) OVERSIGHT.—To ensure effectiveness of the policy*
25 *described in subsection (a)—*

1 “(1) the Commissioner of U.S. Customs and Bor-
2 der Protection shall regularly monitor the efficacy of
3 the implementation of such policy and adjust proto-
4 cols and procedures, as necessary; and

5 “(2) the Inspector General of the Department
6 shall audit compliance with the requirements of this
7 section not less than once during the 3-year period
8 after the date of the enactment of this section.”.

9 (b) CLERICAL AMENDMENT.—The table of contents in
10 section 1(b) of the Homeland Security Act of 2002 is
11 amended by inserting after the item relating to section 415
12 the following new item:

 “Sec. 416. Protection against potential synthetic opioid exposure.”.

13 **TITLE IV—CONSTRUCTION CON-**
14 **SENSUS PROCUREMENT IM-**
15 **PROVEMENT ACT OF 2020**

16 **SEC. 401. SHORT TITLE.**

17 This title may be cited as the “Construction Consensus
18 Procurement Improvement Act of 2020”.

19 **SEC. 402. PROHIBITION ON USE OF A REVERSE AUCTION**

20 **FOR THE AWARD OF A CONTRACT FOR DE-**
21 **SIGN AND CONSTRUCTION SERVICES.**

22 (a) FINDING.—Congress finds that, in contrast to a
23 traditional auction in which the buyers bid up the price,
24 sellers bid down the price in a reverse auction.

1 (b) *PROHIBITION.*—Not later than 180 days after the
2 date of the enactment of this Act, the Federal Acquisition
3 Regulation shall be amended to prohibit the use of reverse
4 auctions for awarding contracts for design and construction
5 services.

6 (c) *DEFINITIONS.*—In this section:

7 (1) The term “design and construction services”
8 means—

9 (A) site planning and landscape design;

10 (B) architectural and engineering services
11 (as defined in section 1102 of title 40, United
12 States Code);

13 (C) interior design;

14 (D) performance of substantial construction
15 work for facility, infrastructure, and environ-
16 mental restoration projects;

17 (E) delivery and supply of construction ma-
18 terials to construction sites; or

19 (F) construction or substantial alteration of
20 public buildings or public works.

21 (2) The term “reverse auction” means, with re-
22 spect to any procurement by an executive agency—

23 (A) a real-time auction conducted through
24 an electronic medium among 2 or more offerors
25 who compete by submitting bids for a supply or

1 *service contract, or a delivery order, task order,*
2 *or purchase order under the contract, with the*
3 *ability to submit revised lower bids at any time*
4 *before the closing of the auction; and*

5 *(B) the award of the contract, delivery*
6 *order, task order, or purchase order to the offeror*
7 *is solely based on the price obtained through the*
8 *auction process.*

9 **TITLE V—OVERSIGHT.GOV**

10 **SEC. 501. ESTABLISHMENT AND MAINTENANCE OF OVER-** 11 **SIGHT.GOV; AUTHORIZATION OF FUNDS.**

12 *(a) IN GENERAL.—Section 11 of the Inspector General*
13 *Act of 1978 (5 U.S.C. App.) is amended by adding at the*
14 *end the following:*

15 “(e) *OVERSIGHT.GOV.—*

16 “(1) *DEFINITION.—In this subsection, the term*
17 *‘Office of Inspector General’ means the Office of—*

18 “(A) *an Inspector General described in sub-*
19 *paragraph (A), (B), or (I) of subsection (b)(1);*

20 “(B) *the Special Inspector General for Af-*
21 *ghanistan Reconstruction established under sec-*
22 *tion 1229 of the National Defense Authorization*
23 *Act for Fiscal Year 2008 (Public Law 110–181;*
24 *122 Stat. 379);*

1 “(C) *the Special Inspector General for the*
2 *Troubled Asset Relief Plan established under sec-*
3 *tion 121 of title I of the Emergency Economic*
4 *Stabilization Act of 2008 (12 U.S.C. 5231); and*

5 “(D) *the Special Inspector General for Pan-*
6 *demic Recovery established under section 4018 of*
7 *the CARES Act (15 U.S.C. 9053).*

8 “(2) *ESTABLISHMENT.—The Council shall estab-*
9 *lish and maintain a website entitled ‘oversight.gov’—*

10 “(A) *to consolidate all public reports from*
11 *each Office of Inspector General to improve the*
12 *access of the public to any audit report, inspec-*
13 *tion report, or evaluation report (or portion of*
14 *any such report) made by an Office of Inspector*
15 *General; and*

16 “(B) *that shall include any additional re-*
17 *sources, information, and enhancements as the*
18 *Council determines are necessary or desirable.*

19 “(3) *PARTICIPATION OF OFFICES OF INSPECTORS*
20 *GENERAL.—Each Office of Inspector General that*
21 *publishes an audit report, inspection report, or eval-*
22 *uation report (or portion of any such report) on the*
23 *website of the Office of Inspector General shall, or in*
24 *the case of the office of an Inspector General described*
25 *in subparagraph (I) of subsection (b)(1) may, contem-*

1 *poraneously publish the report or portion thereof on*
2 *oversight.gov in a manner prescribed by the Coun-*
3 *cil.”.*

4 *(b) AUTHORIZATION OF APPROPRIATIONS.—For the*
5 *purposes of carrying out the mission of the Council of the*
6 *Inspectors General on Integrity and Efficiency under sec-*
7 *tion 11 of the Inspector General Act of 1978 (5 U.S.C.*
8 *App.), as amended by subsection (a), there are authorized*
9 *to be appropriated into the revolving fund described in sub-*
10 *section (c)(3)(B) of such section \$3,500,000 for fiscal year*
11 *2021, to remain available until expended, to carry out the*
12 *duties and functions of the Council.*

13 *(c) EFFECTIVE DATE.—This Act and the amendments*
14 *made by this Act shall take effect on the date that is 30*
15 *days after the date of receipt by the Council of the Inspec-*
16 *tors General on Integrity and Efficiency of an appropria-*
17 *tion for the implementation of this Act.*

18 **TITLE VI—COUNTER THREATS**
19 **ADVISORY BOARD ACT OF 2019**

20 **SEC. 601. SHORT TITLE.**

21 *This title may be cited as the “Counter Threats Advi-*
22 *sory Board Act of 2019”.*

1 **SEC. 602. DEPARTMENT OF HOMELAND SECURITY COUNTER**
2 **THREATS ADVISORY BOARD.**

3 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended
5 by inserting after section 210E the following:

6 **“SEC. 210F. DEPARTMENTAL COORDINATION ON COUNTER**
7 **THREATS.**

8 “(a) *ESTABLISHMENT.*—There is authorized in the De-
9 partment, for a period of 2 years beginning after the date
10 of enactment of this section, a Counter Threats Advisory
11 Board (in this section referred to as the ‘Board’) which
12 shall—

13 “(1) be composed of senior representatives of de-
14 partmental operational components and headquarters
15 elements; and

16 “(2) coordinate departmental intelligence activi-
17 ties and policy and information related to the mis-
18 sion and functions of the Department that counter
19 threats.

20 “(b) *CHARTER.*—There shall be a charter to govern the
21 structure and mission of the Board, which shall—

22 “(1) direct the Board to focus on the current
23 threat environment and the importance of aligning
24 departmental activities to counter threats under the
25 guidance of the Secretary; and

26 “(2) be reviewed and updated as appropriate.

1 “(c) *MEMBERS.*—

2 “(1) *IN GENERAL.*—*The Board shall be composed*
3 *of senior representatives of departmental operational*
4 *components and headquarters elements.*

5 “(2) *CHAIR.*—*The Under Secretary for Intel-*
6 *ligence and Analysis shall serve as the Chair of the*
7 *Board.*

8 “(3) *MEMBERS.*—*The Secretary shall appoint*
9 *additional members of the Board from among the fol-*
10 *lowing:*

11 “(A) *The Transportation Security Adminis-*
12 *tration.*

13 “(B) *U.S. Customs and Border Protection.*

14 “(C) *U.S. Immigration and Customs En-*
15 *forcement.*

16 “(D) *The Federal Emergency Management*
17 *Agency.*

18 “(E) *The Coast Guard.*

19 “(F) *U.S. Citizenship and Immigration*
20 *Services.*

21 “(G) *The United States Secret Service.*

22 “(H) *The Cybersecurity and Infrastructure*
23 *Security Agency.*

24 “(I) *The Office of Operations Coordination.*

25 “(J) *The Office of the General Counsel.*

1 “(K) *The Office of Intelligence and Anal-*
2 *ysis.*

3 “(L) *The Office of Strategy, Policy, and*
4 *Plans.*

5 “(M) *The Science and Technology Direc-*
6 *torate.*

7 “(N) *The Office for State and Local Law*
8 *Enforcement.*

9 “(O) *The Privacy Office.*

10 “(P) *The Office for Civil Rights and Civil*
11 *Liberties.*

12 “(Q) *Other departmental offices and pro-*
13 *grams as determined appropriate by the Sec-*
14 *retary.*

15 “(d) *MEETINGS.—The Board shall—*

16 “(1) *meet on a regular basis to discuss intel-*
17 *ligence and coordinate ongoing threat mitigation ef-*
18 *forts and departmental activities, including coordina-*
19 *tion with other Federal, State, local, tribal, terri-*
20 *torial, and private sector partners; and*

21 “(2) *make recommendations to the Secretary.*

22 “(e) *TERRORISM ALERTS.—The Board shall advise the*
23 *Secretary on the issuance of terrorism alerts under section*
24 *203.*

1 “(f) *PROHIBITION ON ADDITIONAL FUNDS.*—No addi-
2 tional funds are authorized to carry out this section.”.

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
4 table of contents in section 1(b) of the *Homeland Security*
5 *Act of 2002 (Public Law 107–296; 116 Stat. 2135)* is
6 amended by inserting after the item relating to section
7 210E the following:

 “Sec. 210F. *Departmental coordination on counter threats.*”.

8 (c) *REPORT.*—Not later than 90 days after the date
9 of enactment of this Act, the Secretary of Homeland Secu-
10 rity, acting through the Chair of the Counter Threats Advi-
11 sory Board established under section 210F of the *Homeland*
12 *Security Act of 2002*, as added by subsection (a), shall sub-
13 mit to the Committee on Homeland Security and Govern-
14 mental Affairs of the Senate and the Committee on Home-
15 land Security of the House of Representatives a report on
16 the status and activities of the Counter Threats Advisory
17 Board.

18 (d) *NOTICE.*—The Secretary of Homeland Security
19 shall provide written notification to and brief the Com-
20 mittee on Homeland Security and Governmental Affairs of
21 the Senate and the Committee on Homeland Security of the
22 House of Representatives on any changes to or introduc-
23 tions of new mechanisms to coordinate threats across the
24 Department of Homeland Security.

1 **TITLE VII—DHS COUNTERING**
2 **UNMANNED AIRCRAFT SYS-**
3 **TEMS COORDINATOR ACT**

4 **SEC. 701. DHS COUNTERING UNMANNED AIRCRAFT SYS-**
5 **TEMS COORDINATOR ACT.**

6 (a) *SHORT TITLE.*—*This title may be cited as the*
7 *“DHS Countering Unmanned Aircraft Systems Coordi-*
8 *nator Act”.*

9 (b) *COUNTERING UNMANNED AIRCRAFT SYSTEMS CO-*
10 *ORDINATOR.*—

11 (1) *IN GENERAL.*—*Title III of the Homeland Se-*
12 *curity Act of 2002 (6 U.S.C. 181 et seq.) is amended*
13 *by adding at the end the following new section:*

14 **“SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS**
15 **COORDINATOR.**

16 *“(a) COORDINATOR.*—

17 *“(1) IN GENERAL.*—*The Secretary shall des-*
18 *ignat**e an individual in a Senior Executive Service*
19 *position (as defined in section 3132 of title 5, United*
20 *States Code) of the Department within the Office of*
21 *Strategy, Policy, and Plans as the Countering Un-*
22 *manned Aircraft Systems Coordinator (in this section*
23 *referred to as the ‘Coordinator’) and provide appro-*
24 *priate staff to carry out the responsibilities of the Co-*
25 *ordinator.*

1 “(2) *RESPONSIBILITIES.—The Coordinator*
2 *shall—*

3 “(A) *oversee and coordinate with relevant*
4 *Department offices and components, including*
5 *the Office of Civil Rights and Civil Liberties and*
6 *the Privacy Office, on the development of guid-*
7 *ance and regulations to counter threats associ-*
8 *ated with unmanned aircraft systems (in this*
9 *section referred to as ‘UAS’) as described in sec-*
10 *tion 210G;*

11 “(B) *promote research and development of*
12 *counter UAS technologies in coordination within*
13 *the Science and Technology Directorate;*

14 “(C) *coordinate with the relevant compo-*
15 *nents and offices of the Department, including*
16 *the Office of Intelligence and Analysis, to ensure*
17 *the sharing of information, guidance, and intel-*
18 *ligence relating to countering UAS threats,*
19 *counter UAS threat assessments, and counter*
20 *UAS technology, including the retention of UAS*
21 *and counter UAS incidents within the Depart-*
22 *ment;*

23 “(D) *serve as the Department liaison, in co-*
24 *ordination with relevant components and offices*
25 *of the Department, to the Department of Defense,*

1 *Federal, State, local, and Tribal law enforcement*
2 *entities, and the private sector regarding the ac-*
3 *tivities of the Department relating to countering*
4 *UAS;*

5 *“(E) maintain the information required*
6 *under section 210G(g)(3); and*

7 *“(F) carry out other related counter UAS*
8 *authorities and activities under section 210G, as*
9 *directed by the Secretary.*

10 **“(b) COORDINATION WITH APPLICABLE FEDERAL**
11 *LAWS.—The Coordinator shall, in addition to other as-*
12 *signed duties, coordinate with relevant Department compo-*
13 *nents and offices to ensure testing, evaluation, or deploy-*
14 *ment of a system used to identify, assess, or defeat a UAS*
15 *is carried out in accordance with applicable Federal laws.*

16 **“(c) COORDINATION WITH PRIVATE SECTOR.—The Co-**
17 *ordinator shall, among other assigned duties, working with*
18 *the Office of Partnership and Engagement and other rel-*
19 *evant Department offices and components, or other Federal*
20 *agencies, as appropriate, serve as the principal Department*
21 *official responsible for sharing to the private sector informa-*
22 *tion regarding counter UAS technology, particularly infor-*
23 *mation regarding instances in which counter UAS tech-*
24 *nology may impact lawful private sector services or sys-*
25 *tems.”.*

1 (2) *TECHNICAL AND CONFORMING AMEND-*
 2 *MENT.—The table of contents in section 1(b) of the*
 3 *Homeland Security Act of 2002 (Public Law 107–*
 4 *296; 116 Stat. 2135) is amended by inserting after*
 5 *the item relating to section 320 the following:*

“Sec. 321. Countering Unmanned Aircraft Systems Coordinator.”.

6 **TITLE VIII—WHISTLEBLOWER**
 7 **PROTECTION**

8 **SEC. 801. PROTECTION AGAINST REPRISAL FOR FEDERAL**
 9 **SUBGRANTEE EMPLOYEES.**

10 *Section 4712 of title 41, United States Code, is amend-*
 11 *ed—*

12 (1) *in subsection (a)(2)(G), by striking “or*
 13 *grantee” and inserting “grantee, or subgrantee”;*

14 (2) *in subsection (a)(3)(A), by striking “con-*
 15 *tractor, subcontractor, or grantee” and inserting*
 16 *“contractor, subcontractor, grantee, or subgrantee”;*

17 (3) *in subsection (b)(1), by striking “contractor*
 18 *or grantee” and inserting “contractor, subcontractor,*
 19 *grantee, or subgrantee”;*

20 (4) *in subsection (c), by striking “contractor or*
 21 *grantee” each place it appears and inserting “con-*
 22 *tractor, subcontractor, grantee, or subgrantee”;*

23 (5) *in subsection (d), by striking “and grantees”*
 24 *and inserting “grantees, and subgrantees”; and*

1 (6) *in subsection (f), by striking “or grantee”*
2 *each place it appears and inserting “grantee, or sub-*
3 *grantee”.*

4 **TITLE IX—DOTGOV ACT OF 2020**

5 **SEC. 901. SHORT TITLE.**

6 *This title may be cited as the “DOTGOV Online Trust*
7 *in Government Act of 2020” or the “DOTGOV Act of 2020”.*

8 **SEC. 902. FINDINGS.**

9 *Congress finds that—*

10 (1) *the .gov internet domain reflects the work of*
11 *United States innovators in inventing the internet*
12 *and the role that the Federal Government played in*
13 *guiding the development and success of the early*
14 *internet;*

15 (2) *the .gov internet domain is a unique resource*
16 *of the United States that reflects the history of inno-*
17 *vation and global leadership of the United States;*

18 (3) *when online public services and official com-*
19 *munications from any level and branch of government*
20 *use the .gov internet domain, they are easily recog-*
21 *nized as official and difficult to impersonate;*

22 (4) *the citizens of the United States deserve on-*
23 *line public services that are safe, recognizable, and*
24 *trustworthy;*

1 (5) *the .gov internet domain should be available*
2 *at no cost or a negligible cost to any Federal, State,*
3 *local, or territorial government-operated or publicly*
4 *controlled entity, including any Tribal government*
5 *recognized by the Federal Government or a State gov-*
6 *ernment, for use in their official services, operations,*
7 *and communications;*

8 (6) *the .gov internet domain provides a critical*
9 *service to those Federal, State, local, Tribal, and ter-*
10 *ritorial governments; and*

11 (7) *the .gov internet domain should be operated*
12 *transparently and in the spirit of public accessibility,*
13 *privacy, and security.*

14 **SEC. 903. DEFINITIONS.**

15 *In this Act—*

16 (1) *the term “Administrator” means the Admin-*
17 *istrator of General Services;*

18 (2) *the term “agency” has the meaning given the*
19 *term in section 3502 of title 44, United States Code;*

20 (3) *the term “Director” means the Director of the*
21 *Cybersecurity and Infrastructure Security Agency;*

22 (4) *the term “online service” means any inter-*
23 *net-facing service, including a website, email, a vir-*
24 *tual private network, or a custom application; and*

1 (1) *IN GENERAL.*—*Subtitle A of title XXII of the*
2 *Homeland Security Act (6 U.S.C. 651 et seq.) is*
3 *amended—*

4 (A) *in section 2202(c) (6 U.S.C. 652(c))—*

5 (i) *in paragraph (10), by striking*
6 *“and” at the end;*

7 (ii) *by redesignating paragraph (11)*
8 *as paragraph (12); and*

9 (iii) *by inserting after paragraph (10)*
10 *the following:*

11 *“(11) carry out the duties and authorities relat-*
12 *ing to the .gov internet domain, as described in sec-*
13 *tion 2215; and”;* and

14 (B) *by adding at the end the following:*

15 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
16 **INTERNET DOMAIN.**

17 “(a) *DEFINITION.*—*In this section, the term ‘agency’*
18 *has the meaning given the term in section 3502 of title 44,*
19 *United States Code.*

20 “(b) *AVAILABILITY OF .GOV INTERNET DOMAIN.*—*The*
21 *Director shall make .gov internet domain name registration*
22 *services, as well as any supporting services described in sub-*
23 *section (e), generally available—*

24 *“(1) to any Federal, State, local, or territorial*
25 *government entity, or other publicly controlled entity,*

1 *including any Tribal government recognized by the*
2 *Federal Government or a State government, that com-*
3 *plies with the requirements for registration developed*
4 *by the Director as described in subsection (c);*

5 *“(2) without conditioning registration on the*
6 *sharing of any information with the Director or any*
7 *other Federal entity, other than the information re-*
8 *quired to meet the requirements described in sub-*
9 *section (c); and*

10 *“(3) without conditioning registration on par-*
11 *ticipation in any separate service offered by the Di-*
12 *rector or any other Federal entity.*

13 *“(c) REQUIREMENTS.—The Director, with the ap-*
14 *proval of the Director of the Office of Management and*
15 *Budget for agency .gov internet domain requirements and*
16 *in consultation with the Director of the Office of Manage-*
17 *ment and Budget for .gov internet domain requirements for*
18 *entities that are not agencies, shall establish and publish*
19 *on a publicly available website requirements for the reg-*
20 *istration and operation of .gov internet domains sufficient*
21 *to—*

22 *“(1) minimize the risk of .gov internet domains*
23 *whose names could mislead or confuse users;*

1 “(2) *establish that .gov internet domains may*
2 *not be used for commercial or political campaign*
3 *purposes;*

4 “(3) *ensure that domains are registered and*
5 *maintained only by authorized individuals; and*

6 “(4) *limit the sharing or use of any information*
7 *obtained through the administration of the .gov inter-*
8 *net domain with any other Department component or*
9 *any other agency for any purpose other than the ad-*
10 *ministration of the .gov internet domain, the services*
11 *described in subsection (e), and the requirements for*
12 *establishing a .gov inventory described in subsection*
13 *(h).*

14 “(d) *EXECUTIVE BRANCH.—*

15 “(1) *IN GENERAL.—The Director of the Office of*
16 *Management and Budget shall establish applicable*
17 *processes and guidelines for the registration and ac-*
18 *ceptable use of .gov internet domains by agencies.*

19 “(2) *APPROVAL REQUIRED.—The Director shall*
20 *obtain the approval of the Director of the Office of*
21 *Management and Budget before registering a .gov*
22 *internet domain name for an agency.*

23 “(3) *COMPLIANCE.—Each agency shall ensure*
24 *that any website or digital service of the agency that*
25 *uses a .gov internet domain is in compliance with the*

1 *21st Century IDEA Act (44 U.S.C. 3501 note) and*
2 *implementation guidance issued pursuant to that Act.*

3 *“(e) SUPPORTING SERVICES.—*

4 *“(1) IN GENERAL.—The Director may provide*
5 *services to the entities described in subsection (b)(1)*
6 *specifically intended to support the security, privacy,*
7 *reliability, accessibility, and speed of registered .gov*
8 *internet domains.*

9 *“(2) RULE OF CONSTRUCTION.—Nothing in*
10 *paragraph (1) shall be construed to—*

11 *“(A) limit other authorities of the Director*
12 *to provide services or technical assistance to an*
13 *entity described in subsection (b)(1); or*

14 *“(B) establish new authority for services*
15 *other than those the purpose of which expressly*
16 *supports the operation of .gov internet domains*
17 *and the needs of .gov internet domain reg-*
18 *istrants.*

19 *“(f) FEES.—*

20 *“(1) IN GENERAL.—The Director may provide*
21 *any service relating to the availability of the .gov*
22 *internet domain program, including .gov internet do-*
23 *main name registration services described in sub-*
24 *section (b) and supporting services described in sub-*
25 *section (e), to entities described in subsection (b)(1)*

1 *with or without reimbursement, including variable*
2 *pricing.*

3 “(2) *LIMITATION.*—*The total fees collected for*
4 *new .gov internet domain registrants or annual re-*
5 *newals of .gov internet domains shall not exceed the*
6 *direct operational expenses of improving, maintain-*
7 *ing, and operating the .gov internet domain, .gov*
8 *internet domain services, and .gov internet domain*
9 *supporting services.*

10 “(g) *CONSULTATION.*—*The Director shall consult with*
11 *the Director of the Office of Management and Budget, the*
12 *Administrator of General Services, other civilian Federal*
13 *agencies as appropriate, and entities representing State,*
14 *local, Tribal, or territorial governments in developing the*
15 *strategic direction of the .gov internet domain and in estab-*
16 *lishing requirements under subsection (c), in particular on*
17 *matters of privacy, accessibility, transparency, and tech-*
18 *nology modernization.*

19 “(h) *.GOV INVENTORY.*—

20 “(1) *IN GENERAL.*—*The Director shall, on a con-*
21 *tinuous basis—*

22 “(A) *inventory all hostnames and services*
23 *in active use within the .gov internet domain;*
24 *and*

1 “(B) provide the data described in subpara-
2 graph (A) to domain registrants at no cost.

3 “(2) *REQUIREMENTS.*—*In carrying out para-*
4 *graph (1)—*

5 “(A) data may be collected through analysis
6 of public and non-public sources, including com-
7 mercial data sets;

8 “(B) the Director shall share with Federal
9 and non-Federal domain registrants all unique
10 hostnames and services discovered within the
11 zone of their registered domain;

12 “(C) the Director shall share any data or
13 information collected or used in the management
14 of the .gov internet domain name registration
15 services relating to Federal executive branch reg-
16 istrants with the Director of the Office of Man-
17 agement and Budget for the purpose of fulfilling
18 the duties of the Director of the Office of Man-
19 agement and Budget under section 3553 of title
20 44, United States Code;

21 “(D) the Director shall publish on a pub-
22 licly available website discovered hostnames that
23 describe publicly accessible agency websites, to
24 the extent consistent with the security of Federal

1 *information systems but with the presumption of*
2 *disclosure;*

3 *“(E) the Director may publish on a pub-*
4 *licly available website any analysis conducted*
5 *and data collected relating to compliance with*
6 *Federal mandates and industry best practices, to*
7 *the extent consistent with the security of Federal*
8 *information systems but with the presumption of*
9 *disclosure; and*

10 *“(F) the Director shall—*

11 *“(i) collect information on the use of*
12 *non-.gov internet domain suffixes by agen-*
13 *cies for their official online services;*

14 *“(ii) collect information on the use of*
15 *non-.gov internet domain suffixes by State,*
16 *local, Tribal, and territorial governments;*
17 *and*

18 *“(iii) publish the information collected*
19 *under clause (i) on a publicly available*
20 *website to the extent consistent with the se-*
21 *curity of the Federal information systems,*
22 *but with the presumption of disclosure.*

23 *“(3) NATIONAL SECURITY COORDINATION.—*

24 *“(A) IN GENERAL.—In carrying out this*
25 *subsection, the Director shall inventory, collect,*

1 *and publish hostnames and services in a manner*
2 *consistent with the protection of national secu-*
3 *rity information.*

4 “(B) *LIMITATION.*—*The Director may not*
5 *inventory, collect, or publish hostnames or serv-*
6 *ices under this subsection if the Director, in co-*
7 *ordination with other heads of agencies, as ap-*
8 *propriate, determines that the collection or publi-*
9 *cation would—*

10 “(i) *disrupt a law enforcement inves-*
11 *tigation;*

12 “(ii) *endanger national security or in-*
13 *telligence activities;*

14 “(iii) *impede national defense activi-*
15 *ties or military operations; or*

16 “(iv) *hamper security remediation ac-*
17 *tions.*

18 “(4) *STRATEGY.*—*Not later than 180 days after*
19 *the date of enactment of this section, the Director*
20 *shall develop and submit to the Committee on Home-*
21 *land Security and Governmental Affairs and the*
22 *Committee on Rules and Administration of the Sen-*
23 *ate and the Committee on Homeland Security, the*
24 *Committee on Oversight and Reform, and the Com-*
25 *mittee on House Administration of the House of Rep-*

1 *representatives a strategy to utilize the information col-*
2 *lected under this subsection for countering malicious*
3 *cyber activity.”.*

4 (2) *ADDITIONAL DUTIES.—*

5 (A) *OUTREACH STRATEGY.—Not later than*
6 *1 year after the date of enactment of this Act, the*
7 *Director, in consultation with the Administrator*
8 *and entities representing State, local, Tribal, or*
9 *territorial governments, shall develop and submit*
10 *to the Committee on Homeland Security and*
11 *Governmental Affairs and the Committee on*
12 *Rules and Administration of the Senate and the*
13 *Committee on Homeland Security, the Com-*
14 *mittee on Oversight and Reform, and the Com-*
15 *mittee on House Administration of the House of*
16 *Representatives an outreach strategy to local,*
17 *Tribal, and territorial governments and other*
18 *publicly controlled entities as determined by the*
19 *Director to inform and support migration to the*
20 *.gov internet domain, which shall include—*

21 (i) *stakeholder engagement plans; and*

22 (ii) *information on how migrating in-*
23 *formation technology systems to the .gov*
24 *internet domain is beneficial to that entity,*
25 *including benefits relating to cybersecurity*

1 *and the supporting services offered by the*
2 *Federal Government.*

3 *(B) REFERENCE GUIDE.—Not later than 1*
4 *year after the date of enactment of this Act, the*
5 *Director, in consultation with the Administrator*
6 *and entities representing State, local, Tribal, or*
7 *territorial governments, shall develop and pub-*
8 *lish on a publicly available website a reference*
9 *guide for migrating online services to the .gov*
10 *internet domain, which shall include—*

11 *(i) process and technical information*
12 *on how to carry out a migration of common*
13 *categories of online services, such as web*
14 *and email services;*

15 *(ii) best practices for cybersecurity per-*
16 *taining to registration and operation of a*
17 *.gov internet domain; and*

18 *(iii) references to contract vehicles and*
19 *other private sector resources vetted by the*
20 *Director that may assist in performing the*
21 *migration.*

22 *(C) SECURITY ENHANCEMENT PLAN.—Not*
23 *later than 1 year after the date of enactment of*
24 *this Act, the Director shall develop and submit*
25 *to the Committee on Homeland Security and*

1 *Governmental Affairs and the Committee on*
2 *Rules and Administration of the Senate and the*
3 *Committee on Homeland Security, the Com-*
4 *mittee on Oversight and Reform, and the Com-*
5 *mittee on House Administration of the House of*
6 *Representatives a .gov internet domain security*
7 *enhancement strategy and implementation plan*
8 *on how to improve the cybersecurity benefits of*
9 *the .gov internet domain during the 5-year pe-*
10 *riod following the date of enactment of this Act,*
11 *which shall include—*

12 *(i) a modernization plan for the infor-*
13 *mation systems that support operation of*
14 *the .gov top-level internet domain, such as*
15 *the registrar portal, and how these informa-*
16 *tion systems will remain current with evol-*
17 *ving security trends;*

18 *(ii) a modernization plan for the struc-*
19 *ture of the .gov program and any sup-*
20 *porting contracts, and how the program*
21 *and contracts can remain flexible over time*
22 *so as to take advantage of emerging tech-*
23 *nology and cybersecurity developments; and*

1 (iii) an outline of specific security en-
2 hancements the .gov program intends to
3 provide to users during that 5-year period.

4 (3) *TECHNICAL AND CONFORMING AMEND-*
5 *MENT.*—The table of contents in section 1(b) of the
6 *Homeland Security Act of 2002 (Public Law 107–*
7 *196; 116 Stat. 2135)* is amended by inserting after
8 the item relating to section 2214 the following:

 “Sec. 2215. Duties and authorities relating to .gov internet domain.”.

9 (c) *HOMELAND SECURITY GRANTS.*—Section 2008(a)
10 of the *Homeland Security Act of 2002 (6 U.S.C. 609(a))*
11 is amended—

12 (1) in paragraph (13), by striking “and” at the
13 end;

14 (2) by redesignating paragraph (14) as para-
15 graph (15); and

16 (3) by inserting after paragraph (13) the fol-
17 lowing:

18 “(14) migrating any online service (as defined
19 in section 3 of the *DOTGOV Online Trust in Govern-*
20 *ment Act of 2020)* to the .gov internet domain; and”.

21 **SEC. 905. REPORT.**

22 Not later than 1 year after the date of enactment of
23 this Act, and every 2 years thereafter for 4 years, the Direc-
24 tor shall submit a report to or conduct a detailed briefing
25 for the Committee on Homeland Security and Govern-

1 *mental Affairs and the Committee on Rules and Adminis-*
2 *tration of the Senate and the Committee on Homeland Se-*
3 *curity, the Committee on Oversight and Reform, and the*
4 *Committee on House Administration of the House of Rep-*
5 *resentatives on the status of—*

6 (1) *the outreach strategy described in section*
7 *904(b)(2)(A);*

8 (2) *the security enhancement strategy and imple-*
9 *mentation plan described in section 904(b)(2)(C);*

10 (3) *the inventory described in 2215(f) of the*
11 *Homeland Security Act of 2002, as added by section*
12 *904(b) of this Act;*

13 (4) *the supporting services described in section*
14 *2215(c)(1) of the Homeland Security Act of 2002, as*
15 *added by section 904(b) of this Act; and*

16 (5) *the development, assessment, and determina-*
17 *tion of the amount of any fees imposed on new .gov*
18 *internet domain registrants or annual renewals of*
19 *.gov internet domains in accordance with section*
20 *2215(d) of the Homeland Security Act of 2002, as*
21 *added by section 904(b) of this Act.*

22 **SEC. 906. RESEARCH AND DEVELOPMENT.**

23 *Not later than 1 year after the date of enactment of*
24 *this Act, the Under Secretary for Science and Technology*
25 *of the Department shall conduct a study and submit to the*

1 *Director a report on mechanisms for improving the cyberse-*
2 *curity benefits of the .gov internet domain, including—*

3 (1) *how information systems support operation*
4 *of the .gov top-level internet domain, such as the reg-*
5 *istrar portal, and how these information systems can*
6 *remain current with evolving security trends;*

7 (2) *how the structure of the .gov internet domain*
8 *program can take advantage of emerging technology*
9 *and cybersecurity developments; and*

10 (3) *additional mechanisms to improve the cyber-*
11 *security of the .gov internet domain.*

12 **SEC. 907. TRANSITION.**

13 (a) *There shall be transferred to the Director the .gov*
14 *internet domain program, as operated by the General Serv-*
15 *ices Administration under title 41, Code of Federal Regula-*
16 *tions, on the date on which the Director begins operational*
17 *administration of the .gov internet domain program, in ac-*
18 *cordance with subsection (c).*

19 (b) *Not later than 30 days after the date of enactment*
20 *of this Act, the Director shall submit a plan for the oper-*
21 *ational and contractual transition of the .gov internet do-*
22 *main program to the Committee on Homeland Security and*
23 *Governmental Affairs and the Committee on Rules and Ad-*
24 *ministration of the Senate and the Committee on Homeland*
25 *Security, the Committee on Oversight and Reform, and the*

1 *Committee on House Administration of the House of Rep-*
2 *resentatives.*

3 (c) *Not later than 120 days after the date of enactment*
4 *of this Act, the Director shall begin operationally admin-*
5 *istering the .gov internet domain program, and shall pub-*
6 *lish on a publicly available website the requirements for do-*
7 *main registrants as described in section 2215(b) of the*
8 *Homeland Security Act of 2002, as added by section 904(b)*
9 *of this Act.*

10 (d) *On the date on which the Director begins oper-*
11 *ational administration of the .gov internet domain pro-*
12 *gram, in accordance with subsection (c), the Administrator*
13 *shall rescind the requirements in part 102–173 of title 41,*
14 *Code of Federal Regulations.*

15 (e) *During the 5-year period beginning on the date of*
16 *enactment of this Act, any fee charged to entities that are*
17 *not agencies for new .gov internet domain registrants or*
18 *annual renewals of .gov internet domains shall be not more*
19 *than the amount of the fee charged for such registration or*
20 *renewal as of October 1, 2019.*

21 **TITLE X—REAL ID**
22 **MODERNIZATION ACT**

23 **SEC. 1001. REAL ID MODERNIZATION.**

24 (a) *SHORT TITLE.*—*This title may be cited as the*
25 *“REAL ID Modernization Act”.*

1 **(b) REAL ID ACT AMENDMENTS.—**

2 **(1) DEFINITIONS.—***Section 201 of the REAL ID*
3 *Act of 2005 (division B of Public Law 109–13; 49*
4 *U.S.C. 30301 note) is amended—*

5 **(A) in paragraph (1)—**

6 **(i) by striking “The term ‘driver’s li-**
7 *cence’ means” and inserting the following:*

8 *“The term ‘driver’s license’—*

9 *“(A) means”; and*

10 **(ii) by striking “Code.” and inserting**
11 *the following: “Code; and*

12 *“(B) includes driver’s licenses stored or*
13 *accessed via electronic means, such as mobile or*
14 *digital driver’s licenses, which have been issued*
15 *in accordance with regulations prescribed by the*
16 *Secretary.”; and*

17 **(B) in paragraph (2)—**

18 **(i) by striking “The term ‘identifica-**
19 *tion card’ means” and inserting the fol-*

20 *lowing: “The term ‘identification card’—*

21 *“(A) means”; and*

22 **(ii) by striking “State.” and inserting**
23 *the following: “State; and*

24 *“(B) includes identification cards stored or*
25 *accessed via electronic means, such as mobile or*

1 *digital identification cards, which have been*
2 *issued in accordance with regulations prescribed*
3 *by the Secretary.”.*

4 (2) *MINIMUM REQUIREMENTS FOR FEDERAL*
5 *RECOGNITION.—Section 202 of the REAL ID Act of*
6 *2005 (division B of Public Law 109–13; 49 U.S.C.*
7 *30301 note) is amended—*

8 (A) *in the section heading, by striking*
9 **“DOCUMENT”**;

10 (B) *in subsection (a)—*

11 (i) *in paragraph (2), by striking “, in*
12 *consultation with the Secretary of Trans-*
13 *portation,”; and*

14 (ii) *by adding at the end the following:*

15 **“(3) LIMITATION.—The presentation of digital**
16 *information from a mobile or digital driver’s license*
17 *or identification card to an official of a Federal agen-*
18 *cy for an official purpose may not be construed to*
19 *grant consent for such Federal agency to seize the*
20 *electronic device on which the license or card is stored*
21 *or to examine any other information contained on*
22 *such device.”;*

23 (C) *in subsection (b)—*

1 (i) in the subsection heading, by strik-
2 ing “DOCUMENT” and inserting “DRIVER’S
3 LICENSE AND IDENTIFICATION CARD”;

4 (ii) in the matter preceding paragraph
5 (1), by inserting “, or as part of,” after
6 “features on”;

7 (iii) in paragraph (5), by inserting “,
8 which may be the photograph taken by the
9 State at the time the person applies for a
10 driver’s license or identification card or
11 may be a digital photograph of the person
12 that is already on file with the State” before
13 the period at the end;

14 (iv) in paragraph (6), by striking
15 “principle” and inserting “principal”; and

16 (v) in paragraph (8)—

17 (I) by striking “Physical secu-
18 rity” and inserting “Security”; and

19 (II) by striking “document” and
20 inserting “driver’s license or identifica-
21 tion card”;

22 (D) in subsection (c)—

23 (i) in paragraph (1)(C), by striking
24 “Proof of the” and inserting “The”;

1 (ii) by redesignating paragraph (3) as
2 paragraph (4);

3 (iii) by inserting after paragraph (2)
4 the following:

5 “(3) *ELECTRONIC PRESENTATION OF IDENTITY*
6 *AND LAWFUL STATUS INFORMATION.*—A State may
7 accept information required under paragraphs (1)
8 and (2) through the use of electronic transmission
9 methods if—

10 “(A) the Secretary issues regulations re-
11 garding such electronic transmission that—

12 “(i) describe the categories of informa-
13 tion eligible for electronic transmission; and

14 “(ii) include measures—

15 “(I) to ensure the authenticity of
16 the information transmitted;

17 “(II) to protect personally identi-
18 fiable information; and

19 “(III) to detect and prevent iden-
20 tity fraud; and

21 “(B) the State certifies to the Department of
22 Homeland Security that its use of such electronic
23 methods complies with regulations issued by the
24 Secretary.”; and

1 (iv) in paragraph (4)(A), as redesignated, by striking “each document” and inserting “the information and documentation”; and

2
3
4
5 (E) in subsection (d)—

6 (i) in paragraph (7), by striking “document materials and papers” and inserting “materials, records, and data”;

7
8 (ii) in paragraph (8), by striking “security clearance requirements” and inserting “background checks”; and

9
10 (iii) in paragraph (9), by striking “fraudulent document recognition” and inserting “fraud detection and prevention”.

11
12 (3) *REPEAL OF GRANTS TO STATES.*—*The REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is amended by striking section 204.*

13
14
15
16 (4) *NOTIFICATION OF REAL ID ACT OF 2005 REQUIREMENTS.*—*The REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is amended by adding at the end the following:*

1 **“SEC. 208. NOTIFICATION OF REQUIREMENTS AND DEAD-**
2 **LINES.**

3 *“During the 15-month period beginning 90 days before*
4 *the date on which Federal agencies will no longer accept,*
5 *for official purposes, driver’s licenses and identification*
6 *cards that do not comply with the requirements under sec-*
7 *tion 202, aircraft operators and third party reservation en-*
8 *tities shall notify passengers about the requirements and en-*
9 *forcement deadlines under this Act.”.*

10 *(c) IMMEDIATE BURDEN REDUCTION MEASURES.—*
11 *Notwithstanding any other provision of law (including reg-*
12 *ulations), beginning on the date of the enactment of this*
13 *Act, a State does not need to require an applicant for a*
14 *driver’s license or identification card to provide separate*
15 *documentation of the applicant’s Social Security account*
16 *number in order to comply with the requirements of the*
17 *REAL ID Act of 2005 (division B of Public Law 109–13;*
18 *49 U.S.C. 30301 note).*

19 **TITLE XI—SOUTHWEST BORDER**
20 **SECURITY TECHNOLOGY IM-**
21 **PROVEMENT ACT OF 2020**

22 **SEC. 1101. SHORT TITLE.**

23 *This title may be cited as the “Southwest Border Secu-*
24 *rity Technology Improvement Act of 2020”.*

25 **SEC. 1102. DEFINITIONS.**

26 *In this Act:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Homeland Security*
5 *and Governmental Affairs of the Senate; and*

6 (B) *the Committee on Homeland Security of*
7 *the House of Representatives.*

8 (2) *DEPARTMENT.*—*The term “Department”*
9 *means the Department of Homeland Security.*

10 (3) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of Homeland Security.*

12 (4) *SOUTHWEST BORDER.*—*The term “Southwest*
13 *border” means the international land border between*
14 *the United States and Mexico, including the ports of*
15 *entry along such border.*

16 **SEC. 1103. SOUTHERN BORDER TECHNOLOGY NEEDS ANAL-**
17 **YSIS AND UPDATES.**

18 (a) *TECHNOLOGY NEEDS ANALYSIS.*—*Not later than*
19 *1 year after the date of the enactment of this Act, the Sec-*
20 *retary shall submit, to the appropriate congressional com-*
21 *mittees, a technology needs analysis for border security tech-*
22 *nology along the Southwest border.*

23 (b) *CONTENTS.*—*The analysis required under sub-*
24 *section (a) shall include an assessment of—*

1 (1) *the technology needs and gaps along the*
2 *Southwest border—*

3 (A) *to prevent terrorists and instruments of*
4 *terror from entering the United States;*

5 (B) *to combat and reduce cross-border*
6 *criminal activity, including, but not limited*
7 *to—*

8 (i) *the transport of illegal goods, such*
9 *as illicit drugs; and*

10 (ii) *human smuggling and human*
11 *trafficking; and*

12 (C) *to facilitate the flow of legal trade*
13 *across the Southwest border;*

14 (2) *recent technological advancements in—*

15 (A) *manned aircraft sensor, communica-*
16 *tion, and common operating picture technology;*

17 (B) *unmanned aerial systems and related*
18 *technology, including counter-unmanned aerial*
19 *system technology;*

20 (C) *surveillance technology, including—*

21 (i) *mobile surveillance vehicles;*

22 (ii) *associated electronics, including*
23 *cameras, sensor technology, and radar;*

24 (iii) *tower-based surveillance tech-*
25 *nology;*

1 (iv) advanced unattended surveillance
2 sensors; and

3 (v) deployable, lighter-than-air, ground
4 surveillance equipment;

5 (D) nonintrusive inspection technology, in-
6 cluding non-X-ray devices utilizing muon tomog-
7 raphy and other advanced detection technology;

8 (E) tunnel detection technology; and

9 (F) communications equipment, includ-
10 ing—

11 (i) radios;

12 (ii) long-term evolution broadband;

13 and

14 (iii) miniature satellites;

15 (3) any other technological advancements that
16 the Secretary determines to be critical to the Depart-
17 ment's mission along the Southwest border;

18 (4) whether the use of the technological advances
19 described in paragraphs (2) and (3) will—

20 (A) improve border security;

21 (B) improve the capability of the Depart-
22 ment to accomplish its mission along the South-
23 west border;

24 (C) reduce technology gaps along the South-
25 west border; and

1 (D) enhance the safety of any officer or
2 agent of the Department or any other Federal
3 agency;

4 (5) the Department's ongoing border security
5 technology development efforts, including efforts by—

6 (A) U.S. Customs and Border Protection;

7 (B) the Science and Technology Directorate;

8 and

9 (C) the technology assessment office of any
10 other operational component;

11 (6) the technology needs for improving border se-
12 curity, such as—

13 (A) information technology or other com-
14 puter or computing systems data capture;

15 (B) biometrics;

16 (C) cloud storage; and

17 (D) intelligence data sharing capabilities
18 among agencies within the Department;

19 (7) any other technological needs or factors, in-
20 cluding border security infrastructure, such as phys-
21 ical barriers or dual-purpose infrastructure, that the
22 Secretary determines should be considered; and

23 (8) currently deployed technology or new tech-
24 nology that would improve the Department's abil-
25 ity—

1 (A) to reasonably achieve operational con-
2 trol and situational awareness along the South-
3 west border; and

4 (B) to collect metrics for securing the border
5 at and between ports of entry, as required under
6 subsections (b) and (c) of section 1092 of division
7 A of the National Defense Authorization Act for
8 Fiscal Year 2017 (6 U.S.C. 223).

9 (c) *UPDATES.*—

10 (1) *IN GENERAL.*—Not later than 2 years after
11 the submission of the analysis required under sub-
12 section (a), and biannually thereafter for the fol-
13 lowing 4 years, the Secretary shall submit an update
14 to such analysis to the appropriate congressional
15 committees.

16 (2) *CONTENTS.*—Each update required under
17 paragraph (1) shall include a plan for utilizing the
18 resources of the Department to meet the border secu-
19 rity technology needs and gaps identified pursuant to
20 subsection (b), including developing or acquiring tech-
21 nologies not currently in use by the Department that
22 would allow the Department to bridge existing border
23 technology gaps along the Southwest border.

1 (d) *ITEMS TO BE CONSIDERED.*—*In compiling the*
2 *technology needs analysis and updates required under this*
3 *section, the Secretary shall consider and examine—*

4 (1) *technology that is deployed and is sufficient*
5 *for the Department’s use along the Southwest border;*

6 (2) *technology that is deployed, but is insuffi-*
7 *cient for the Department’s use along the Southwest*
8 *border; and*

9 (3) *technology that is not deployed, but is nec-*
10 *essary for the Department’s use along the Southwest*
11 *border;*

12 (4) *current formal departmental requirements*
13 *documentation examining current border security*
14 *threats and challenges faced by any component of the*
15 *Department;*

16 (5) *trends and forecasts regarding migration*
17 *across the Southwest border;*

18 (6) *the impact on projected staffing and deploy-*
19 *ment needs for the Department, including staffing*
20 *needs that may be fulfilled through the use of tech-*
21 *nology;*

22 (7) *the needs and challenges faced by employees*
23 *of the Department who are deployed along the South-*
24 *west border;*

1 (8) *the need to improve cooperation among Fed-*
2 *eral, State, tribal, local, and Mexican law enforce-*
3 *ment entities to enhance security along the Southwest*
4 *border;*

5 (9) *the privacy implications of existing tech-*
6 *nology and the acquisition and deployment of new*
7 *technologies and supporting infrastructure, with an*
8 *emphasis on how privacy risks might be mitigated*
9 *through the use of technology, training, and policy;*

10 (10) *the impact of any ongoing public health*
11 *emergency that impacts Department operations along*
12 *the Southwest border; and*

13 (11) *the ability of, and the needs for, the Depart-*
14 *ment to assist with search and rescue efforts for indi-*
15 *viduals or groups that may be in physical danger or*
16 *in need of medical assistance.*

17 (e) *CLASSIFIED FORM.—To the extent possible, the*
18 *Secretary shall submit the technology needs analysis and*
19 *updates required under this section in unclassified form,*
20 *but may submit such documents, or portions of such docu-*
21 *ments, in classified form if the Secretary determines that*
22 *such action is appropriate.*

1 ***DIVISION V—AIRCRAFT CERTIFI-***
 2 ***CATION, SAFETY, AND AC-***
 3 ***COUNTABILITY***

4 ***TITLE I—AIRCRAFT CERTIFI-***
 5 ***CATION, SAFETY, AND AC-***
 6 ***COUNTABILITY***

7 ***SEC. 101. SHORT TITLE; TABLE OF CONTENTS.***

8 *(a) SHORT TITLE.—This title may be cited as the*
 9 *“Aircraft Certification, Safety, and Accountability Act”.*

10 *(b) TABLE OF CONTENTS.—The table of contents for*
 11 *this title is as follows:*

*TITLE I—AIRCRAFT CERTIFICATION, SAFETY, AND
 ACCOUNTABILITY*

- Sec. 101. Short title; table of contents.*
- Sec. 102. Safety management systems.*
- Sec. 103. Expert review of organization designation authorizations for transport airplanes.*
- Sec. 104. Certification oversight staff.*
- Sec. 105. Disclosure of safety critical information.*
- Sec. 106. Limitation on delegation.*
- Sec. 107. Oversight of organization designation authorization unit members.*
- Sec. 108. Integrated project teams.*
- Sec. 109. Oversight integrity briefing.*
- Sec. 110. Appeals of certification decisions.*
- Sec. 111. Employment restrictions.*
- Sec. 112. Professional development, skills enhancement, continuing education and training.*
- Sec. 113. Voluntary safety reporting program.*
- Sec. 114. Compensation limitation.*
- Sec. 115. System safety assessments and other requirements.*
- Sec. 116. Flight crew alerting.*
- Sec. 117. Changed product rule.*
- Sec. 118. Whistleblower protections.*
- Sec. 119. Domestic and international pilot training.*
- Sec. 120. Nonconformity with approved type design.*
- Sec. 121. Implementation of recommendations.*
- Sec. 122. Oversight of FAA compliance program.*
- Sec. 123. Settlement agreement.*
- Sec. 124. Human factors education program.*
- Sec. 125. Best practices for organization designation authorizations.*
- Sec. 126. Human factors research.*

- Sec. 127. FAA Center of Excellence for automated systems and human factors in aircraft.*
- Sec. 128. Pilot operational evaluations.*
- Sec. 129. Ensuring appropriate responsibility of aircraft certification and flight standards performance objectives and metrics.*
- Sec. 130. Transport airplane risk assessment methodology.*
- Sec. 131. National air grant fellowship program.*
- Sec. 132. Emerging safety trends in aviation.*
- Sec. 133. FAA accountability enhancement.*
- Sec. 134. Authorization of appropriations for the advanced materials center of excellence.*
- Sec. 135. Promoting Aviation Regulations for Technical Training.*
- Sec. 136. Independent study on type certification reform.*
- Sec. 137. Definitions.*

1 **SEC. 102. SAFETY MANAGEMENT SYSTEMS.**

2 (a) *RULEMAKING PROCEEDING.*—

3 (1) *IN GENERAL.*—*Not later than 30 days after*
 4 *the date of enactment of this title, the Administrator*
 5 *shall initiate a rulemaking proceeding to require that*
 6 *manufacturers that hold both a type certificate and a*
 7 *production certificate issued pursuant to section*
 8 *44704 of title 49, United States Code, where the*
 9 *United States is the State of Design and State of*
 10 *Manufacture, have in place a safety management sys-*
 11 *tem that is consistent with the standards and rec-*
 12 *ommended practices established by ICAO and con-*
 13 *tained in annex 19 to the Convention on Inter-*
 14 *national Civil Aviation (61 Stat. 1180), for such sys-*
 15 *tems.*

16 (2) *CONTENTS OF REGULATIONS.*—*The regula-*
 17 *tions issued under paragraph (1) shall, at a min-*
 18 *imum—*

1 (A) *ensure safety management systems are*
2 *consistent with, and complementary to, existing*
3 *safety management systems;*

4 (B) *include provisions that would permit*
5 *operational feedback from operators and pilots*
6 *qualified on the manufacturers' equipment to en-*
7 *sure that the operational assumptions made dur-*
8 *ing design and certification remain valid;*

9 (C) *include provisions for the Administra-*
10 *tor's approval of, and regular oversight of adher-*
11 *ence to, a certificate holder's safety management*
12 *system adopted pursuant to such regulations;*
13 *and*

14 (D) *require such certificate holder to adopt,*
15 *not later than 4 years after the date of enact-*
16 *ment of this title, a safety management system.*

17 (b) *FINAL RULE DEADLINE.—Not later than 24*
18 *months after initiating the rulemaking under subsection*
19 *(a), the Administrator shall issue a final rule.*

20 (c) *SURVEILLANCE AND AUDIT REQUIREMENT.—The*
21 *final rule issued pursuant to subsection (b) shall include*
22 *a requirement for the Administrator to implement a sys-*
23 *tems approach to risk-based surveillance by defining and*
24 *planning inspections, audits, and monitoring activities on*
25 *a continuous basis, to ensure that design and production*

1 *approval holders of aviation products meet and continue*
2 *to meet safety management system requirements under the*
3 *rule.*

4 (d) *ENGAGEMENT WITH ICAO.*—*The Administrator*
5 *shall engage with ICAO and foreign civil aviation authori-*
6 *ties to help encourage the adoption of safety management*
7 *systems for manufacturers on a global basis, consistent with*
8 *ICAO standards.*

9 (e) *SAFETY REPORTING PROGRAM.*—*The regulations*
10 *issued under subsection (a) shall require a safety manage-*
11 *ment system to include a confidential employee reporting*
12 *system through which employees can report hazards, issues,*
13 *concerns, occurrences, and incidents. A reporting system*
14 *under this subsection shall include provisions for reporting,*
15 *without concern for reprisal for reporting, of such items by*
16 *employees in a manner consistent with confidential em-*
17 *ployee reporting systems administered by the Adminis-*
18 *trator. Such regulations shall also require a certificate hold-*
19 *er described in subsection (a) to submit a summary of re-*
20 *ports received under this subsection to the Administrator*
21 *at least twice per year.*

22 (f) *CODE OF ETHICS.*—*The regulations issued under*
23 *subsection (a) shall require a safety management system to*
24 *include establishment of a code of ethics applicable to all*
25 *appropriate employees of a certificate holder, including offi-*

1 *cers (as determined by the FAA), which clarifies that safety*
2 *is the organization’s highest priority.*

3 *(g) PROTECTION OF SAFETY INFORMATION.—Section*
4 *44735(a) of title 49, United States Code, is amended—*

5 *(1) by striking “title 5 if the report” and insert-*
6 *ing the following: “title 5—*

7 *“(1) if the report”;*

8 *(2) by striking the period at the end and insert-*
9 *ing “; or”; and*

10 *(3) by adding at the end the following:*

11 *“(2) if the report, data, or other information is*
12 *submitted to the Federal Aviation Administration*
13 *pursuant to section 102(e) of the Aircraft Certifi-*
14 *cation, Safety, and Accountability Act.”.*

15 **SEC. 103. EXPERT REVIEW OF ORGANIZATION DESIGNA-**
16 **TION AUTHORIZATIONS FOR TRANSPORT AIR-**
17 **PLANES.**

18 *(a) EXPERT REVIEW.—*

19 *(1) ESTABLISHMENT.—Not later than 30 days*
20 *after the date of enactment of this title, the Adminis-*
21 *trator shall convene an expert panel (in this section*
22 *referred to as the “review panel”) to review and make*
23 *findings and recommendations on the matters listed*
24 *in paragraph (2).*

1 (2) *CONTENTS OF REVIEW.*—*With respect to each*
2 *holder of an organization designation authorization*
3 *for the design and production of transport airplanes,*
4 *the review panel shall review the following:*

5 (A) *The extent to which the holder’s safety*
6 *management processes promote or foster a safety*
7 *culture consistent with the principles of the*
8 *International Civil Aviation Organization Safe-*
9 *ty Management Manual, Fourth Edition (Inter-*
10 *national Civil Aviation Organization Doc. No.*
11 *9859) or any similar successor document.*

12 (B) *The effectiveness of measures instituted*
13 *by the holder to instill, among employees and*
14 *contractors of such holder that support organiza-*
15 *tion designation authorization functions, a com-*
16 *mitment to safety above all other priorities.*

17 (C) *The holder’s capability, based on the*
18 *holder’s organizational structures, requirements*
19 *applicable to officers and employees of such hold-*
20 *er, and safety culture, of making reasonable and*
21 *appropriate decisions regarding functions dele-*
22 *gated to the holder pursuant to the organization*
23 *designation authorization.*

24 (D) *Any other matter determined by the*
25 *Administrator for which inclusion in the review*

1 *would be consistent with the public interest in*
2 *aviation safety.*

3 (3) *COMPOSITION OF REVIEW PANEL.—The re-*
4 *view panel shall consist of—*

5 (A) *2 representatives of the National Aero-*
6 *navitics and Space Administration;*

7 (B) *2 employees of the Administration’s*
8 *Aircraft Certification Service with experience*
9 *conducting oversight of persons not involved in*
10 *the design or production of transport airplanes;*

11 (C) *1 employee of the Administration’s Air-*
12 *craft Certification Service with experience con-*
13 *ducting oversight of persons involved in the de-*
14 *sign or production of transport airplanes;*

15 (D) *2 employees of the Administration’s*
16 *Flight Standards Service with experience in*
17 *oversight of safety management systems;*

18 (E) *1 appropriately qualified representa-*
19 *tive, designated by the applicable represented or-*
20 *ganization, of each of—*

21 (i) *a labor union representing airline*
22 *pilots involved in both passenger and all-*
23 *cargo operations;*

24 (ii) *a labor union, not selected under*
25 *clause (i), representing airline pilots with*

1 *expertise in the matters described in para-*
2 *graph (2);*

3 *(iii) a labor union representing em-*
4 *ployees engaged in the assembly of transport*
5 *airplanes;*

6 *(iv) the certified bargaining represent-*
7 *ative under section 7111 of title 5, United*
8 *States Code, for field engineers engaged in*
9 *the audit or oversight of an organization*
10 *designation authorization within the Air-*
11 *craft Certification Service of the Adminis-*
12 *tration;*

13 *(v) the certified bargaining representa-*
14 *tive for safety inspectors of the Administra-*
15 *tion; and*

16 *(vi) a labor union representing em-*
17 *ployees engaged in the design of transport*
18 *airplanes;*

19 *(F) 2 independent experts who have not*
20 *served as a political appointee in the Adminis-*
21 *tration and—*

22 *(i) who hold either a baccalaureate or*
23 *postgraduate degree in the field of aerospace*
24 *engineering or a related discipline; and*

1 (ii) who have a minimum of 20 years
2 of relevant applied experience;

3 (G) 4 air carrier employees whose job re-
4 sponsibilities include administration of a safety
5 management system;

6 (H) 4 individuals representing 4 different
7 holders of organization designation authoriza-
8 tions, with preference given to individuals rep-
9 resenting holders of organization designation au-
10 thorizations for the design or production of air-
11 craft other than transport airplanes or for the
12 design or production of aircraft engines, propel-
13 lers, or appliances; and

14 (I) 1 individual holding a law degree and
15 who has expertise in the legal duties of a holder
16 of an organization designation authorization
17 and the interaction with the FAA, except that
18 such individual may not, within the 10-year pe-
19 riod preceding the individual's appointment,
20 have been employed by, or provided legal services
21 to, the holder of an organization designation au-
22 thorization referenced in paragraph (2).

23 (4) *RECOMMENDATIONS.*—The review panel shall
24 make recommendations to the Administrator regard-
25 ing suggested actions to address any deficiencies

1 *found after review of the matters listed in paragraph*
2 *(2).*

3 (5) *REPORT.—*

4 (A) *SUBMISSION.—Not later than 270 days*
5 *after the date of the first meeting of the review*
6 *panel, the review panel shall transmit to the Ad-*
7 *ministrator and the congressional committees of*
8 *jurisdiction a report containing the findings and*
9 *recommendations of the review panel regarding*
10 *the matters listed in paragraph (2), except that*
11 *such report shall include—*

12 (i) *only such findings endorsed by 10*
13 *or more individual members of the review*
14 *panel; and*

15 (ii) *only such recommendations de-*
16 *scribed in paragraph (4) endorsed by 18 or*
17 *more of the individual members of the re-*
18 *view panel.*

19 (B) *DISSENTING VIEWS.—In submitting the*
20 *report required under this paragraph, the review*
21 *panel shall append to such report the dissenting*
22 *views of any individual member or group of*
23 *members of the review panel regarding the find-*
24 *ings or recommendations of the review panel.*

1 (C) *PUBLICATION.*—Not later than 5 days
2 after receiving the report under subparagraph
3 (A), the Administrator shall publish such report,
4 including any dissenting views appended to the
5 report, on the website of the Administration.

6 (D) *TERMINATION.*—The review panel shall
7 terminate upon submission of the report under
8 subparagraph (A).

9 (6) *ADMINISTRATIVE PROVISIONS.*—

10 (A) *ACCESS TO INFORMATION.*—The review
11 panel shall have authority to perform the fol-
12 lowing actions if a majority of the total number
13 of review panel members consider each action
14 necessary and appropriate:

15 (i) *Entering onto the premises of a*
16 holder of an organization designation au-
17 thorization referenced in paragraph (2) for
18 access to and inspection of records or other
19 purposes.

20 (ii) *Notwithstanding any other provi-*
21 sion of law, accessing and inspecting
22 unredacted records directly necessary for the
23 completion of the panel's work under this
24 section that are in the possession of such

1 holder of an organization designation au-
2 thorization or the Administration.

3 (iii) Interviewing employees of such
4 holder of an organization designation au-
5 thorization or the Administration as nec-
6 essary for the panel to complete its work.

7 (B) *DISCLOSURE OF FINANCIAL INTER-*
8 *ESTS.—Each individual serving on the review*
9 *panel shall disclose to the Administrator any fi-*
10 *nancial interest held by such individual, or a*
11 *spouse or dependent of such individual, in a*
12 *business enterprise engaged in the design or pro-*
13 *duction of transport airplanes, aircraft engines*
14 *designed for transport airplanes, or major sys-*
15 *tems, components, or parts thereof.*

16 (C) *PROTECTION OF PROPRIETARY INFOR-*
17 *MATION; TRADE SECRETS.—*

18 (i) *MARKING.—The custodian of a*
19 *record accessed under subparagraph (A)*
20 *may mark such record as proprietary or*
21 *containing a trade secret. A marking under*
22 *this subparagraph shall not be dispositive*
23 *with respect to whether such record contains*
24 *any information subject to legal protections*
25 *from public disclosure.*

1 (ii) *NONDISCLOSURE FOR NON-FED-*
2 *ERAL GOVERNMENT PARTICIPANTS.—*

3 (I) *NON-FEDERAL GOVERNMENT*
4 *PARTICIPANTS.—Prior to participating*
5 *on the review panel, each individual*
6 *-serving on the review panel rep-*
7 *resenting a non-Federal entity, includ-*
8 *ing a labor union, shall execute an*
9 *agreement with the Administrator in*
10 *which the individual shall be prohib-*
11 *ited from disclosing at any time, ex-*
12 *cept as required by law, to any person,*
13 *foreign or domestic, any non-public in-*
14 *formation made accessible to the panel*
15 *under subparagraph (A).*

16 (II) *FEDERAL EMPLOYEE PAR-*
17 *TICIPANTS.—Federal employees serving*
18 *on the review panel as representatives*
19 *of the Federal Government and who*
20 *are required to protect proprietary in-*
21 *formation and trade secrets under sec-*
22 *tion 1905 of title 18, United States*
23 *Code, shall not be required to execute*
24 *agreements under this subparagraph.*

1 (iii) *PROTECTION OF VOLUNTARILY*
2 *SUBMITTED SAFETY INFORMATION.*—*Infor-*
3 *mation subject to protection from disclosure*
4 *by the Administration in accordance with*
5 *sections 40123 and 44735 of title 49, United*
6 *States Code, is deemed voluntarily sub-*
7 *mitted to the Administration under such*
8 *sections when shared with the review panel*
9 *and retains its protection from disclosure*
10 *(including protection under section*
11 *552(b)(3) of title 5, United States Code).*
12 *The custodian of a record subject to such*
13 *protection may mark such record as subject*
14 *to statutory protections. A marking under*
15 *this subparagraph shall not be dispositive*
16 *with respect to whether such record contains*
17 *any information subject to legal protections*
18 *from public disclosure. Members of the re-*
19 *view panel will protect voluntarily sub-*
20 *mitted safety information and other other-*
21 *wise exempt information to the extent per-*
22 *mitted under applicable law.*

23 (iv) *PROTECTION OF PROPRIETARY IN-*
24 *FORMATION AND TRADE SECRETS.*—*Mem-*
25 *bers of the review panel will protect propri-*

1 *etary information, trade secrets, and other*
2 *otherwise exempt information to the extent*
3 *permitted under applicable law.*

4 *(v) RESOLVING CLASSIFICATION OF IN-*
5 *FORMATION.—If the review panel and a*
6 *holder of an organization designation au-*
7 *thorization subject to review under this sec-*
8 *tion disagree as to the proper classification*
9 *of information described in this subpara-*
10 *graph, then an employee of the Administra-*
11 *tion who is not a political appointee shall*
12 *determine the proper classification of such*
13 *information and whether such information*
14 *will be withheld, in part or in full, from re-*
15 *lease to the public.*

16 *(D) APPLICABLE LAW.—Public Law 92–463*
17 *shall not apply to the panel established under*
18 *this subsection.*

19 *(E) FINANCIAL INTEREST DEFINED.—In*
20 *this paragraph, the term “financial interest”—*

21 *(i) excludes securities held in an index*
22 *fund; and*

23 *(ii) includes—*

24 *(I) any current or contingent*
25 *ownership, equity, or security interest;*

1 (II) *an indebtedness or com-*
2 *pensated employment relationship; or*

3 (III) *any right to purchase or ac-*
4 *quire any such interest, including a*
5 *stock option or commodity future.*

6 (b) *FAA AUTHORITY.—*

7 (1) *IN GENERAL.—After reviewing the findings*
8 *of the review panel submitted under subsection (a)(5),*
9 *the Administrator may limit, suspend, or terminate*
10 *an organization designation authorization subject to*
11 *review under this section.*

12 (2) *REINSTATEMENT.—The Administrator may*
13 *condition reinstatement of a limited, suspended, or*
14 *terminated organization designation authorization on*
15 *the holder’s implementation of any corrective actions*
16 *determined necessary by the Administrator.*

17 (3) *RULE OF CONSTRUCTION.—Nothing in this*
18 *subsection shall be construed to limit the Administra-*
19 *tor’s authority to take any action with respect to an*
20 *organization designation authorization, including*
21 *limitation, suspension, or termination of such author-*
22 *ization.*

23 (c) *ORGANIZATION DESIGNATION AUTHORIZATION*
24 *PROCESS IMPROVEMENTS.—Not later than 1 year after re-*
25 *ceipt of the recommendations submitted under subsection*

1 *(a)(5), the Administrator shall report to the congressional*
2 *committees of jurisdiction on—*

3 *(1) whether the Administrator has concluded that*
4 *such holder is able to safely and reliably perform all*
5 *delegated functions in accordance with all applicable*
6 *provisions of chapter 447 of title 49, United States*
7 *Code, title 14, Code of Federal Regulations, and other*
8 *orders or requirements of the Administrator, and, if*
9 *not, the Administrator shall outline—*

10 *(A) the risk mitigations or other corrective*
11 *actions, including the implementation timelines*
12 *of such mitigations or actions, the Administrator*
13 *has established for or required of such holder as*
14 *prerequisites for a conclusion by the Adminis-*
15 *trator under this paragraph; or*

16 *(B) the status of any ongoing investigatory*
17 *actions;*

18 *(2) the status of implementation of each of the*
19 *recommendations of the review panel, if any, with*
20 *which the Administrator concurs;*

21 *(3) the status of procedures under which the Ad-*
22 *ministrator will conduct focused oversight of such*
23 *holder's processes for performing delegated functions*
24 *with respect to the design of new and derivative*

1 *transport airplanes and the production of such air-*
2 *planes; and*

3 *(4) the Administrator's efforts, to the maximum*
4 *extent practicable and subject to appropriations, to*
5 *increase the number of engineers, inspectors, and*
6 *other qualified technical experts, as necessary to fulfill*
7 *the requirements of this section, in—*

8 *(A) each office of the Administration re-*
9 *sponsible for dedicated oversight of such holder;*
10 *and*

11 *(B) the System Oversight Division, or any*
12 *successor division, of the Aircraft Certification*
13 *Service.*

14 *(d) NON-CONCURRENCE WITH RECOMMENDATIONS.—*
15 *Not later than 6 months after receipt of the recommenda-*
16 *tions submitted under subsection (a)(5), with respect to each*
17 *recommendation of the review panel with which the Admin-*
18 *istrator does not concur, if any, the Administrator shall*
19 *publish on the website of the Administration and submit*
20 *to the congressional committees of jurisdiction a detailed*
21 *explanation as to why, including if the Administrator be-*
22 *lieves implementation of such recommendation would not*
23 *improve aviation safety.*

1 **SEC. 104. CERTIFICATION OVERSIGHT STAFF.**

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
3 *authorized to be appropriated to the Administrator*
4 *\$27,000,000 for each of fiscal years 2021 through 2023 to*
5 *recruit and retain engineers, safety inspectors, human fac-*
6 *tors specialists, chief scientific and technical advisors, soft-*
7 *ware and cybersecurity experts, and other qualified tech-*
8 *nical experts who perform duties related to the certification*
9 *of aircraft, aircraft engines, propellers, appliances, and new*
10 *and emerging technologies, and perform other regulatory*
11 *activities.*

12 (b) *IN GENERAL.*—*Not later than 60 days after the*
13 *date of enactment of this title, and without duplicating any*
14 *recently completed or ongoing reviews, the Administrator*
15 *shall initiate a review of—*

16 (1) *the inspectors, human factors specialists,*
17 *flight test pilots, engineers, managers, and executives*
18 *in the FAA who are responsible for the certification*
19 *of the design, manufacture, and operation of aircraft*
20 *intended for air transportation for purposes of deter-*
21 *mining whether the FAA has the expertise and capa-*
22 *bility to adequately understand the safety implica-*
23 *tions of, and oversee the adoption of, new or innova-*
24 *tive technologies, materials, and procedures used by*
25 *designers and manufacturers of such aircraft; and*

1 (2) *the Senior Technical Experts Program to de-*
2 *termine whether the program should be enhanced or*
3 *expanded to bolster and support the programs of the*
4 *FAA’s Office of Aviation Safety, with particular focus*
5 *placed on the Aircraft Certification Service and the*
6 *Flight Standards Service (or any successor organiza-*
7 *tions), particularly with respect to understanding the*
8 *safety implications of new or innovative technologies,*
9 *materials, aircraft operations, and procedures used by*
10 *designers and manufacturers of such aircraft.*

11 (c) *DEADLINE FOR COMPLETION.*—*Not later than 270*
12 *days after the date of enactment of this title, the Adminis-*
13 *trator shall complete the review required by subsection (b).*

14 (d) *BRIEFING.*—*Not later than 30 days after the com-*
15 *pletion of the review required by subsection (b), the Admin-*
16 *istrator shall brief the congressional committees of jurisdic-*
17 *tion on the results of the review. The briefing shall include*
18 *the following:*

19 (1) *An analysis of the Administration’s ability*
20 *to hire safety inspectors, human factors specialists,*
21 *flight test pilots, engineers, managers, executives, sci-*
22 *entists, and technical advisors, who have the requisite*
23 *expertise to oversee new developments in aerospace de-*
24 *sign and manufacturing.*

1 (2) *A plan for the Administration to improve the*
2 *overall expertise of the FAA’s personnel who are re-*
3 *sponsible for the oversight of the design and manufac-*
4 *ture of aircraft.*

5 (e) *CONSULTATION REQUIREMENT.—In completing the*
6 *review under subsection (b), the Administrator shall consult*
7 *and collaborate with appropriate stakeholders, including*
8 *labor organizations (including those representing aviation*
9 *workers, FAA aviation safety engineers, human factors spe-*
10 *cialists, flight test pilots, and FAA aviation safety inspec-*
11 *tors), and aerospace manufacturers.*

12 (f) *RECRUITMENT AND RETENTION.—*

13 (1) *BARGAINING UNITS.—Not later than 30 days*
14 *after the date of enactment of this title, the Adminis-*
15 *trator shall begin collaboration with the exclusive bar-*
16 *gaining representatives of engineers, safety inspectors,*
17 *systems safety specialists, and other qualified tech-*
18 *nical experts certified under section 7111 of title 5,*
19 *United States Code, to improve recruitment of em-*
20 *ployees for, and to implement retention incentives for*
21 *employees holding, positions with respect to the cer-*
22 *tification of aircraft, aircraft engines, propellers, and*
23 *appliances. If the Administrator and such representa-*
24 *tives are unable to reach an agreement collabora-*
25 *tively, the Administrator and such representatives*

1 *shall negotiate in accordance with section 40122(a) of*
2 *title 49, United States Code, to improve recruitment*
3 *and implement retention incentives for employees de-*
4 *scribed in subsection (a) who are covered under a col-*
5 *lective bargaining agreement.*

6 (2) *OTHER EMPLOYEES.—Notwithstanding any*
7 *other provision of law, not later than 30 days after*
8 *the date of enactment of this title, the Administrator*
9 *shall initiate actions to improve recruitment of, and*
10 *implement retention incentives for, any individual*
11 *described in subsection (a) who is not covered under*
12 *a collective bargaining agreement.*

13 (3) *RULE OF CONSTRUCTION.—Nothing in this*
14 *section shall be construed to vest in any exclusive bar-*
15 *gaining representative any management right of the*
16 *Administrator, as such right existed on the day before*
17 *the date of enactment of this title.*

18 (4) *AVAILABILITY OF APPROPRIATIONS.—Any ac-*
19 *tion taken by the Administrator under this section*
20 *shall be subject to the availability of appropriations*
21 *authorized under subsection (a).*

22 **SEC. 105. DISCLOSURE OF SAFETY CRITICAL INFORMATION.**

23 (a) *DISCLOSURE.—Section 44704 of title 49, United*
24 *States Code, is amended by striking subsection (e) and in-*
25 *serting the following:*

1 “(e) *DISCLOSURE OF SAFETY CRITICAL INFORMA-*
2 *TION.—*

3 “(1) *IN GENERAL.—Notwithstanding a delega-*
4 *tion described in section 44702(d), the Administrator*
5 *shall require an applicant for, or holder of, a type*
6 *certificate for a transport category airplane covered*
7 *under part 25 of title 14, Code of Federal Regula-*
8 *tions, to submit safety critical information with re-*
9 *spect to such airplane to the Administrator in such*
10 *form, manner, or time as the Administrator may re-*
11 *quire. Such safety critical information shall in-*
12 *clude—*

13 “(A) *any design and operational details, in-*
14 *tended functions, and failure modes of any sys-*
15 *tem that, without being commanded by the flight*
16 *crew, commands the operation of any safety crit-*
17 *ical function or feature required for control of an*
18 *airplane during flight or that otherwise changes*
19 *the flight path or airspeed of an airplane;*

20 “(B) *the design and operational details, in-*
21 *tended functions, failure modes, and mode*
22 *annunciations of autopilot and autothrottle sys-*
23 *tems, if applicable;*

24 “(C) *any failure or operating condition that*
25 *the applicant or holder anticipates or has con-*

1 *cluded would result in an outcome with a sever-*
2 *ity level of hazardous or catastrophic, as defined*
3 *in the appropriate Administration airworthiness*
4 *requirements and guidance applicable to trans-*
5 *port category airplanes defining risk severity;*

6 *“(D) any adverse handling quality that*
7 *fails to meet the requirements of applicable regu-*
8 *lations without the addition of a software system*
9 *to augment the flight controls of the airplane to*
10 *produce compliant handling qualities; and*

11 *“(E) a system safety assessment with re-*
12 *spect to a system described in subparagraph (A)*
13 *or (B) or with respect to any component or other*
14 *system for which failure or erroneous operation*
15 *of such component or system could result in an*
16 *outcome with a severity level of hazardous or cat-*
17 *astrophic, as defined in the appropriate Admin-*
18 *istration airworthiness requirements and guid-*
19 *ance applicable to transport category airplanes*
20 *defining risk severity.*

21 *“(2) ONGOING COMMUNICATIONS.—*

22 *“(A) NEWLY DISCOVERED INFORMATION.—*
23 *The Administrator shall require that an appli-*
24 *cant for, or holder of, a type certificate disclose*
25 *to the Administrator, in such form, manner, or*

1 *time as the Administrator may require, any*
2 *newly discovered information or design or anal-*
3 *ysis change that would materially alter any sub-*
4 *mission to the Administrator under paragraph*
5 *(1).*

6 “(B) *SYSTEM DEVELOPMENT CHANGES.*—

7 *The Administrator shall establish multiple mile-*
8 *stones throughout the certification process at*
9 *which a proposed airplane system will be as-*
10 *essed to determine whether any change to such*
11 *system during the certification process is such*
12 *that such system should be considered novel or*
13 *unusual by the Administrator.*

14 “(3) *FLIGHT MANUALS.*—*The Administrator*

15 *shall ensure that an airplane flight manual and a*
16 *flight crew operating manual (as appropriate or ap-*
17 *plicable) for an airplane contains a description of the*
18 *operation of a system described in paragraph (1)(A)*
19 *and flight crew procedures for responding to a failure*
20 *or aberrant operation of such system.*

21 “(4) *CIVIL PENALTY.*—

22 “(A) *AMOUNT.*—*Notwithstanding section*
23 *46301, an applicant for, or holder of, a type cer-*
24 *tificate that knowingly violates paragraph (1),*
25 *(2), or (3) of this subsection shall be liable to the*

1 *Administrator for a civil penalty of not more*
2 *than \$1,000,000 for each violation.*

3 “(B) *PENALTY CONSIDERATIONS.—In deter-*
4 *mining the amount of a civil penalty under sub-*
5 *paragraph (A), the Administrator shall con-*
6 *sider—*

7 “(i) *the nature, circumstances, extent,*
8 *and gravity of the violation, including the*
9 *length of time that such safety critical in-*
10 *formation was known but not disclosed; and*

11 “(ii) *with respect to the violator, the*
12 *degree of culpability, any history of prior*
13 *violations, and the size of the business con-*
14 *cern.*

15 “(5) *REVOCATION AND CIVIL PENALTY FOR INDI-*
16 *VIDUALS.—*

17 “(A) *IN GENERAL.—The Administrator*
18 *shall revoke any airline transport pilot certifi-*
19 *cate issued under section 44703 held by any in-*
20 *dividual who, while acting on behalf of an appli-*
21 *cant for, or holder of, a type certificate, know-*
22 *ingly makes a false statement with respect to*
23 *any of the matters described in subparagraphs*
24 *(A) through (E) of paragraph (1).*

1 “(B) *AUTHORITY TO IMPOSE CIVIL PEN-*
2 *ALTY.*—*The Administrator may impose a civil*
3 *penalty under section 46301 for each violation*
4 *described in subparagraph (A).*

5 “(6) *RULE OF CONSTRUCTION.*—*Nothing in this*
6 *subsection shall be construed to affect or otherwise in-*
7 *hibit the authority of the Administrator to deny an*
8 *application by an applicant for a type certificate or*
9 *to revoke or amend a type certificate of a holder of*
10 *such certificate.*

11 “(7) *DEFINITION OF TYPE CERTIFICATE.*—*In*
12 *this subsection, the term ‘type certificate’—*

13 “(A) *means a type certificate issued under*
14 *subsection (a) or an amendment to such certifi-*
15 *cate; and*

16 “(B) *does not include a supplemental type*
17 *certificate issued under subsection (b).”.*

18 “(b) *CIVIL PENALTY AUTHORITY.*—*Section 44704 of*
19 *title 49, United States Code, is further amended by adding*
20 *at the end the following:*

21 “(f) *HEARING REQUIREMENT.*—*The Administrator*
22 *may find that a person has violated subsection (a)(6) or*
23 *paragraph (1), (2), or (3) of subsection (e) and impose a*
24 *civil penalty under the applicable subsection only after no-*

1 *tice and an opportunity for a hearing. The Administrator*
2 *shall provide a person—*

3 “(1) *written notice of the violation and the*
4 *amount of penalty; and*

5 “(2) *the opportunity for a hearing under subpart*
6 *G of part 13 of title 14, Code of Federal Regula-*
7 *tions.”.*

8 *(c) REQUIRED SUBMISSION OF OUTLINE OF SYSTEM*
9 *CHANGES AT THE BEGINNING OF THE CERTIFICATION*
10 *PROCESS.—*

11 *(1) IN GENERAL.—Not later than 180 days after*
12 *the date of enactment of this title, the Administrator*
13 *shall initiate a process to revise procedures to require*
14 *an applicant for an amendment to a type certificate*
15 *for a transport category aircraft to disclose to the Ad-*
16 *ministrator, in a single document submitted at the*
17 *beginning of the process for amending such certificate,*
18 *all new systems and intended changes to existing sys-*
19 *tems then known to such applicant. The Adminis-*
20 *trator shall finalize the revision of such procedures*
21 *not later than 18 months after initiating such proc-*
22 *ess.*

23 *(2) APPLICATION.—Compliance with the proce-*
24 *dures revised pursuant to paragraph (1) shall not*
25 *preclude an applicant from making additional*

1 *changes to aircraft systems as the design and applica-*
2 *tion process proceeds.*

3 (3) *SAVINGS PROVISION.—Nothing in this sub-*
4 *section may be construed to limit the obligations of*
5 *an applicant for an amended type certificate for a*
6 *transport category airplane under section 44704(e) of*
7 *title 49, United States Code, as amended in this title.*

8 **SEC. 106. LIMITATION ON DELEGATION.**

9 *Section 44702(d) of title 49, United States Code, is*
10 *amended by adding at the end the following:*

11 “(4)(A) *With respect to a critical system design feature*
12 *of a transport category airplane, the Administrator may*
13 *not delegate any finding of compliance with applicable air-*
14 *worthiness standards or review of any system safety assess-*
15 *ment required for the issuance of a certificate, including*
16 *a type certificate, or amended or supplemental type certifi-*
17 *cate, under section 44704, until the Administrator has re-*
18 *viewed and validated any underlying assumptions related*
19 *to human factors.*

20 “(B) *The requirement under subparagraph (A) shall*
21 *not apply if the Administrator determines the matter in-*
22 *volved is a routine task.*

23 “(C) *For purposes of subparagraph (A), the term crit-*
24 *ical system design feature includes any feature (including*
25 *a novel or unusual design feature) for which the failure of*

1 *such feature, either independently or in combination with*
2 *other failures, could result in catastrophic or hazardous*
3 *failure conditions, as those terms are defined by the Admin-*
4 *istrator.”.*

5 **SEC. 107. OVERSIGHT OF ORGANIZATION DESIGNATION AU-**
6 **THORIZATION UNIT MEMBERS.**

7 *(a) IN GENERAL.—Chapter 447 of title 49, United*
8 *States Code, is amended by adding at the end the following:*
9 **“§44741. Approval of organization designation au-**
10 **thorization unit members**

11 *“(a) IN GENERAL.—Beginning January 1, 2022, each*
12 *individual who is selected on or after such date to become*
13 *an ODA unit member by an ODA holder engaged in the*
14 *design of an aircraft, aircraft engine, propeller, or appli-*
15 *ance and performs an authorized function pursuant to a*
16 *delegation by the Administrator of the Federal Aviation Ad-*
17 *ministration under section 44702(d)—*

18 *“(1) shall be—*

19 *“(A) an employee, a contractor, or a con-*
20 *sultant of the ODA holder; or*

21 *“(B) the employee of a supplier of the ODA*
22 *holder; and*

23 *“(2) may not become a member of such unit un-*
24 *less approved by the Administrator pursuant to this*
25 *section.*

1 “(b) *PROCESS AND TIMELINE.*—

2 “(1) *IN GENERAL.*—*The Administrator shall*
3 *maintain an efficient process for the review and ap-*
4 *proval of an individual to become an ODA unit mem-*
5 *ber under this section.*

6 “(2) *PROCESS.*—*An ODA holder described in*
7 *subsection (a) may submit to the Administrator an*
8 *application for an individual to be approved to be-*
9 *come an ODA unit member under this section. The*
10 *application shall be submitted in such form and man-*
11 *ner as the Administrator determines appropriate. The*
12 *Administrator shall require an ODA holder to submit*
13 *with such an application information sufficient to*
14 *demonstrate an individual’s qualifications under sub-*
15 *section (c).*

16 “(3) *TIMELINE.*—*The Administrator shall ap-*
17 *prove or reject an individual that is selected by an*
18 *ODA holder to become an ODA unit member under*
19 *this section not later than 30 days after the receipt*
20 *of an application by an ODA holder.*

21 “(4) *DOCUMENTATION OF APPROVAL.*—*Upon ap-*
22 *proval of an individual to become an ODA unit mem-*
23 *ber under this section, the Administrator shall pro-*
24 *vide such individual a letter confirming that such in-*

1 *dividual has been approved by the Administrator*
2 *under this section to be an ODA unit member.*

3 “(5) *REAPPLICATION.*—*An ODA holder may sub-*
4 *mit an application under this subsection for an indi-*
5 *vidual to become an ODA unit member under this*
6 *section regardless of whether an application for such*
7 *individual was previously rejected by the Adminis-*
8 *trator.*

9 “(c) *QUALIFICATIONS.*—

10 “(1) *IN GENERAL.*—*The Administrator shall*
11 *issue minimum qualifications for an individual to be-*
12 *come an ODA unit member under this section. In*
13 *issuing such qualifications, the Administrator shall*
14 *consider existing qualifications for Administration*
15 *employees with similar duties and whether such indi-*
16 *vidual—*

17 “(A) *is technically proficient and qualified*
18 *to perform the authorized functions sought;*

19 “(B) *has no recent record of serious enforce-*
20 *ment action, as determined by the Adminis-*
21 *trator, taken by the Administrator with respect*
22 *to any certificate, approval, or authorization*
23 *held by such individual;*

24 “(C) *is of good moral character (as such*
25 *qualification is applied to an applicant for an*

1 *airline transport pilot certificate issued under*
2 *section 44703);*

3 “(D) *possesses the knowledge of applicable*
4 *design or production requirements in this chap-*
5 *ter and in title 14, Code of Federal Regulations,*
6 *necessary for performance of the authorized func-*
7 *tions sought;*

8 “(E) *possesses a high degree of knowledge of*
9 *applicable design or production principles, sys-*
10 *tem safety principles, or safety risk management*
11 *processes appropriate for the authorized func-*
12 *tions sought; and*

13 “(F) *meets such testing, examination, train-*
14 *ing, or other qualification standards as the Ad-*
15 *ministrator determines are necessary to ensure*
16 *the individual is competent and capable of per-*
17 *forming the authorized functions sought.*

18 “(2) *PREVIOUSLY REJECTED APPLICATION.—In*
19 *reviewing an application for an individual to become*
20 *an ODA unit member under this section, if an appli-*
21 *cation for such individual was previously rejected, the*
22 *Administrator shall ensure that the reasons for the*
23 *prior rejection have been resolved or mitigated to the*
24 *Administrator’s satisfaction before making a deter-*
25 *mination on the individual’s reapplication.*

1 “(d) *RESCISSION OF APPROVAL.*—*The Administrator*
2 *may rescind an approval of an individual as an ODA unit*
3 *member granted pursuant to this section at any time and*
4 *for any reason the Administrator considers appropriate.*
5 *The Administrator shall develop procedures to provide for*
6 *notice and opportunity to appeal rescission decisions made*
7 *by the Administrator. Such decisions by the Administrator*
8 *are not subject to judicial review.*

9 “(e) *CONDITIONAL SELECTIONS.*—

10 “(1) *IN GENERAL.*—*Subject to the requirements*
11 *of this subsection, the Administrator may authorize*
12 *an ODA holder to conditionally designate an indi-*
13 *vidual to perform the functions of an ODA unit mem-*
14 *ber for a period of not more than 30 days (beginning*
15 *on the date an application for such individual is sub-*
16 *mitted under subsection (b)(2)).*

17 “(2) *REQUIRED DETERMINATION.*—*The Adminis-*
18 *trator may not make an authorization under para-*
19 *graph (1) unless—*

20 “(A) *the ODA holder has instituted, to the*
21 *Administrator’s satisfaction, systems and proc-*
22 *esses to ensure the integrity and reliability of de-*
23 *terminations by conditionally-designated ODA*
24 *unit members; and*

1 “(B) the ODA holder has instituted a safety
2 management system in accordance with regula-
3 tions issued by the Administrator under section
4 102 of the Aircraft Certification, Safety, and Ac-
5 countability Act.

6 “(3) *FINAL DETERMINATION.*—The Adminis-
7 trator shall approve or reject the application for an
8 individual designated under paragraph (1) in accord-
9 ance with the timeline and procedures described in
10 subsection (b).

11 “(4) *REJECTION AND REVIEW.*—If the Adminis-
12 trator rejects the application submitted under sub-
13 section (b)(2) for an individual conditionally des-
14 ignated under paragraph (1), the Administrator shall
15 review and approve or disapprove any decision pur-
16 suant to any authorized function performed by such
17 individual during the period such individual served
18 as a conditional designee.

19 “(5) *PROHIBITIONS.*—Notwithstanding the re-
20 quirements of paragraph (2), the Administrator may
21 prohibit an ODA holder from making conditional des-
22 ignations of individuals as ODA unit members under
23 this subsection at any time for any reason the Ad-
24 ministrator considers appropriate. The Administrator
25 may prohibit any conditionally designated individual

1 *from performing an authorized function at any time*
2 *for any reason the Administrator considers appro-*
3 *priate.*

4 “(f) *RECORDS AND BRIEFINGS.*—

5 “(1) *IN GENERAL.*—*Beginning on the date de-*
6 *scribed in subsection (a), an ODA holder shall main-*
7 *tain, for a period to be determined by the Adminis-*
8 *trator and with proper protections to ensure the secu-*
9 *rity of sensitive and personal information—*

10 “(A) *any data, applications, records, or*
11 *manuals required by the ODA holder’s approved*
12 *procedures manual, as determined by the Admin-*
13 *istrator;*

14 “(B) *the names, responsibilities, qualifica-*
15 *tions, and example signature of each member of*
16 *the ODA unit who performs an authorized func-*
17 *tion pursuant to a delegation by the Adminis-*
18 *trator under section 44702(d);*

19 “(C) *training records for ODA unit mem-*
20 *bers and ODA administrators; and*

21 “(D) *any other data, applications, records,*
22 *or manuals determined appropriate by the Ad-*
23 *ministrator.*

24 “(2) *CONGRESSIONAL BRIEFING.*—*Not later than*
25 *90 days after the date of enactment of this section,*

1 *and every 90 days thereafter through September 30,*
2 *2023, the Administrator shall provide a briefing to*
3 *the Committee on Transportation and Infrastructure*
4 *of the House of Representatives and the Committee on*
5 *Commerce, Science, and Transportation of the Senate*
6 *on the implementation and effects of this section, in-*
7 *cluding—*

8 *“(A) the Administration’s performance in*
9 *completing reviews of individuals and approving*
10 *or denying such individuals within the timeline*
11 *required under subsection (b)(3);*

12 *“(B) for any individual rejected by the Ad-*
13 *ministrator under subsection (b) during the pre-*
14 *ceding 90-day period, the reasoning or basis for*
15 *such rejection; and*

16 *“(C) any resource, staffing, or other chal-*
17 *lenges within the Administration associated with*
18 *implementation of this section.*

19 *“(g) SPECIAL REVIEW OF QUALIFICATIONS.—*

20 *“(1) IN GENERAL.—Not later than 30 days after*
21 *the issuance of minimum qualifications under sub-*
22 *section (c), the Administrator shall initiate a review*
23 *of the qualifications of each individual who on the*
24 *date on which such minimum qualifications are*
25 *issued is an ODA unit member of a holder of a type*

1 *certificate for a transport airplane to ensure such in-*
2 *dividual meets the minimum qualifications issued by*
3 *the Administrator under subsection (c).*

4 “(2) *UNQUALIFIED INDIVIDUAL.*—*For any indi-*
5 *vidual who is determined by the Administrator not to*
6 *meet such minimum qualifications pursuant to the*
7 *review conducted under paragraph (1), the Adminis-*
8 *trator—*

9 “(A) *shall determine whether the lack of*
10 *qualification may be remedied and, if so, provide*
11 *such individual with an action plan or schedule*
12 *for such individual to meet such qualifications;*
13 *or*

14 “(B) *may, if the Administrator determines*
15 *the lack of qualification may not be remedied,*
16 *take appropriate action, including prohibiting*
17 *such individual from performing an authorized*
18 *function.*

19 “(3) *DEADLINE.*—*The Administrator shall com-*
20 *plete the review required under paragraph (1) not*
21 *later than 18 months after the date on which such re-*
22 *view was initiated.*

23 “(4) *SAVINGS CLAUSE.*—*An individual approved*
24 *to become an ODA unit member of a holder of a type*
25 *certificate for a transport airplane under subsection*

1 (a) shall not be subject to the review under this sub-
2 section.

3 “(h) *PROHIBITION.*—*The Administrator may not au-*
4 *thorize an organization or ODA holder to approve an indi-*
5 *vidual selected by an ODA holder to become an ODA unit*
6 *member under this section.*

7 “(i) *DEFINITIONS.*—

8 “(1) *GENERAL APPLICABILITY.*—*The definitions*
9 *contained in section 44736(c) shall apply to this sec-*
10 *tion.*

11 “(2) *TRANSPORT AIRPLANE.*—*The term ‘trans-*
12 *port airplane’ means a transport category airplane*
13 *designed for operation by an air carrier or foreign air*
14 *carrier type-certificated with a passenger seating ca-*
15 *capacity of 30 or more or an all-cargo or combi deriva-*
16 *tive of such an airplane.*

17 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated to carry out this section*
19 *\$3,000,000 for each of fiscal years 2021 through 2023.*

20 “§44742. ***Interference with the duties of organization***
21 ***designation authorization unit members***

22 “(a) *IN GENERAL.*—*The Administrator of the Federal*
23 *Aviation Administration shall continuously seek to elimi-*
24 *nate or minimize interference by an ODA holder that affects*

1 *the performance of authorized functions by ODA unit mem-*
2 *bers.*

3 “(b) *PROHIBITION.*—

4 “(1) *IN GENERAL.*—*It shall be unlawful for any*
5 *individual who is a supervisory employee of an ODA*
6 *holder that manufactures a transport category air-*
7 *plane to commit an act of interference with an ODA*
8 *unit member’s performance of authorized functions.*

9 “(2) *CIVIL PENALTY.*—

10 “(A) *INDIVIDUALS.*—*An individual shall be*
11 *subject to a civil penalty under section*
12 *46301(a)(1) for each violation under paragraph*
13 *(1).*

14 “(B) *SAVINGS CLAUSE.*—*Nothing in this*
15 *paragraph shall be construed as limiting or con-*
16 *stricting any other authority of the Adminis-*
17 *trator to pursue an enforcement action against*
18 *an individual or organization for violation of*
19 *applicable Federal laws or regulations of the Ad-*
20 *ministration.*

21 “(c) *REPORTING.*—

22 “(1) *REPORTS TO ODA HOLDER.*—*An ODA unit*
23 *member of an ODA holder that manufactures a trans-*
24 *port category airplane shall promptly report any in-*

1 *stances of interference to the office of the ODA holder*
2 *that is designated to receive such reports.*

3 *“(2) REPORTS TO THE FAA.—*

4 *“(A) IN GENERAL.—The ODA holder office*
5 *described in paragraph (1) shall investigate re-*
6 *ports and submit to the office of the Administra-*
7 *tion designated by the Administrator to accept*
8 *and review such reports any instances of inter-*
9 *ference reported under paragraph (1).*

10 *“(B) CONTENTS.—The Administrator shall*
11 *prescribe parameters for the submission of re-*
12 *ports to the Administration under this para-*
13 *graph, including the manner, time, and form of*
14 *submission. Such report shall include the results*
15 *of any investigation conducted by the ODA hold-*
16 *er in response to a report of interference, a de-*
17 *scription of any action taken by the ODA holder*
18 *as a result of the report of interference, and any*
19 *other information or potentially mitigating fac-*
20 *tors the ODA holder or the Administrator deems*
21 *appropriate.*

22 *“(d) DEFINITIONS.—*

23 *“(1) GENERAL APPLICABILITY.—The definitions*
24 *contained in section 44736(c) shall apply to this sec-*
25 *tion.*

1 “(2) *INTERFERENCE.*—*In this section, the term*
2 *‘interference’ means—*

3 “(A) *blatant or egregious statements or be-*
4 *havior, such as harassment, beratement, or*
5 *threats, that a reasonable person would conclude*
6 *was intended to improperly influence or preju-*
7 *dice an ODA unit member’s performance of his*
8 *or her duties; or*

9 “(B) *the presence of non-ODA unit duties*
10 *or activities that conflict with the performance of*
11 *authorized functions by ODA unit members.”.*

12 (b) *ODA PROGRAM ENHANCEMENTS.*—

13 (1) *IN GENERAL.*—*Section 44736 of title 49,*
14 *United States Code, is amended by adding at the end*
15 *the following:*

16 “(d) *AUDITS.*—

17 “(1) *IN GENERAL.*—*The Administrator shall per-*
18 *form a periodic audit of each ODA unit and its pro-*
19 *cedures.*

20 “(2) *DURATION.*—*An audit required under para-*
21 *graph (1) shall be performed with respect to an ODA*
22 *holder once every 7 years (or more frequently as de-*
23 *termined appropriate by the Administrator).*

1 “(3) *RECORDS.*—*The ODA holder shall main-*
2 *tain, for a period to be determined by the Adminis-*
3 *trator, a record of—*

4 “(A) *each audit conducted under this sub-*
5 *section; and*

6 “(B) *any corrective actions resulting from*
7 *each such audit.*

8 “(e) *FEDERAL AVIATION SAFETY ADVISORS.*—

9 “(1) *IN GENERAL.*—*In the case of an ODA hold-*
10 *er, the Administrator shall assign FAA aviation safe-*
11 *ty personnel with appropriate expertise to be advisors*
12 *to the ODA unit members that are authorized to make*
13 *findings of compliance on behalf of the Administrator.*
14 *The advisors shall—*

15 “(A) *communicate with assigned unit mem-*
16 *bers on an ongoing basis to ensure that the as-*
17 *signed unit members are knowledgeable of rel-*
18 *evant FAA policies and acceptable methods of*
19 *compliance; and*

20 “(B) *monitor the performance of the as-*
21 *signed unit members to ensure consistency with*
22 *such policies.*

23 “(2) *APPLICABILITY.*—*Paragraph (1) shall only*
24 *apply to an ODA holder that is—*

1 “(A) a manufacturer that holds both a type
2 and a production certificate for—

3 “(i) transport category airplanes with
4 a maximum takeoff gross weight greater
5 than 150,000 pounds; or

6 “(ii) airplanes produced and delivered
7 to operators operating under part 121 of
8 title 14, Code of Federal Regulations, for
9 air carrier service under such part 121; or

10 “(B) a manufacturer of engines for an air-
11 plane described in subparagraph (A).

12 “(f) COMMUNICATION WITH THE FAA.—Neither the
13 Administrator nor an ODA holder may prohibit—

14 “(1) an ODA unit member from communicating
15 with, or seeking the advice of, the Administrator or
16 FAA staff; or

17 “(2) the Administrator or FAA staff from com-
18 municating with an ODA unit member.”.

19 (2) REPORT.—Not later than September 30,
20 2022, the Administrator shall submit to the congress-
21 sional committees of jurisdiction a report on the im-
22 plementation of subsections (d) and (e) of section
23 44736 of title 49, United States Code, as added by
24 subsection (b).

- 1 (c) *ADDITIONAL ODA PROGRAM ENHANCEMENTS.*—
- 2 Section 44736 of title 49, United States Code, is amended—
- 3 (1) *in subsection (a)*—
- 4 (A) *in paragraph (1)*—
- 5 (i) *in subparagraph (A) by striking the*
- 6 *semicolon and inserting “; and”;*
- 7 (ii) *by striking subparagraph (B);*
- 8 (iii) *in subparagraph (C) by striking*
- 9 *“; and” and inserting a period;*
- 10 (iv) *by striking subparagraph (D); and*
- 11 (v) *by redesignating subparagraph (C)*
- 12 *as subparagraph (B); and*
- 13 (B) *in paragraph (3) by striking “shall—*
- 14 *” and all that follows through the end and in-*
- 15 *serting “shall conduct regular oversight activities*
- 16 *by inspecting the ODA holder’s delegated func-*
- 17 *tions and taking action based on validated in-*
- 18 *spection findings.”; and*
- 19 (2) *in subsection (b)(3)*—
- 20 (A) *in subparagraph (A)*—
- 21 (i) *by striking clause (i) and redesign-*
- 22 *ating clauses (ii), (iii), and (iv) as clauses*
- 23 *(i), (ii), and (iii), respectively;*
- 24 (ii) *in clause (i) as redesignated by in-*
- 25 *serting “, as appropriate,” after “require”;*

1 *(iii) in clause (ii) as redesignated by*
2 *inserting “, as appropriate,” after “re-*
3 *quire”;* and

4 *(iv) in clause (iii) as redesignated by*
5 *inserting “when appropriate,” before “make*
6 *a reassessment”;*

7 *(B) by striking subparagraph (B);*

8 *(C) in subparagraph (F) by inserting “,*
9 *when appropriate,” before “approve”;* and

10 *(D) by redesignating subparagraphs (C),*
11 *(D), (E), and (F) as subparagraphs (B), (C),*
12 *(D), and (E), respectively.*

13 *(d) TECHNICAL CORRECTIONS.—*

14 *(1) SECTION 44737.—Chapter 447 of title 49,*
15 *United States Code, is further amended by redesign-*
16 *ating the second section 44737 (as added by section*
17 *581 of the FAA Reauthorization Act of 2018) as sec-*
18 *tion 44740.*

19 *(2) ANALYSIS.—The analysis for chapter 447 of*
20 *title 49, United States Code, is amended—*

21 *(A) by striking the item relating to the sec-*
22 *ond section 44737 (as added by section 581 of*
23 *the FAA Reauthorization Act of 2018); and*

24 *(B) by inserting after the item relating to*
25 *section 44739 the following new items:*

“44740. Special rule for certain aircraft operations.

“44741. Approval of organization designation authorization unit members.

“44742. Interference with the duties of organization designation authorization unit members.”.

1 (3) *SPECIAL RULE FOR CERTAIN AIRCRAFT OP-*
2 *ERATIONS.—Section 44740 of title 49, United States*
3 *Code (as redesignated by paragraph (1)), is amend-*
4 *ed—*

5 (A) *in the heading by striking the period at*
6 *the end;*

7 (B) *in subsection (a)(1) by striking “chap-*
8 *ter” and inserting “section”;*

9 (C) *in subsection (b)(1) by striking “(1)”*
10 *the second time it appears; and*

11 (D) *in subsection (c)(2) by adding a period*
12 *at the end.*

13 **SEC. 108. INTEGRATED PROJECT TEAMS.**

14 (a) *IN GENERAL.—Upon receipt of an application for*
15 *a type certificate for a transport category airplane, the Ad-*
16 *ministrator shall convene an interdisciplinary integrated*
17 *project team responsible for coordinating review and pro-*
18 *viding advice and recommendations, as appropriate, to the*
19 *Administrator on such application.*

20 (b) *MEMBERSHIP.—In convening an interdisciplinary*
21 *integrated project team under subsection (a), the Adminis-*
22 *trator shall appoint employees of the Administration or*
23 *other Federal agencies, such as the Air Force, Volpe Na-*
24 *tional Transportation Systems Center, or the National Aer-*

1 *onautics and Space Administration (with the concurrence*
2 *of the head of such other Federal agency), with specialized*
3 *expertise and experience in the fields of engineering, systems*
4 *design, human factors, and pilot training, including, at a*
5 *minimum—*

6 (1) *not less than 1 designee of the Associate Ad-*
7 *ministrator for Aviation Safety whose duty station is*
8 *in the Administration's headquarters;*

9 (2) *representatives of the Aircraft Certification*
10 *Service of the Administration;*

11 (3) *representatives of the Flight Standards Serv-*
12 *ice of the Administration;*

13 (4) *experts in the fields of human factors, aero-*
14 *dynamics, flight controls, software, and systems de-*
15 *sign; and*

16 (5) *any other subject matter expert whom the*
17 *Administrator determines appropriate.*

18 (c) *AVAILABILITY.—In order to carry out its duties*
19 *with respect to the areas specified in subsection (d), a*
20 *project team shall be available to the Administrator, upon*
21 *request, at any time during the certification process.*

22 (d) *DUTIES.—A project team shall advise the Adminis-*
23 *trator and make written recommendations to the Adminis-*
24 *trator, to be retained in the certification project file, includ-*
25 *ing recommendations for any plans, analyses, assessments,*

1 *and reports required to support and document the certifi-*
2 *cation project, in the following areas associated with a new*
3 *technology or novel design:*

4 (1) *Initial review of design proposals proposed*
5 *by the applicant and the establishment of the certifi-*
6 *cation basis.*

7 (2) *Identification of new technology, novel de-*
8 *sign, or safety critical design features or systems that*
9 *are potentially catastrophic, either alone or in com-*
10 *bination with another failure.*

11 (3) *Determination of compliance findings, sys-*
12 *tem safety assessments, and safety critical functions*
13 *the Administration should retain in terms of new*
14 *technology, novel design, or safety critical design fea-*
15 *tures or systems.*

16 (4) *Evaluation of the Administration's expertise*
17 *or experience necessary to support the project.*

18 (5) *Review and evaluation of an applicant's re-*
19 *quest for exceptions or exemptions from compliance*
20 *with airworthiness standards codified in title 14 of*
21 *the Code of Federal Regulations, as in effect on the*
22 *date of application for the change.*

23 (6) *Conduct of design reviews, procedure evalua-*
24 *tions, and training evaluations.*

1 (7) *Review of the applicant's final design docu-*
2 *mentation and other data to evaluate compliance*
3 *with all relevant Administration regulations.*

4 (e) *DOCUMENTATION OF FAA RESPONSE.—The Ad-*
5 *ministrator shall provide a written response to each rec-*
6 *ommendation of each project team and shall retain such*
7 *response in the certification project file.*

8 (f) *REPORT.—Not later than 1 year after the date of*
9 *enactment of this section, and annually thereafter through*
10 *fiscal year 2023, the Administrator shall submit to the con-*
11 *gressional committees of jurisdiction a report on the estab-*
12 *lishment of each integrated project team in accordance with*
13 *this section during such fiscal year, including the role and*
14 *composition of each such project team.*

15 **SEC. 109. OVERSIGHT INTEGRITY BRIEFING.**

16 *Not later than 1 year after the date of enactment of*
17 *this title, the Administrator shall brief the congressional*
18 *committees of jurisdiction on specific measures the Admin-*
19 *istrator has taken to reinforce that each employee of the Ad-*
20 *ministration responsible for overseeing an organization des-*
21 *ignation authorization with respect to the certification of*
22 *aircraft perform such responsibility in accordance with*
23 *safety management principles and in the public interest of*
24 *aviation safety.*

1 **SEC. 110. APPEALS OF CERTIFICATION DECISIONS.**

2 (a) *IN GENERAL.*—Section 44704, of title 49, United
3 States Code, as amended by section 105(b), is further
4 amended by adding at the end the following:

5 “(g) *CERTIFICATION DISPUTE RESOLUTION.*—

6 “(1) *DISPUTE RESOLUTION PROCESS AND AP-*
7 *PEALS.*—

8 “(A) *IN GENERAL.*—Not later than 60 days
9 after the date of enactment of this subsection, the
10 Administrator shall issue an order estab-
11 lishing—

12 “(i) an effective, timely, and milestone-
13 based issue resolution process for type cer-
14 tification activities under subsection (a);
15 and

16 “(ii) a process by which a decision,
17 finding of compliance or noncompliance, or
18 other act of the Administration, with re-
19 spect to compliance with design require-
20 ments, may be appealed by a covered person
21 directly involved with the certification ac-
22 tivities in dispute on the basis that such de-
23 cision, finding, or act is erroneous or incon-
24 sistent with this chapter, regulations, or
25 guidance materials promulgated by the Ad-
26 ministrator, or other requirements.

1 “(B) *ESCALATION.*—*The order issued under*
2 *subparagraph (A) shall provide processes for—*

3 “(i) *resolution of technical issues at*
4 *pre-established stages of the certification*
5 *process, as agreed to by the Administrator*
6 *and the type certificate applicant;*

7 “(ii) *automatic elevation to appro-*
8 *priate management personnel of the Admin-*
9 *istration and the type certificate applicant*
10 *of any major certification process milestone*
11 *that is not completed or resolved within a*
12 *specific period of time agreed to by the Ad-*
13 *ministrator and the type certificate appli-*
14 *cant;*

15 “(iii) *resolution of a major certifi-*
16 *cation process milestone elevated pursuant*
17 *to clause (ii) within a specific period of*
18 *time agreed to by the Administrator and the*
19 *type certificate applicant;*

20 “(iv) *initial review by appropriate Ad-*
21 *ministration employees of any appeal de-*
22 *scribed in subparagraph (A)(ii); and*

23 “(v) *subsequent review of any further*
24 *appeal by appropriate management per-*

1 *sonnel of the Administration and the Asso-*
2 *ciate Administrator for Aviation Safety.*

3 “(C) *DISPOSITION.*—

4 “(i) *WRITTEN DECISION.*—*The Asso-*
5 *ciate Administrator for Aviation Safety*
6 *shall issue a written decision that states the*
7 *grounds for the decision of the Associate Ad-*
8 *ministrator on—*

9 “(I) *each appeal submitted under*
10 *subparagraph (A)(ii); and*

11 “(II) *An appeal to the Associate*
12 *Administrator submitted under sub-*
13 *paragraph (B)(v).*

14 “(ii) *REPORT TO CONGRESS.*—*Not*
15 *later than December 31 of each calendar*
16 *year through calendar year 2025, the Ad-*
17 *ministrator shall submit to the Committee*
18 *on Transportation and Infrastructure of the*
19 *House of Representatives and the Committee*
20 *on Commerce, Science, and Transportation*
21 *of the Senate a report summarizing each*
22 *appeal resolved under this subsection.*

23 “(D) *FINAL REVIEW.*—

24 “(i) *IN GENERAL.*—*A written decision*
25 *of the Associate Administrator under sub-*

1 *paragraph (C) may be appealed to the Ad-*
2 *ministrator for a final review and deter-*
3 *mination.*

4 “(ii) *DECLINE TO REVIEW.—The Ad-*
5 *ministrator may decline to review an ap-*
6 *peal initiated pursuant to clause (i).*

7 “(iii) *JUDICIAL REVIEW.—No decision*
8 *under this paragraph (including a decision*
9 *to decline to review an appeal) shall be sub-*
10 *ject to judicial review.*

11 “(2) *PROHIBITED CONTACTS.—*

12 “(A) *PROHIBITION GENERALLY.—During*
13 *the course of an appeal under this subsection, no*
14 *covered official may engage in an ex parte com-*
15 *munication (as defined in section 551 of title 5)*
16 *with an individual representing or acting on be-*
17 *half of an applicant for, or holder of, a certifi-*
18 *cate under this section in relation to such appeal*
19 *unless such communication is disclosed pursuant*
20 *to subparagraph (B).*

21 “(B) *DISCLOSURE.—If, during the course of*
22 *an appeal under this subsection, a covered offi-*
23 *cial engages in, receives, or is otherwise made*
24 *aware of an ex parte communication, the covered*
25 *official shall disclose such communication in the*

1 *public record at the time of the issuance of the*
2 *written decision under paragraph (1)(C), includ-*
3 *ing the time and date of the communication,*
4 *subject of communication, and all persons en-*
5 *gaged in such communication.*

6 “(3) *DEFINITIONS.—In this subsection:*

7 “(A) *COVERED PERSON.—The term ‘covered*
8 *person’ means either—*

9 “(i) *an employee of the Administration*
10 *whose responsibilities relate to the certifi-*
11 *cation of aircraft, engines, propellers, or ap-*
12 *pliances; or*

13 “(ii) *an applicant for, or holder of, a*
14 *type certificate or amended type certificate*
15 *issued under this section.*

16 “(B) *COVERED OFFICIAL.—The term ‘cov-*
17 *ered official’ means the following officials:*

18 “(i) *The Executive Director or any*
19 *Deputy Director of the Aircraft Certifi-*
20 *cation Service.*

21 “(ii) *The Deputy Executive Director*
22 *for Regulatory Operations of the Aircraft*
23 *Certification Service.*

1 “(iii) *The Director or Deputy Director*
2 *of the Compliance and Airworthiness Divi-*
3 *sion of the Aircraft Certification Service.*

4 “(iv) *The Director or Deputy Director*
5 *of the System Oversight Division of the Air-*
6 *craft Certification Service.*

7 “(v) *The Director or Deputy Director*
8 *of the Policy and Innovation Division of the*
9 *Aircraft Certification Service.*

10 “(vi) *The Executive Director or any*
11 *Deputy Executive Director of the Flight*
12 *Standards Service.*

13 “(vii) *The Associate Administrator or*
14 *Deputy Associate Administrator for Avia-*
15 *tion Safety.*

16 “(viii) *The Deputy Administrator of*
17 *the Federal Aviation Administration.*

18 “(ix) *The Administrator of the Federal*
19 *Aviation Administration.*

20 “(x) *Any similarly situated or suc-*
21 *cessor FAA management position to those*
22 *described in clauses (i) through (ix), as de-*
23 *termined by the Administrator.*

24 “(C) *MAJOR CERTIFICATION PROCESS MILE-*
25 *STONE.—The term ‘major certification process*

1 *milestone’ means a milestone related to the type*
2 *certification basis, type certification plan, type*
3 *inspection authorization, issue paper, or other*
4 *major type certification activity agreed to by the*
5 *Administrator and the type certificate applicant.*

6 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
7 *subsection shall apply to the communication of a*
8 *good-faith complaint by any individual alleging—*

9 “(A) *gross misconduct;*

10 “(B) *a violation of title 18; or*

11 “(C) *a violation of any of the provisions of*
12 *part 2635 or 6001 of title 5, Code of Federal*
13 *Regulations.”.*

14 (b) *CONFORMING AMENDMENT.*—*Section 44704(a) of*
15 *title 49, United States Code, is amended by striking para-*
16 *graph (6).*

17 **SEC. 111. EMPLOYMENT RESTRICTIONS.**

18 (a) *DISQUALIFICATION BASED ON PRIOR EMPLOY-*
19 *MENT.*—*An employee of the Administration with super-*
20 *visory responsibility may not direct, conduct, or otherwise*
21 *participate in oversight of a holder of a certificate issued*
22 *under section 44704 of title 49, United States Code, that*
23 *previously employed such employee in the preceding 1-year*
24 *period.*

1 (b) *POST-EMPLOYMENT RESTRICTIONS.*—Section
2 *44711(d) of title 49, United States Code, is amended to read*
3 *as follows:*

4 “(d) *POST-EMPLOYMENT RESTRICTIONS FOR INSPEC-*
5 *TORS AND ENGINEERS.*—

6 “(1) *PROHIBITION.*—*A person holding a certifi-*
7 *cate issued under part 21 or 119 of title 14, Code of*
8 *Federal Regulations, may not knowingly employ, or*
9 *make a contractual arrangement that permits, an in-*
10 *dividual to act as an agent or representative of such*
11 *person in any matter before the Administration if the*
12 *individual, in the preceding 2-year period—*

13 “(A) *served as, or was responsible for over-*
14 *sight of—*

15 “(i) *a flight standards inspector of the*
16 *Administration; or*

17 “(ii) *an employee of the Administra-*
18 *tion with responsibility for certification*
19 *functions with respect to a holder of a cer-*
20 *tificate issued under section 44704(a); and*

21 “(B) *had responsibility to inspect, or over-*
22 *see inspection of, the operations of such person.*

23 “(2) *WRITTEN AND ORAL COMMUNICATIONS.*—
24 *For purposes of paragraph (1), an individual shall be*
25 *considered to be acting as an agent or representative*

1 *of a certificate holder in a matter before the Adminis-*
2 *tration if the individual makes any written or oral*
3 *communication on behalf of the certificate holder to*
4 *the Administration (or any of its officers or employ-*
5 *ees) in connection with a particular matter, whether*
6 *or not involving a specific party and without regard*
7 *to whether the individual has participated in, or had*
8 *responsibility for, the particular matter while serving*
9 *as an individual covered under paragraph (1).”.*

10 **SEC. 112. PROFESSIONAL DEVELOPMENT, SKILLS EN-**
11 **HANCEMENT, CONTINUING EDUCATION AND**
12 **TRAINING.**

13 *(a) IN GENERAL.—Chapter 445 of title 49, United*
14 *States Code, is amended by adding at the end the following:*

15 **“§44519. Certification personnel continuing edu-**
16 **cation and training**

17 *“(a) IN GENERAL.—The Administrator of the Federal*
18 *Aviation Administration shall—*

19 *“(1) develop a program for regular recurrent*
20 *training of engineers, inspectors, and other subject-*
21 *matter experts employed in the Aircraft Certification*
22 *Service of the Administration in accordance with the*
23 *training strategy developed pursuant to section 231 of*
24 *the FAA Reauthorization Act of 2018 (Public Law*
25 *115–254; 132 Stat. 3256);*

1 “(2) to the maximum extent practicable, imple-
2 ment measures, including assignments in multiple di-
3 visions of the Aircraft Certification Service, to ensure
4 that such engineers and other subject-matter experts
5 in the Aircraft Certification Service have access to di-
6 verse professional opportunities that expand their
7 knowledge and skills;

8 “(3) develop a program to provide continuing
9 education and training to Administration personnel
10 who hold positions involving aircraft certification
11 and flight standards, including human factors spe-
12 cialists, engineers, flight test pilots, inspectors, and,
13 as determined appropriate by the Administrator, in-
14 dustry personnel who may be responsible for compli-
15 ance activities including designees; and

16 “(4) in consultation with outside experts, de-
17 velop—

18 “(A) an education and training curriculum
19 on current and new aircraft technologies, human
20 factors, project management, and the roles and
21 responsibilities associated with oversight of des-
22 ignees; and

23 “(B) recommended practices for compliance
24 with Administration regulations.

1 “(b) *IMPLEMENTATION.*—*The Administrator shall, to*
2 *the maximum extent practicable, ensure that actions taken*
3 *pursuant to subsection (a)—*

4 “(1) *permit engineers, inspectors, and other sub-*
5 *ject matter experts to continue developing knowledge*
6 *of, and expertise in, new and emerging technologies in*
7 *systems design, flight controls, principles of aviation*
8 *safety, system oversight, and certification project*
9 *management;*

10 “(2) *minimize the likelihood of an individual de-*
11 *veloping an inappropriate bias toward a designer or*
12 *manufacturer of aircraft, aircraft engines, propellers,*
13 *or appliances;*

14 “(3) *are consistent with any applicable collective*
15 *bargaining agreements; and*

16 “(4) *account for gaps in knowledge and skills (as*
17 *identified by the Administrator in consultation with*
18 *the exclusive bargaining representatives certified*
19 *under section 7111 of title 5, United States Code) be-*
20 *tween Administration employees and private-sector*
21 *employees for each group of Administration employees*
22 *covered under this section.*

23 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
24 *authorized to be appropriated to the Administrator,*
25 *\$10,000,000 for each of fiscal years 2021 through 2023 to*

1 *carry out this section. Amounts appropriated under the pre-*
2 *ceding sentence for any fiscal year shall remain available*
3 *until expended.”.*

4 (b) *TABLE OF CONTENTS.—The analysis for chapter*
5 *445 of title 49, United States Code, is amended by inserting*
6 *after the item relating to section 44518 the following:*

“44519. Certification personnel continuing education and training.”.

7 **SEC. 113. VOLUNTARY SAFETY REPORTING PROGRAM.**

8 (a) *IN GENERAL.—Not later than 1 year after the date*
9 *of enactment of this title, the Administrator shall establish*
10 *a voluntary safety reporting program for engineers, safety*
11 *inspectors, systems safety specialists, and other subject mat-*
12 *ter experts certified under section 7111 of title 5, United*
13 *States Code, to confidentially report instances where they*
14 *have identified safety concerns during certification or over-*
15 *sight processes.*

16 (b) *SAFETY REPORTING PROGRAM REQUIREMENTS.—*
17 *In establishing the safety reporting program under sub-*
18 *section (a), the Administrator shall ensure the following:*

19 (1) *The FAA maintains a reporting culture that*
20 *encourages human factors specialists, engineers, flight*
21 *test pilots, inspectors, and other appropriate FAA em-*
22 *ployees to voluntarily report safety concerns.*

23 (2) *The safety reporting program is non-puni-*
24 *tive, confidential, and protects employees from adverse*

1 *employment actions related to their participation in*
2 *the program.*

3 (3) *The safety reporting program identifies ex-*
4 *clusionary criteria for the program.*

5 (4) *Collaborative development of the program*
6 *with bargaining representatives of employees under*
7 *section 7111 of title 5, United States Code, who are*
8 *employed in the Aircraft Certification Service or*
9 *Flight Standards Service of the Administration (or, if*
10 *unable to reach an agreement collaboratively, the Ad-*
11 *ministrator shall negotiate with the representatives in*
12 *accordance with section 40122(a) of title 49, United*
13 *States Code, regarding the development of the pro-*
14 *gram).*

15 (5) *Full and collaborative participation in the*
16 *program by the bargaining representatives of employ-*
17 *ees described in paragraph (4).*

18 (6) *The Administrator thoroughly reviews safety*
19 *reports to determine whether there is a safety issue,*
20 *including a hazard, defect, noncompliance, non-*
21 *conformance, or process error.*

22 (7) *The Administrator thoroughly reviews safety*
23 *reports to determine whether any aircraft certifi-*
24 *cation process contributed to the safety concern being*
25 *raised.*

1 (8) *The creation of a corrective action process in*
2 *order to address safety issues that are identified*
3 *through the program.*

4 (c) *OUTCOMES.—Results of safety report reviews under*
5 *this section may be used to—*

6 (1) *improve—*

7 (A) *safety systems, hazard control, and risk*
8 *reduction;*

9 (B) *certification systems;*

10 (C) *FAA oversight;*

11 (D) *compliance and conformance; and*

12 (E) *any other matter determined necessary*
13 *by the Administrator; and*

14 (2) *implement lessons learned.*

15 (d) *REPORT FILING.—The Administrator shall estab-*
16 *lish requirements for when in the certification process re-*
17 *ports may be filed to—*

18 (1) *ensure that identified issues can be addressed*
19 *in a timely manner; and*

20 (2) *foster open dialogue between applicants and*
21 *FAA employees throughout the certification process.*

22 (e) *INTEGRATION WITH OTHER SAFETY REPORTING*
23 *PROGRAMS.—The Administrator shall implement the safety*
24 *reporting program established under subsection (a) and the*
25 *reporting requirements established pursuant to subsection*

1 *(d) in a manner that is consistent with other voluntary*
2 *safety reporting programs administered by the Adminis-*
3 *trator.*

4 *(f) REPORT TO CONGRESS.—Not later than 2 years*
5 *after the date of enactment of this title, and annually there-*
6 *after through fiscal year 2023, the Administrator shall sub-*
7 *mit to the congressional committees of jurisdiction a report*
8 *on the effectiveness of the safety reporting program estab-*
9 *lished under subsection (a).*

10 **SEC. 114. COMPENSATION LIMITATION.**

11 *Section 106(l) of title 49, United States Code, is*
12 *amended by adding at the end the following:*

13 *“(7) PROHIBITION ON CERTAIN PERFORMANCE-*
14 *BASED INCENTIVES.—No employee of the Administra-*
15 *tion shall be given an award, financial incentive, or*
16 *other compensation, as a result of actions to meet per-*
17 *formance goals related to meeting or exceeding sched-*
18 *ules, quotas, or deadlines for certificates issued under*
19 *section 44704.”.*

20 **SEC. 115. SYSTEM SAFETY ASSESSMENTS AND OTHER RE-**
21 **QUIREMENTS.**

22 *(a) IN GENERAL.—Not later than 2 years after the*
23 *date of enactment of this title, the Administrator shall issue*
24 *such regulations as are necessary to amend part 25 of title*
25 *14, Code of Federal Regulations, and any associated advi-*

1 *sory circular, guidance, or policy of the Administration, in*
2 *accordance with this section.*

3 (b) *SYSTEM SAFETY ASSESSMENTS AND OTHER RE-*
4 *QUIREMENTS.—In developing regulations under subsection*
5 *(a), the Administrator shall—*

6 (1) *require an applicant for an amended type*
7 *certificate for a transport airplane to—*

8 (A) *perform a system safety assessment with*
9 *respect to each proposed design change that the*
10 *Administrator determines is significant, with*
11 *such assessment considering the airplane-level ef-*
12 *fects of individual errors, malfunctions, or fail-*
13 *ures and realistic pilot response times to such er-*
14 *rors, malfunctions, or failures;*

15 (B) *update such assessment to account for*
16 *each subsequent proposed design change that the*
17 *Administrator determines is significant;*

18 (C) *provide appropriate employees of the*
19 *Administration with the data and assumptions*
20 *underlying each assessment and amended assess-*
21 *ment; and*

22 (D) *provide for document traceability and*
23 *clarity of explanations for changes to aircraft*
24 *type designs and system safety assessment certifi-*
25 *cation documents; and*

1 (2) *work with other civil aviation authorities*
2 *representing states of design to ensure such regula-*
3 *tions remain harmonized internationally.*

4 (c) *GUIDANCE.—Guidance or an advisory circular*
5 *issued under subsection (a) shall, at minimum—*

6 (1) *emphasize the importance of clear docu-*
7 *mentation of the technical details and failure modes*
8 *and effects of a design change described in subsection*
9 *(b)(1); and*

10 (2) *ensure appropriate review of any change that*
11 *results in a functional hazard assessment classifica-*
12 *tion of major or greater, as such term is defined in*
13 *FAA Advisory Circular 25.1309-1A (or any successor*
14 *or replacement document).*

15 (d) *FAA REVIEW.—Appropriate employees of the Air-*
16 *craft Certification Service and the Flight Standards Service*
17 *of the Administration shall review each system safety assess-*
18 *ment required under subsection (b)(1)(A), updated assess-*
19 *ment required under subsection (b)(1)(B), and supporting*
20 *data and assumptions required under subsection (b)(1)(C),*
21 *to ensure that each such assessment sufficiently addresses*
22 *the considerations listed in subsection (b)(1)(A).*

23 **SEC. 116. FLIGHT CREW ALERTING.**

24 (a) *IN GENERAL.—Not later than 1 year after the date*
25 *of enactment of this title, the Administrator shall imple-*

1 *ment National Transportation Safety Board recommenda-*
2 *tions A-19-11 and A-19-12 (as contained in the safety rec-*
3 *ommendation report adopted on September 9, 2019).*

4 (b) *PROHIBITION.—Beginning on the date that is 2*
5 *years after the date of enactment of this title, the Adminis-*
6 *trator may not issue a type certificate for a transport cat-*
7 *egory aircraft unless—*

8 (1) *in the case of a transport airplane, such air-*
9 *plane incorporates a flight crew alerting system that,*
10 *at a minimum, displays and differentiates among*
11 *warnings, cautions, and advisories, and includes*
12 *functions to assist the flight crew in prioritizing cor-*
13 *rective actions and responding to systems failures; or*

14 (2) *in the case of a transport category aircraft*
15 *other than a transport airplane, the type certificate*
16 *applicant provides a means acceptable to the Admin-*
17 *istrator to assist the flight crew in prioritizing correc-*
18 *tive actions and responding to systems failures (in-*
19 *cluding by cockpit or flight manual procedures).*

20 (c) *EXISTING AIRPLANE DESIGNS.—It is the sense of*
21 *Congress that the FAA shall ensure that any system safety*
22 *assessment with respect to the Boeing 737-7, 737-8, 737-*
23 *9, and 737-10 airplanes, as described in National Trans-*
24 *portation Safety Board recommendation A-19-10, is con-*
25 *ducted in accordance with such recommendation.*

1 **SEC. 117. CHANGED PRODUCT RULE.**

2 (a) *REVIEW AND REEVALUATION OF AMENDED TYPE*
3 *CERTIFICATES.*—

4 (1) *INTERNATIONAL LEADERSHIP.*—*The Admin-*
5 *istrator shall exercise leadership in the creation of*
6 *international policies and standards relating to the*
7 *issuance of amended type certificates within the Cer-*
8 *tification Management Team.*

9 (2) *REEVALUATION OF AMENDED TYPE CERTIFI-*
10 *CATES.*—*In carrying out this subsection, the Admin-*
11 *istrator shall—*

12 (A) *encourage Certification Management*
13 *Team members to examine and address any rel-*
14 *evant covered recommendations (as defined in*
15 *section 121(c)) relating to the issuance of amend-*
16 *ed type certificates;*

17 (B) *reevaluate existing assumptions and*
18 *practices inherent in the amended type certifi-*
19 *cate process and assess whether such assumptions*
20 *and practices are valid; and*

21 (C) *ensure, to the greatest extent prac-*
22 *ticable, that Federal regulations relating to the*
23 *issuance of amended type certificates are har-*
24 *monized with the regulations of other inter-*
25 *national states of design.*

1 **(b) AMENDED TYPE CERTIFICATE REPORT AND RULE-**
2 **MAKING.—**

3 **(1) BRIEFINGS.—***Not later than 12 months after*
4 *the date of enactment of this title, and annually*
5 *thereafter through fiscal year 2023, the Administrator*
6 *shall brief the congressional committees of jurisdiction*
7 *on the work and status of the development of such rec-*
8 *ommendations by the Certification Management*
9 *Team.*

10 **(2) INITIATION OF ACTION.—***Not later than 2*
11 *years after the date of enactment of this title, the Ad-*
12 *ministrator shall take action to revise and improve*
13 *the process of issuing amended type certificates in ac-*
14 *cordance with this section. Such action shall include,*
15 *at minimum—*

16 **(A) initiation of a rulemaking proceeding;**
17 *and*
18 **(B) development or revision of guidance**
19 *and training materials.*

20 **(3) CONTENTS.—***In taking actions required*
21 *under paragraph (2), the Administrator shall do the*
22 *following:*

23 **(A) Ensure that proposed changes to an air-**
24 *craft are evaluated from an integrated whole air-*
25 *craft system perspective that examines the inte-*

1 *gration of proposed changes with existing sys-*
2 *tems and associated impacts.*

3 *(B) Define key terms used for the changed*
4 *product process under sections 21.19 and 21.101*
5 *of title 14, Code of Federal Regulations.*

6 *(C) Consider—*

7 *(i) the findings and work of the Cer-*
8 *tification Management Team and other*
9 *similar international harmonization efforts;*

10 *(ii) any relevant covered recommenda-*
11 *tions (as defined in section 121(e)); and*

12 *(iii) whether a fixed time beyond*
13 *which a type certificate may not be amend-*
14 *ed would improve aviation safety.*

15 *(D) Establish the extent to which the fol-*
16 *lowing design characteristics should preclude the*
17 *issuance of an amended type certificate:*

18 *(i) A new or revised flight control sys-*
19 *tem.*

20 *(ii) Any substantial changes to aero-*
21 *dynamic stability resulting from a physical*
22 *change that may require a new or modified*
23 *software system or control law in order to*
24 *produce positive and acceptable stability*
25 *and handling qualities.*

1 (iii) *A flight control system or aug-*
2 *mented software to maintain aerodynamic*
3 *stability in any portion of the flight enve-*
4 *lope that was not required for a previously*
5 *certified derivative.*

6 (iv) *A change in structural components*
7 *(other than a stretch or shrink of the fuse-*
8 *lage) that results in a change in structural*
9 *load paths or the magnitude of structural*
10 *loads attributed to flight maneuvers or*
11 *cabin pressurization.*

12 (v) *A novel or unusual system, compo-*
13 *nent, or other feature whose failure would*
14 *present a hazardous or catastrophic risk.*

15 (E) *Develop objective criteria for helping to*
16 *determine what constitutes a substantial change*
17 *and a significant change.*

18 (F) *Implement mandatory aircraft-level re-*
19 *views throughout the certification process to vali-*
20 *date the certification basis and assumptions.*

21 (G) *Require maintenance of relevant records*
22 *of agreements between the FAA and an applicant*
23 *that affect certification documentation and*
24 *deliverables.*

1 (H) *Ensure appropriate documentation of*
2 *any exception or exemption from airworthiness*
3 *requirements codified in title 14 of the Code of*
4 *Federal Regulations, as in effect on the date of*
5 *application for the change.*

6 (4) *GUIDANCE MATERIALS.—The Administrator*
7 *shall consider the following when developing orders*
8 *and regulatory guidance, including advisory circu-*
9 *lars, where appropriate:*

10 (A) *Early FAA involvement and feedback*
11 *paths in the aircraft certification process to en-*
12 *sure the FAA is aware of changes to design as-*
13 *sumptions and product design impacting a*
14 *changed product assessment.*

15 (B) *Presentation to the FAA of new tech-*
16 *nology, novel design, or safety critical features or*
17 *systems, initially and throughout the certifi-*
18 *cation process, when development and certifi-*
19 *cation prompt design or compliance method revi-*
20 *sion.*

21 (C) *Examples of key terms used for the*
22 *changed product process under sections 21.19*
23 *and 21.101 of title 14, Code of Federal Regula-*
24 *tions.*

1 (D) *Type certificate data sheet improve-*
2 *ments to accurately state which regulations and*
3 *amendment level the aircraft complies to and*
4 *when compliance is limited to a subset of the*
5 *aircraft.*

6 (E) *Policies to guide applicants on proper*
7 *visibility, clarity, and consistency of key design*
8 *and compliance information that is submitted*
9 *for certification, particularly with new design*
10 *features.*

11 (F) *The creation, validation, and imple-*
12 *mentation of analytical tools appropriate for the*
13 *analysis of complex system for the FAA and ap-*
14 *plicants.*

15 (G) *Early coordination processes with the*
16 *FAA for the functional hazard assessments vali-*
17 *dation and preliminary system safety assess-*
18 *ments review.*

19 (5) *TRAINING MATERIALS.—The Administrator*
20 *shall—*

21 (A) *develop training materials for estab-*
22 *lishing the certification basis for changed aero-*
23 *nautical products pursuant to section 21.101 of*
24 *title 14, Code of Federal Regulations, applica-*
25 *tions for a new type certificate pursuant to sec-*

1 *tion 21.19 of such title, and the regulatory guid-*
2 *ance developed as a result of the rulemaking con-*
3 *ducted pursuant to paragraph (2); and*

4 *(B) procedures for disseminating such mate-*
5 *rials to implementing personnel of the FAA, des-*
6 *ignees, and applicants.*

7 *(6) CERTIFICATION MANAGEMENT TEAM DE-*
8 *FINED.—In this section, the term “Certification Man-*
9 *agement Team” means the team framework under*
10 *which the FAA, the European Aviation Safety Agen-*
11 *cy, the Transport Canada Civil Aviation, and the Na-*
12 *tional Civil Aviation Agency of Brazil, manage the*
13 *technical, policy, certification, manufacturing, export,*
14 *and continued airworthiness issues common among*
15 *the 4 authorities.*

16 *(7) DEADLINE.—The Administrator shall final-*
17 *ize the actions initiated under paragraph (2) not*
18 *later than 3 years after the date of enactment of this*
19 *title.*

20 *(c) INTERNATIONAL LEADERSHIP.—The Adminis-*
21 *trator shall exercise leadership within the ICAO and among*
22 *other civil aviation regulators representing states of aircraft*
23 *design to advocate for the adoption of an amended changed*
24 *product rule on a global basis, consistent with ICAO stand-*
25 *ards.*

1 **SEC. 118. WHISTLEBLOWER PROTECTIONS.**

2 *Section 42121 of title 49, United States Code, is*
3 *amended—*

4 *(1) by striking subsection (a) and inserting the*
5 *following:*

6 *“(a) PROHIBITED DISCRIMINATION.—A holder of a*
7 *certificate under section 44704 or 44705 of this title, or a*
8 *contractor, subcontractor, or supplier of such holder, may*
9 *not discharge an employee or otherwise discriminate*
10 *against an employee with respect to compensation, terms,*
11 *conditions, or privileges of employment because the em-*
12 *ployee (or any person acting pursuant to a request of the*
13 *employee)—*

14 *“(1) provided, caused to be provided, or is about*
15 *to provide (with any knowledge of the employer) or*
16 *cause to be provided to the employer or Federal Gov-*
17 *ernment information relating to any violation or al-*
18 *leged violation of any order, regulation, or standard*
19 *of the Federal Aviation Administration or any other*
20 *provision of Federal law relating to aviation safety*
21 *under this subtitle or any other law of the United*
22 *States;*

23 *“(2) has filed, caused to be filed, or is about to*
24 *file (with any knowledge of the employer) or cause to*
25 *be filed a proceeding relating to any violation or al-*
26 *leged violation of any order, regulation, or standard*

1 *of the Federal Aviation Administration or any other*
2 *provision of Federal law relating to aviation safety*
3 *under this subtitle or any other law of the United*
4 *States;*

5 *“(3) testified or is about to testify in such a pro-*
6 *ceeding; or*

7 *“(4) assisted or participated or is about to assist*
8 *or participate in such a proceeding.”;*

9 *(2) by striking subsection (d) and inserting the*
10 *following:*

11 *“(d) NONAPPLICABILITY TO DELIBERATE VIOLA-*
12 *TIONS.—Subsection (a) shall not apply with respect to an*
13 *employee of a holder of a certificate issued under section*
14 *44704 or 44705, or a contractor or subcontractor thereof,*
15 *who, acting without direction from such certificate-holder,*
16 *contractor, or subcontractor (or such person’s agent), delib-*
17 *erately causes a violation of any requirement relating to*
18 *aviation safety under this subtitle or any other law of the*
19 *United States.”; and*

20 *(3) by striking subsection (e) and inserting the*
21 *following:*

22 *“(e) CONTRACTOR DEFINED.—In this section, the term*
23 *‘contractor’ means—*

1 “(1) a person that performs safety-sensitive func-
2 tions by contract for an air carrier or commercial op-
3 erator; or

4 “(2) a person that performs safety-sensitive func-
5 tions related to the design or production of an air-
6 craft, aircraft engine, propeller, appliance, or compo-
7 nent thereof by contract for a holder of a certificate
8 issued under section 44704.”.

9 **SEC. 119. DOMESTIC AND INTERNATIONAL PILOT TRAIN-**
10 **ING.**

11 (a) *IN GENERAL.*—Chapter 447 of title 49, United
12 States Code, as amended by section 107, is further amended
13 by adding at the end the following:

14 **“§ 44743. Pilot training requirements**

15 “(a) *IN GENERAL.*—

16 “(1) *ADMINISTRATOR’S DETERMINATION.*—In es-
17 tablishing any pilot training requirements with re-
18 spect to a new transport airplane, the Administrator
19 of the Federal Aviation Administration shall inde-
20 pendently review any proposal by the manufacturer
21 of such airplane with respect to the scope, format, or
22 minimum level of training required for operation of
23 such airplane.

24 “(2) *ASSURANCES AND MARKETING REPRESENTATIONS.*—Before the Administrator has established
25

1 applicable training requirements, an applicant for a
2 new or amended type certificate for an airplane de-
3 scribed in paragraph (1) may not, with respect to the
4 scope, format, or magnitude of pilot training for such
5 airplane—

6 “(A) make any assurance or other contrac-
7 tual commitment, whether verbal or in writing,
8 to a potential purchaser of such airplane unless
9 a clear and conspicuous disclaimer (as defined
10 by the Administrator) is included regarding the
11 status of training required for operation of such
12 airplane; or

13 “(B) provide financial incentives (including
14 rebates) to a potential purchaser of such airplane
15 regarding the scope, format, or magnitude of
16 pilot training for such airplane.

17 “(b) *PILOT RESPONSE TIME*.—Beginning on the day
18 after the date on which regulations are issued under section
19 119(c)(6) of the Aircraft Certification, Safety, and Account-
20 ability Act, the Administrator may not issue a new or
21 amended type certificate for an airplane described in sub-
22 section (a) unless the applicant for such certificate has dem-
23 onstrated to the Administrator that the applicant has ac-
24 counted for realistic assumptions regarding the time for
25 pilot responses to non-normal conditions in designing the

1 *systems and instrumentation of such airplane. Such as-*
2 *sumptions shall—*

3 “(1) *be based on test data, analysis, or other*
4 *technical validation methods; and*

5 “(2) *account for generally accepted scientific*
6 *consensus among experts in human factors regarding*
7 *realistic pilot response time.*

8 “(c) *DEFINITION.—In this section, the term ‘transport*
9 *airplane’ means a transport category airplane designed for*
10 *operation by an air carrier or foreign air carrier type-cer-*
11 *tificated with a passenger seating capacity of 30 or more*
12 *or an all-cargo or combi derivative of such an airplane.”.*

13 “(b) *CONFORMING AMENDMENT.—The analysis for*
14 *chapter 447 of title 49, United States Code, is further*
15 *amended by adding at the end the following:*

“44743. Pilot training requirements.”.

16 “(c) *EXPERT SAFETY REVIEW.—*

17 “(1) *IN GENERAL.—Not later than 30 days after*
18 *the date of enactment of this title, the Administrator*
19 *shall initiate an expert safety review of assumptions*
20 *relied upon by the Administration and manufacturers*
21 *of transport category aircraft in the design and cer-*
22 *tification of such aircraft.*

23 “(2) *CONTENTS.—The expert safety review re-*
24 *quired under paragraph (1) shall include—*

1 (A) a review of Administration regulations,
2 guidance, and directives related to pilot response
3 assumptions relied upon by the FAA and manu-
4 facturers of transport category aircraft in the de-
5 sign and certification of such aircraft, and
6 human factors and human system integration,
7 particularly those related to pilot and aircraft
8 interfaces;

9 (B) a focused review of the assumptions re-
10 lied on regarding the time for pilot responses to
11 non-normal conditions in designing such air-
12 craft's systems and instrumentation, including
13 responses to safety-significant failure conditions
14 and failure scenarios that trigger multiple, and
15 possibly conflicting, warnings and alerts;

16 (C) a review of human factors assumptions
17 with applicable operational data, human factors
18 research and the input of human factors experts
19 and FAA operational data, and as appropriate,
20 recommendations for modifications to existing
21 assumptions;

22 (D) a review of revisions made to the air-
23 man certification standards for certificates over
24 the last 4 years, including any possible effects on
25 pilot competency in basic manual flying skills;

1 (E) consideration of the global nature of the
2 aviation marketplace, varying levels of pilot
3 competency, and differences in pilot training
4 programs worldwide;

5 (F) a process for aviation stakeholders, in-
6 cluding pilots, airlines, inspectors, engineers, test
7 pilots, human factors experts, and other aviation
8 safety experts, to provide and discuss any obser-
9 vations, feedback, and best practices;

10 (G) a review of processes currently in place
11 to ensure that when carrying out the certifi-
12 cation of a new aircraft type, or an amended
13 type, the cumulative effects that new technologies,
14 and the interaction between new technologies and
15 unchanged systems for an amended type certifi-
16 cate, may have on pilot interactions with air-
17 craft systems are properly assessed through sys-
18 tem safety assessments or otherwise; and

19 (H) a review of processes currently in place
20 to account for any necessary adjustments to sys-
21 tem safety assessments, pilot procedures and
22 training requirements, or design requirements
23 when there are changes to the assumptions relied
24 upon by the Administration and manufacturers

1 *of transport category aircraft in the design and*
2 *certification of such aircraft.*

3 (3) *REPORT AND RECOMMENDATIONS.*—*Not later*
4 *than 30 days after the conclusion of the expert safety*
5 *review pursuant to paragraph (1), the Administrator*
6 *shall submit to the congressional committees of juris-*
7 *isdiction a report on the results of the review, including*
8 *any recommendations for actions or best practices to*
9 *ensure the FAA and the manufacturers of transport*
10 *category aircraft have accounted for pilot response as-*
11 *sumptions to be relied upon in the design and certifi-*
12 *cation of transport category aircraft and tools or*
13 *methods identified to better integrate human factors*
14 *throughout the process for such certification.*

15 (4) *INTERNATIONAL ENGAGEMENT.*—*The Admin-*
16 *istrator shall notify other international regulators*
17 *that certify transport category aircraft type designs of*
18 *the expert panel report and encourage them to review*
19 *the report and evaluate their regulations and proc-*
20 *esses in light of the recommendations included in the*
21 *report.*

22 (5) *TERMINATION.*—*The expert safety review*
23 *shall end upon submission of the report required pur-*
24 *suant to paragraph (3).*

1 (6) *REGULATIONS.*—*The Administrator shall*
2 *issue or update such regulations as are necessary to*
3 *implement the recommendations of the expert safety*
4 *review that the Administrator determines are nec-*
5 *essary to improve aviation safety.*

6 (d) *CALL TO ACTION ON AIRMAN CERTIFICATION*
7 *STANDARDS.*—

8 (1) *IN GENERAL.*—*Not later than 60 days after*
9 *the date of enactment of this title, the Administrator*
10 *shall initiate a call to action safety review of pilot*
11 *certification standards in order to bring stakeholders*
12 *together to share lessons learned, best practices, and*
13 *implement actions to address any safety issues identi-*
14 *fied.*

15 (2) *CONTENTS.*—*The call to action safety review*
16 *required under paragraph (1) shall include—*

17 (A) *a review of Administration regulations,*
18 *guidance, and directives related to the pilot cer-*
19 *tification standards, including the oversight of*
20 *those processes;*

21 (B) *a review of revisions made to the pilot*
22 *certification standards for certificates over the*
23 *last 5 years, including any possible effects on*
24 *pilot competency in manual flying skills and ef-*

1 *fectively managing automation to improve safe-*
2 *ty; and*

3 *(C) a process for aviation stakeholders, in-*
4 *cluding aviation students, instructors, designated*
5 *pilot examiners, pilots, airlines, labor, and avia-*
6 *tion safety experts, to provide and discuss any*
7 *observations, feedback, and best practices.*

8 *(3) REPORT AND RECOMMENDATIONS.—Not later*
9 *than 90 days after the conclusion of the call to action*
10 *safety review pursuant to paragraph (1), the Admin-*
11 *istrator shall submit to the congressional committees*
12 *of jurisdiction a report on the results of the review,*
13 *any recommendations for actions or best practices to*
14 *ensure pilot competency in basic manual flying skills*
15 *and in effective management of automation, and ac-*
16 *tions the Administrator will take in response to the*
17 *recommendations.*

18 *(e) INTERNATIONAL PILOT TRAINING.—*

19 *(1) IN GENERAL.—The Secretary of Transpor-*
20 *tation, the Administrator, and other appropriate offi-*
21 *cial of the Government shall exercise leadership in*
22 *setting global standards to improve air carrier pilot*
23 *training and qualifications for—*

24 *(A) monitoring and managing the behavior*
25 *and performance of automated systems;*

1 (B) controlling the flightpath of aircraft
2 without autoflight systems engaged;

3 (C) effectively utilizing and managing
4 autoflight systems, when appropriate;

5 (D) effectively identifying situations in
6 which the use of autoflight systems is appro-
7 priate and when such use is not appropriate;
8 and

9 (E) recognizing and responding appro-
10 priately to non-normal conditions.

11 (2) *INTERNATIONAL LEADERSHIP.*—The Sec-
12 retary, the Administrator, and other appropriate offi-
13 cials of the Government shall exercise leadership
14 under paragraph (1) by working with—

15 (A) foreign counterparts of the Adminis-
16 trator in the ICAO and its subsidiary organiza-
17 tions;

18 (B) other international organizations and
19 fora; and

20 (C) the private sector.

21 (3) *CONSIDERATIONS.*—In exercising leadership
22 under paragraph (1), the Secretary, the Adminis-
23 trator, and other appropriate officials of the Govern-
24 ment shall consider—

1 (A) *the latest information relating to*
2 *human factors;*

3 (B) *aircraft manufacturing trends, includ-*
4 *ing those relating to increased automation in the*
5 *cockpit;*

6 (C) *the extent to which cockpit automation*
7 *improves aviation safety and introduces novel*
8 *risks;*

9 (D) *the availability of opportunities for pi-*
10 *lots to practice manual flying skills;*

11 (E) *the need for consistency in maintaining*
12 *and enhancing manual flying skills worldwide;*

13 (F) *recommended practices of other coun-*
14 *tries that enhance manual flying skills and auto-*
15 *mation management; and*

16 (G) *whether a need exists for initial and re-*
17 *current training standards for improve pilots'*
18 *proficiency in manual flight and in effective*
19 *management of autoflight systems.*

20 (4) *CONGRESSIONAL BRIEFING.—The Secretary,*
21 *the Administrator, and other appropriate officials of*
22 *the Government shall provide to the congressional*
23 *committees of jurisdiction regular briefings on the*
24 *status of efforts undertaken pursuant to this sub-*
25 *section.*

1 (f) *INTERNATIONAL AVIATION SAFETY.*—Section
2 40104(b) of title 49, United States Code, is amended—

3 (1) by striking “The Administrator shall” and
4 inserting the following:

5 “(1) *IN GENERAL.*—The Administrator shall”;
6 and

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

8 “(2) *BILATERAL AND MULTILATERAL ENGAGE-*
9 *MENT; TECHNICAL ASSISTANCE.*—The Administrator
10 shall—

11 “(A) in consultation with the Secretary of
12 State, engage bilaterally and multilaterally, in-
13 cluding with the International Civil Aviation
14 Organization, on an ongoing basis to bolster
15 international collaboration, data sharing, and
16 harmonization of international aviation safety
17 requirements including through—

18 “(i) sharing of continued operational
19 safety information;

20 “(ii) prioritization of pilot training
21 deficiencies, including manual flying skills
22 and flight crew training, to discourage over
23 reliance on automation, further bolstering
24 the components of airmanship;

1 “(iii) encouraging the consideration of
2 the safety advantages of appropriate Fed-
3 eral regulations, which may include rel-
4 evant Federal regulations pertaining to
5 flight crew training requirements; and

6 “(iv) prioritizing any other flight crew
7 training areas that the Administrator be-
8 lieves will enhance all international avia-
9 tion safety; and

10 “(B) seek to expand technical assistance
11 provided by the Federal Aviation Administration
12 in support of enhancing international aviation
13 safety, including by—

14 “(i) promoting and enhancing effective
15 oversight systems, including operational
16 safety enhancements identified through data
17 collection and analysis;

18 “(ii) promoting and encouraging com-
19 pliance with international safety standards
20 by counterpart civil aviation authorities;

21 “(iii) minimizing cybersecurity threats
22 and vulnerabilities across the aviation eco-
23 system;

24 “(iv) supporting the sharing of safety
25 information, best practices, risk assess-

1 *ments, and mitigations through established*
2 *international aviation safety groups; and*

3 “*(v) providing technical assistance on*
4 *any other aspect of aviation safety that the*
5 *Administrator determines is likely to en-*
6 *hance international aviation safety.*”.

7 (3) *AUTHORIZATION OF APPROPRIATIONS.—*

8 *There is authorized to be appropriated to the Admin-*
9 *istrator, \$2,000,000 for each of fiscal years 2021*
10 *through 2023, to carry out section 40104(b)(2) of title*
11 *49, United States Code (as added by paragraph (2)).*

12 (g) *ASSISTANCE TO FOREIGN AVIATION AUTHORI-*
13 *TIES.—*

14 (1) *IN GENERAL.—Section 40113(e)(1) of title*
15 *49, United States Code, is amended by inserting “The*
16 *Administrator may also provide technical assistance*
17 *related to all aviation safety-related training and*
18 *operational services in connection with bilateral and*
19 *multilateral agreements, including further bolstering*
20 *the components of airmanship.” after the first sen-*
21 *tence.*

22 (2) *AUTHORIZATION OF APPROPRIATIONS.—Sec-*
23 *tion 40113(e) of title 49, United States Code, is*
24 *amended by adding at the end the following:*

1 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—
2 *There is authorized to be appropriated to the Admin-*
3 *istrator, \$5,000,000 for each of fiscal years 2021*
4 *through 2023, to carry out this subsection. Amounts*
5 *appropriated under the preceding sentence for any*
6 *fiscal year shall remain available until expended.*”.

7 *(h) SENSE OF CONGRESS REGARDING INTERNATIONAL*
8 *PILOT TRAINING STANDARDS.*—

9 (1) *FINDINGS.*—*Congress makes the following*
10 *findings:*

11 (A) *Increased reliance on automation in*
12 *commercial aviation risks a degradation of pilot*
13 *skills in flight path management using manual*
14 *flight control.*

15 (B) *Manual flight skills are essential for*
16 *pilot confidence and competence.*

17 (C) *During the 40th Assembly of ICAO, the*
18 *United States, Canada, Peru, and Trinidad and*
19 *Tobago presented a working paper titled, “Pilot*
20 *Training Improvements to Address Automation*
21 *Dependency*”.

22 (D) *The working paper outlines rec-*
23 *ommendations for the Assembly to mitigate the*
24 *consequences of automation dependency, includ-*
25 *ing identifying competency requirements for*

1 *flight path management using manual flight*
2 *control and assessing the need for new or amend-*
3 *ed international standards or guidance.*

4 (2) *SENSE OF CONGRESS.—It is the sense of*
5 *Congress that, as soon as practicable—*

6 (A) *the recommendations included in the*
7 *working paper titled “Pilot Training Improve-*
8 *ments to Address Automation Dependency” of-*
9 *fered by the United States at the 40th Assembly*
10 *of ICAO should be made a priority by the As-*
11 *sembly; and*

12 (B) *the United States should work with*
13 *ICAO and other international aviation safety*
14 *groups, further bolstering the components of*
15 *airmanship.*

16 **SEC. 120. NONCONFORMITY WITH APPROVED TYPE DESIGN.**

17 *Section 44704(d) of title 49, United States Code, is*
18 *amended by adding at the end the following:*

19 “(3) *NONCONFORMITY WITH APPROVED TYPE DE-*
20 *SIGN.—*

21 (A) *IN GENERAL.—Consistent with the re-*
22 *quirements of paragraph (1), a holder of a pro-*
23 *duction certificate for an aircraft may not*
24 *present a nonconforming aircraft, either directly*
25 *or through the registered owner of such aircraft*

1 or a person described in paragraph (2), to the
2 Administrator for issuance of an initial air-
3 worthiness certificate.

4 “(B) *CIVIL PENALTY.*—Notwithstanding sec-
5 tion 46301, a production certificate holder who
6 knowingly violates subparagraph (A) shall be
7 liable to the Administrator for a civil penalty of
8 not more than \$1,000,000 for each noncon-
9 forming aircraft.

10 “(C) *PENALTY CONSIDERATIONS.*—In deter-
11 mining the amount of a civil penalty under sub-
12 paragraph (B), the Administrator shall con-
13 sider—

14 “(i) the nature, circumstances, extent,
15 and gravity of the violation, including the
16 length of time the nonconformity was
17 known by the holder of a production certifi-
18 cate but not disclosed; and

19 “(ii) with respect to the violator, the
20 degree of culpability, any history of prior
21 violations, and the size of the business con-
22 cern.

23 “(D) *NONCONFORMING AIRCRAFT DE-*
24 *FINED.*—In this paragraph, the term ‘noncon-
25 forming aircraft’ means an aircraft that does not

1 *conform to the approved type design for such*
2 *aircraft type.”.*

3 **SEC. 121. IMPLEMENTATION OF RECOMMENDATIONS.**

4 *(a) IN GENERAL.—Not later than 1 year after the date*
5 *of enactment of this title, the Administrator shall submit*
6 *a report to the congressional committees of jurisdiction on*
7 *the status of the Administration’s implementation of cov-*
8 *ered recommendations.*

9 *(b) CONTENTS.—The report required under subsection*
10 *(a) shall contain, at a minimum—*

11 *(1) a list and description of all covered rec-*
12 *ommendations;*

13 *(2) a determination of whether the Adminis-*
14 *trator concurs, concurs in part, or does not concur*
15 *with each covered recommendation;*

16 *(3) an implementation plan and schedule for all*
17 *covered recommendations the Administrator concurs*
18 *or concurs in part with; and*

19 *(4) for each covered recommendation with which*
20 *the Administrator does not concur (in whole or in*
21 *part), a detailed explanation as to why.*

22 *(c) COVERED RECOMMENDATIONS DEFINED.—In this*
23 *section, the term “covered recommendations” means rec-*
24 *ommendations made by the following entities in any review*
25 *initiated in response to the accident of Lion Air flight 610*

1 *on October 29, 2018, or Ethiopian Airlines flight 302 on*
2 *March 10, 2019, that recommend Administration action:*

3 (1) *The National Transportation Safety Board.*

4 (2) *The Joint Authorities Technical Review.*

5 (3) *The inspector general of the Department of*
6 *Transportation.*

7 (4) *The Safety Oversight and Certification Advi-*
8 *sory Committee, or any special committee thereof.*

9 (5) *Any other entity the Administrator may des-*
10 *ignate.*

11 **SEC. 122. OVERSIGHT OF FAA COMPLIANCE PROGRAM.**

12 (a) *IN GENERAL.*—*Not later than 180 days after the*
13 *date of enactment of this title, the Administrator shall es-*
14 *tablish an Executive Council within the Administration to*
15 *oversee the use and effectiveness across program offices of*
16 *the Administration’s Compliance Program, described in*
17 *Order 8000.373A dated October 31, 2018.*

18 (b) *COMPLIANCE PROGRAM OVERSIGHT.*—*The Execu-*
19 *tive Council established under this section shall—*

20 (1) *monitor, collect, and analyze data on the use*
21 *of the Compliance Program across program offices of*
22 *the Administration, including data on enforcement*
23 *actions and compliance actions pursued against regu-*
24 *lated entities by such program offices;*

1 (2) *conduct an evaluation of the Compliance*
2 *Program, not less frequently than annually each cal-*
3 *endar year through 2023, to assess the functioning*
4 *and effectiveness of such program in meeting the stat-*
5 *ed goals and purpose of the program;*

6 (3) *provide reports to the Administrator con-*
7 *taining the results of any evaluation conducted under*
8 *paragraph (2), including identifying in such report*
9 *any nonconformities or deficiencies in the implemen-*
10 *tation of the program and compliance of regulated en-*
11 *tities with safety standards of the Administration;*

12 (4) *make recommendations to the Administrator*
13 *on regulations, guidance, performance standards or*
14 *metrics, or other controls that should be issued by the*
15 *Administrator to improve the effectiveness of the Com-*
16 *pliance Program in meeting the stated goals and pur-*
17 *pose of the program and to ensure the highest levels*
18 *of aviation safety; and*

19 (5) *carry out any other oversight duties with re-*
20 *spect to implementation of the Compliance Program*
21 *and assigned by the Administrator.*

22 (c) *EXECUTIVE COUNCIL.—*

23 (1) *EXECUTIVE COUNCIL MEMBERSHIP.—The*
24 *Executive Council shall be comprised of representa-*

1 *tives from each program office with regulatory re-*
2 *sponsibility as provided in Order 8000.373A.*

3 (2) *CHAIRPERSON.—The Executive Council shall*
4 *be chaired by a person, who shall be appointed by the*
5 *Administrator and shall report directly to the Admin-*
6 *istrator.*

7 (3) *INDEPENDENCE.—The Secretary of Trans-*
8 *portation, the Administrator, or any officer or em-*
9 *ployee of the Administration may not prevent or pro-*
10 *hibit the chair of the Executive Council from per-*
11 *forming the activities described in this section or from*
12 *reporting to Congress on such activities.*

13 (4) *DURATION.—The Executive Council shall ter-*
14 *minate on October 1, 2023.*

15 (d) *ANNUAL BRIEFING.—Each calendar year through*
16 *2023, the chair of the Executive Council shall provide a*
17 *briefing to the congressional committees of jurisdiction on*
18 *the effectiveness of the Administration’s Compliance Pro-*
19 *gram in meeting the stated goals and purpose of the pro-*
20 *gram and the activities of the office described in subsection*
21 *(b), including any reports and recommendations made by*
22 *the office during the preceding calendar year.*

23 **SEC. 123. SETTLEMENT AGREEMENT.**

24 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that the Administrator should fully exercise all rights and*

1 *pursue all remedies available to the Administrator under*
2 *any settlement agreement between the Administration and*
3 *the holder of a type certificate and production certificate*
4 *for transport airplanes executed on December 18, 2015, in-*
5 *cluding a demand for full payment of any applicable civil*
6 *penalties deferred under such agreement, if the Adminis-*
7 *trator concludes that such holder has not fully performed*
8 *all obligations incurred under such agreement.*

9 **(b) CONGRESSIONAL BRIEFING.**—*Not later than 60*
10 *days after the date of enactment of this title, and every 6*
11 *months thereafter until a certificate holder described in sub-*
12 *section (a) has fully performed all obligations incurred by*
13 *such certificate holder under such settlement agreement, the*
14 *Administrator shall brief the congressional committees of*
15 *jurisdiction on action taken consistent with subsection (a).*

16 **SEC. 124. HUMAN FACTORS EDUCATION PROGRAM.**

17 **(a) HUMAN FACTORS EDUCATION PROGRAM.**—

18 **(1) IN GENERAL.**—*The Administrator shall de-*
19 *velop a human factors education program that ad-*
20 *dresses the effects of modern flight deck systems, in-*
21 *cluding automated systems, on human performance*
22 *for transport airplanes and the approaches for better*
23 *integration of human factors in aircraft design and*
24 *certification.*

1 (2) *TARGET AUDIENCE.*—*The human factors*
2 *education program shall be integrated into the train-*
3 *ing protocols (as in existence as of the date of enact-*
4 *ment of this title) for, and be routinely administered*
5 *to, the following:*

6 (A) *Appropriate employees within the*
7 *Flight Standards Service.*

8 (B) *Appropriate employees within the Air-*
9 *craft Certification Service.*

10 (C) *Other employees or authorized rep-*
11 *resentatives determined to be necessary by the*
12 *Administrator.*

13 (b) *TRANSPORT AIRPLANE MANUFACTURER INFORMA-*
14 *TION SHARING.*—*The Administrator shall—*

15 (1) *require each transport airplane manufac-*
16 *turer to provide the Administrator with the informa-*
17 *tion or findings necessary for flight crew to be trained*
18 *on flight deck systems;*

19 (2) *ensure the information or findings under*
20 *paragraph (1) adequately includes consideration of*
21 *human factors; and*

22 (3) *ensure that each transport airplane manufac-*
23 *turer identifies any technical basis, justification or*
24 *rationale for the information and findings under*
25 *paragraph (1).*

1 **SEC. 125. BEST PRACTICES FOR ORGANIZATION DESIGNA-**
2 **TION AUTHORIZATIONS.**

3 (a) *IN GENERAL.*—Section 213 of the *FAA Reauthor-*
4 *ization Act of 2018 (Public Law 115–254, 132 Stat. 3249)*
5 *is amended—*

6 (1) *by striking subsection (g);*

7 (2) *by redesignating subsections (c) through (f)*
8 *as subsections (d) through (g), respectively;*

9 (3) *by inserting after subsection (b), the fol-*
10 *lowing:*

11 “(c) *BEST PRACTICES REVIEW.*—*In addition to con-*
12 *ducting the survey required under subsection (b), the Panel*
13 *shall conduct a review of a sampling of ODA holders to*
14 *identify and develop best practices. At a minimum, the best*
15 *practices shall address preventing and deterring instances*
16 *of undue pressure on or by an ODA unit member, within*
17 *an ODA, or by an ODA holder, or failures to maintain*
18 *independence between the FAA and an ODA holder or an*
19 *ODA unit member. In carrying out such review, the Panel*
20 *shall—*

21 (1) *examine other government regulated indus-*
22 *tries to gather lessons learned, procedures, or processes*
23 *that address undue pressure of employees, perceived*
24 *regulatory coziness, or other failures to maintain*
25 *independence;*

1 “(2) identify ways to improve communications
2 between an ODA Administrator, ODA unit members,
3 and FAA engineers and inspectors, consistent with
4 section 44736(g) of title 49, United States Code, in
5 order to enable direct communication of technical
6 concerns that arise during a certification project
7 without fear of reprisal to the ODA Administrator or
8 ODA unit member; and

9 “(3) examine FAA designee programs, including
10 the assignment of FAA advisors to designees, to deter-
11 mine which components of the program may improve
12 the FAA’s oversight of ODA units, ODA unit mem-
13 bers, and the ODA program.”;

14 (4) in subsection (d) (as redesignated by para-
15 graph (2))—

16 (A) by striking paragraph (3) and redesign-
17 ating paragraphs (4) through (6) as para-
18 graphs (3) through (5), respectively;

19 (B) in paragraph (4) (as redesignated by
20 subparagraph (A)), by striking “and” at the end;

21 (C) in paragraph (5) (as so redesignated),
22 by striking the period at the end and inserting
23 “; and”; and

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

1 “(6) *the results of the review conducted under*
2 *subsection (c).*”; and

3 (5) *by inserting after subsection (g) (as redesign-*
4 *ated by paragraph (2)), the following:*

5 “(h) *BEST PRACTICES ADOPTION.*—

6 “(1) *IN GENERAL.*—*Not later than 180 days*
7 *after the date on which the Administrator receives the*
8 *report required under subsection (e), the Adminis-*
9 *trator shall establish best practices that are generally*
10 *applicable to all ODA holders and require such prac-*
11 *tices to be incorporated, as appropriate, into each*
12 *ODA holder’s approved procedures manual.*

13 “(2) *NOTICE AND COMMENT PERIOD.*—*The Ad-*
14 *ministrator shall publish the established best practices*
15 *for public notice and comment for not fewer than 60*
16 *days prior to requiring the practices, as appropriate,*
17 *be incorporated into each ODA holder’s approved pro-*
18 *cedures manual.*

19 “(i) *SUNSET.*—*The Panel shall terminate on the ear-*
20 *lier of—*

21 “(1) *the date of submission of the report under*
22 *subsection (e); or*

23 “(2) *the date that is 2 years after the date on*
24 *which the Panel is first convened under subsection*
25 *(a).*”.

1 (b) *PROCEDURES MANUAL*.—Section 44736(b)(3) of
2 title 49, United States Code, as amended by subsection
3 (c)(2)(D) of section 107, is further amended—

4 (1) in subparagraph (D) (as redesignated by
5 such subsection), by striking “and” after the semi-
6 colon at the end;

7 (2) in subparagraph (E) (as so redesignated), by
8 striking the period at the end and inserting “; and”;
9 and

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

11 “(F) ensure the ODA holders procedures
12 manual contains procedures and policies based
13 on best practices established by the Adminis-
14 trator.”.

15 **SEC. 126. HUMAN FACTORS RESEARCH.**

16 (a) *HUMAN FACTORS*.—Not later than 180 days after
17 the date of enactment of this title, the Administrator, in
18 consultation with aircraft manufacturers, operators, and
19 pilots, and in coordination with the head of such other Fed-
20 eral agency that the Administrator determines appropriate,
21 shall develop research requirements to address the integra-
22 tion of human factors in the design and certification of air-
23 craft that are intended for use in air transportation.

24 (b) *REQUIREMENTS*.—In developing such research re-
25 quirements, the Administrator shall—

1 (1) *establish goals for research in areas of study*
2 *relevant to advancing technology, improving design*
3 *engineering and certification practices, and facili-*
4 *tating better understanding of human factors concepts*
5 *in the context of the growing development and reli-*
6 *ance on automated or complex flight deck systems in*
7 *aircraft operations, including the development of tools*
8 *to validate pilot recognition and response assump-*
9 *tions and diagnostic tools to improve the clarity of*
10 *failure indications presented to pilots;*

11 (2) *take into consideration and leverage any ex-*
12 *isting or planned research that is conducted by, or*
13 *conducted in partnership with, the FAA; and*

14 (3) *focus on—*

15 (A) *preventing a recurrence of the types of*
16 *accidents that have involved transport category*
17 *airplanes designed and manufactured in the*
18 *United States; and*

19 (B) *increasingly complex aircraft systems*
20 *and designs.*

21 (c) *IMPLEMENTATION.—In implementing the research*
22 *requirements developed under this section, the Adminis-*
23 *trator shall work with appropriate organizations and au-*
24 *thorities with expertise including, to the maximum extent*
25 *practicable, the Center of Excellence for Technical Training*

1 *and Human Performance and the Center of Excellence de-*
2 *veloped or expanded pursuant to section 127.*

3 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to the Administrator*
5 *\$7,500,000 for each of fiscal years 2021 through 2023, out*
6 *of funds made available under section 48102(a) of title 49,*
7 *United States Code, to carry out this section.*

8 **SEC. 127. FAA CENTER OF EXCELLENCE FOR AUTOMATED**
9 **SYSTEMS AND HUMAN FACTORS IN AIR-**
10 **CRAFT.**

11 (a) *IN GENERAL.—The Administrator shall develop or*
12 *expand a Center of Excellence focused on automated systems*
13 *and human factors in transport category aircraft.*

14 (b) *DUTIES.—The Center of Excellence shall, as appro-*
15 *priate—*

16 (1) *facilitate collaboration among academia, the*
17 *FAA, and the aircraft and airline industries, includ-*
18 *ing aircraft, engine, and equipment manufacturers,*
19 *air carriers, and representatives of the pilot commu-*
20 *nity;*

21 (2) *establish goals for research in areas of study*
22 *relevant to advancing technology, improving engineer-*
23 *ing practices, and facilitating better understanding of*
24 *human factors concepts in the context of the growing*
25 *development and reliance on automated or complex*

1 *systems in commercial aircraft, including continuing*
2 *education and training;*

3 *(3) examine issues related to human system inte-*
4 *gration and flight crew and aircraft interfaces, in-*
5 *cluding tools and methods to support the integration*
6 *of human factors considerations into the aircraft de-*
7 *sign and certification process; and*

8 *(4) review safety reports to identify potential*
9 *human factors issues for research.*

10 *(c) AVOIDING DUPLICATION OF WORK.—In developing*
11 *or expanding the Center of Excellence, the Administrator*
12 *shall ensure the work of the Center of Excellence does not*
13 *duplicate or overlap with the work of any other established*
14 *center of excellence.*

15 *(d) MEMBER PRIORITIZATION.—*

16 *(1) IN GENERAL.—The Administrator, when de-*
17 *veloping or expanding the Center of Excellence, shall*
18 *prioritize the inclusion of subject-matter experts whose*
19 *professional experience enables them to be objective*
20 *and impartial in their contributions to the greatest*
21 *extent possible.*

22 *(2) REPRESENTATION.—The Administrator shall*
23 *require that the membership of the Center of Excel-*
24 *lence reflect a balanced viewpoint across broad dis-*
25 *ciplines in the aviation industry.*

1 (3) *DISCLOSURE.*—Any member of the Center of
2 *Excellence* who is a Boeing Company or FAA em-
3 ployee who participated in the certification of the Ma-
4 neuversing Characteristics Augmentation System for
5 the 737 MAX-8 airplane must disclose such involve-
6 ment to the FAA prior to performing any work on be-
7 half of the FAA.

8 (4) *TRANSPARENCY.*—In developing or expand-
9 ing the Center of Excellence, the Administrator shall
10 develop procedures to facilitate transparency and ap-
11 propriate maintenance of records to the maximum ex-
12 tent practicable.

13 (5) *COORDINATION.*—Nothing in this section
14 shall preclude coordination and collaboration between
15 the Center of Excellence developed or expanded under
16 this section and any other established center of excel-
17 lence.

18 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
19 authorized to be appropriated to the Administrator
20 \$2,000,000 for each of fiscal years 2021 through 2023, out
21 of funds made available under section 48102(a) of title 49,
22 United States Code, to carry out this section. Amounts ap-
23 propriated under the preceding sentence for any fiscal year
24 shall remain available until expended.

1 **SEC. 128. PILOT OPERATIONAL EVALUATIONS.**

2 (a) *PILOT OPERATIONAL EVALUATIONS.*—Not later
3 than 1 year after the date of enactment of this title, the
4 Administrator shall revise existing policies for manufactur-
5 ers of transport airplanes to ensure that pilot operational
6 evaluations for airplane types that are submitted for certifi-
7 cation utilize pilots from air carriers that are expected to
8 operate such airplanes.

9 (b) *REQUIREMENT.*—Such manufacturer shall ensure,
10 to the satisfaction of the Administrator, that the air carrier
11 and foreign air carrier pilots used for such evaluations in-
12 clude pilots of varying levels of experience.

13 **SEC. 129. ENSURING APPROPRIATE RESPONSIBILITY OF**
14 **AIRCRAFT CERTIFICATION AND FLIGHT**
15 **STANDARDS PERFORMANCE OBJECTIVES**
16 **AND METRICS.**

17 (a) *REPEALS.*—Sections 211 and 221 of the FAA Re-
18 authorization Act of 2018 (49 U.S.C. 44701 note) are re-
19 pealed.

20 (b) *CONFORMING REPEALS.*—Paragraphs (8) and (9)
21 of section 202(c) of the FAA Reauthorization Act of 2018
22 (49 U.S.C. 44701 note) are repealed.

23 **SEC. 130. TRANSPORT AIRPLANE RISK ASSESSMENT METH-**
24 **ODOLOGY.**

25 (a) *DEADLINES.*—

1 (1) *AGREEMENT.*—Not later than 15 days after
2 the date of enactment of this title, the Administrator
3 shall enter into an agreement with the National Acad-
4 emies of Sciences to develop a report regarding the
5 methodology and effectiveness of the Transport Air-
6 plane Risk Assessment Methodology (TARAM) process
7 used by the FAA.

8 (2) *REPORT.*—Not later than 180 days after the
9 date of enactment of this title, the National Academies
10 of Sciences shall deliver such report to the congress-
11 sional committees of jurisdiction.

12 (b) *ELEMENTS.*—The report under subsection (a) shall
13 include the following elements:

14 (1) *An assessment of the TARAM analysis proc-*
15 *ess.*

16 (2) *An assessment of the effectiveness of the*
17 *TARAM for the purposes of improving aviation safe-*
18 *ty.*

19 (3) *Recommendations to improve the method-*
20 *ology and effectiveness of the TARAM as an element*
21 *of aviation safety.*

22 (c) *REQUIRED NOTICE.*—The Administrator shall pro-
23 vide notice to the congressional committees of jurisdiction
24 on the findings and recommendations of a TARAM con-
25 ducted following a transport airplane accident—

- 1 (1) *in which a loss of life occurred; and*
- 2 (2) *for which the Administrator determines that*
- 3 *the issuance of an airworthiness directive will likely*
- 4 *be necessary to correct an unsafe condition associated*
- 5 *with the design of the relevant aircraft type.*

6 **SEC. 131. NATIONAL AIR GRANT FELLOWSHIP PROGRAM.**

7 (a) *PROGRAM.—*

8 (1) *PROGRAM MAINTENANCE.—The Adminis-*

9 *trator shall maintain within the FAA a program to*

10 *be known as the “National Air Grant Fellowship Pro-*

11 *gram”.*

12 (2) *PROGRAM ELEMENTS.—The National Air*

13 *Grant Fellowship Program shall provide support for*

14 *the fellowship program under subsection (b).*

15 (3) *RESPONSIBILITIES OF ADMINISTRATOR.—*

16 (A) *GUIDELINES.—The Administrator shall*

17 *establish guidelines related to the activities and*

18 *responsibilities of air grant fellowships under*

19 *subsection (b).*

20 (B) *QUALIFICATIONS.—The Administrator*

21 *shall by regulation prescribe the qualifications*

22 *required for designation of air grant fellowships*

23 *under subsection (b).*

1 (C) *AUTHORITY.*—*In order to carry out the*
2 *provisions of this section, the Administrator*
3 *may—*

4 (i) *appoint, assign the duties, transfer,*
5 *and fix the compensation of such personnel*
6 *as may be necessary, in accordance with*
7 *civil service laws;*

8 (ii) *make appointments with respect to*
9 *temporary and intermittent services to the*
10 *extent authorized by section 3109 of title 5,*
11 *United States Code;*

12 (iii) *enter into contracts, cooperative*
13 *agreements, and other transactions without*
14 *regard to section 6101 of title 41, United*
15 *States Code;*

16 (iv) *notwithstanding section 1342 of*
17 *title 31, United States Code, accept dona-*
18 *tions and voluntary and uncompensated*
19 *services;*

20 (v) *accept funds from other Federal de-*
21 *partments and agencies, including agencies*
22 *within the FAA, to pay for and add to ac-*
23 *tivities authorized by this section; and*

24 (vi) *promulgate such rules and regula-*
25 *tions as may be necessary and appropriate.*

1 (4) *DIRECTOR OF NATIONAL AIR GRANT FELLOWSHIP PROGRAM.*—

2
3 (A) *IN GENERAL.*—*The Administrator shall*
4 *appoint, as the Director of the National Air*
5 *Grant Fellowship Program, a qualified indi-*
6 *vidual who has appropriate administrative expe-*
7 *rience and knowledge or expertise in fields re-*
8 *lated to aerospace. The Director shall be ap-*
9 *pointed and compensated, without regard to the*
10 *provisions of title 5 governing appointments in*
11 *the competitive service, at a rate payable under*
12 *section 5376 of title 5, United States Code.*

13 (B) *DUTIES.*—*Subject to the supervision of*
14 *the Administrator, the Director shall administer*
15 *the National Air Grant Fellowship Program. In*
16 *addition to any other duty prescribed by law or*
17 *assigned by the Administrator, the Director*
18 *shall—*

19 (i) *cooperate with institutions of higher*
20 *education that offer degrees in fields related*
21 *to aerospace;*

22 (ii) *encourage the participation of*
23 *graduate and post-graduate students in the*
24 *National Air Grant Fellowship Program;*
25 *and*

1 (iii) cooperate and coordinate with
2 other Federal activities in fields related to
3 aerospace.

4 (b) FELLOWSHIPS.—

5 (1) IN GENERAL.—The Administrator shall sup-
6 port a program of fellowships for qualified individ-
7 uals at the graduate and post-graduate level. The fel-
8 lowships shall be in fields related to aerospace and
9 awarded pursuant to guidelines established by the Ad-
10 ministrators. The Administrator shall strive to ensure
11 equal access for minority and economically disadvan-
12 taged students to the program carried out under this
13 paragraph.

14 (2) AEROSPACE POLICY FELLOWSHIP.—

15 (A) IN GENERAL.—The Administrator shall
16 award aerospace policy fellowships to support
17 the placement of individuals at the graduate
18 level of education in fields related to aerospace in
19 positions with—

20 (i) the executive branch of the United
21 States Government; and

22 (ii) the legislative branch of the United
23 States Government.

24 (B) PLACEMENT PRIORITIES FOR LEGISLA-
25 TIVE FELLOWSHIPS.—

1 (i) *IN GENERAL.*—*In considering the*
2 *placement of individuals receiving a fellow-*
3 *ship for a legislative branch position under*
4 *subparagraph (A)(ii), the Administrator*
5 *shall give priority to placement of such in-*
6 *dividuals in the following:*

7 (I) *Positions in offices of, or with*
8 *Members on, committees of Congress*
9 *that have jurisdiction over the FAA.*

10 (II) *Positions in offices of Mem-*
11 *bers of Congress that have a dem-*
12 *onstrated interest in aerospace policy.*

13 (ii) *EQUITABLE DISTRIBUTION.*—*In*
14 *placing fellows in positions described under*
15 *clause (i), the Administrator shall ensure*
16 *that placements are equally distributed*
17 *among the political parties.*

18 (C) *DURATION.*—*A fellowship awarded*
19 *under this paragraph shall be for a period of not*
20 *more than 1 year.*

21 (3) *RESTRICTION ON USE OF FUNDS.*—*Amounts*
22 *available for fellowships under this subsection, includ-*
23 *ing amounts accepted under subsection (a)(3)(C)(v) or*
24 *appropriated under subsection (d) to carry out this*
25 *subsection, shall be used only for award of such fel-*

1 *lowships and administrative costs of implementing*
2 *this subsection.*

3 (c) *INTERAGENCY COOPERATION.*—*Each department,*
4 *agency, or other instrumentality of the Federal Government*
5 *that is engaged in or concerned with, or that has authority*
6 *over, matters relating to aerospace—*

7 (1) *may, upon a written request from the Ad-*
8 *ministrator, make available, on a reimbursable basis*
9 *or otherwise, any personnel (with their consent and*
10 *without prejudice to their position and rating), serv-*
11 *ice, or facility that the Administrator deems necessary*
12 *to carry out any provision of this section;*

13 (2) *shall, upon a written request from the Ad-*
14 *ministrator, furnish any available data or other in-*
15 *formation that the Administrator deems necessary to*
16 *carry out any provision of this section; and*

17 (3) *shall cooperate with the FAA and duly au-*
18 *thorized officials thereof.*

19 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
20 *authorized to be appropriated to the Administrator*
21 *\$15,000,000 for each of fiscal years 2021 through 2025 to*
22 *carry out this section. Amounts appropriated under the pre-*
23 *ceding sentence shall remain available until expended.*

24 (e) *DEFINITIONS.*—*In this section:*

1 (1) *DIRECTOR.*—*The term “Director” means the*
2 *Director of the National Air Grant Fellowship Pro-*
3 *gram, appointed pursuant to subsection (a)(4).*

4 (2) *FIELDS RELATED TO AEROSPACE.*—*The term*
5 *“fields related to aerospace” means any discipline or*
6 *field that is concerned with, or likely to improve, the*
7 *development, assessment, operation, safety, or repair*
8 *of aircraft and other airborne objects and systems, in-*
9 *cluding the following:*

10 (A) *Aerospace engineering.*

11 (B) *Aerospace physiology.*

12 (C) *Aeronautical engineering.*

13 (D) *Airworthiness engineering.*

14 (E) *Electrical engineering.*

15 (F) *Human factors.*

16 (G) *Software engineering.*

17 (H) *Systems engineering.*

18 **SEC. 132. EMERGING SAFETY TRENDS IN AVIATION.**

19 (a) *GENERAL.*—*Not later than 180 days after the date*
20 *of enactment of this title, the Administrator shall enter into*
21 *an agreement with the Transportation Research Board for*
22 *the purposes of developing an annual report identifying,*
23 *categorizing, and analyzing emerging safety trends in air*
24 *transportation.*

1 (b) *FACTORS.*—*The emerging safety trends report*
2 *should be based on the following data:*

3 (1) *The National Transportation Safety Board’s*
4 *investigation of accidents under section 1132 of title*
5 *49, United States Code.*

6 (2) *The Administrator’s investigations of acci-*
7 *dents and incidents under section 40113 of title 49,*
8 *United States Code.*

9 (3) *Information provided by air operators pur-*
10 *suant to safety management systems.*

11 (4) *International investigations of accidents and*
12 *incidents, including reports, data, and information*
13 *from foreign authorities and ICAO.*

14 (5) *Other sources deemed appropriate for estab-*
15 *lishing emerging safety trends in the aviation sector,*
16 *including the FAA’s annual safety culture assessment*
17 *required under subsection (c).*

18 (c) *SAFETY CULTURE ASSESSMENT.*—*The Adminis-*
19 *trator shall conduct an annual safety culture assessment*
20 *through fiscal year 2031, which shall include surveying all*
21 *employees in the FAA’s Aviation Safety organization (AVS)*
22 *to determine the employees’ collective opinion regarding,*
23 *and to assess the health of, AVS’ safety culture and imple-*
24 *mentation of any voluntary safety reporting program.*

1 (d) *EXISTING REPORTING SYSTEMS.*—*The Executive*
2 *Director of the Transportation Research Board, in consulta-*
3 *tion with the Secretary of Transportation and Adminis-*
4 *trator, may take into account and, as necessary, harmonize*
5 *data and sources from existing reporting systems within the*
6 *Department of Transportation and FAA.*

7 (e) *BIENNIAL REPORT TO CONGRESS.*—*One year after*
8 *the Administrator enters into the agreement with the Trans-*
9 *portation Research Board as set forth in subsection (a), and*
10 *biennially thereafter through fiscal year 2031, the Executive*
11 *Director, in consultation with the Secretary and Adminis-*
12 *trator, shall submit to the congressional committees of juris-*
13 *diction a report identifying the emerging safety trends in*
14 *air transportation.*

15 **SEC. 133. FAA ACCOUNTABILITY ENHANCEMENT.**

16 (a) *ENHANCEMENT OF THE AVIATION SAFETY WHIS-*
17 *TLBLOWER INVESTIGATION OFFICE IN THE FEDERAL*
18 *AVIATION ADMINISTRATION.*—

19 (1) *RENAMING OF THE OFFICE.*—

20 (A) *IN GENERAL.*—*Section 106(t)(1) of title*
21 *49, United States Code, is amended by striking*
22 *“an Aviation Safety Whistleblower Investigation*
23 *Office” and inserting “the Office of Whistle-*
24 *blower Protection and Aviation Safety Investiga-*
25 *tions”.*

1 (B) *CONFORMING AMENDMENT.*—*The head-*
2 *ing of subsection (t) of section 106 of title 49,*
3 *United States Code, is amended by striking*
4 *“AVIATION SAFETY WHISTLEBLOWER INVES-*
5 *TIGATION OFFICE” and inserting “OFFICE OF*
6 *WHISTLEBLOWER PROTECTION AND AVIATION*
7 *SAFETY INVESTIGATIONS”.*

8 (2) *DUTIES.*—

9 (A) *IN GENERAL.*—*Section 106(t)(3)(A) of*
10 *title 49, United States Code, is amended—*

11 (i) *in clause (i), by striking “(if the*
12 *certificate holder does not have a similar in-*
13 *house whistleblower or safety and regulatory*
14 *noncompliance reporting process)” and in-*
15 *serting “(if the certificate holder does not*
16 *have a similar in-house whistleblower or*
17 *safety and regulatory noncompliance re-*
18 *porting process established under or pursu-*
19 *ant to a safety management system)”;*

20 (ii) *in clause (ii), by striking “and” at*
21 *the end;*

22 (iii) *in clause (iii), by striking the pe-*
23 *riod at the end and inserting a semicolon;*
24 *and*

25 (iv) *by adding at the end the following:*

1 “(iv) receive allegations of whistle-
2 blower retaliation by employees of the Agen-
3 cy;

4 “(v) coordinate with and provide all
5 necessary assistance to the Office of Inves-
6 tigations and Professional Responsibility,
7 the inspector general of the Department of
8 Transportation, and the Office of Special
9 Counsel on investigations relating to whis-
10 tleblower retaliation by employees of the
11 Agency; and

12 “(vi) investigate allegations of whistle-
13 blower retaliation by employees of the Agen-
14 cy that have been delegated to the Office by
15 the Office of Investigations and Professional
16 Responsibility, the inspector general of the
17 Department of Transportation, or the Office
18 of Special Counsel.”.

19 (B) LIMITATION.—Section 106(t)(2) of title
20 49, United States Code, is amended by adding at
21 the end the following:

22 “(E) LIMITATION OF DUTIES.— The Direc-
23 tor may only perform duties of the Director de-
24 scribed in paragraph (3)(A).”.

1 (C) *CONFORMING AMENDMENTS.*—Section
2 106(t)(7) of title 49, United States Code, is
3 amended—

4 (i) in the matter preceding subpara-
5 graph (A), by striking “October 1” and in-
6 serting “November 15”; and

7 (ii) in subparagraph (A), by striking
8 “paragraph (3)(A)(i) in the preceding 12-
9 month period” and inserting “paragraph
10 (3)(A)(i) in the preceding fiscal year”.

11 (3) *REPORT.*—Section 106(t)(7) of title 49,
12 United States Code, as amended by paragraph (2)(C),
13 is further amended—

14 (A) in subparagraph (C)—

15 (i) by inserting “the resolution of those
16 submissions, including any” before “fur-
17 ther”; and

18 (ii) by striking “and” after the semi-
19 colon;

20 (B) in subparagraph (D) by striking “rec-
21 ommendations.” and inserting “recommenda-
22 tions; and”; and

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

24 “(E) A summary of the activities of the
25 Whistleblower Ombudsman, including—

1 “(i) the number of employee consulta-
2 tions conducted by the Whistleblower Om-
3 budsman in the preceding 12-month period
4 and a summary of such consultations and
5 their resolution (in a de-identified or
6 anonymized form); and

7 “(ii) the number of reported incidents
8 of retaliation during such period and, if ap-
9 plicable, a description of the disposition of
10 such incidents during such period.”.

11 (b) *WHISTLEBLOWER OMBUDSMAN.*—Section 106(t) of
12 *title 49, United States Code, is further amended by adding*
13 *at the end the following:*

14 “(8) *WHISTLEBLOWER OMBUDSMAN.*—

15 “(A) *IN GENERAL.*—Within the Office, there
16 shall be established the position of Whistleblower
17 Ombudsman.

18 “(B) *OMBUDSMAN QUALIFICATIONS.*—The
19 individual selected as Ombudsman shall have
20 knowledge of Federal labor law and dem-
21 onstrated government experience in human re-
22 source management, and conflict resolution.

23 “(C) *DUTIES.*—The Ombudsman shall
24 carry out the following duties:

1 “(i) *Educate Administration employees*
2 *about prohibitions against materially ad-*
3 *verse acts of retaliation and any specific*
4 *rights or remedies with respect to those re-*
5 *taliatory actions.*

6 “(ii) *Serve as an independent con-*
7 *fidential resource for Administration em-*
8 *ployees to discuss any specific retaliation*
9 *allegation and available rights or remedies*
10 *based on the circumstances, as appropriate.*

11 “(iii) *Coordinate with Human Re-*
12 *source Management, the Office of Account-*
13 *ability and Whistleblower Protection, the*
14 *Office of Professional Responsibility, and*
15 *the Office of the Chief Counsel, as necessary.*

16 “(iv) *Coordinate with the Office of the*
17 *Inspector General of the Department of*
18 *Transportation’s Whistleblower Protection*
19 *Coordinator and the Office of the Special*
20 *Counsel, as necessary.*

21 “(v) *Conduct outreach and assist in*
22 *the development of training within the*
23 *Agency to mitigate the potential for retalia-*
24 *tion and promote timely and appropriate*
25 *processing of any protected disclosure or al-*

1 *legation of materially adverse acts of retal-*
2 *iation.”.*

3 (c) *OFFICE OF INVESTIGATIONS AND PROFESSIONAL*
4 *RESPONSIBILITY.—The Administrator shall take such ac-*
5 *tion as may be necessary to redesignate the Office of Inves-*
6 *tigations of the Administration as the Office of Investiga-*
7 *tions and Professional Responsibility.*

8 (d) *MISCONDUCT INVESTIGATIONS.—*

9 (1) *IN GENERAL.—The Administrator shall re-*
10 *view and revise the Administration’s existing inves-*
11 *tigative policies that govern the investigation of mis-*
12 *conduct by a manager of the Administration con-*
13 *ducted by the FAA (in this subsection referred to as*
14 *the “Agency”).*

15 (2) *PRESERVATION OF COLLECTIVE BARGAINING*
16 *AGREEMENTS.—The investigative policy established*
17 *under paragraph (1) shall not apply to, or in the fu-*
18 *ture, be extended by the Administrator to apply to,*
19 *any employee who is not a manager or is covered by*
20 *or eligible to be covered by a collective bargaining*
21 *agreement entered into by the Agency.*

22 (3) *REQUIREMENTS.—In revising the investiga-*
23 *tive policies, the Administrator shall ensure such poli-*
24 *cies require—*

1 (A) *the utilization of investigative best*
2 *practices to ensure independent and objective in-*
3 *vestigation and accurate recording and reporting*
4 *of such investigation;*

5 (B) *the management of case files to ensure*
6 *the integrity of the information contained in*
7 *such case files;*

8 (C) *interviews be conducted in a manner*
9 *that ensures, to the greatest extent possible,*
10 *truthful answers and accurate records of such*
11 *interviews;*

12 (D) *coordination with the Office of the In-*
13 *spector General of the Department of Transpor-*
14 *tation, the Office of the Special Counsel, and the*
15 *Attorney General, as appropriate; and*

16 (E) *the completion of investigations in a*
17 *timely manner.*

18 (4) *DEFINITION.—For purposes of this sub-*
19 *section, the term “manager” means an employee of*
20 *the Agency who is a supervisor or management offi-*
21 *cial, as defined in section 7103(a) of title 5, United*
22 *States Code.*

1 **SEC. 134. AUTHORIZATION OF APPROPRIATIONS FOR THE**
2 **ADVANCED MATERIALS CENTER OF EXCEL-**
3 **LENCE.**

4 *Section 44518 of title 49, United States Code, is*
5 *amended by adding at the end the following:*

6 *“(c) AUTHORIZATION OF APPROPRIATIONS.—Out of*
7 *amounts appropriated under section 48102(a), the Admin-*
8 *istrator may expend not more than \$10,000,000 for each*
9 *of fiscal years 2021 through 2023 to carry out this section.*
10 *Amounts appropriated under the preceding sentence for*
11 *each fiscal year shall remain available until expended.”.*

12 **SEC. 135. PROMOTING AVIATION REGULATIONS FOR TECH-**
13 **NICAL TRAINING.**

14 *(a) NEW REGULATIONS REQUIRED.—*

15 *(1) INTERIM FINAL REGULATIONS.—Not later*
16 *than 90 days after the date of enactment of this sec-*
17 *tion, the Administrator shall issue interim final regu-*
18 *lations to establish requirements for issuing aviation*
19 *maintenance technician school certificates and associ-*
20 *ated ratings and the general operating rules for the*
21 *holders of those certificates and ratings in accordance*
22 *with the requirements of this section.*

23 *(2) REPEAL OF CURRENT REGULATIONS.—Upon*
24 *the effective date of the interim final regulations re-*
25 *quired under paragraph (1), part 147 of title 14,*
26 *Code of Federal Regulations (as in effect on the date*

1 of enactment of this title) and any regulations issued
2 under section 624 of the FAA Reauthorization Act of
3 2018 (Public Law 115–254) shall have no force or ef-
4 fect on or after the effective date of such interim final
5 regulations.

6 (b) *AVIATION MAINTENANCE TECHNICIAN SCHOOL*
7 *CERTIFICATION REQUIRED.*—No person may operate an
8 aviation maintenance technician school without, or in vio-
9 lation of, an aviation maintenance technician school certifi-
10 cate and the operations specifications issued under the in-
11 terim final regulations required under subsection (a)(1), the
12 requirements of this section, or in a manner that is incon-
13 sistent with information in the school’s operations specifica-
14 tions under subsection (c)(5).

15 (c) *CERTIFICATE AND OPERATIONS SPECIFICATIONS*
16 *REQUIREMENTS.*—

17 (1) *APPLICATION REQUIREMENTS.*—

18 (A) *IN GENERAL.*—An application for a
19 certificate or rating to operate an aviation
20 maintenance technician school shall include the
21 following:

22 (i) A description of the facilities, in-
23 cluding the physical address of the certifi-
24 cate holder’s primary location for operation
25 of the school, any additional fixed locations

1 *where training will be provided, and the*
2 *equipment and materials to be used at each*
3 *location.*

4 *(ii) A description of the manner in*
5 *which the school's curriculum will ensure*
6 *the student has the knowledge and skills*
7 *necessary for attaining a mechanic certifi-*
8 *cate and associated ratings under subpart*
9 *D of part 65 of title 14, Code of Federal*
10 *Regulations (or any successor regulation).*

11 *(iii) A description of the manner in*
12 *which the school will ensure it provides the*
13 *necessary qualified instructors to meet the*
14 *requirements of subsection (d)(4).*

15 *(B) DOCUMENTED IN THE SCHOOL'S OPER-*
16 *ATIONS SPECIFICATIONS.—Upon issuance of the*
17 *school's certificate or rating, the information re-*
18 *quired under subparagraph (A) shall be docu-*
19 *mented in the school's operations specifications.*

20 *(2) CHANGE APPLICATIONS.—*

21 *(A) IN GENERAL.—An application for an*
22 *additional rating or amended certificate shall*
23 *include only the information necessary to sub-*
24 *stantiate the reason for the requested additional*
25 *rating or change.*

1 (B) *APPROVED CHANGES.*—Any approved
2 changes shall be documented in the school’s oper-
3 ations specifications.

4 (3) *DURATION.*—An aviation maintenance tech-
5 nician school certificate or rating issued under the in-
6 terim final regulations required under subsection
7 (a)(1) shall be effective from the date of issue until the
8 certificate or rating is surrendered, suspended, or re-
9 voked.

10 (4) *CERTIFICATE RATINGS.*—An aviation main-
11 tenance technician school certificate issued under the
12 interim final regulations required under subsection
13 (a)(1) shall specify which of the following ratings are
14 held by the aviation maintenance technician school:

15 (A) *Airframe.*

16 (B) *Powerplant.*

17 (C) *Airframe and Powerplant.*

18 (5) *OPERATIONS SPECIFICATIONS.*—A certifi-
19 cated aviation maintenance technician school shall
20 operate in accordance with operations specifications
21 that include the following:

22 (A) *The certificate holder’s name.*

23 (B) *The certificate holder’s air agency cer-*
24 *tificate number.*

1 (C) *The name and contact information of*
2 *the certificate holder's primary point of contact.*

3 (D) *The physical address of the certificate*
4 *holder's primary location, as provided under*
5 *paragraph (1)(A).*

6 (E) *The physical address of any additional*
7 *location of the certificate holder, as provided*
8 *under subsection (d)(2).*

9 (F) *The ratings held, as provided under*
10 *paragraph (4).*

11 (G) *Any regulatory exemption granted to*
12 *the school by the Administrator.*

13 (d) *OPERATIONS REQUIREMENTS.—*

14 (1) *FACILITIES, EQUIPMENT, AND MATERIAL RE-*
15 *QUIREMENTS.—Each certificated aviation mainte-*
16 *nance technician school shall provide and maintain*
17 *the facilities, equipment, and materials that are ap-*
18 *propriate to the 1 or more ratings held by the school*
19 *and the number of students taught.*

20 (2) *TRAINING PROVIDED AT ANOTHER LOCA-*
21 *TION.—A certificated aviation maintenance techni-*
22 *cian school may provide training at any additional*
23 *location that meets the requirements of the interim*
24 *final regulations required under subsection (a)(1) and*

1 *is listed in the certificate holder's operations speci-*
2 *fications.*

3 (3) *TRAINING REQUIREMENTS.—Each certifi-*
4 *cated aviation maintenance technician school shall—*

5 (A) *establish, maintain, and utilize a cur-*
6 *riculum designed to continually align with me-*
7 *chanic airman certification standards as appro-*
8 *priate for the ratings held;*

9 (B) *provide training of a quality that meets*
10 *the requirements of subsection (f)(1); and*

11 (C) *ensure students have the knowledge and*
12 *skills necessary to be eligible to test for a me-*
13 *chanic certificate and associated ratings under*
14 *subpart D of part 65 of title 14, Code of Federal*
15 *Regulations (or any successor regulation).*

16 (4) *INSTRUCTOR REQUIREMENTS.—Each certifi-*
17 *cated aviation maintenance technician school shall—*

18 (A) *provide qualified instructors to teach in*
19 *a manner that ensures positive educational out-*
20 *comes are achieved;*

21 (B) *ensure instructors hold a mechanic cer-*
22 *tificate with 1 or more appropriate ratings (or,*
23 *with respect to instructors who are not certified*
24 *mechanics, ensure instructors are otherwise spe-*

1 *cifically qualified to teach their assigned con-*
2 *tent); and*

3 *(C) ensure the student-to-instructor ratio*
4 *does not exceed 25:1 for any shop class.*

5 *(5) CERTIFICATE OF COMPLETION.—Each certifi-*
6 *cated aviation maintenance technician school shall*
7 *provide authenticated documentation to each grad-*
8 *uating student, indicating the student's date of grad-*
9 *uation and curriculum completed, as described in*
10 *paragraph (3)(A).*

11 *(e) QUALITY CONTROL SYSTEM.—*

12 *(1) ACCREDITATION.—Each aviation mainte-*
13 *nance technician school shall—*

14 *(A) be accredited as meeting the definition*
15 *of an institution of higher education provided for*
16 *in section 101 of the Higher Education Act of*
17 *1965 (20 U.S.C. 1001); or*

18 *(B) establish and maintain a quality con-*
19 *trol system that meets the requirements specified*
20 *in paragraph (2) and is approved by the Admin-*
21 *istrator.*

22 *(2) FAA-APPROVED SYSTEM REQUIREMENTS.—*
23 *In the case of an aviation maintenance technician*
24 *school that is not accredited as set forth in paragraph*
25 *(1), the Administrator shall approve a quality control*

1 *system that provides procedures for recordkeeping, as-*
2 *essment, issuing credit, issuing of final course*
3 *grades, attendance, ensuring sufficient number of in-*
4 *structors, granting of graduation documentation, and*
5 *corrective action for addressing deficiencies.*

6 *(f) ADDITIONAL REQUIREMENTS.—*

7 *(1) MINIMUM PASSAGE RATE.—A certificated*
8 *aviation maintenance technician school shall main-*
9 *tain a pass rate of at least 70 percent of students who*
10 *took a written, oral, or practical (or any combination*
11 *thereof) FAA mechanic tests within 60 days of grad-*
12 *uation for the most recent 3-year period .*

13 *(2) FAA INSPECTION.—A certificated aviation*
14 *maintenance technician school shall allow the Admin-*
15 *istrator such access as the Administrator determines*
16 *necessary to inspect the 1 or more locations of the*
17 *school for purposes of determining the school's compli-*
18 *ance with the interim final regulations required*
19 *under subsection (a)(1), the procedures and informa-*
20 *tion outlined in the school's operations specifications*
21 *according to subsection (c)(5), and the aviation main-*
22 *tenance technician school certificate issued for the*
23 *school.*

24 *(3) DISPLAY OF CERTIFICATE.—A certificated*
25 *aviation maintenance technician school shall display*

1 *its aviation maintenance technician school certificate*
2 *at a location in the school that is visible by and nor-*
3 *mally accessible to the public.*

4 (4) *EARLY TESTING.*—*A certificated aviation*
5 *maintenance technician school may issue authenti-*
6 *cated documentation demonstrating a student’s satis-*
7 *factory progress, completion of corresponding portions*
8 *of the curriculum, and preparedness to take the avia-*
9 *tion mechanic written general knowledge test, even if*
10 *the student has not met the experience requirements*
11 *of section 65.77 of title 14, Code of Federal Regula-*
12 *tions (or any successor regulation). Any such docu-*
13 *mentation shall specify the curriculum the student*
14 *completed and the completion date.*

15 **SEC. 136. INDEPENDENT STUDY ON TYPE CERTIFICATION**

16 **REFORM.**

17 (a) *REPORT AND DEADLINES.*—*Not later than 30 days*
18 *after the date of enactment of this title, the Administrator*
19 *shall enter into an agreement with an appropriate Feder-*
20 *ally-funded research and development center to review, de-*
21 *velop, and submit a report to the Administrator in accord-*
22 *ance with the requirements and elements set forth in this*
23 *section.*

24 (b) *ELEMENTS.*—*The review and report under sub-*
25 *section (a) shall set forth analyses, assessments, and rec-*

1 *ommendations addressing the following elements for trans-*
2 *port category airplanes:*

3 (1) *Whether or not aviation safety would im-*
4 *prove as the result of institution of a fixed time be-*
5 *yond which a type certificate may not be amended.*

6 (2) *Requiring the Administrator, when issuing*
7 *an amended or supplemental type certificate for a de-*
8 *sign that does not comply with the latest amendments*
9 *to the applicable airworthiness standards, to docu-*
10 *ment any exception from the latest amendment to an*
11 *applicable regulation, issue an exemption in accord-*
12 *ance with section 44701 of title 14, United States*
13 *Code, or make a finding of an equivalent level of safe-*
14 *ty in accordance with section 21.21(a)(1) of title 14,*
15 *Code of Federal Regulations.*

16 (3) *Safety benefits and costs for certification of*
17 *transport category airplanes resulting from the imple-*
18 *mentation of paragraphs (1) and (2).*

19 (4) *Effects on the development and introduction*
20 *of advancements in new safety enhancing design and*
21 *technologies, and continued operation and operational*
22 *safety support of products in service in the United*
23 *States and worldwide, resulting from the implementa-*
24 *tion of paragraphs (1) and (2).*

1 (c) *INVESTIGATIONS AND REPORTS.*—*The review and*
2 *report under subsection (a) shall take into consideration in-*
3 *vestigations, reports, and assessments regarding the Boeing*
4 *737 MAX, including but not limited to investigations, re-*
5 *ports, and assessments by the Joint Authorities Technical*
6 *Review, the National Transportation Safety Board, the De-*
7 *partment of Transportation Office of the Inspector General,*
8 *the Department of Transportation Special Committee, the*
9 *congressional committees of jurisdiction and other congres-*
10 *sional committees, and foreign authorities. The review and*
11 *report under subsection (a) also shall consider the impact*
12 *of changes made by this title and the amendments made*
13 *by this title.*

14 (d) *REPORT TO CONGRESS.*—*Not later than 270 days*
15 *after the report developed under subsection (a) is submitted*
16 *to the Administrator, the Administrator shall submit a re-*
17 *port to the congressional committees of jurisdiction regard-*
18 *ing the FAA’s response to the findings and recommenda-*
19 *tions of the report, what actions the FAA will take as a*
20 *result of such findings and recommendations, and the FAA*
21 *rationale for not taking action on any specific recommenda-*
22 *tion*

23 **SEC. 137. DEFINITIONS.**

24 *In this title:*

1 (1) *ADMINISTRATION; FAA.*—*The terms “Admin-*
2 *istration” and “FAA” mean the Federal Aviation Ad-*
3 *ministration.*

4 (2) *ADMINISTRATOR.*—*The term “Adminis-*
5 *trator” means the Administrator of the FAA.*

6 (3) *CONGRESSIONAL COMMITTEES OF JURISDIC-*
7 *TION.*—*The term “congressional committees of juris-*
8 *isdiction” means the Committee on Transportation and*
9 *Infrastructure of the House of Representatives and the*
10 *Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate.*

12 (4) *ICAO.*—*The term “ICAO” means the Inter-*
13 *national Civil Aviation Organization.*

14 (5) *ORGANIZATION DESIGNATION AUTHORIZA-*
15 *TION.*—*The term “organization designation author-*
16 *ization” has the same meaning given such term in*
17 *section 44736(c) of title 49, United States Code.*

18 (6) *TRANSPORT AIRPLANE.*—*The term “transport*
19 *airplane” means a transport category airplane de-*
20 *signed for operation by an air carrier or foreign air*
21 *carrier type-certificated with a passenger seating ca-*
22 *capacity of 30 or more or an all-cargo or combi deriva-*
23 *tive of such an airplane.*

24 (7) *TYPE CERTIFICATE.*—*The term “type certifi-*
25 *cate”—*

1 (A) means a type certificate issued pursu-
2 ant to section 44704(a) of title 49, United States
3 Code, or an amendment to such certificate; and

4 (B) does not include a supplemental type
5 certificate issued under section 44704(b) of such
6 section.

7 **DIVISION W—INTELLIGENCE AU-**
8 **THORIZATION ACT FOR FIS-**
9 **CAL YEAR 2021**

10 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

11 (a) *SHORT TITLE.*—This division may be cited as the
12 “Intelligence Authorization Act for Fiscal Year 2021”.

13 (b) *TABLE OF CONTENTS.*—The table of contents for
14 this division is as follows:

*DIVISION W—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
YEAR 2021*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Explanatory statement.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

*TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM*

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.

*Sec. 303. Continuity of operations plans for certain elements of the intelligence
community in the case of a national emergency.*

- Sec. 304. Application of Executive Schedule level III to position of Director of National Reconnaissance Office.*
- Sec. 305. National Intelligence University.*
- Sec. 306. Data collection on attrition in intelligence community.*
- Sec. 307. Limitation on delegation of responsibility for program management of information-sharing environment.*
- Sec. 308. Requirement to buy certain satellite component from American sources.*
- Sec. 309. Limitation on construction of facilities to be used primarily by intelligence community.*
- Sec. 310. Intelligence community student loan repayment programs.*

Subtitle B—Reports and Assessments Pertaining to the Intelligence Community

- Sec. 321. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.*
- Sec. 322. Report on use by intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity in the workforce of the intelligence community.*
- Sec. 323. Report on signals intelligence priorities and requirements.*
- Sec. 324. Assessment of demand for student loan repayment program benefit.*
- Sec. 325. Assessment of intelligence community demand for child care.*
- Sec. 326. Open source intelligence strategies and plans for the intelligence community.*

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

- Sec. 401. Establishment of Office of the Ombudsman for Analytic Objectivity.*
- Sec. 402. Expansion of personnel management authority to attract experts in science and engineering.*
- Sec. 403. Senior Chief Petty Officer Shannon Kent Award for distinguished female personnel of the National Security Agency.*
- Sec. 404. Department of Homeland Security intelligence and cybersecurity diversity fellowship program.*
- Sec. 405. Climate Security Advisory Council.*

TITLE V—MATTERS RELATING TO EMERGING TECHNOLOGIES

- Sec. 501. Requirements and authorities for Director of the Central Intelligence Agency to improve education in science, technology, engineering, arts, and mathematics.*
- Sec. 502. Seedling investment in next-generation microelectronics in support of artificial intelligence.*

TITLE VI—REPORTS AND OTHER MATTERS

- Sec. 601. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.*
- Sec. 602. Report on threats posed by use by foreign governments and entities of commercially available cyber intrusion and surveillance technology.*
- Sec. 603. Reports on recommendations of the Cyberspace Solarium Commission.*

- Sec. 604. *Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.*
- Sec. 605. *Combating Chinese influence operations in the United States and strengthening civil liberties protections.*
- Sec. 606. *Annual report on corrupt activities of senior officials of the Chinese Communist Party.*
- Sec. 607. *Report on corrupt activities of Russian and other Eastern European oligarchs.*
- Sec. 608. *Report on biosecurity risk and disinformation by the Chinese Communist Party and the Government of the People's Republic of China.*
- Sec. 609. *Report on effect of lifting of United Nations arms embargo on Islamic Republic of Iran.*
- Sec. 610. *Report on Iranian activities relating to nuclear nonproliferation.*
- Sec. 611. *Annual reports on security services of the People's Republic of China in the Hong Kong Special Administrative Region.*
- Sec. 612. *Research partnership on activities of People's Republic of China.*
- Sec. 613. *Report on the pharmaceutical and personal protective equipment regulatory practices of the People's Republic of China.*
- Sec. 614. *National Intelligence Estimate on situation in Afghanistan.*
- Sec. 615. *Assessment regarding tensions between Armenia and Azerbaijan.*
- Sec. 616. *Sense of Congress on Third Option Foundation.*
- Sec. 617. *Annual reports on worldwide threats.*
- Sec. 618. *Annual report on Climate Security Advisory Council.*
- Sec. 619. *Improvements to funding for National Security Education program.*
- Sec. 620. *Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans.*
- Sec. 621. *National Intelligence Estimate on threat of global pandemic disease.*
- Sec. 622. *Modification of requirement for briefings on national security effects of emerging infectious disease and pandemics.*
- Sec. 623. *Independent study on open-source intelligence.*
- Sec. 624. *Survey on Open Source Enterprise.*
- Sec. 625. *Sense of Congress on report on murder of Jamal Khashoggi.*

1 **SEC. 2. DEFINITIONS.**

2 *In this division:*

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
 4 TEES.—*The term “congressional intelligence commit-*
 5 *tees” means—*

6 (A) *the Select Committee on Intelligence*
 7 *and the Committee on Appropriations of the*
 8 *Senate; and*

1 (B) *the Permanent Select Committee on In-*
2 *telligence and the Committee on Appropriations*
3 *of the House of Representatives.*

4 (2) *INTELLIGENCE COMMUNITY.—The term “in-*
5 *telligence community” has the meaning given such*
6 *term in section 3 of the National Security Act of 1947*
7 *(50 U.S.C. 3003).*

8 **SEC. 3. EXPLANATORY STATEMENT.**

9 *The explanatory statement regarding this division,*
10 *printed in the House section of the Congressional Record*
11 *by the Chairman of the Permanent Select Committee on In-*
12 *telligence of the House of Representatives and in the Senate*
13 *section of the Congressional Record by the Chairman of the*
14 *Select Committee on Intelligence of the Senate, shall have*
15 *the same effect with respect to the implementation of this*
16 *division as if it were a joint explanatory statement of a*
17 *committee of conference.*

18 **TITLE I—INTELLIGENCE**
19 **ACTIVITIES**

20 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 2021 for the conduct of the intelligence and intel-*
23 *ligence-related activities of the following elements of the*
24 *United States Government:*

1 (1) *The Office of the Director of National Intel-*
2 *ligence.*

3 (2) *The Central Intelligence Agency.*

4 (3) *The Department of Defense.*

5 (4) *The Defense Intelligence Agency.*

6 (5) *The National Security Agency.*

7 (6) *The Department of the Army, the Depart-*
8 *ment of the Navy, and the Department of the Air*
9 *Force.*

10 (7) *The Coast Guard.*

11 (8) *The Department of State.*

12 (9) *The Department of the Treasury.*

13 (10) *The Department of Energy.*

14 (11) *The Department of Justice.*

15 (12) *The Federal Bureau of Investigation.*

16 (13) *The Drug Enforcement Administration.*

17 (14) *The National Reconnaissance Office.*

18 (15) *The National Geospatial-Intelligence Agen-*
19 *cy.*

20 (16) *The Department of Homeland Security.*

21 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

22 (a) *SPECIFICATIONS OF AMOUNTS.*—*The amounts au-*
23 *thorized to be appropriated under section 101 for the con-*
24 *duct of the intelligence activities of the elements listed in*
25 *paragraphs (1) through (16) of section 101, are those speci-*

1 *fied in the classified Schedule of Authorizations prepared*
2 *to accompany this division.*

3 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
4 *THORIZATIONS.—*

5 (1) *AVAILABILITY.—The classified Schedule of*
6 *Authorizations referred to in subsection (a) shall be*
7 *made available to the Committee on Appropriations*
8 *of the Senate, the Committee on Appropriations of the*
9 *House of Representatives, and to the President.*

10 (2) *DISTRIBUTION BY THE PRESIDENT.—Subject*
11 *to paragraph (3), the President shall provide for suit-*
12 *able distribution of the classified Schedule of Author-*
13 *izations referred to in subsection (a), or of appro-*
14 *priate portions of such Schedule, within the executive*
15 *branch of the Federal Government.*

16 (3) *LIMITS ON DISCLOSURE.—The President*
17 *shall not publicly disclose the classified Schedule of*
18 *Authorizations or any portion of such Schedule ex-*
19 *cept—*

20 (A) *as provided in section 601(a) of the Im-*
21 *plementing Recommendations of the 9/11 Com-*
22 *mission Act of 2007 (50 U.S.C. 3306(a));*

23 (B) *to the extent necessary to implement the*
24 *budget; or*

25 (C) *as otherwise required by law.*

1 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
4 *authorized to be appropriated for the Intelligence Commu-*
5 *nity Management Account of the Director of National Intel-*
6 *ligence for fiscal year 2021 the sum of \$759,000,000.*

7 (b) *CLASSIFIED AUTHORIZATION OF APPROPRIA-*
8 *TIONS.*—*In addition to amounts authorized to be appro-*
9 *riated for the Intelligence Community Management Ac-*
10 *count by subsection (a), there are authorized to be appro-*
11 *riated for the Intelligence Community Management Ac-*
12 *count for fiscal year 2021 such additional amounts as are*
13 *specified in the classified Schedule of Authorizations re-*
14 *ferred to in section 102(a).*

15 **TITLE II—CENTRAL INTEL-**
16 **LIGENCE AGENCY RETIRE-**
17 **MENT AND DISABILITY SYS-**
18 **TEM**

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

20 *There is authorized to be appropriated for the Central*
21 *Intelligence Agency Retirement and Disability Fund*
22 *\$514,000,000 for fiscal year 2021.*

1 **TITLE III—INTELLIGENCE**
2 **COMMUNITY MATTERS**
3 **Subtitle A—General Intelligence**
4 **Community Matters**

5 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
6 **ACTIVITIES.**

7 *The authorization of appropriations by this division*
8 *shall not be deemed to constitute authority for the conduct*
9 *of any intelligence activity which is not otherwise author-*
10 *ized by the Constitution or the laws of the United States.*

11 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
12 **BENEFITS AUTHORIZED BY LAW.**

13 *Appropriations authorized by this division for salary,*
14 *pay, retirement, and other benefits for Federal employees*
15 *may be increased by such additional or supplemental*
16 *amounts as may be necessary for increases in such com-*
17 *penetration or benefits authorized by law.*

18 **SEC. 303. CONTINUITY OF OPERATIONS PLANS FOR CER-**
19 **TAIN ELEMENTS OF THE INTELLIGENCE COM-**
20 **MUNITY IN THE CASE OF A NATIONAL EMER-**
21 **GENCY.**

22 *(a) DEFINITION OF COVERED NATIONAL EMER-*
23 *GENCY.—In this section, the term “covered national emer-*
24 *gency” means the following:*

1 (1) *A major disaster declared by the President*
2 *under section 401 of the Robert T. Stafford Disaster*
3 *Relief and Emergency Assistance Act (42 U.S.C.*
4 *5170).*

5 (2) *An emergency declared by the President*
6 *under section 501 of the Robert T. Stafford Disaster*
7 *Relief and Emergency Assistance Act (42 U.S.C.*
8 *5191).*

9 (3) *A national emergency declared by the Presi-*
10 *dent under the National Emergencies Act (50 U.S.C.*
11 *1601 et seq.).*

12 (4) *A public health emergency declared under*
13 *section 319 of the Public Health Service Act (42*
14 *U.S.C. 247d).*

15 (b) *IN GENERAL.—The Director of National Intel-*
16 *ligence, the Director of the Central Intelligence Agency, the*
17 *Director of the National Reconnaissance Office, the Director*
18 *of the Defense Intelligence Agency, the Director of the Na-*
19 *tional Security Agency, and the Director of the National*
20 *Geospatial-Intelligence Agency shall each establish con-*
21 *tinuity of operations plans for use in the case of covered*
22 *national emergencies for the element of the intelligence com-*
23 *munity concerned.*

24 (c) *SUBMISSION TO CONGRESS.—*

1 (1) *DIRECTOR OF NATIONAL INTELLIGENCE AND*
2 *DIRECTOR OF THE CENTRAL INTELLIGENCE AGEN-*
3 *CY.—Not later than 7 days after the date on which*
4 *a covered national emergency is declared, the Director*
5 *of National Intelligence and the Director of the Cen-*
6 *tral Intelligence Agency shall each submit to the con-*
7 *gressional intelligence committees the plan established*
8 *under subsection (b) for that emergency for the ele-*
9 *ment of the intelligence community concerned.*

10 (2) *DIRECTOR OF NATIONAL RECONNAISSANCE*
11 *OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE AGEN-*
12 *CY, DIRECTOR OF NATIONAL SECURITY AGENCY, AND*
13 *DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE*
14 *AGENCY.—Not later than 7 days after the date on*
15 *which a covered national emergency is declared, the*
16 *Director of the National Reconnaissance Office, the*
17 *Director of the Defense Intelligence Agency, the Direc-*
18 *tor of the National Security Agency, and the Director*
19 *of the National Geospatial-Intelligence Agency shall*
20 *each submit the plan established under subsection (b)*
21 *for that emergency for the element of the intelligence*
22 *community concerned to the following:*

23 (A) *The congressional intelligence commit-*
24 *tees.*

1 (B) *The Committee on Armed Services of*
2 *the Senate.*

3 (C) *The Committee on Armed Services of*
4 *the House of Representatives.*

5 (d) *UPDATES.—During a covered national emergency,*
6 *the Director of National Intelligence, the Director of the*
7 *Central Intelligence Agency, the Director of the National*
8 *Reconnaissance Office, the Director of the Defense Intel-*
9 *ligence Agency, the Director of the National Security Agen-*
10 *cy, and the Director of the National Geospatial-Intelligence*
11 *Agency shall each submit any updates to the plans sub-*
12 *mitted under subsection (c)—*

13 (1) *in accordance with that subsection; and*

14 (2) *in a timely manner consistent with section*
15 *501 of the National Security Act of 1947 (50 U.S.C.*
16 *3091).*

17 **SEC. 304. APPLICATION OF EXECUTIVE SCHEDULE LEVEL**
18 **III TO POSITION OF DIRECTOR OF NATIONAL**
19 **RECONNAISSANCE OFFICE.**

20 *Section 5314 of title 5, United States Code, is amended*
21 *by adding at the end the following:*

22 “*Director of the National Reconnaissance Of-*
23 *fice.*”.

1 “(2) *the University is accredited by the appro-*
2 *prate academic accrediting agency or organization to*
3 *award the degree, as determined by the Secretary of*
4 *Education.*

5 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
6 *MENTS.—*

7 “(1) *ACTIONS ON NONACCREDITATION.—Begin-*
8 *ning on the transfer date, the Director shall prompt-*
9 *ly—*

10 “(A) *notify the congressional intelligence*
11 *committees of any action by the Middle States*
12 *Commission on Higher Education, or other ap-*
13 *propriate academic accrediting agency or orga-*
14 *nization, to not accredit the University to award*
15 *any new or existing degree; and*

16 “(B) *submit to such committees a report*
17 *containing an explanation of any such action.*

18 “(2) *MODIFICATION OR REDESIGNATION OF DE-*
19 *GREE-GRANTING AUTHORITY.—Beginning on the*
20 *transfer date, upon any modification or redesignation*
21 *of existing degree-granting authority, the Director*
22 *shall submit to the congressional intelligence commit-*
23 *tees a report containing—*

24 “(A) *the rationale for the proposed modi-*
25 *fication or redesignation; and*

1 “(B) any subsequent recommendation of the
2 Secretary of Education with respect to the pro-
3 posed modification or redesignation.

4 **“SEC. 1033. REPORTING.**

5 “(a) *IN GENERAL.*—Not less frequently than once each
6 year, the Director of National Intelligence shall submit to
7 the congressional intelligence committees a plan for employ-
8 ing professors, instructors, and lecturers at the National In-
9 telligence University.

10 “(b) *ELEMENTS.*—Each plan submitted under sub-
11 section (a) shall include the following:

12 “(1) The total number of proposed personnel to
13 be employed at the National Intelligence University.

14 “(2) The total annual compensation to be pro-
15 vided the personnel described in paragraph (1).

16 “(3) Such other matters as the Director considers
17 appropriate.

18 “(c) *FORM OF SUBMITTAL.*—Each plan submitted by
19 the Director to the congressional intelligence committees
20 under subsection (a) shall be submitted as part of another
21 annual submission from the Director to the congressional
22 intelligence committees.

1 **“SEC. 1034. CONTINUED APPLICABILITY OF THE FEDERAL**
2 **ADVISORY COMMITTEE ACT TO THE BOARD**
3 **OF VISITORS.**

4 *“The Federal Advisory Committee Act (5 U.S.C. App.)*
5 *shall continue to apply to the Board of Visitors of the Na-*
6 *tional Intelligence University on and after the transfer*
7 *date.”.*

8 *(b) PLAN REGARDING PERSONNEL AT NATIONAL IN-*
9 *TELLIGENCE UNIVERSITY.—*

10 *(1) INITIAL SUBMISSION.—Not later than 180*
11 *days after the date of the enactment of this Act, the*
12 *Director of National Intelligence shall submit to the*
13 *congressional intelligence committees the first submis-*
14 *sion required by section 1033(a) of the National Secu-*
15 *rity Act of 1947, as added by subsection (a).*

16 *(2) CERTAIN REQUIREMENT NOT APPLICABLE.—*
17 *Subsection (c) of section 1033 of the National Secu-*
18 *rity Act of 1947, as added by subsection (a), shall not*
19 *apply to the submittal under paragraph (1) of this*
20 *subsection.*

21 *(c) CONFORMING AMENDMENTS.—Section 5324 of the*
22 *National Defense Authorization Act for Fiscal Year 2020*
23 *(Public Law 116–92) is amended—*

24 *(1) in subsection (b)(1)(C), by striking “sub-*
25 *section (e)(2)” and inserting “section 1032(b) of the*
26 *National Security Act of 1947”;*

- 1 (2) *by striking subsections (e) and (f); and*
2 (3) *by redesignating subsections (g) and (h) as*
3 *subsections (e) and (f), respectively.*
4 (d) *CLERICAL AMENDMENT.—The table of contents of*
5 *the National Security Act of 1947 is amended by inserting*
6 *after the item relating to section 1024 the following:*

“Subtitle D—National Intelligence University

“Sec. 1031. Transfer date.

“Sec. 1032. Degree-granting authority.

“Sec. 1033. Reporting.

*“Sec. 1034. Continued applicability of the Federal Advisory Committee Act to the
Board of Visitors.”.*

7 **SEC. 306. DATA COLLECTION ON ATTRITION IN INTEL-**
8 **LIGENCE COMMUNITY.**

9 (a) *STANDARDS FOR DATA COLLECTION.—*

10 (1) *IN GENERAL.—Not later than 90 days after*
11 *the date of the enactment of this Act, the Director of*
12 *National Intelligence shall establish standards for col-*
13 *lecting data relating to attrition in the intelligence*
14 *community workforce across demographics, speciali-*
15 *ties, and length of service.*

16 (2) *INCLUSION OF CERTAIN CANDIDATES.—The*
17 *Director shall include, in the standards established*
18 *under paragraph (1), standards for collecting data*
19 *from candidates who accepted conditional offers of*
20 *employment but chose to withdraw from the hiring*
21 *process before entering into service, including data*

1 *with respect to the reasons such candidates chose to*
2 *withdraw.*

3 **(b) COLLECTION OF DATA.**—*Not later than 120 days*
4 *after the date of the enactment of this Act, each element*
5 *of the intelligence community shall begin collecting data on*
6 *workforce and candidate attrition in accordance with the*
7 *standards established under subsection (a).*

8 **(c) ANNUAL REPORT.**—*Not later than 1 year after the*
9 *date of the enactment of this Act, and annually thereafter,*
10 *the Director shall submit to the congressional intelligence*
11 *committees a report on workforce and candidate attrition*
12 *in the intelligence community that includes—*

13 *(1) the findings of the Director based on the data*
14 *collected under subsection (b);*

15 *(2) recommendations for addressing any issues*
16 *identified in those findings; and*

17 *(3) an assessment of timeliness in processing hir-*
18 *ing applications of individuals previously employed*
19 *by an element of the intelligence community, con-*
20 *sistent with the Trusted Workforce 2.0 initiative spon-*
21 *sored by the Security Clearance, Suitability, and*
22 *Credentialing Performance Accountability Council.*

1 **SEC. 307. LIMITATION ON DELEGATION OF RESPONSIBILITY**
2 **FOR PROGRAM MANAGEMENT OF INFORMA-**
3 **TION-SHARING ENVIRONMENT.**

4 *Section 1016(b) of the Intelligence Reform and Ter-*
5 *rorism Prevention Act of 2004 (6 U.S.C. 485(b)), as amend-*
6 *ed by section 6402(a) of the National Defense Authorization*
7 *Act for Fiscal Year 2020 (Public Law 116–92), is further*
8 *amended—*

9 *(1) in paragraph (1), in the matter before sub-*
10 *paragraph (A), by striking “Director of National In-*
11 *telligence” and inserting “President”;*

12 *(2) in paragraph (2), by striking “Director of*
13 *National Intelligence” both places it appears and in-*
14 *serting “President”; and*

15 *(3) by adding at the end the following:*

16 *“(3) DELEGATION.—*

17 *“(A) IN GENERAL.—Subject to subpara-*
18 *graph (B), the President may delegate responsi-*
19 *bility for carrying out this subsection.*

20 *“(B) LIMITATION.—The President may not*
21 *delegate responsibility for carrying out this sub-*
22 *section to the Director of National Intelligence.”.*

1 **SEC. 308. REQUIREMENT TO BUY CERTAIN SATELLITE COM-**
2 **PONENT FROM AMERICAN SOURCES.**

3 (a) *IN GENERAL.*—Title XI of the National Security
4 Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding
5 at the end the following new section:

6 **“SEC. 1109. REQUIREMENT TO BUY CERTAIN SATELLITE**
7 **COMPONENT FROM AMERICAN SOURCES.**

8 “(a) *DEFINITIONS.*—In this section:

9 “(1) *COVERED ELEMENT OF THE INTELLIGENCE*
10 *COMMUNITY.*—The term ‘covered element of the intel-

11 *ligence community’ means an element of the intel-*
12 *ligence community that is not an element of the De-*
13 *partment of Defense.*

14 “(2) *NATIONAL SECURITY SATELLITE.*—The term
15 ‘national security satellite’ means a satellite weighing
16 over 400 pounds whose principle purpose is to sup-
17 port the national security or intelligence needs of the
18 United States Government.

19 “(3) *UNITED STATES.*—The term ‘United States’
20 means the several States, the District of Columbia,
21 and the territories and possessions of the United
22 States.

23 “(b) *REQUIREMENT.*—Beginning January 1, 2021, ex-
24 cept as provided in subsection (c), a covered element of the
25 intelligence community may not award a contract for a na-
26 tional security satellite if the satellite uses a star tracker

1 *that is not produced in the United States, including with*
2 *respect to both the software and the hardware of the star*
3 *tracker.*

4 “(c) *EXCEPTION.—The head of a covered element of the*
5 *intelligence community may waive the requirement under*
6 *subsection (b) if, on a case-by-case basis, the head certifies*
7 *in writing to the congressional intelligence committees*
8 *that—*

9 “(1) *there is no available star tracker produced*
10 *in the United States that meets the mission and de-*
11 *sign requirements of the national security satellite for*
12 *which the star tracker will be used;*

13 “(2) *the cost of a star tracker produced in the*
14 *United States is unreasonable, based on a market sur-*
15 *vey; or*

16 “(3) *such waiver is necessary for the national se-*
17 *curity interests of the United States based on an ur-*
18 *gent and compelling need.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of contents in*
20 *the first section of the National Security Act of 1947 is*
21 *amended by inserting after the item relating to section 1108*
22 *the following new item:*

 “*Sec. 1109. Requirement to buy certain satellite component from American sources.”.*

1 **SEC. 309. LIMITATION ON CONSTRUCTION OF FACILITIES**
2 **TO BE USED PRIMARILY BY INTELLIGENCE**
3 **COMMUNITY.**

4 *Section 602(a)(2) of the Intelligence Authorization Act*
5 *for Fiscal Year 1995 (50 U.S.C. 3304(a)(2)) is amended—*

6 *(1) by striking “ \$1,000,000” both places it ap-*
7 *pears and inserting “ \$2,000,000”; and*

8 *(2) by striking “the Director of National Intel-*
9 *ligence shall submit a notification” and inserting*
10 *“the head of such component, in coordination with*
11 *and subject to the approval of the Director of Na-*
12 *tional Intelligence, shall submit a notification”.*

13 **SEC. 310. INTELLIGENCE COMMUNITY STUDENT LOAN RE-**
14 **PAYMENT PROGRAMS.**

15 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
16 *that—*

17 *(1) student loan repayment programs are a cru-*
18 *cial tool in attracting and retaining talented individ-*
19 *uals to the intelligence community, particularly indi-*
20 *viduals from diverse backgrounds;*

21 *(2) generous student loan repayment programs*
22 *help the intelligence community compete with the pri-*
23 *ivate sector for talented employees;*

24 *(3) departments and agencies containing ele-*
25 *ments of the intelligence community have authority to*
26 *establish student loan repayment programs either*

1 *under section 5379 of title 5, United States Code, or*
2 *under the delegable authority of the Director of Na-*
3 *tional Intelligence under section 102A(n)(1) of the*
4 *National Security Act of 1947 (50 U.S.C.*
5 *3024(n)(1));*

6 *(4) although the Director should use the author-*
7 *ity under such section 102A(n)(1) sparingly, and*
8 *should be exceedingly sparing in delegating such au-*
9 *thority to an element of the intelligence community,*
10 *the Director should approve well-predicated requests*
11 *for such authority in the student loan repayment con-*
12 *text if an element of the intelligence community can*
13 *articulate an impediment to establishing or enhanc-*
14 *ing a program under section 5379 of title 5, United*
15 *States Code; and*

16 *(5) student loan repayment programs established*
17 *by an element of the intelligence community should*
18 *provide flexibility to intelligence community employ-*
19 *ees, including employees who pursue loan-financed*
20 *education in the middle of their careers or after the*
21 *day on which they first become intelligence commu-*
22 *nity employees.*

23 *(b) STUDENT LOAN REPAYMENT PROGRAM STAND-*
24 *ARDS.—Not later than 180 days after the date of the enact-*
25 *ment of this Act, the Director of National Intelligence, or*

1 *a designee of the Director who is an employee of the Office*
2 *of the Director of National Intelligence, shall establish min-*
3 *imum standards for the repayment of student loans of em-*
4 *ployees of elements of the intelligence community by such*
5 *elements of the intelligence community.*

6 (c) *REPORT.*—*Not later than 180 days after the date*
7 *of the enactment of this Act, the Director shall submit to*
8 *the appropriate congressional committees a report on the*
9 *standards established under subsection (b). Such report*
10 *shall include—*

11 (1) *an explanation of why such minimum stand-*
12 *ards were established; and*

13 (2) *how such standards advance the goals of—*

14 (A) *attracting and retaining a talented in-*
15 *telligence community workforce;*

16 (B) *competing with private sector compa-*
17 *nies for talented employees; and*

18 (C) *promoting the development of a diverse*
19 *workforce.*

20 (d) *FAILURE TO MEET STANDARDS.*—*Not later than*
21 *180 days after the date on which the standards required*
22 *under subsection (b) are established, the head of an element*
23 *of the intelligence community that does not meet such stand-*
24 *ards shall submit to the appropriate congressional commit-*
25 *tees a report containing an explanation for why such ele-*

1 *ment does not meet such standards and an identification*
2 *of any additional authority or appropriations required to*
3 *for the element to meet such standards.*

4 *(e) SUBMITTAL OF REGULATIONS AND POLICIES TO*
5 *CONGRESS.—Not later than 180 days after the date on*
6 *which the standards required under subsection (b) are estab-*
7 *lished, the head of an element of the intelligence community*
8 *shall submit to the appropriate congressional committees a*
9 *copy of all internal regulations and policies governing the*
10 *student loan repayment program of that element as well*
11 *as copies of such policies redacted to remove classified infor-*
12 *mation.*

13 *(f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
14 *FINED.—In this section, the term “appropriate congres-*
15 *sional committees” means—*

16 *(1) the Permanent Select Committee on Intel-*
17 *ligence of the House of Representatives;*

18 *(2) the Select Committee on Intelligence of the*
19 *Senate;*

20 *(3) with respect to an element of the intelligence*
21 *community within the Department of Defense, the*
22 *Committees on Armed Services of the Senate and*
23 *House of Representatives;*

24 *(4) with respect to an element of the intelligence*
25 *community within the Department of Justice, the*

1 *Committees on the Judiciary of the Senate and House*
2 *of Representatives;*

3 *(5) with respect to an element of the intelligence*
4 *community within the Department of Homeland Se-*
5 *curity, the Committee on Homeland Security and*
6 *Governmental Affairs of the Senate and the Com-*
7 *mittee on Homeland Security of the House of Rep-*
8 *resentatives;*

9 *(6) with respect to an element of the intelligence*
10 *community within the Department of State, the Com-*
11 *mittee on Foreign Relations of the Senate and the*
12 *Committee on Foreign Affairs of the House of Rep-*
13 *resentatives;*

14 *(7) with respect to an element of the intelligence*
15 *community within the Department of Energy, the*
16 *Committee on Energy and Natural Resources of the*
17 *Senate and the Committee on Energy and Commerce*
18 *of the House of Representatives; and*

19 *(8) with respect to an element of the intelligence*
20 *community within the Department of the Treasury,*
21 *the Committee on Finance of the Senate and the Com-*
22 *mittee on Financial Services of the House of Rep-*
23 *resentatives.*

1 (g) *FORM OF REPORTS.*—Each of the reports required
 2 under subsections (c) and (d) shall be submitted in unclassi-
 3 fied form, but may contain a classified annex.

4 ***Subtitle B—Reports and Assess-***
 5 ***ments Pertaining to the Intel-***
 6 ***ligence Community***

7 ***SEC. 321. ASSESSMENT BY THE COMPTROLLER GENERAL OF***
 8 ***THE UNITED STATES ON EFFORTS OF THE IN-***
 9 ***TELLIGENCE COMMUNITY AND THE DEPART-***
 10 ***MENT OF DEFENSE TO IDENTIFY AND MITI-***
 11 ***GATE RISKS POSED TO THE INTELLIGENCE***
 12 ***COMMUNITY AND THE DEPARTMENT BY THE***
 13 ***USE OF DIRECT-TO-CONSUMER GENETIC***
 14 ***TESTING BY THE GOVERNMENT OF THE PEO-***
 15 ***PLE'S REPUBLIC OF CHINA.***

16 (a) *ASSESSMENT REQUIRED.*—The Comptroller Gen-
 17 eral of the United States shall assess the efforts of the intel-
 18 ligence community and the Department of Defense to iden-
 19 tify and mitigate the risks posed to the intelligence commu-
 20 nity and the Department by the use of direct-to-consumer
 21 genetic testing by the Government of the People's Republic
 22 of China.

23 (b) *REPORT REQUIRED.*—

24 (1) *DEFINITION OF UNITED STATES DIRECT-TO-*
 25 *CONSUMER GENETIC TESTING COMPANY.*—In this sub-

1 *section, the term “United States direct-to-consumer*
2 *genetic testing company” means a private entity*
3 *that—*

4 *(A) carries out direct-to-consumer genetic*
5 *testing; and*

6 *(B) is organized under the laws of the*
7 *United States or any jurisdiction within the*
8 *United States.*

9 *(2) IN GENERAL.—Not later than 180 days after*
10 *the date of the enactment of this Act, the Comptroller*
11 *General shall submit to Congress, including the con-*
12 *gressional intelligence committees, the Committee on*
13 *Armed Services of the Senate, and the Committee on*
14 *Armed Services of the House of Representatives, a re-*
15 *port on the assessment required by subsection (a).*

16 *(3) ELEMENTS.—The report required by para-*
17 *graph (2) shall include the following:*

18 *(A) A description of key national security*
19 *risks and vulnerabilities associated with direct-*
20 *to-consumer genetic testing, including—*

21 *(i) how the Government of the People’s*
22 *Republic of China may be using data pro-*
23 *vided by personnel of the intelligence com-*
24 *munity and the Department through direct-*
25 *to-consumer genetic tests; and*

1 (ii) how ubiquitous technical surveil-
2 lance may amplify those risks.

3 (B) An assessment of the extent to which the
4 intelligence community and the Department have
5 identified risks and vulnerabilities posed by di-
6 rect-to-consumer genetic testing and have sought
7 to mitigate such risks and vulnerabilities, or
8 have plans for such mitigation, including the ex-
9 tent to which the intelligence community has de-
10 termined—

11 (i) in which United States direct-to-
12 consumer genetic testing companies the Gov-
13 ernment of the People’s Republic of China
14 or entities owned or controlled by the Gov-
15 ernment of the People’s Republic of China
16 have an ownership interest; and

17 (ii) which United States direct-to-con-
18 sumer genetic testing companies may have
19 sold data to the Government of the People’s
20 Republic of China or entities owned or con-
21 trolled by the Government of the People’s
22 Republic of China.

23 (C) Such recommendations as the Comp-
24 troller General may have for action by the intel-
25 ligence community and the Department to im-

1 *prove the identification and mitigation of risks*
2 *and vulnerabilities posed by the use of direct-to-*
3 *consumer genetic testing by the Government of*
4 *the People’s Republic of China.*

5 (4) *FORM.*—*The report required by paragraph*
6 (2) *shall be submitted in unclassified form, but may*
7 *include a classified annex.*

8 (c) *COOPERATION.*—*The heads of relevant elements of*
9 *the intelligence community and components of the Depart-*
10 *ment shall—*

11 (1) *fully cooperate with the Comptroller General*
12 *in conducting the assessment required by subsection*
13 (i); *and*

14 (2) *provide any information and data required*
15 *by the Comptroller General to conduct the assessment,*
16 *consistent with Intelligence Community Directive 114*
17 *or successor directive.*

18 **SEC. 322. REPORT ON USE BY INTELLIGENCE COMMUNITY**
19 **OF HIRING FLEXIBILITIES AND EXPEDITED**
20 **HUMAN RESOURCES PRACTICES TO ASSURE**
21 **QUALITY AND DIVERSITY IN THE WORKFORCE**
22 **OF THE INTELLIGENCE COMMUNITY.**

23 (a) *IN GENERAL.*—*Not later than 180 days after the*
24 *date of the enactment of this Act, the Director of National*
25 *Intelligence shall submit to the congressional intelligence*

1 *committees a report on how elements of the intelligence com-*
2 *munity are exercising hiring flexibilities and expedited*
3 *human resources practices afforded under section 3326 of*
4 *title 5, United States Code, and subpart D of part 315 of*
5 *title 5, Code of Federal Regulations, or successor regulation,*
6 *to assure quality and diversity in the workforce of the intel-*
7 *ligence community.*

8 (b) *OBSTACLES.*—*The report submitted under sub-*
9 *section (a) shall include identification of any obstacles en-*
10 *countered by the intelligence community in exercising the*
11 *authorities described in such subsection.*

12 **SEC. 323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES**
13 **AND REQUIREMENTS.**

14 (a) *REPORT REQUIRED.*—*Not later than 30 days after*
15 *the date of the enactment of this Act, the Director of Na-*
16 *tional Intelligence shall submit to the congressional intel-*
17 *ligence committees, the majority and minority leaders of*
18 *the Senate, and the Speaker and minority leader of the*
19 *House of Representatives a report on signals intelligence*
20 *priorities and requirements subject to Presidential Policy*
21 *Directive 28.*

22 (b) *ELEMENTS.*—*The report required by subsection (a)*
23 *shall cover the following:*

24 (1) *The implementation of the annual process for*
25 *advising the Director on signals intelligence priorities*

1 *and requirements described in section 3 of Presi-*
2 *dential Policy Directive 28.*

3 (2) *The signals intelligence priorities and re-*
4 *quirements as of the most recent annual process.*

5 (3) *The application of such priorities and re-*
6 *quirements to the signals intelligence collection efforts*
7 *of the intelligence community.*

8 (c) *CONTENTS OF CLASSIFIED ANNEX REFERENCED IN*
9 *SECTION 3 OF PRESIDENTIAL POLICY DIRECTIVE 28.—Not*
10 *later than 30 days after the date of the enactment of this*
11 *Act, in addition to the report submitted under subsection*
12 *(a), the Director shall submit to the chairmen and ranking*
13 *minority members of the congressional intelligence commit-*
14 *tees, the majority and minority leaders of the Senate, and*
15 *the Speaker and minority leader of the House of Represent-*
16 *atives the contents of the classified annex referenced in sec-*
17 *tion 3 of Presidential Policy Directive 28.*

18 (d) *FORM.—The report submitted under subsection (a)*
19 *shall be submitted in unclassified form, but may include*
20 *a classified annex.*

21 **SEC. 324. ASSESSMENT OF DEMAND FOR STUDENT LOAN**
22 **REPAYMENT PROGRAM BENEFIT.**

23 (a) *IN GENERAL.—Not later than 90 days after the*
24 *date of the enactment of this Act, the head of each element*
25 *of the intelligence community shall—*

1 (1) calculate the number of personnel of that ele-
2 ment who qualify for a student loan repayment pro-
3 gram benefit;

4 (2) compare the number calculated under para-
5 graph (1) to the number of personnel who apply for
6 such a benefit;

7 (3) provide recommendations for how to struc-
8 ture such a program to optimize participation and
9 enhance the effectiveness of the benefit as a retention
10 tool, including with respect to the amount of the ben-
11 efit offered and the length of time an employee receiv-
12 ing a benefit is required to serve under a continuing
13 service agreement; and

14 (4) identify any shortfall in funds or authorities
15 needed to provide such a benefit.

16 (b) *INCLUSION IN FISCAL YEAR 2022 BUDGET SUB-*
17 *MISSION.—The Director of National Intelligence shall in-*
18 *clude in the budget justification materials submitted to*
19 *Congress in support of the budget for the intelligence com-*
20 *munity for fiscal year 2022 (as submitted with the budget*
21 *of the President under section 1105(a) of title 31, United*
22 *States Code) a report on the findings of the elements of the*
23 *intelligence community under subsection (a).*

1 **SEC. 325. ASSESSMENT OF INTELLIGENCE COMMUNITY DE-**
2 **MAND FOR CHILD CARE.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act, the Director of National
5 Intelligence, in coordination with the heads of the elements
6 of the intelligence community specified in subsection (b),
7 shall submit to the congressional intelligence committees a
8 report that includes—

9 (1) *a calculation of the total annual demand for*
10 *child care by employees of such elements, at or near*
11 *the workplaces of such employees, including a calcula-*
12 *tion of the demand for early morning and evening*
13 *child care;*

14 (2) *an identification of any shortfall between the*
15 *demand calculated under paragraph (1) and the child*
16 *care supported by such elements as of the date of the*
17 *report;*

18 (3) *an assessment of options for addressing any*
19 *such shortfall, including options for providing child*
20 *care at or near the workplaces of employees of such*
21 *elements;*

22 (4) *an identification of the advantages, dis-*
23 *advantages, security requirements, and costs associ-*
24 *ated with each such option;*

25 (5) *a plan to meet, by the date that is 5 years*
26 *after the date of the report—*

1 *date of the enactment of this Act, the Director of National*
2 *Intelligence, in coordination with the head of each element*
3 *of the intelligence community, shall—*

4 (1) *conduct a survey of the open source intel-*
5 *ligence requirements, goals, monetary and property*
6 *investments, and capabilities for each element of the*
7 *intelligence community; and*

8 (2) *evaluate the usability and utility of the Open*
9 *Source Enterprise by soliciting customer feedback and*
10 *evaluating such feedback.*

11 (b) *REQUIREMENT FOR OVERALL STRATEGY AND FOR*
12 *INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING*
13 *USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK*
14 *ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not later*
15 *than 180 days after the date of the enactment of this Act,*
16 *the Director, in coordination with the head of each element*
17 *of the intelligence community and using the findings of the*
18 *Director with respect to the survey conducted under sub-*
19 *section (a), shall—*

20 (1) *develop a strategy for open source intelligence*
21 *collection, analysis, and production that defines the*
22 *overarching goals, roles, responsibilities, and processes*
23 *for such collection, analysis, and production for the*
24 *intelligence community;*

1 (2) *develop a plan for improving usability and*
2 *utility of the Open Source Enterprise based on the*
3 *customer feedback solicited under subsection (a)(2);*
4 *and*

5 (3) *conduct a risk and benefit analysis of cre-*
6 *ating an open source center independent of any cur-*
7 *rent intelligence community element.*

8 (c) *REQUIREMENT FOR PLAN FOR CENTRALIZED DATA*
9 *REPOSITORY.—Not later than 270 days after the date of*
10 *the enactment of this Act and using the findings of the Di-*
11 *rector with respect to the survey and evaluation conducted*
12 *under subsection (a), the strategy and plan developed under*
13 *subsection (b), and the risk and benefit analysis conducted*
14 *under such subsection, the Director shall develop a plan for*
15 *a centralized data repository of open source intelligence that*
16 *enables all elements of the intelligence community—*

17 (1) *to use such repository for their specific re-*
18 *quirements; and*

19 (2) *to derive open source intelligence advantages.*

20 (d) *REQUIREMENT FOR COST-SHARING MODEL.—Not*
21 *later than 1 year after the date of the enactment of this*
22 *Act and using the findings of the Director with respect to*
23 *the survey and evaluation conducted under subsection (a),*
24 *the strategy and plan developed under subsection (b), the*
25 *risk and benefit analysis conducted under such subsection,*

1 *and the plan developed under subsection (c), the Director*
2 *shall develop a cost-sharing model that leverages the open*
3 *source intelligence investments of each element of the intel-*
4 *ligence community for the beneficial use of the entire intel-*
5 *ligence community.*

6 *(e) CONGRESSIONAL BRIEFING.—Not later than 1 year*
7 *after the date of the enactment of this Act, the Director of*
8 *National Intelligence, the Director of the Central Intel-*
9 *ligence Agency, the Director of the Defense Intelligence*
10 *Agency, the Director of the National Geospatial-Intelligence*
11 *Agency, and the Director of the National Security Agency*
12 *shall jointly brief the congressional intelligence committees*
13 *on—*

14 *(1) the strategy developed under paragraph (1)*
15 *of subsection (b);*

16 *(2) the plan developed under paragraph (2) of*
17 *such subsection;*

18 *(3) the plan developed under subsection (c); and*

19 *(4) the cost-sharing model developed under sub-*
20 *section (d).*

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **SEC. 401. ESTABLISHMENT OF OFFICE OF THE OMBUDSMAN**
5 **FOR ANALYTIC OBJECTIVITY.**

6 (a) *OFFICE OF THE OMBUDSMAN FOR ANALYTIC OB-*
7 *JECTIVITY.*—*The Central Intelligence Agency Act of 1949*
8 *(50 U.S.C. 3501 et seq.) is amended by adding at the end*
9 *the following:*

10 **“SEC. 24. OFFICE OF THE OMBUDSMAN FOR ANALYTIC OB-**
11 **JECTIVITY.**

12 **“(a) ESTABLISHMENT.—**

13 **“(1) IN GENERAL.—***There is established in the*
14 *Agency an Office of the Ombudsman for Analytic Ob-*
15 *jectivity (in this section referred to as the ‘Office’).*

16 **“(2) APPOINTMENT OF OMBUDSMAN.—***The Office*
17 *shall be headed by an Ombudsman, who shall be ap-*
18 *pointed by the Director from among current or former*
19 *senior staff officers of the Agency.*

20 **“(b) DUTIES AND RESPONSIBILITIES.—***The Ombuds-*
21 *man shall—*

22 **“(1) on an annual basis, conduct a survey of**
23 *analytic objectivity among officers and employees of*
24 *the Agency;*

1 “(2) *implement a procedure by which any officer*
2 *or employee of the Agency may submit to the Office*
3 *a complaint alleging politicization, bias, lack of objec-*
4 *tivity, or other issues relating to a failure of*
5 *tradecraft in analysis conducted by the Agency;*

6 “(3) *except as provided in paragraph (4), upon*
7 *receiving a complaint submitted pursuant to para-*
8 *graph (2), take reasonable action to investigate the*
9 *complaint, make a determination as to whether the*
10 *incident described in the complaint involved*
11 *politicization, bias, or lack of objectivity, and prepare*
12 *a report that—*

13 “(A) *summarizes the facts relevant to the*
14 *complaint;*

15 “(B) *documents the determination of the*
16 *Ombudsman with respect to the complaint; and*

17 “(C) *contains a recommendation for reme-*
18 *dial action;*

19 “(4) *if a complaint submitted pursuant to para-*
20 *graph (2) alleges politicization, bias, or lack of objec-*
21 *tivity in the collection of intelligence information,*
22 *refer the complaint to the official responsible for su-*
23 *pervising collection operations of the Agency; and*

24 “(5) *continuously monitor changes in areas of*
25 *analysis that the Ombudsman determines involve a*

1 *heightened risk of politicization, bias, or lack of objec-*
2 *tivity, to ensure that any change in the analytic line*
3 *arises from proper application of analytic tradecraft*
4 *and not as a result of politicization, bias, or lack of*
5 *objectivity.*

6 “(c) *REPORTS.*—(1) *On an annual basis, the Ombuds-*
7 *man shall submit to the intelligence committees a report*
8 *on the results of the survey conducted pursuant to subsection*
9 *(b)(1) with respect to the most recent fiscal year.*

10 “(2) *On an annual basis, the Ombudsman shall submit*
11 *to the intelligence committees a report that includes—*

12 “(A) *the number of complaints of submitted pur-*
13 *suant to subsection (b)(2) during the most recent fis-*
14 *cal year; and*

15 “(B) *a description of the nature of such com-*
16 *plaints, the actions taken by the Office or any other*
17 *relevant element or component of the Agency with re-*
18 *spect to such complaints, and the resolution of such*
19 *complaints.*

20 “(3) *On a quarterly basis, the Ombudsman shall sub-*
21 *mit to the intelligence committees a report that includes—*

22 “(A) *a list of the areas of analysis monitored*
23 *during the most recent calendar quarter pursuant to*
24 *subsection (b)(5); and*

1 “(B) a brief description of the methods by which
2 the Office has conducted such monitoring.

3 “(d) *INTELLIGENCE COMMITTEES DEFINED.*—In this
4 section, the term ‘intelligence committees’ means the Perma-
5 nent Select Committee on Intelligence of the House of Rep-
6 resentatives and the Select Committee on Intelligence of the
7 Senate.”.

8 (b) *REFERENCE.*—Any reference in any law, regula-
9 tion, map, document, paper, or other record of the United
10 States to the Ombudsman for Analytic and Collection Ob-
11 jectivity of the Central Intelligence Agency shall be deemed
12 to be a reference to the Office of the Ombudsman for Ana-
13 lytic Objectivity of the Central Intelligence Agency estab-
14 lished by section 24(a) of the Central Intelligence Agency
15 Act of 1949 (50 U.S.C. 3501 et seq.), as added by subsection
16 (a).

17 (c) *REPORT ON SURVEYS FOR FISCAL YEARS 2018 AND*
18 2019.—Not later than 10 days after the date of the enact-
19 ment of this Act, the Director of the Central Intelligence
20 Agency shall submit to the congressional intelligence com-
21 mittees any reports previously prepared by the Ombudsman
22 for Analytic and Collection Objectivity with respect to the
23 surveys of analytic objectivity conducted for fiscal years
24 2018 and 2019.

1 **SEC. 402. EXPANSION OF PERSONNEL MANAGEMENT AU-**
2 **THORITY TO ATTRACT EXPERTS IN SCIENCE**
3 **AND ENGINEERING.**

4 *Section 1599h of title 10, United States Code, is*
5 *amended—*

6 *(1) in subsection (a), by adding at the end the*
7 *following new paragraph:*

8 *“(7) NGA.—The Director of the National*
9 *Geospatial-Intelligence Agency may carry out a pro-*
10 *gram of personnel management authority provided in*
11 *subsection (b) in order to facilitate recruitment of*
12 *eminent experts in science or engineering for research*
13 *and development projects and to enhance the adminis-*
14 *tration and management of the Agency.”;*

15 *(2) in subsection (b)(1)—*

16 *(A) in subparagraph (E), by striking “;*
17 *and”;*

18 *(B) in subparagraph (F), by striking the*
19 *semicolon and inserting “; and”; and*

20 *(C) by adding at the end the following new*
21 *subparagraph:*

22 *“(G) in the case of the National Geospatial-*
23 *Intelligence Agency, appoint individuals to a*
24 *total of not more than 7 positions in the Agency,*
25 *of which not more than 2 such positions may be*

1 positions of administration or management in
2 the Agency;” and

3 (3) in subsection (c)(2), by striking “or the Joint
4 Artificial Intelligence Center” and inserting “the
5 Joint Artificial Intelligence Center, or the National
6 Geospatial-Intelligence Agency”.

7 **SEC. 403. SENIOR CHIEF PETTY OFFICER SHANNON KENT**
8 **AWARD FOR DISTINGUISHED FEMALE PER-**
9 **SONNEL OF THE NATIONAL SECURITY AGEN-**
10 **CY.**

11 *The National Security Agency Act of 1959 (50 U.S.C.*
12 *3601 et seq.) is amended by adding at the end the following*
13 *new section:*

14 **“SEC. 21. SENIOR CHIEF PETTY OFFICER SHANNON KENT**
15 **AWARD FOR DISTINGUISHED FEMALE PER-**
16 **SONNEL.**

17 “(a) *ESTABLISHMENT.—The Director of the National*
18 *Security Agency shall establish an honorary award for the*
19 *recognition of female personnel of the National Security*
20 *Agency for distinguished career contributions in support of*
21 *the mission of the Agency as civilian employees or members*
22 *of the Armed Forces assigned to the Agency. The award*
23 *shall be known as the ‘Senior Chief Petty Officer Shannon*
24 *Kent Award’ and shall consist of a design determined ap-*
25 *propriate by the Director.*

1 “(b) *AWARD.*—*The Director shall award the Senior*
2 *Chief Petty Officer Shannon Kent Award to female civilian*
3 *employees, members of the Armed Forces, or former civilian*
4 *employees or members, whom the Director determines meet*
5 *the criteria under subsection (a).*”.

6 **SEC. 404. DEPARTMENT OF HOMELAND SECURITY INTEL-**
7 **LIGENCE AND CYBERSECURITY DIVERSITY**
8 **FELLOWSHIP PROGRAM.**

9 (a) *PROGRAM.*—*Subtitle D of title XIII of the Home-*
10 *land Security Act of 2002 (5 U.S.C. 3301 note et seq.) is*
11 *amended by adding at the end the following new section:*

12 **“SEC. 1333. INTELLIGENCE AND CYBERSECURITY DIVER-**
13 **SITY FELLOWSHIP PROGRAM.**

14 “(a) *DEFINITIONS.*—*In this section:*

15 “(1) *APPROPRIATE COMMITTEES OF CON-*
16 *GRESS.*—*The term ‘appropriate committees of Con-*
17 *gress’ means—*

18 “(A) *the Committee on Homeland Security*
19 *and Governmental Affairs and the Select Com-*
20 *mittee on Intelligence of the Senate; and*

21 “(B) *the Committee on Homeland Security*
22 *and the Permanent Select Committee on Intel-*
23 *ligence of the House of Representatives.*

1 “(2) *EXCEPTED SERVICE*.—The term ‘*excepted*
2 *service*’ has the meaning given that term in section
3 2103 of title 5, United States Code.

4 “(3) *HISTORICALLY BLACK COLLEGE OR UNIVER-*
5 *SITY*.—The term ‘*historically Black college or univer-*
6 *sity*’ has the meaning given the term ‘*part B institu-*
7 *tion*’ in section 322 of the *Higher Education Act of*
8 1965 (20 U.S.C. 1061).

9 “(4) *INSTITUTION OF HIGHER EDUCATION*.—The
10 term ‘*institution of higher education*’ has the meaning
11 given that term in section 101 of the *Higher Edu-*
12 *cation Act of 1965* (20 U.S.C. 1001).

13 “(5) *MINORITY-SERVING INSTITUTION*.—The
14 term ‘*minority-serving institution*’ means an institu-
15 tion of higher education described in section 371(a) of
16 the *Higher Education Act of 1965* (20 U.S.C.
17 1067q(a)).

18 “(b) *PROGRAM*.—The Secretary shall carry out an in-
19 telligence and cybersecurity diversity fellowship program
20 (in this section referred to as the ‘*Program*’) under which
21 an eligible individual may—

22 “(1) participate in a paid internship at the De-
23 partment that relates to intelligence, cybersecurity, or
24 some combination thereof;

1 “(2) receive tuition assistance from the Sec-
2 retary; and

3 “(3) upon graduation from an institution of
4 higher education and successful completion of the Pro-
5 gram (as defined by the Secretary), receive an offer
6 of employment to work in an intelligence or cyberse-
7 curity position of the Department that is in the ex-
8 cepted service.

9 “(c) *ELIGIBILITY.*—To be eligible to participate in the
10 Program, an individual shall—

11 “(1) be a citizen of the United States; and

12 “(2) as of the date of submitting the application
13 to participate in the Program—

14 “(A) have a cumulative grade point average
15 of at least 3.2 on a 4.0 scale;

16 “(B) be a socially disadvantaged individual
17 (as that term is defined in section 124.103 of
18 title 13, Code of Federal Regulations, or suc-
19 cessor regulation); and

20 “(C) be a sophomore, junior, or senior at an
21 institution of higher education.

22 “(d) *DIRECT HIRE AUTHORITY.*—If an individual
23 who receives an offer of employment under subsection (b)(3)
24 accepts such offer, the Secretary shall appoint, without re-
25 gard to provisions of subchapter I of chapter 33 of title 5,

1 *United States Code, (except for section 3328 of such title)*
2 *such individual to the position specified in such offer.*

3 “(e) *REPORTS.*—

4 “(1) *REPORTS.*—*Not later than 1 year after the*
5 *date of the enactment of this section, and on an an-*
6 *annual basis thereafter, the Secretary shall submit to the*
7 *appropriate committees of Congress a report on the*
8 *Program.*

9 “(2) *MATTERS.*—*Each report under paragraph*
10 *(1) shall include, with respect to the most recent year,*
11 *the following:*

12 “(A) *A description of outreach efforts by the*
13 *Secretary to raise awareness of the Program*
14 *among institutions of higher education in which*
15 *eligible individuals are enrolled.*

16 “(B) *Information on specific recruiting ef-*
17 *forts conducted by the Secretary to increase par-*
18 *ticipation in the Program.*

19 “(C) *The number of individuals partici-*
20 *parting in the Program, listed by the institution*
21 *of higher education in which the individual is*
22 *enrolled at the time of participation, and infor-*
23 *mation on the nature of such participation, in-*
24 *cluding on whether the duties of the individual*

1 *under the Program relate primarily to intel-*
2 *ligence or to cybersecurity.*

3 “(D) *The number of individuals who accept-*
4 *ed an offer of employment under the Program*
5 *and an identification of the element within the*
6 *Department to which each individual was ap-*
7 *pointed.”.*

8 **(b) CLERICAL AMENDMENT.**—*The table of contents for*
9 *such Act is amended by inserting after the item relating*
10 *to section 1332 the following new item:*

“Sec. 1333. Intelligence and cybersecurity diversity fellowship program.”.

11 **SEC. 405. CLIMATE SECURITY ADVISORY COUNCIL.**

12 **(a) STUDY ON ADVISORY COUNCIL MODEL FOR STRA-**
13 **TEGIC OR TRANSNATIONAL THREATS.**—

14 **(1) STUDY REQUIRED.**—*The Director of National*
15 *Intelligence, in coordination with the heads of other*
16 *elements of the intelligence community determined*
17 *appropriate by the Director, shall conduct a study on*
18 *the effectiveness of the Climate Security Advisory*
19 *Council as a potential model for future advisory*
20 *councils that—*

21 **(A)** *focus on optimizing the collection and*
22 *analysis of intelligence relating to strategic or*
23 *transnational threats to the national security of*
24 *the United States (including threats posed by*

1 *disease outbreaks, pandemics, or other global*
2 *health threats); and*

3 *(B) are composed of elements of the intel-*
4 *ligence community and relevant elements of the*
5 *Federal Government that are not elements of the*
6 *intelligence community.*

7 (2) *REPORT.*—*Not later than 1 year after the*
8 *date of the enactment of this Act, the Director shall*
9 *submit to the congressional intelligence committees a*
10 *report containing the findings of the study under*
11 *paragraph (1).*

12 (b) *TECHNICAL CORRECTION.*—*Section 120(c)(4) of*
13 *the National Security Act of 1947 (50 U.S.C. 3060(c)(4))*
14 *is amended by striking “security indicators” and inserting*
15 *“intelligence indications”.*

16 ***TITLE V—MATTERS RELATING***
17 ***TO EMERGING TECHNOLOGIES***

18 ***SEC. 501. REQUIREMENTS AND AUTHORITIES FOR DIREC-***
19 ***TOR OF THE CENTRAL INTELLIGENCE AGEN-***
20 ***CY TO IMPROVE EDUCATION IN SCIENCE,***
21 ***TECHNOLOGY, ENGINEERING, ARTS, AND***
22 ***MATHEMATICS.***

23 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
24 *3501 et seq.), as amended by section 401, is further amend-*
25 *ed by adding at the end the following:*

1 **“SEC. 25. IMPROVEMENT OF EDUCATION IN SCIENCE, TECH-**
2 **NOLOGY, ENGINEERING, ARTS, AND MATHE-**
3 **MATICS.**

4 “(a) *DEFINITIONS.*—*In this section:*

5 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
6 *ty’ includes a department or agency of the Federal*
7 *Government, a State, a political subdivision of a*
8 *State, an individual, and a not-for-profit or other or-*
9 *ganization in the private sector.*

10 “(2) *EDUCATIONAL INSTITUTION.*—*The term*
11 *‘educational institution’ includes any public or pri-*
12 *vate elementary school or secondary school, institution*
13 *of higher education, college, university, or any other*
14 *profit or nonprofit institution that is dedicated to im-*
15 *proving science, technology, engineering, the arts,*
16 *mathematics, business, law, medicine, or other fields*
17 *that promote development and education relating to*
18 *science, technology, engineering, the arts, or mathe-*
19 *matics.*

20 “(3) *STATE.*—*The term ‘State’ means each of the*
21 *several States, the District of Columbia, the Common-*
22 *wealth of Puerto Rico, the Commonwealth of the*
23 *Northern Mariana Islands, and any other territory or*
24 *possession of the United States.*

25 “(b) *REQUIREMENTS.*—*The Director shall, on a con-*
26 *tinuing basis—*

1 “(1) *identify actions that the Director may take*
2 *to improve education in the scientific, technology, en-*
3 *gineering, arts, and mathematics (known as*
4 *‘STEAM’) skills necessary to meet the long-term na-*
5 *tional security needs of the United States for per-*
6 *sonnel proficient in such skills; and*

7 “(2) *establish and conduct programs to carry out*
8 *such actions.*

9 “(c) *AUTHORITIES.*—

10 “(1) *IN GENERAL.*—*The Director, in support of*
11 *educational programs in science, technology, engineer-*
12 *ing, the arts, and mathematics, may—*

13 “(A) *award grants to eligible entities;*

14 “(B) *provide cash awards and other items*
15 *to eligible entities;*

16 “(C) *accept voluntary services from eligible*
17 *entities;*

18 “(D) *support national competition judging,*
19 *other educational event activities, and associated*
20 *award ceremonies in connection with such edu-*
21 *cational programs; and*

22 “(E) *enter into one or more education part-*
23 *nership agreements with educational institutions*
24 *in the United States for the purpose of encour-*
25 *aging and enhancing study in science, tech-*

1 *nology, engineering, the arts, and mathematics*
2 *disciplines at all levels of education.*

3 “(2) *EDUCATION PARTNERSHIP AGREEMENTS.—*

4 “(A) *NATURE OF ASSISTANCE PROVIDED.—*

5 *Under an education partnership agreement en-*
6 *tered into with an educational institution under*
7 *paragraph (1)(E), the Director may provide as-*
8 *sistance to the educational institution by—*

9 “(i) *loaning equipment to the edu-*
10 *cational institution for any purpose and*
11 *duration in support of such agreement that*
12 *the Director considers appropriate;*

13 “(ii) *making personnel available to*
14 *teach science courses or to assist in the de-*
15 *velopment of science courses and materials*
16 *for the educational institution;*

17 “(iii) *providing sabbatical opportuni-*
18 *ties for faculty and internship opportunities*
19 *for students;*

20 “(iv) *involving faculty and students of*
21 *the educational institution in Agency*
22 *projects, including research and technology*
23 *transfer or transition projects;*

24 “(v) *cooperating with the educational*
25 *institution in developing a program under*

1 *which students may be given academic cred-*
2 *it for work on Agency projects, including re-*
3 *search and technology transfer for transi-*
4 *tion projects; and*

5 “(vi) *providing academic and career*
6 *advice and assistance to students of the edu-*
7 *cational institution.*

8 “(B) *PRIORITIES.—In entering into edu-*
9 *cation partnership agreements under paragraph*
10 *(1)(E), the Director shall prioritize entering into*
11 *education partnership agreements with the fol-*
12 *lowing:*

13 “(i) *Historically Black colleges and*
14 *universities and other minority-serving in-*
15 *stitutions, as described in section 371(a) of*
16 *the Higher Education Act of 1965 (20*
17 *U.S.C. 1067q(a)).*

18 “(ii) *Educational institutions serving*
19 *women, members of minority groups, and*
20 *other groups of individuals who tradition-*
21 *ally are involved in the science, technology,*
22 *engineering, arts, and mathematics profes-*
23 *sions in disproportionately low numbers.*

24 “(d) *DESIGNATION OF ADVISOR.—The Director shall*
25 *designate one or more individuals within the Agency to ad-*

1 *vis*e and assist the Director regarding matters relating to
2 science, technology, engineering, the arts, and mathematics
3 education and training.”.

4 **SEC. 502. SEEDLING INVESTMENT IN NEXT-GENERATION**
5 **MICROELECTRONICS IN SUPPORT OF ARTIFI-**
6 **CIAL INTELLIGENCE.**

7 (a) *FINDINGS*.—Congress finds that—

8 (1) *developing faster, more energy efficient, and*
9 *more resilient computing is important to the future*
10 *of the national security of the United States and the*
11 *leadership by the United States in artificial intel-*
12 *ligence; and*

13 (2) *multidisciplinary teams co-designing micro-*
14 *electronics for artificial intelligence will lead to un-*
15 *precedented capabilities that will help ensure that the*
16 *United States maintains its superiority in this*
17 *worldwide competition for economic and national se-*
18 *curity.*

19 (b) *AWARDS FOR RESEARCH AND DEVELOPMENT*.—
20 *The Director of National Intelligence, acting through the*
21 *Director of the Intelligence Advanced Research Projects Ac-*
22 *tivity, shall award contracts or grants, or enter into trans-*
23 *actions other than contracts, to encourage microelectronics*
24 *research.*

1 (c) *USE OF FUNDS.*—*The Director shall award con-*
2 *tracts or grants to, or enter into transactions other than*
3 *contracts with, entities under subsection (b) to carry out*
4 *any of the following:*

5 (1) *Advanced engineering and applied research*
6 *into novel computing models, materials, devices, ar-*
7 *chitectures, or algorithms to enable the advancement*
8 *of artificial intelligence and machine learning.*

9 (2) *Research efforts to—*

10 (A) *overcome challenges with engineering*
11 *and applied research of microelectronics, includ-*
12 *ing with respect to the physical limits on tran-*
13 *sistors, electrical interconnects, and memory ele-*
14 *ments; or*

15 (B) *promote long-term advancements in*
16 *computing technologies, including by fostering a*
17 *unified and multidisciplinary approach encom-*
18 *passing research and development into algorithm*
19 *design, computing architectures, microelectronic*
20 *devices and circuits, and the chemistry and*
21 *physics of new materials.*

22 (3) *Any other activity the Director determines*
23 *would promote the development of microelectronics re-*
24 *search.*

1 (B) *Canada.*

2 (C) *New Zealand.*

3 (D) *The United Kingdom.*

4 (E) *The United States.*

5 (b) *REPORT REQUIRED.—Not later than 90 days after*
6 *the date of the enactment of this Act, the Director of the*
7 *Central Intelligence Agency, the Director of the National*
8 *Security Agency, and the Director of the Defense Intel-*
9 *ligence Agency shall jointly submit to the appropriate com-*
10 *mittees of Congress a report on attempts by foreign adver-*
11 *saries to build telecommunications and cybersecurity equip-*
12 *ment and services for, or to provide such equipment and*
13 *services to, Five Eyes countries.*

14 (c) *ELEMENTS.—The report submitted under sub-*
15 *section (b) shall include the following:*

16 (1) *An assessment of United States intelligence*
17 *sharing and intelligence and military force posture in*
18 *any Five Eyes country that currently uses or intends*
19 *to use telecommunications or cybersecurity equipment*
20 *or services provided by a foreign adversary of the*
21 *United States, including China and Russia.*

22 (2) *A description and assessment of mitigation*
23 *of any potential compromises or risks for any cir-*
24 *cumstance described in paragraph (1).*

1 (d) *FORM.*—The report required by subsection (b) shall
2 include an unclassified executive summary, and may in-
3 clude a classified annex.

4 **SEC. 602. REPORT ON THREATS POSED BY USE BY FOREIGN**
5 **GOVERNMENTS AND ENTITIES OF COMMER-**
6 **CIALLY AVAILABLE CYBER INTRUSION AND**
7 **SURVEILLANCE TECHNOLOGY.**

8 (a) *REPORT REQUIRED.*—Not later than 180 days
9 after the date of the enactment of this Act, the Director of
10 National Intelligence shall submit to the congressional intel-
11 ligence committees, the Committee on Homeland Security
12 and Governmental Affairs of the Senate, and the Committee
13 on Homeland Security of the House of Representatives a
14 report on the threats posed by the use by foreign govern-
15 ments and entities of commercially available cyber intru-
16 sion and other surveillance technology.

17 (b) *CONTENTS.*—The report required by subsection (a)
18 shall include the following:

19 (1) *Matters relating to threats described in sub-*
20 *section (a) as they pertain to the following:*

21 (A) *The threat posed to United States per-*
22 *sons and persons inside the United States.*

23 (B) *The threat posed to United States per-*
24 *sonnel overseas.*

1 (C) *The threat posed to employees of the*
2 *Federal Government, including through both offi-*
3 *cial and personal accounts and devices.*

4 (2) *A description of which foreign governments*
5 *and entities pose the greatest threats from the use of*
6 *technology described in subsection (a) and the nature*
7 *of those threats.*

8 (3) *An assessment of the source of the commer-*
9 *cially available cyber intrusion and other surveillance*
10 *technology that poses the threats described in sub-*
11 *section (a), including whether such technology is*
12 *made by United States companies or companies in*
13 *the United States or by foreign companies.*

14 (4) *An assessment of actions taken, as of the date*
15 *of the enactment of this Act, by the Federal Govern-*
16 *ment and foreign governments to limit the export of*
17 *technology described in subsection (a) from the United*
18 *States or foreign countries to foreign governments and*
19 *entities in ways that pose the threats described in*
20 *such subsection.*

21 (5) *Matters relating to how the Federal Govern-*
22 *ment, Congress, and foreign governments can most ef-*
23 *fectively mitigate the threats described in subsection*
24 *(a), including matters relating to the following:*

1 (2) *the Committee on Armed Services, the Per-*
2 *manent Select Committee on Intelligence, the Com-*
3 *mittee on Homeland Security, the Committee on*
4 *Science, Space, and Technology, and the Committee*
5 *on Energy and Commerce of the House of Representa-*
6 *tives.*

7 (b) *REPORTS REQUIRED.—Not later than 180 days*
8 *after the date of the enactment of this Act, each head of*
9 *an agency described in subsection (c) shall submit to the*
10 *appropriate committees of Congress a report on the rec-*
11 *ommendations included in the report issued by the Cyber-*
12 *space Solarium Commission under section 1652(k) of the*
13 *John S. McCain National Defense Authorization Act for*
14 *Fiscal Year 2019 (Public Law 115–232).*

15 (c) *AGENCIES DESCRIBED.—The agencies described in*
16 *this subsection are the following:*

17 (1) *The Office of the Director of National Intel-*
18 *ligence.*

19 (2) *The Department of Homeland Security.*

20 (3) *The Department of Energy.*

21 (4) *The Department of Commerce.*

22 (5) *The Department of Defense.*

23 (d) *CONTENTS.—Each report submitted under sub-*
24 *section (b) by the head of an agency described in subsection*
25 *(c) shall include the following:*

1 (1) *An evaluation of the recommendations in the*
2 *report described in subsection (b) that the agency*
3 *identifies as pertaining directly to the agency.*

4 (2) *A description of the actions taken, or the ac-*
5 *tions that the head of the agency may consider taking,*
6 *to implement any of the recommendations (including*
7 *a comprehensive estimate of requirements for appro-*
8 *priations to take such actions).*

9 **SEC. 604. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS**

10 **RELATING TO ARTIFICIAL INTELLIGENCE,**
11 **MICROCHIPS, AND SEMICONDUCTORS AND**
12 **RELATED SUPPLY CHAINS.**

13 (a) *ASSESSMENT REQUIRED.*—*Not later than 180*
14 *days after the date of the enactment of this Act, the Director*
15 *of National Intelligence shall complete a detailed assessment*
16 *of critical technology trends relating to artificial intel-*
17 *ligence, microchips, and semiconductors and related supply*
18 *chains.*

19 (b) *ELEMENTS.*—*The assessment required by sub-*
20 *section (a) shall include the following:*

21 (1) *EXPORT CONTROLS.*—

22 (A) *IN GENERAL.*—*An assessment of efforts*
23 *by partner countries to enact and implement ex-*
24 *port controls and other technology transfer meas-*
25 *ures with respect to artificial intelligence,*

1 *microchips, advanced manufacturing equipment,*
2 *and other artificial intelligence enabled tech-*
3 *nologies critical to United States supply chains.*

4 *(B) IDENTIFICATION OF OPPORTUNITIES*
5 *FOR COOPERATION.—The assessment under sub-*
6 *paragraph (A) shall identify opportunities for*
7 *further cooperation with international partners*
8 *on a multilateral and bilateral basis to strength-*
9 *en export control regimes and address technology*
10 *transfer threats.*

11 *(2) SEMICONDUCTOR SUPPLY CHAINS.—*

12 *(A) IN GENERAL.—An assessment of global*
13 *semiconductor supply chains, including areas to*
14 *reduce United States vulnerabilities and maxi-*
15 *mize points of leverage.*

16 *(B) ANALYSIS OF POTENTIAL EFFECTS.—*
17 *The assessment under subparagraph (A) shall in-*
18 *clude an analysis of the potential effects of sig-*
19 *nificant geopolitical shifts, including those re-*
20 *lated to Taiwan.*

21 *(C) IDENTIFICATION OF OPPORTUNITIES*
22 *FOR DIVERSIFICATION.—The assessment under*
23 *subparagraph (A) shall also identify opportuni-*
24 *ties for diversification of United States supply*
25 *chains, including an assessment of cost, chal-*

1 *lenges, and opportunities to diversify manufac-*
2 *turing capabilities on a multinational basis.*

3 (3) *COMPUTING POWER.*—*An assessment of*
4 *trends relating to computing power and the effect of*
5 *such trends on global artificial intelligence develop-*
6 *ment and implementation, in consultation with the*
7 *Director of the Intelligence Advanced Research*
8 *Projects Activity, the Director of the Defense Ad-*
9 *vanced Research Projects Agency, and the Director of*
10 *the National Institute of Standards and Technology,*
11 *including forward-looking assessments of how com-*
12 *puting resources may affect United States national*
13 *security, innovation, and implementation relating to*
14 *artificial intelligence.*

15 (c) *REPORT.*—

16 (1) *DEFINITION OF APPROPRIATE COMMITTEES*
17 *OF CONGRESS.*—*In this subsection, the term “appro-*
18 *priate committees of Congress” means—*

19 (A) *the Select Committee on Intelligence, the*
20 *Committee on Armed Services, the Committee on*
21 *Banking, Housing, and Urban Affairs, the Com-*
22 *mittee on Foreign Relations, and the Committee*
23 *on Homeland Security and Governmental Af-*
24 *airs of the Senate; and*

1 (B) *the Permanent Select Committee on In-*
2 *telligence, the Committee on Armed Services, the*
3 *Committee on Financial Services, the Committee*
4 *on Foreign Affairs, and the Committee on Home-*
5 *land Security of the House of Representatives.*

6 (2) *IN GENERAL.*—*Not later than 180 days after*
7 *the date of the enactment of this Act, the Director*
8 *shall submit to the appropriate committees of Con-*
9 *gress a report on the findings of the Director with re-*
10 *spect to the assessment completed under subsection*
11 *(a).*

12 (3) *FORM.*—*The report submitted under para-*
13 *graph (2) shall be submitted in unclassified form, but*
14 *may include a classified annex.*

15 **SEC. 605. COMBATING CHINESE INFLUENCE OPERATIONS**
16 **IN THE UNITED STATES AND STRENGTH-**
17 **ENING CIVIL LIBERTIES PROTECTIONS.**

18 (a) *UPDATES TO ANNUAL REPORTS ON INFLUENCE*
19 *OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY*
20 *THE CHINESE COMMUNIST PARTY.*—*Section 1107(b) of the*
21 *National Security Act of 1947 (50 U.S.C. 3237(b)) is*
22 *amended—*

23 (1) *by redesignating paragraph (8) as para-*
24 *graph (9); and*

1 (2) *by inserting after paragraph (7) the fol-*
2 *lowing:*

3 “(8) *An identification of influence activities and*
4 *operations employed by the Chinese Communist Party*
5 *against the United States science and technology sec-*
6 *tors, specifically employees of the United States Gov-*
7 *ernment, researchers, scientists, and students in the*
8 *science and technology sector in the United States.”.*

9 ***(b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION***
10 ***TO INCREASE PUBLIC AWARENESS AND DETECTION OF IN-***
11 ***FLUENCE ACTIVITIES BY THE GOVERNMENT OF THE PEO-***
12 ***PLE’S REPUBLIC OF CHINA.—***

13 ***(1) PLAN REQUIRED.—****Not later than 90 days*
14 *after the date of the enactment of this Act, the Direc-*
15 *tor of the Federal Bureau of Investigation shall sub-*
16 *mit to the congressional intelligence committees a*
17 *plan to increase public awareness of influence activi-*
18 *ties by the Government of the People’s Republic of*
19 *China.*

20 ***(2) CONSULTATION.—****In carrying out paragraph*
21 *(1), the Director shall consult with the following:*

22 ***(A) The Director of the Office of Science***
23 ***and Technology Policy.***

24 ***(B) Such other stakeholders outside the in-***
25 ***telligence community, including professional as-***

1 *sociations, institutions of higher education, busi-*
2 *nesses, and civil rights and multicultural organi-*
3 *zations, as the Director determines relevant.*

4 *(c) RECOMMENDATIONS OF THE FEDERAL BUREAU OF*
5 *INVESTIGATION TO STRENGTHEN RELATIONSHIPS AND*
6 *BUILD TRUST WITH COMMUNITIES OF INTEREST.—*

7 *(1) IN GENERAL.—The Director of the Federal*
8 *Bureau of Investigation, in consultation with the As-*
9 *stant Attorney General for the Civil Rights Division*
10 *and the Chief Privacy and Civil Liberties Officer of*
11 *the Department of Justice, shall develop recommenda-*
12 *tions to strengthen relationships with communities*
13 *targeted by influence activities of the Government of*
14 *the People’s Republic of China and build trust with*
15 *such communities through local and regional grass-*
16 *roots outreach.*

17 *(2) SUBMITTAL TO CONGRESS.—Not later than 1*
18 *year after the date of the enactment of this Act, the*
19 *Director shall submit to Congress the recommenda-*
20 *tions developed under paragraph (1).*

21 *(d) TECHNICAL CORRECTIONS.—The National Secu-*
22 *rity Act of 1947 (50 U.S.C. 3001 et seq.) is amended—*

23 *(1) in section 1107 (50 U.S.C. 3237)—*

1 (A) in the section heading, by striking
 2 “**COMMUNIST PARTY OF CHINA**” and insert-
 3 ing “**CHINESE COMMUNIST PARTY**”; and

4 (B) by striking “Communist Party of
 5 China” both places it appears and inserting
 6 “Chinese Communist Party”; and

7 (2) in the table of contents before section 2 (50
 8 U.S.C. 3002), by striking the item relating to section
 9 1107 and inserting the following new item:

“Sec. 1107. Annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.”.

10 **SEC. 606. ANNUAL REPORT ON CORRUPT ACTIVITIES OF**
 11 **SENIOR OFFICIALS OF THE CHINESE COM-**
 12 **MUNIST PARTY.**

13 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
 14 *CONGRESS.—In this section, the term “appropriate com-*
 15 *mittees of Congress” means—*

16 (1) *the Committee on Banking, Housing, and*
 17 *Urban Affairs, the Committee on Finance, the Com-*
 18 *mittee on Foreign Relations, and the Select Com-*
 19 *mittee on Intelligence of the Senate; and*

20 (2) *the Committee on Financial Services, the*
 21 *Committee on Foreign Affairs, the Committee on*
 22 *Ways and Means, and the Permanent Select Com-*
 23 *mittee on Intelligence of the House of Representatives.*

24 (b) *ANNUAL REPORT REQUIRED.—*

1 (1) *IN GENERAL.*—Not later than 90 days after
2 the date of the enactment of this Act, and annually
3 thereafter through 2025, the Director of the Central
4 Intelligence Agency shall submit to the appropriate
5 committees of Congress a report on the corruption
6 and corrupt activities of senior officials of the Chinese
7 Communist Party.

8 (2) *ELEMENTS.*—

9 (A) *IN GENERAL.*—Each report under para-
10 graph (1) shall include the following:

11 (i) A description of the wealth of, and
12 corruption and corrupt activities among,
13 senior officials of the Chinese Communist
14 Party.

15 (ii) A description of any recent actions
16 of the officials described in clause (i) that
17 could be considered a violation, or potential
18 violation, of United States law.

19 (iii) A description and assessment of
20 targeted financial measures, including po-
21 tential targets for designation of the officials
22 described in clause (i) for the corruption
23 and corrupt activities described in that
24 clause and for the actions described in
25 clause (ii).

1 (B) *SCOPE OF REPORTS.*—*The first report*
2 *under paragraph (1) shall include comprehensive*
3 *information on the matters described in subpara-*
4 *graph (A). Any succeeding report under para-*
5 *graph (1) may consist of an update or supple-*
6 *ment to the preceding report under that sub-*
7 *section.*

8 (3) *COORDINATION.*—*In preparing each report,*
9 *update, or supplement under this subsection, the Di-*
10 *rector of the Central Intelligence Agency shall coordi-*
11 *nate as follows:*

12 (A) *In preparing the description required*
13 *by clause (i) of paragraph (2)(A), the Director of*
14 *the Central Intelligence Agency shall coordinate*
15 *with the head of the Office of Intelligence and*
16 *Analysis of the Department of the Treasury and*
17 *the Director of the Federal Bureau of Investiga-*
18 *tion.*

19 (B) *In preparing the descriptions required*
20 *by clauses (ii) and (iii) of such paragraph, the*
21 *Director of the Central Intelligence Agency shall*
22 *coordinate with the head of the Office of Intel-*
23 *ligence and Analysis of the Department of the*
24 *Treasury.*

1 (4) *FORM.*—Each report under paragraph (1)
2 shall include an unclassified executive summary, and
3 may include a classified annex.

4 (c) *SENSE OF CONGRESS.*—It is the sense of Congress
5 that the United States should undertake every effort and
6 pursue every opportunity to expose the corruption and il-
7 licit practices of senior officials of the Chinese Communist
8 Party, including President Xi Jinping.

9 **SEC. 607. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN**
10 **AND OTHER EASTERN EUROPEAN**
11 **OLIGARCHS.**

12 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
13 *CONGRESS.*—In this section, the term “appropriate com-
14 mittees of Congress” means—

15 (1) *the Committee on Banking, Housing, and*
16 *Urban Affairs, the Committee on Finance, the Com-*
17 *mittee on Foreign Relations, and the Select Com-*
18 *mittee on Intelligence of the Senate; and*

19 (2) *the Committee on Financial Services, the*
20 *Committee on Foreign Affairs, the Committee on*
21 *Ways and Means, and the Permanent Select Com-*
22 *mittee on Intelligence of the House of Representatives.*

23 (b) *REPORT REQUIRED.*—Not later than 100 days
24 after the date of the enactment of this Act, the Director of
25 the Central Intelligence Agency shall submit to the appro-

1 *priate committees of Congress and the Undersecretary of*
2 *State for Public Diplomacy and Public Affairs a report on*
3 *the corruption and corrupt activities of Russian and other*
4 *Eastern European oligarchs.*

5 *(c) ELEMENTS.—*

6 *(1) IN GENERAL.—Each report under subsection*
7 *(b) shall include the following:*

8 *(A) A description of corruption and corrupt*
9 *activities among Russian and other Eastern Eu-*
10 *ropean oligarchs who support the Government of*
11 *the Russian Federation, including estimates of*
12 *the total assets of such oligarchs.*

13 *(B) An assessment of the impact of the cor-*
14 *ruption and corrupt activities described pursu-*
15 *ant to subparagraph (A) on the economy and*
16 *citizens of Russia.*

17 *(C) A description of any connections to, or*
18 *support of, organized crime, drug smuggling, or*
19 *human trafficking by an oligarch covered by sub-*
20 *paragraph (A).*

21 *(D) A description of any information that*
22 *reveals corruption and corrupt activities in Rus-*
23 *sia among oligarchs covered by subparagraph*
24 *(A).*

1 *(E) A description and assessment of poten-*
2 *tial sanctions actions that could be imposed*
3 *upon oligarchs covered by subparagraph (A) who*
4 *support the leadership of the Government of Rus-*
5 *sia, including President Vladimir Putin.*

6 *(2) SCOPE OF REPORTS.—The first report under*
7 *subsection (a) shall include comprehensive informa-*
8 *tion on the matters described in paragraph (1). Any*
9 *succeeding report under subsection (a) may consist of*
10 *an update or supplement to the preceding report*
11 *under that subsection.*

12 *(d) COORDINATION.—In preparing each report, up-*
13 *date, or supplement under this section, the Director of the*
14 *Central Intelligence Agency shall coordinate as follows:*

15 *(1) In preparing the assessment and descriptions*
16 *required by subparagraphs (A) through (D) of sub-*
17 *section (c)(1), the Director of the Central Intelligence*
18 *Agency shall coordinate with the head of the Office of*
19 *Intelligence and Analysis of the Department of the*
20 *Treasury and the Director of the Federal Bureau of*
21 *Investigation.*

22 *(2) In preparing the description and assessment*
23 *required by subparagraph (E) of such subsection, the*
24 *Director of the Central Intelligence Agency shall co-*

1 *ordinate with the head of the Office of Intelligence*
2 *and Analysis of the Department of the Treasury.*

3 *(e) FORM.—*

4 *(1) IN GENERAL.—Subject to paragraph (2),*
5 *each report under subsection (b) shall include an un-*
6 *classified executive summary, and may include a*
7 *classified annex.*

8 *(2) UNCLASSIFIED FORM OF CERTAIN INFORMA-*
9 *TION.—The information described in subsection*
10 *(c)(1)(D) in each report under subsection (b) shall be*
11 *submitted in unclassified form.*

12 **SEC. 608. REPORT ON BIOSECURITY RISK AND**
13 **DISINFORMATION BY THE CHINESE COM-**
14 **MUNIST PARTY AND THE GOVERNMENT OF**
15 **THE PEOPLE'S REPUBLIC OF CHINA.**

16 *(a) DEFINITIONS.—In this section:*

17 *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*
18 *The term “appropriate committees of Congress”*
19 *means—*

20 *(A) the Select Committee on Intelligence, the*
21 *Committee on Armed Services, the Committee on*
22 *Foreign Relations, the Committee on Health,*
23 *Education, Labor, and Pensions, and the Com-*
24 *mittee on Homeland Security and Governmental*
25 *Affairs of the Senate; and*

1 *(B) the Permanent Select Committee on In-*
2 *telligence, the Committee on Armed Services, the*
3 *Committee on Energy and Commerce, the Com-*
4 *mittee on Foreign Affairs, and the Committee on*
5 *Homeland Security of the House of Representa-*
6 *tives.*

7 (2) *CRITICAL INFRASTRUCTURE.*—*The term*
8 *“critical infrastructure” has the meaning given such*
9 *term in section 1016(e) of the Uniting and Strength-*
10 *ening America by Providing Appropriate Tools Re-*
11 *quired to Intercept and Obstruct Terrorism (USA*
12 *PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).*

13 ***(b) REPORT REQUIRED.***—*Not later than 90 days after*
14 *the date of the enactment of this Act, the Director of Na-*
15 *tional Intelligence shall submit to the appropriate commit-*
16 *tees of Congress a report identifying whether and how offi-*
17 *cials of the Chinese Communist Party and the Government*
18 *of the People’s Republic of China may have sought—*

19 *(1) to suppress information about—*

20 *(A) the outbreak of the novel coronavirus in*
21 *Wuhan;*

22 *(B) the spread of the virus through China;*
23 *and*

24 *(C) the transmission of the virus to other*
25 *countries;*

1 (2) *to spread disinformation relating to the pan-*
2 *demic; or*

3 (3) *to exploit the pandemic to advance their na-*
4 *tional security interests.*

5 (c) *ASSESSMENTS.—The report required by subsection*
6 *(b) shall include assessments of reported actions and the ef-*
7 *fect of those actions on efforts to contain the novel*
8 *coronavirus pandemic, including each of the following:*

9 (1) *The origins of the novel coronavirus out-*
10 *break, the time and location of initial infections, and*
11 *the mode and speed of early viral spread.*

12 (2) *Actions taken by the Government of China to*
13 *suppress, conceal, or misinform the people of China*
14 *and those of other countries about the novel*
15 *coronavirus outbreak in Wuhan.*

16 (3) *The effect of disinformation or the failure of*
17 *the Government of China to fully disclose details of*
18 *the outbreak on response efforts of local governments*
19 *in China and other countries.*

20 (4) *Diplomatic, political, economic, intelligence,*
21 *or other pressure on other countries and international*
22 *organizations to conceal information about the spread*
23 *of the novel coronavirus and the response of the Gov-*
24 *ernment of China to the contagion, as well as to in-*

1 *fluence or coerce early responses to the pandemic by*
2 *other countries.*

3 *(5) Efforts by officials of the Government of*
4 *China to deny access to health experts and inter-*
5 *national health organizations to afflicted individuals*
6 *in Wuhan, pertinent areas of the city, or laboratories*
7 *of interest in China, including the Wuhan Institute*
8 *of Virology.*

9 *(6) Efforts by the Government of China, or those*
10 *acting at its direction or with its assistance, to con-*
11 *duct cyber operations against international, national,*
12 *or private health organizations conducting research*
13 *relating to the novel coronavirus or operating in re-*
14 *sponse to the pandemic.*

15 *(7) Efforts to control, restrict, or manipulate rel-*
16 *evant segments of global supply chains, particularly*
17 *in the sale, trade, or provision of relevant medicines,*
18 *medical supplies, or medical equipment as a result of*
19 *the pandemic.*

20 *(8) Efforts to advance the economic, intelligence,*
21 *national security, and political objectives of the Gov-*
22 *ernment of China by exploiting vulnerabilities of for-*
23 *oreign governments, economies, and companies under fi-*
24 *nancial duress as a result of the pandemic or to accel-*

1 *erate economic espionage and intellectual property*
2 *theft.*

3 *(9) Efforts to exploit the disruption of the phar-*
4 *maceutical and telecommunications industries as well*
5 *as other industries tied to critical infrastructure and*
6 *bilateral trade between China and the United States*
7 *and between China and allies and partners of the*
8 *United States in order to advance the economic and*
9 *political objectives of the Government of China fol-*
10 *lowing the pandemic.*

11 *(d) FORM.—The report required under subsection (b)*
12 *shall be submitted in unclassified form, but may include*
13 *a classified annex.*

14 **SEC. 609. REPORT ON EFFECT OF LIFTING OF UNITED NA-**
15 **TIONS ARMS EMBARGO ON ISLAMIC REPUB-**
16 **LIC OF IRAN.**

17 *(a) DEFINITION OF APPROPRIATE COMMITTEES OF*
18 *CONGRESS.—In this section, the term “appropriate com-*
19 *mittees of Congress” means—*

20 *(1) the Select Committee on Intelligence, the*
21 *Committee on Armed Services, and the Committee on*
22 *Foreign Relations of the Senate; and*

23 *(2) the Permanent Select Committee on Intel-*
24 *ligence, the Committee on Armed Services, and the*

1 *Committee on Foreign Affairs of the House of Rep-*
2 *resentatives.*

3 *(b) REPORT REQUIRED.—Not later than 90 days after*
4 *the date of the enactment of this Act, the Director of the*
5 *Defense Intelligence Agency, in consultation with such*
6 *heads of other elements of the intelligence community as the*
7 *Director considers appropriate, shall submit to the appro-*
8 *priate committees of Congress a report on—*

9 *(1) the plans of the Government of the Islamic*
10 *Republic of Iran to acquire military arms if the ban*
11 *on arms transfers to or from such government under*
12 *United Nations Security Council resolutions are lift-*
13 *ed; and*

14 *(2) the effect such arms acquisitions may have*
15 *on regional security and stability.*

16 *(c) CONTENTS.—The report submitted under sub-*
17 *section (b) shall include assessments relating to plans of the*
18 *Government of the Islamic Republic of Iran to acquire addi-*
19 *tional weapons, the intention of other countries to provide*
20 *such weapons, and the effect such acquisition and provision*
21 *would have on regional stability, including with respect to*
22 *each of the following:*

23 *(1) The type and quantity of weapon systems*
24 *under consideration for acquisition.*

25 *(2) The countries of origin of such systems.*

1 (3) *Likely reactions of other countries in the re-*
2 *gion to such acquisition, including the potential for*
3 *proliferation by other countries in response.*

4 (4) *The threat that such acquisition could*
5 *present to international commerce and energy sup-*
6 *plies in the region, and the potential implications for*
7 *the national security of the United States.*

8 (5) *The threat that such acquisition could*
9 *present to the Armed Forces of the United States, of*
10 *countries allied with the United States, and of coun-*
11 *tries partnered with the United States stationed in or*
12 *deployed in the region.*

13 (6) *The potential that such acquisition could be*
14 *used to deliver chemical, biological, or nuclear weap-*
15 *ons.*

16 (7) *The potential for the Government of the Is-*
17 *lamic Republic of Iran to proliferate weapons ac-*
18 *quired in the absence of an arms embargo to regional*
19 *groups, including Shi'a militia groups backed by such*
20 *government.*

21 (d) *FORM.—The report submitted under subsection (b)*
22 *shall be submitted in unclassified form, but may include*
23 *a classified annex.*

1 **SEC. 610. REPORT ON IRANIAN ACTIVITIES RELATING TO**
2 **NUCLEAR NONPROLIFERATION.**

3 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
4 *CONGRESS.—In this section, the term “appropriate com-*
5 *mittees of Congress” means—*

6 (1) *the Select Committee on Intelligence, the*
7 *Committee on Armed Services, and the Committee on*
8 *Foreign Relations of the Senate; and*

9 (2) *the Permanent Select Committee on Intel-*
10 *ligence, the Committee on Armed Services, and the*
11 *Committee on Foreign Affairs of the House of Rep-*
12 *resentatives.*

13 (b) *REPORT REQUIRED.—Not later than 90 days after*
14 *the date of the enactment of this Act, the Director of Na-*
15 *tional Intelligence shall submit to the appropriate commit-*
16 *tees of Congress a report assessing—*

17 (1) *any relevant activities potentially relating to*
18 *nuclear weapons research and development by the Is-*
19 *lamic Republic of Iran; and*

20 (2) *any relevant efforts to afford or deny inter-*
21 *national access in accordance with international non-*
22 *proliferation agreements.*

23 (c) *ASSESSMENTS.—The report required by subsection*
24 *(b) shall include assessments, for the period beginning on*
25 *January 1, 2018, and ending on the date of the submittal*
26 *of the report, of the following:*

1 (1) *Activities to research, develop, or enrich ura-*
2 *nium or reprocess plutonium with the intent or capa-*
3 *bility of creating weapons-grade nuclear material.*

4 (2) *Research, development, testing, or design ac-*
5 *tivities that could contribute to or inform construc-*
6 *tion of a device intended to initiate or capable of ini-*
7 *tiating a nuclear explosion.*

8 (3) *Efforts to receive, transmit, store, destroy, re-*
9 *locate, archive, or otherwise preserve research, proc-*
10 *esses, products, or enabling materials relevant or re-*
11 *lating to any efforts assessed under paragraph (1) or*
12 *(2).*

13 (4) *Efforts to afford or deny international access,*
14 *in accordance with international nonproliferation*
15 *agreements, to locations, individuals, and materials*
16 *relating to activities described in paragraph (1), (2),*
17 *or (3).*

18 (d) *FORM.—The report required under subsection (b)*
19 *shall be submitted in unclassified form, but may include*
20 *a classified annex.*

1 **SEC. 611. ANNUAL REPORTS ON SECURITY SERVICES OF**
2 **THE PEOPLE’S REPUBLIC OF CHINA IN THE**
3 **HONG KONG SPECIAL ADMINISTRATIVE RE-**
4 **GION.**

5 (a) *FINDING.*—Congress finds that the National Peo-
6 ple’s Congress of the People’s Republic of China promul-
7 gated the Law of the People’s Republic of China on Safe-
8 guarding National Security in the Hong Kong Special Ad-
9 ministrative Region on June 30, 2020.

10 (b) *REPORTS.*—Title XI of the National Security Act
11 of 1947 (50 U.S.C. 3231 et seq.), is amended by inserting
12 after section 1107 the following new section:

13 **“SEC. 1107A. ANNUAL REPORTS ON SECURITY SERVICES OF**
14 **THE PEOPLE’S REPUBLIC OF CHINA IN THE**
15 **HONG KONG SPECIAL ADMINISTRATIVE RE-**
16 **GION.**

17 “(a) *DEFINITIONS.*—In this section:

18 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES.*—The term ‘appropriate congressional commit-
20 *tees’ means—*

21 “(A) *the congressional intelligence commit-*
22 *tees;*

23 “(B) *the Committee on Foreign Relations*
24 *and the Committee on Armed Services of the*
25 *Senate; and*

1 “(C) *the Committee on Foreign Affairs and*
2 *the Committee on Armed Services of the House*
3 *of Representatives.*

4 “(2) *CHINESE SECURITY SERVICES.*—*The term*
5 *‘Chinese security services’ means—*

6 “(A) *the security services of the Government*
7 *of the People’s Republic of China, including the*
8 *Ministry of State Security and the Ministry of*
9 *Public Security; and*

10 “(B) *any known front organizations or*
11 *aliases associated with such security services, in-*
12 *cluding officers associated with the national se-*
13 *curity division of the Hong Kong Police Force*
14 *and other officers of the Hong Kong Police Force*
15 *selected by the Committee for Safeguarding Na-*
16 *tional Security to work on matters relating to*
17 *national security.*

18 “(b) *REQUIREMENT.*—*On an annual basis through*
19 *2047, the Director of National Intelligence shall submit to*
20 *the appropriate congressional committees a report on the*
21 *presence and activities of Chinese security services oper-*
22 *ating within the Hong Kong Special Administrative Re-*
23 *gion.*

1 “(c) *CONTENTS.*—*Each report under subsection (b)*
2 *shall include, with respect to the year covered by the report,*
3 *the following:*

4 “(1) *Identification of the approximate number of*
5 *personnel affiliated with Chinese security services op-*
6 *erating within the Hong Kong Special Administra-*
7 *tive Region, including a breakdown of such personnel*
8 *by the specific security service and the division of the*
9 *security service, and (to the extent possible) an identi-*
10 *fication of any such personnel associated with the na-*
11 *tional security division of the Hong Kong Police*
12 *Force.*

13 “(2) *A description of the command and control*
14 *structures of such security services, including infor-*
15 *mation regarding the extent to which such security*
16 *services are controlled by the Government of the Hong*
17 *Kong Special Administrative Region or the Govern-*
18 *ment of the People’s Republic of China.*

19 “(3) *A description of the working relationship*
20 *and coordination mechanisms of the Chinese security*
21 *services with the police force of the Hong Kong Spe-*
22 *cial Administrative Region.*

23 “(4) *A description of the activities conducted by*
24 *Chinese security services operating within the Hong*
25 *Kong Special Administrative Region, including—*

1 “(A) information regarding the extent to
2 which such security services, and officers associ-
3 ated with the national security division of the
4 Hong Kong Police Force, are engaged in front-
5 line policing, serving in advisory and assistance
6 roles, or both;

7 “(B) an assessment of the likelihood of such
8 security services conducting renditions of indi-
9 viduals from the Hong Kong Special Adminis-
10 trative Region to China and a listing of every
11 known individual subject to such rendition dur-
12 ing the year covered by the report; and

13 “(C) an assessment of how such activities
14 conducted by Chinese security services contribute
15 to self-censorship and corruption within the
16 Hong Kong Special Administrative Region.

17 “(5) A discussion of the doctrine and tactics em-
18 ployed by Chinese security services operating within
19 the Hong Kong Special Administrative Region, in-
20 cluding an overview of the extent to which such secu-
21 rity services employ surveillance, detection, and con-
22 trol methods, including ‘high-tech’ policing models
23 and ‘preventative policing tactics’, that are consistent
24 with the rise of digital authoritarianism, and used in

1 *a manner similar to methods used in the Xinjiang re-*
2 *gion of China.*

3 “(6) *An overview of the funding for Chinese secu-*
4 *rity services operating within the Hong Kong Special*
5 *Administrative Region, including an assessment of*
6 *the extent to which funding is drawn locally from the*
7 *Hong Kong Special Administrative Region Govern-*
8 *ment or from the Government of China.*

9 “(7) *A discussion of the various surveillance*
10 *technologies used by security services operating within*
11 *the Hong Kong Special Administrative Region, in-*
12 *cluding—*

13 “(A) *a list of the key companies that pro-*
14 *vide such technologies; and*

15 “(B) *an assessment of the degree to which*
16 *such technologies can be accessed by Chinese se-*
17 *curity services operating within the Hong Kong*
18 *Special Administrative Region.*

19 “(d) *COORDINATION.—In carrying out subsection (b),*
20 *the Director shall coordinate with the Director of the Cen-*
21 *tral Intelligence Agency, the Director of the National Secu-*
22 *rity Agency, the Director of the Defense Intelligence Agency,*
23 *the Director of the National Geospatial-Intelligence Agency,*
24 *the Assistant Secretary of State for the Bureau of Intel-*

1 *ligence and Research, and any other relevant head of an*
2 *element of the intelligence community.*

3 “(e) *FORM.*—*Each report submitted to the appropriate*
4 *congressional committees under subsection (b) shall be sub-*
5 *mited in unclassified form, but may include a classified*
6 *annex.”.*

7 “(c) *CLERICAL AMENDMENT.*—*The table of contents in*
8 *the first section of the National Security Act of 1947 is*
9 *amended by inserting after the item relating to section 1107*
10 *the following new item:*

*“Sec. 1107A. Annual reports on security services of the People’s Republic of
China in the Hong Kong Special Administrative Region.”.*

11 **SEC. 612. RESEARCH PARTNERSHIP ON ACTIVITIES OF PEO-**
12 **PLE’S REPUBLIC OF CHINA.**

13 “(a) *RESEARCH PARTNERSHIP.*—

14 “(1) *REQUIREMENT.*—*Not later than 180 days*
15 *after the date of the enactment of this Act, the Direc-*
16 *tor of the National Geospatial-Intelligence Agency*
17 *shall seek to enter into a partnership with an aca-*
18 *demic or non-profit research institution to—*

19 “(A) *carry out joint unclassified geospatial*
20 *intelligence analyses of the activities of the Peo-*
21 *ple’s Republic of China that pose risks to the na-*
22 *tional security interests of the United States;*
23 *and*

1 (B) make available on a publicly available
2 internet website unclassified geospatial intel-
3 lligence products relating to such analyses.

4 (2) *ELEMENTS.*—The Director shall ensure that
5 the activities of China analyzed under paragraph
6 (1)(A) include the following:

7 (A) Any notable developments relating to
8 the global activities of the People’s Liberation
9 Army Ground Force, the People’s Liberation
10 Army Navy, the People’s Liberation Army Air
11 Force, the People’s Liberation Army Rocket
12 Force, the People’s Liberation Army Strategic
13 Support Force, and the Chinese People’s Armed
14 Police Force Coast Guard Corps.

15 (B) Infrastructure projects associated with
16 the “One Belt, One Road” Initiative.

17 (C) Maritime land reclamation activities
18 conducted by China in the South China Sea, the
19 Indian Ocean region, and the broader maritime
20 commons.

21 (D) Matters relevant to global public health
22 and climate security, including—

23 (i) indications and warnings of disease
24 outbreaks with pandemic potential;

1 (ii) the activities of China likely con-
2 tributing to climate change; and

3 (iii) any environmental degradation
4 directly resulting from the practices of
5 China.

6 (3) CONSORTIUM.—In carrying out paragraph
7 (1), the Director may enter into a partnership with—

8 (A) one research institution; or

9 (B) a consortium of research institutions if
10 the Director determines that the inclusion of
11 multiple institutions will result in more effective
12 research conducted pursuant to this section or
13 improve the outcomes of such research.

14 (4) DURATION.—The Director shall carry out a
15 partnership under this section for a period that is not
16 less than 10 years following the date of the enactment
17 of this Act.

18 (5) IMPROVEMENTS TO PARTNERSHIP.—The Di-
19 rector may modify the partnership under paragraph
20 (1) or select a new research institution with which to
21 enter into such a partnership if—

22 (A) the Director consults with the congres-
23 sional intelligence committees with respect to the
24 proposed modified or new partnership;

1 (B) the modified or new partnership is car-
2 ried out in accordance with this section; and

3 (C) the Director determines that the modi-
4 fied or new partnership will result in more effec-
5 tive research conducted pursuant to this section
6 or improve the outcomes of such research.

7 (b) *OPEN-SOURCE DATA.*—

8 (1) *IDENTIFICATION AND PUBLICATION.*—During
9 the life of the partnership under subsection (a), the
10 Director shall regularly—

11 (A) identify raw, unclassified geospatial
12 data that could improve the research conducted
13 under the partnership if the data was made pub-
14 licly available; and

15 (B) make such data publicly available.

16 (2) *CONSULTATION.*—The Director shall carry
17 out paragraph (1) in consultation with the research
18 institution or consortium of research institutions in-
19 volved with the partnership under subsection (a).

20 (c) *BRIEFINGS.*—Not later than 270 days after the
21 date of the enactment of this Act, and annually thereafter
22 during the life of the partnership under subsection (a), the
23 Director shall provide to the appropriate congressional com-
24 mittees a briefing on the partnership. Each such briefing
25 shall include the following:

1 (1) *The outcomes of research conducted under the*
2 *partnership.*

3 (2) *Identification of the actions that have been*
4 *taken to increase the quantity and quality of unclas-*
5 *sified geospatial analysis products made publicly*
6 *available under the partnership, including the quan-*
7 *tity and types of raw data the partnership has made*
8 *publicly available.*

9 (3) *Identification of actual and projected costs to*
10 *carry out the partnership.*

11 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
12 *FINED.—In this section, the term “appropriate congres-*
13 *sional committees” means—*

14 (1) *the congressional intelligence committees;*

15 (2) *Committee on Foreign Relations and the*
16 *Subcommittee on Defense of the Committee on Appro-*
17 *priations of the Senate; and*

18 (3) *Committee on Foreign Affairs and the Sub-*
19 *committee on Defense of the Committee on Appropria-*
20 *tions of the House of Representatives.*

1 **SEC. 613. REPORT ON THE PHARMACEUTICAL AND PER-**
2 **SONAL PROTECTIVE EQUIPMENT REGU-**
3 **LATORY PRACTICES OF THE PEOPLE'S RE-**
4 **PUBLIC OF CHINA.**

5 (a) *REPORT.*—Not later than 120 days after the date
6 of the enactment of this Act, the Director of National Intel-
7 ligence shall submit to the appropriate congressional com-
8 mittees a report on—

9 (1) *the pharmaceutical and personal protective*
10 *equipment regulatory practices of the People's Repub-*
11 *lic of China; and*

12 (2) *the effects of such practices on the national*
13 *security of the United States.*

14 (b) *CONTENTS.*—The report under subsection (a) shall
15 include the following:

16 (1) *An assessment of the quantity of active phar-*
17 *maceutical ingredients produced annually within*
18 *China.*

19 (2) *An estimate of the percentage of active phar-*
20 *maceutical ingredients produced globally that origi-*
21 *nate in China.*

22 (3) *A description of the National Medical Prod-*
23 *ucts Administration of China, including with respect*
24 *to—*

25 (A) *the roles and responsibilities of the Ad-*
26 *ministration;*

1 (B) the organizational structure of the Ad-
2 ministration; and

3 (C) any affiliated institutions of the Na-
4 tional Medical Products Administration.

5 (4) An assessment of the capacity of the National
6 Medical Products Administration to effectively de-
7 velop safety standards, efficacy standards, and any
8 other relevant standards concerning the production of
9 active pharmaceutical ingredients and pharma-
10 ceutical drugs.

11 (5) An assessment of the capacity of the National
12 Medical Products Administration to enforce standards
13 on the production and distribution of active pharma-
14 ceutical ingredients and pharmaceutical drugs.

15 (6) An overview of qualitative disparities be-
16 tween active pharmaceutical ingredients and pharma-
17 ceutical drugs approved by the National Medical
18 Products Administration and similar drugs subject to
19 regulatory oversight and approval in the markets of
20 the member states of the Organisation for Economic
21 Co-operation and Development.

22 (7) An assessment of the qualitative disparities
23 between the standards and enforcement practices of
24 the National Medical Products Administration on the
25 production and distribution of active pharmaceutical

1 *ingredients and pharmaceutical drugs and the good*
2 *manufacturing practice guidelines issued by the*
3 *International Council for Harmonization of Tech-*
4 *nical Requirements for Pharmaceuticals for Human*
5 *Use.*

6 (8) *An assessment of the susceptibility of the Na-*
7 *tional Medical Products Administration, the subordi-*
8 *nate organizations of the National Medical Products*
9 *Administration, and other associated personnel to en-*
10 *gage in corrupt practices, particularly practices that*
11 *relate to assessing the safety of pharmaceutical ingre-*
12 *dients and other pharmaceutical drugs within the au-*
13 *thority of the National Medical Products Administra-*
14 *tion.*

15 (9) *An assessment of the national security risks*
16 *associated with the reliance by the United States on*
17 *pharmaceutical ingredients and pharmaceutical drugs*
18 *originating in China, including an assessment of how*
19 *and whether China could leverage its production of*
20 *certain pharmaceutical ingredients as a means to co-*
21 *erce the United States or the partners and allies of*
22 *the United States.*

23 (10) *An assessment of the percentage of personal*
24 *protective equipment produced globally that origi-*
25 *nates in China.*

1 (11) *An assessment of the national security risks*
2 *associated with any reliance by the United States on*
3 *personal protective equipment originating in China,*
4 *including an assessment of how and whether China*
5 *could leverage its production of personal protective*
6 *equipment as a means to coerce the United States or*
7 *the partners and allies of the United States.*

8 (c) *COORDINATION.*—*In carrying out subsection (a),*
9 *the Director shall coordinate with the Director of the Cen-*
10 *tral Intelligence Agency, the Director of the National Secu-*
11 *rity Agency, the Director of the Defense Intelligence Agency,*
12 *the Director of the National Geospatial-Intelligence Agency,*
13 *and any other relevant head of an element of the intelligence*
14 *community as well as the Commissioner of the Food and*
15 *Drug Administration.*

16 (d) *FORM.*—*The report submitted to the appropriate*
17 *congressional committees under subsection (a) shall be sub-*
18 *mitted in unclassified form, but may include a classified*
19 *annex.*

20 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
21 *FINED.*—*In this section, the term “appropriate congres-*
22 *sional committees” means—*

23 (1) *the congressional intelligence committees;*

1 *States homeland or United States interests abroad;*
2 *and*

3 *(4) sustainment of the social and human rights*
4 *progress achieved by Afghan women and girls since*
5 *2001.*

6 *(c) SUBMISSION TO CONGRESS.—*

7 *(1) SUBMISSION.—Not later than February 1,*
8 *2021, the Director shall submit to the congressional*
9 *intelligence committees the National Intelligence Esti-*
10 *mate produced under subsection (a), including all in-*
11 *telligence reporting underlying the Estimate.*

12 *(2) NOTICE REGARDING SUBMISSION.—If before*
13 *February 1, 2021, the Director determines that the*
14 *National Intelligence Estimate produced under sub-*
15 *section (a) cannot be submitted by such date, the Di-*
16 *rector shall (before such date)—*

17 *(A) submit to the congressional intelligence*
18 *committees a report setting forth the reasons why*
19 *the National Intelligence Estimate cannot be*
20 *submitted by such date and an estimated date*
21 *for the submission of the National Intelligence*
22 *Estimate; and*

23 *(B) testify before the congressional intel-*
24 *ligence committees on the issues that will be cov-*
25 *ered by the National Intelligence Estimate.*

1 *endar year 2020, including a description of each sig-*
2 *nificant use of force and an assessment of who initi-*
3 *ated the use of such force.*

4 *(3) An assessment of the effect of United States*
5 *military assistance to Azerbaijan and Armenia on the*
6 *regional balance of power and the likelihood of further*
7 *use of military force.*

8 *(4) An assessment of the likelihood of any further*
9 *uses of force or potentially destabilizing activities in*
10 *the region in the near- to medium-term.*

11 *(b) FORM OF ASSESSMENT.—The assessment required*
12 *under this section shall be submitted in unclassified form,*
13 *but may contain a classified annex.*

14 **SEC. 616. SENSE OF CONGRESS ON THIRD OPTION FOUNDA-**
15 **TION.**

16 *It is the sense of the Congress that—*

17 *(1) the work of the Third Option Foundation to*
18 *heal, help, and honor members of the special oper-*
19 *ations community of the Central Intelligence Agency*
20 *and their families is invaluable; and*

21 *(2) the Director of the Central Intelligence Agen-*
22 *cy should work closely with the Third Option Foun-*
23 *dation in implementing section 19A of the Central*
24 *Intelligence Agency Act of 1949 (50 U.S.C. 3519b), as*
25 *added by section 6412 of the Damon Paul Nelson and*

1 *Matthew Young Pollard Intelligence Authorization*
2 *Act for Fiscal Years 2018, 2019, and 2020 (Public*
3 *Law 116–92).*

4 **SEC. 617. ANNUAL REPORTS ON WORLDWIDE THREATS.**

5 (a) *IN GENERAL.*—*Title I of the National Security Act*
6 *of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting*
7 *after section 108A the following new section:*

8 **“SEC. 108B. ANNUAL REPORTS ON WORLDWIDE THREATS.**

9 **“(a) DEFINITION OF APPROPRIATE CONGRESSIONAL**
10 **COMMITTEES.**—*In this section, the term ‘appropriate con-*
11 *gressional committees’ means—*

12 *“(1) the congressional intelligence committees;*
13 *and*

14 *“(2) the Committees on Armed Services of the*
15 *House of Representatives and the Senate.*

16 **“(b) ANNUAL REPORTS.**—*Not later than the first Mon-*
17 *day in February 2021, and each year thereafter, the Direc-*
18 *tor of National Intelligence, in coordination with the heads*
19 *of the elements of the intelligence community, shall submit*
20 *to the appropriate congressional committees a report con-*
21 *taining an assessment of the intelligence community with*
22 *respect to worldwide threats to the national security of the*
23 *United States.*

24 **“(c) FORM.**—*Each report under subsection (b) shall be*
25 *submitted in unclassified form, but may include a classified*

1 *annex only for the protection of intelligence sources and*
2 *methods relating to the matters contained in the report.*

3 “(d) *HEARINGS.*—

4 “(1) *OPEN HEARINGS.*—Upon request by the ap-
5 propriate congressional committees, the Director (and
6 any other head of an element of the intelligence com-
7 munity determined appropriate by the committees in
8 consultation with the Director) shall testify before
9 such committees in an open setting regarding a report
10 under subsection (b).

11 “(2) *CLOSED HEARINGS.*—Any information that
12 may not be disclosed during an open hearing under
13 paragraph (1) in order to protect intelligence sources
14 and methods may instead be discussed in a closed
15 hearing that immediately follows such open hearing.”.

16 (b) *CLERICAL AMENDMENT.*—The table of contents at
17 the beginning of such Act is amended by inserting after the
18 item relating to section 108A the following new item:

“Sec. 108B. *Annual reports on world-wide threats.*”.

19 **SEC. 618. ANNUAL REPORT ON CLIMATE SECURITY ADVI-**
20 **SORY COUNCIL.**

21 *Section 120 of the National Security Act of 1947 (50*
22 *U.S.C. 3060), as amended by section 405, is further amend-*
23 *ed—*

24 (1) *by redesignating subsection (d) as subsection*
25 *(e); and*

1 (2) by inserting after subsection (c) the following
2 new subsection (d):

3 “(d) *ANNUAL REPORT*.—Not later than January 31,
4 2021, and not less frequently than annually thereafter, the
5 chair of the Council shall submit, on behalf of the Council,
6 to the congressional intelligence committees a report de-
7 scribing the activities of the Council as described in sub-
8 section (c) during the year preceding the year during which
9 the report is submitted.”.

10 **SEC. 619. IMPROVEMENTS TO FUNDING FOR NATIONAL SE-**
11 **CURITY EDUCATION PROGRAM.**

12 (a) *FUNDING FOR SCHOLARSHIP, FELLOWSHIP, AND*
13 *GRANT PROGRAMS*.—Section 810 of the David L. Boren
14 *National Security Education Act of 1991 (50 U.S.C. 1910)*
15 is amended—

16 (1) in subsection (c), by striking “for each fiscal
17 year, beginning with fiscal year 2005,” and inserting
18 “for each of fiscal years 2005 through 2021”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(d) *FISCAL YEARS BEGINNING WITH FISCAL YEAR*
22 *2022*.—In addition to amounts that may be made available
23 to the Secretary under the Fund for a fiscal year, there is
24 authorized to be appropriated to the Secretary for each fis-
25 cal year, beginning with fiscal year 2022, \$8,000,000, to

1 *carry out the scholarship, fellowship, and grant programs*
2 *under subparagraphs (A), (B), and (C), respectively, of sec-*
3 *tion 802(a)(1).”.*

4 *(b) FUNDING FOR NATIONAL FLAGSHIP LANGUAGE*
5 *INITIATIVE.—Section 811 of such Act (50 U.S.C. 1911) is*
6 *amended—*

7 *(1) in subsection (a), by striking “ \$10,000,000”*
8 *and inserting “ \$16,000,000”; and*

9 *(2) in subsection (b), by striking “for each fiscal*
10 *year, beginning with fiscal year 2005,” and inserting*
11 *“for each of fiscal years 2005 through 2021”.*

12 *(c) FUNDING FOR SCHOLARSHIP PROGRAM FOR AD-*
13 *VANCED ENGLISH LANGUAGE STUDIES.—Section 812 of the*
14 *David L. Boren National Security Education Act of 1991*
15 *(50 U.S.C. 1912) is amended—*

16 *(1) in subsection (a), by striking “for each fiscal*
17 *year, beginning with fiscal year 2005,” and inserting*
18 *“for each of fiscal years 2005 through 2021”;*

19 *(2) by redesignating subsection (b) as subsection*
20 *(c);*

21 *(3) by inserting after subsection (a) the following*
22 *new subsection (b):*

23 *“(b) FISCAL YEARS BEGINNING WITH FISCAL YEAR*
24 *2022.—In addition to amounts that may be made available*
25 *to the Secretary under the Fund for a fiscal year, there is*

1 *authorized to be appropriated to the Secretary for each fis-*
2 *cal year, beginning with fiscal year 2022, \$2,000,000, to*
3 *carry out the scholarship programs for English language*
4 *studies by certain heritage community citizens under sec-*
5 *tion 802(a)(1)(E).”; and*

6 *(4) in subsection (c), as so redesignated, by strik-*
7 *ing “subsection (a)” and inserting “this section”.*

8 **SEC. 620. REPORT ON BEST PRACTICES TO PROTECT PRI-**
9 **VACY, CIVIL LIBERTIES, AND CIVIL RIGHTS**
10 **OF CHINESE AMERICANS.**

11 *(a) REPORT.—Section 5712 of the Damon Paul Nelson*
12 *and Matthew Young Pollard Intelligence Authorization Act*
13 *for Fiscal Years 2018, 2019, and 2020 (Public Law 116–*
14 *92; 133 Stat. 2171) is—*

15 *(1) transferred to title XI of the National Secu-*
16 *rity Act of 1947 (50 U.S.C. 3231 et seq.);*

17 *(2) inserted after section 1109 of such title, as*
18 *added by section 308;*

19 *(3) redesignated as section 1110; and*

20 *(4) amended—*

21 *(A) in the heading, by striking “AND*
22 *CIVIL LIBERTIES” and inserting “, CIVIL LIB-*
23 *ERTIES, AND CIVIL RIGHTS”; and*

24 *(B) in subsection (b)—*

1 (i) *in the matter preceding paragraph*
2 (1) *by striking “Not later than 180 days*
3 *after the date of the enactment of this Act,”*
4 *and inserting “On an annual basis,”; and*
5 (ii) *by striking “and civil liberties”,*
6 *each place it appears and inserting “, civil*
7 *liberties, and civil rights”.*

8 (b) *CLERICAL AMENDMENT.—The table of contents at*
9 *the beginning of the National Security Act of 1947 is*
10 *amended by inserting after the item relating to section*
11 *1109, as added by section 308, the following new item:*

“Sec. 1110. Report on best practices to protect privacy, civil liberties, and civil
 rights of Chinese Americans.”.

12 **SEC. 621. NATIONAL INTELLIGENCE ESTIMATE ON THREAT**
13 **OF GLOBAL PANDEMIC DISEASE.**

14 (a) *NATIONAL INTELLIGENCE ESTIMATE.—*

15 (1) *REQUIREMENT.—The Director of National*
16 *Intelligence, acting through the National Intelligence*
17 *Council, shall produce a National Intelligence Esti-*
18 *mate on the threat of global pandemic disease, includ-*
19 *ing with respect to the following:*

20 (A) *An assessment of the possible courses of*
21 *the COVID–19 pandemic during the 18 months*
22 *following the date of the Estimate, including—*

1 (i) *the projected spread of COVID–19*
2 *outside the United States and the likelihood*
3 *of subsequent major outbreaks;*

4 (ii) *the capacity of countries and*
5 *international organizations to combat the*
6 *further spread of COVID–19, including*
7 *risks and opportunities for further global*
8 *cooperation; and*

9 (iii) *the risks to the national security*
10 *and health security of the United States if*
11 *COVID–19 is not contained abroad.*

12 (B) *An assessment of the global public*
13 *health system and the responses of the system to*
14 *the COVID–19 pandemic, including—*

15 (i) *prospects for an effective global dis-*
16 *ease surveillance and response system, op-*
17 *portunities to advance the development of*
18 *such a system, and signposts for evaluating*
19 *whether or not an effective system has been*
20 *developed before a disease outbreak occurs;*
21 *and*

22 (ii) *an assessment of global health sys-*
23 *tem capacity.*

24 (C) *An assessment of—*

1 (i) *the humanitarian and economic*
2 *implications of the COVID–19 pandemic;*
3 *and*

4 (ii) *the consequences of the COVID–19*
5 *pandemic with respect to political stability,*
6 *armed conflict, democratization, and the*
7 *global leadership by the United States of the*
8 *post-World War II international system.*

9 (D) *An assessment of—*

10 (i) *likely threats by global pandemic*
11 *diseases during the 10-year period following*
12 *the date of the Estimate;*

13 (ii) *global readiness to avert a future*
14 *global pandemic;*

15 (iii) *challenges and opportunities for*
16 *the policy of the United States to advance*
17 *global pandemic preparedness; and*

18 (iv) *the potential role of non-state and*
19 *state-backed global influence activities or*
20 *disinformation campaigns involving*
21 *COVID–19 or future potential global*
22 *pandemics.*

23 (E) *Any other matters the Director deter-*
24 *mines appropriate.*

25 (2) *SUBMISSION TO CONGRESS.—*

1 (A) *SUBMISSION.*—Not later than 90 days
2 after the date of the enactment of this Act, the
3 Director shall submit to the Permanent Select
4 Committee on Intelligence of the House of Rep-
5 resentatives and the Select Committee on Intel-
6 ligence of the Senate the National Intelligence
7 Estimate produced under paragraph (1), includ-
8 ing all intelligence reporting underlying the Es-
9 timate.

10 (B) *NOTICE REGARDING SUBMISSION.*—If
11 before the end of the 90-day period specified in
12 subparagraph (A) the Director determines that
13 the National Intelligence Estimate under para-
14 graph (1) cannot be submitted by the end of that
15 period, the Director shall (before the end of that
16 period)—

17 (i) submit to the Permanent Select
18 Committee on Intelligence of the House of
19 Representatives and the Select Committee
20 on Intelligence of the Senate a report setting
21 forth—

22 (I) the reasons why the National
23 Intelligence Estimate cannot be sub-
24 mitted by the end of that period; and

1 (II) *an estimated date for the sub-*
2 *mission of the National Intelligence*
3 *Estimate; and*

4 (i) *testify before such committees on*
5 *the issues that will be covered by the Na-*
6 *tional Intelligence Estimate.*

7 (C) *FORM.—The National Intelligence Esti-*
8 *mate shall be submitted under subparagraph (A)*
9 *in classified form.*

10 (3) *PUBLIC VERSION.—Consistent with the pro-*
11 *tection of intelligence sources and methods, at the*
12 *same time as the Director submits to the congres-*
13 *sional intelligence committees the National Intel-*
14 *ligence Estimate under paragraph (2), the Director*
15 *shall make publicly available on the internet website*
16 *of the Director, an unclassified version of the Na-*
17 *tional Intelligence Estimate.*

18 (4) *CONSULTATION.—The Director shall prepare*
19 *the National Intelligence Estimate under paragraph*
20 *(1) in consultation with the Secretary of Health and*
21 *Human Services, the Director of the Centers for Dis-*
22 *ease Control and Prevention, the Secretary of State,*
23 *and any other head of an element of the Federal Gov-*
24 *ernment the Director of National Intelligence deter-*
25 *mines appropriate.*

1 **(b) FUTURE PANDEMIC PLAN.**—

2 **(1) REQUIREMENT.**—*Not later than 90 days*
3 *after the date of the enactment of this Act, the Presi-*
4 *dent shall make publicly available on the internet*
5 *website of the President a report containing a whole-*
6 *of-government plan for an effective response to subse-*
7 *quent major outbreaks of the COVID–19 pandemic*
8 *and for other future global pandemic diseases.*

9 **(2) MATTERS INCLUDED.**—*The plan under para-*
10 *graph (1) shall address how to improve the following:*

11 **(A) Pandemic planning.**

12 **(B) Homeland preparedness.**

13 **(C) International disease surveillance.**

14 **(D) Diagnostic testing.**

15 **(E) Contact tracing.**

16 **(F) The role of the Federal Government**
17 *with respect to the regulation, acquisition, and*
18 *disbursement, of medical supplies and other pub-*
19 *lic health resources necessary to respond to*
20 *COVID–19 or other diseases with pandemic po-*
21 *tential (including diagnostic testing equipment,*
22 *biomedical equipment, drugs and medicines, and*
23 *hygiene equipment).*

24 **(G) The procurement and distribution of**
25 *personal protective equipment.*

1 (H) *Early domestic response to future glob-*
2 *al pandemic diseases in the United States.*

3 (c) *GLOBAL STRATEGY.*—*Not later than 90 days after*
4 *the date of the enactment of this Act, the President, in co-*
5 *ordination with the Director of National Intelligence, shall*
6 *make publicly available on the internet website of the Presi-*
7 *dent a report containing a global strategy for mobilizing*
8 *international institutions to combat the COVID–19 pan-*
9 *demic.*

10 **SEC. 622. MODIFICATION OF REQUIREMENT FOR BRIEFINGS**
11 **ON NATIONAL SECURITY EFFECTS OF EMERG-**
12 **ING INFECTIOUS DISEASE AND PANDEMICS.**

13 Section 6722(b)(2) of the *Damon Paul Nelson and*
14 *Matthew Young Pollard Intelligence Authorization Act for*
15 *Fiscal Years 2018, 2019, and 2020 (division E of Public*
16 *Law 116–98) is amended—*

17 (1) *in the paragraph heading, by striking*
18 *“QUINQUENNIAL” and inserting “ANNUAL”;*

19 (2) *by striking “beginning on the date that is 5*
20 *years after the date on which the Director submits the*
21 *report under paragraph (1), and every 5 years there-*
22 *after” and inserting “not later than January 31,*
23 *2021, and annually thereafter”;* and

24 (3) *by inserting “required under paragraph (1)”*
25 *before the period at the end.*

1 **SEC. 623. INDEPENDENT STUDY ON OPEN-SOURCE INTEL-**
2 **LIGENCE.**

3 (a) *STUDY.*—*The Director of National Intelligence*
4 *shall seek to enter into an agreement with a federally funded*
5 *research and development center or a nongovernmental enti-*
6 *ty to conduct a comprehensive study on the future of the*
7 *collection, processing, exploitation, analysis, dissemination,*
8 *and evaluation of open-source intelligence by the intel-*
9 *ligence community. The Director shall select such entity in*
10 *consultation with the congressional intelligence committees.*

11 (b) *MATTERS INCLUDED.*—*The study under subsection*
12 *(a) shall include the following:*

13 (1) *Recommendations with respect to the govern-*
14 *ance of open-source intelligence within the intelligence*
15 *community, including regarding—*

16 (A) *whether such governance of open-source*
17 *intelligence should be assigned to a functional*
18 *manager or an executive agent, or use another*
19 *governance structure;*

20 (B) *which official of the intelligence commu-*
21 *nity should serve as such a functional manager,*
22 *executive agent, or the leader of such other gov-*
23 *ernance structure, and what authorities the offi-*
24 *cial should have in serving in such role;*

25 (C) *which official of the intelligence commu-*
26 *nity should be responsible for conducting over-*

1 *sight by the executive branch for open-source in-*
2 *telligence;*

3 *(D) which elements of the intelligence com-*
4 *munity should retain capabilities to collect, proc-*
5 *ess, exploit, and disseminate open-source intel-*
6 *ligence;*

7 *(E) how to effectively integrate such collec-*
8 *tion capabilities among the elements of the intel-*
9 *ligence community; and*

10 *(F) whether to establish a new agency as an*
11 *element of the intelligence community dedicated*
12 *to open-source intelligence or to establish a fu-*
13 *sion center to co-locate open-source intelligence*
14 *capabilities of the elements of the intelligence*
15 *community, including a discussion of the advan-*
16 *tages and disadvantages of each such approach.*

17 *(2) Recommendations regarding the requirements*
18 *processes for open-source intelligence, including with*
19 *respect to—*

20 *(A) the utility (or disutility) of a unified*
21 *collection management process for open-source*
22 *intelligence for all of the intelligence community;*

23 *(B) what such a process might look like;*

1 (C) ways to integrate an open-source re-
2 quirements process into all-source collection
3 management; and

4 (D) ways that automation might be lever-
5 aged to facilitate open-source requirements and
6 collection management.

7 (3) An assessment of the value of rejuvenating a
8 career service for a professional cadre of the intel-
9 ligence community that focuses on collecting and dis-
10 seminating open-source intelligence and recommenda-
11 tions for such a rejuvenation.

12 (4) Recommendations regarding the need to ad-
13 just any legal and policy frameworks (including any
14 applicable guidelines of the Attorney General) that
15 would facilitate the collection, retention, and dissemi-
16 nation of open-source intelligence while balancing
17 customer needs with the privacy interests of United
18 States persons.

19 (5) An assessment of methods to use open-source
20 intelligence to support the operations of the intel-
21 ligence community, including recommendations on
22 when and how open-source intelligence should support
23 such operations.

24 (6) With respect to the data management of
25 open-source intelligence, recommendations on pro-

1 *posed data ingestion tools, scraping capabilities, and*
2 *other tools and capabilities to collect, process, exploit,*
3 *and analyze the volume of open-source intelligence,*
4 *including recommendations on how the intelligence*
5 *community can increase the speed and security with*
6 *which the intelligence community adopts open-source*
7 *technology and unclassified commercial products.*

8 *(7) Any other matters the Director or the entity*
9 *selected to conduct the study determines appropriate.*

10 *(c) COOPERATION.—The Director shall make available*
11 *to the entity selected to conduct the study under subsection*
12 *(a) the necessary information and materials to conduct the*
13 *study, including with respect to—*

14 *(1) accessing secure workspaces;*

15 *(2) accessing directives and policy guidance of*
16 *the intelligence community and other policy docu-*
17 *ments regarding the governance and execution of*
18 *open-source intelligence;*

19 *(3) reviewing technological systems used to con-*
20 *duct open-source intelligence collection;*

21 *(4) interviewing senior personnel of the intel-*
22 *ligence community, including such personnel with re-*
23 *sponsibility for the open-source intelligence mission of*
24 *the intelligence community; and*

1 (5) *ensuring that each head of an element of the*
2 *intelligence community provides the cooperation de-*
3 *scribed in this subsection.*

4 (d) *CONSULTATION.*—*The entity selected to conduct the*
5 *study under subsection (a) shall consult with the congres-*
6 *sional intelligence committees before beginning to conduct*
7 *such study.*

8 (e) *REPORT.*—*Not later than 270 days after the date*
9 *of the enactment of this Act, the Director shall submit to*
10 *the congressional intelligence committees a report con-*
11 *taining the study under subsection (a), without change. The*
12 *report shall be unclassified, but may include a classified*
13 *annex.*

14 **SEC. 624. SURVEY ON OPEN SOURCE ENTERPRISE.**

15 (a) *SURVEY.*—*The Director of the Central Intelligence*
16 *Agency (as the open source functional manager for the intel-*
17 *ligence community), in consultation with the Director of*
18 *National Intelligence and any other head of an element of*
19 *the intelligence community that the Director of the Central*
20 *Intelligence Agency determines appropriate, shall conduct*
21 *a survey to measure the satisfaction of customers of open-*
22 *source intelligence with the Open Source Enterprise of the*
23 *Central Intelligence Agency.*

24 (b) *PURPOSE.*—*The Director shall ensure that the sur-*
25 *vey under subsection (a)—*

1 (1) *evaluates which types of open-source intel-*
2 *ligence supports the missions of the customers of such*
3 *intelligence, regardless of whether the customers are*
4 *elements of the intelligence community and regardless*
5 *of whether the customers are receiving such intel-*
6 *ligence from the Open Source Enterprise;*

7 (2) *evaluates how responsive the Open Source*
8 *Enterprise is to the missions of the elements of the in-*
9 *telligence community and the other customers of the*
10 *Open Source Enterprise;*

11 (3) *enables the Open Source Enterprise to set*
12 *strategic priorities; and*

13 (4) *enables Congress to better oversee the stra-*
14 *tegic direction of the Open Source Enterprise and to*
15 *provide support to the collection and analysis of*
16 *open-source intelligence.*

17 (c) *CONTENTS.—*

18 (1) *ASSESSMENT.—The survey under subsection*
19 *(a) shall include qualitative and quantitative ques-*
20 *tions designed to assess the following:*

21 (A) *The value of support provided by the*
22 *Open Source Enterprise to the mission of the*
23 *customer taking the survey.*

24 (B) *The accessibility of the products of the*
25 *Open Source Enterprise.*

1 (C) *The frequency that such products are*
2 *used in accomplishing the mission of the cus-*
3 *tomers.*

4 (D) *The responsiveness of the Open Source*
5 *Enterprise to tasking requests.*

6 (E) *Areas in which the Open Source Enter-*
7 *prise could improve.*

8 (F) *The in-house open-source intelligence*
9 *capabilities of the customer taking the survey,*
10 *including—*

- 11 (i) *a description of such capabilities;*
12 (ii) *how such capabilities are tailored*
13 *to the mission of the customer;*
14 (iii) *when such capabilities were estab-*
15 *lished; and*
16 (iv) *whether and to what extent the*
17 *customer coordinates with the Open Source*
18 *Enterprise regarding such capabilities.*

19 (2) *SURVEY ANSWERS.—A customer who receives*
20 *the survey under subsection (a) shall make all reason-*
21 *able efforts to respond fully and frankly to the survey.*

22 (d) *DESIGN METHODOLOGY.—In carrying out sub-*
23 *section (a), the Director of Central Intelligence shall seek*
24 *advice regarding design methodology for customer satisfac-*
25 *tion surveys from—*

1 (1) *experts in survey design of the Central Intel-*
2 *ligence Agency and the Office of the Director of Na-*
3 *tional Intelligence; and*

4 (2) *senior executives of the Bureau of Intelligence*
5 *and Research of the Department of State who conduct*
6 *a survey similar to the survey under subsection (a).*

7 (e) *REPORT.—*

8 (1) *STRATEGY.—Not later than 180 days after*
9 *the date on which the survey is completed under sub-*
10 *section (a), the Director shall submit to the congres-*
11 *sional intelligence committees a report on the stra-*
12 *tegic direction of the Open Source Enterprise based*
13 *on the results of the survey, including explanations of*
14 *how the Open Source Enterprise will—*

15 (A) *build off the successes of the Open*
16 *Source Enterprise; and*

17 (B) *fill gaps in the collection, production,*
18 *analysis, or dissemination of open-source intel-*
19 *ligence.*

20 (2) *FORM.—The report under paragraph (1)*
21 *shall be submitted in classified form.*

22 (3) *BRIEFING.—Not later than 30 days after the*
23 *date on which the Director submits to the congres-*
24 *sional intelligence committees the report under para-*
25 *graph (1), the Director shall provide to such commit-*

1 *submit to the Committee on Foreign Affairs and the*
2 *Permanent Select Committee on Intelligence of the*
3 *House of Representatives and the Committee on For-*
4 *oreign Relations and the Select Committee on Intel-*
5 *ligence of the Senate a written report on the assess-*
6 *ment of the intelligence community regarding Mr.*
7 *Khashoggi's brutal murder.*

8 *(4) Such section 1277 specifically called, among*
9 *other things, for a determination and presentation of*
10 *evidence with respect to the advance knowledge and*
11 *role of any current or former official of the Govern-*
12 *ment of Saudi Arabia or any current or former senior*
13 *Saudi political figure over the directing, ordering, or*
14 *tampering of evidence in relation to Mr. Khashoggi's*
15 *murder.*

16 *(5) Such section 1277 also required the Director*
17 *to submit a list of foreign persons whom the Director*
18 *has high confidence were responsible for, complicit in,*
19 *or otherwise knowingly and materially assisted the*
20 *murder, or impeded its impartial investigation, or*
21 *who ordered or otherwise directed an act or acts con-*
22 *tributing to or causing the murder.*

23 *(6) Contrary to the unambiguous and lawful*
24 *command of Congress under such sections 5714 and*
25 *1277, the Director did not produce any unclassified*

1 *report as required by either such section, and instead,*
2 *on February 20, 2020, the Director submitted to such*
3 *committees a classified report, which the Director re-*
4 *ferred to as an “annex”.*

5 *(7) The evident belief of the Director that no un-*
6 *classified information can be produced in accordance*
7 *with the directives of Congress is dubious, in light of*
8 *the extensive body of credible, unclassified reporting*
9 *available regarding the murder of Mr. Khashoggi, and*
10 *the roles and culpability of officials at the highest lev-*
11 *els of the Government of Saudi Arabia.*

12 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
13 *that the Director of National Intelligence should reasonably*
14 *have been able to produce an unclassified report pursuant*
15 *to section 5714 of the Damon Paul Nelson and Matthew*
16 *Young Pollard Intelligence Authorization Act for Fiscal*
17 *Years 2018, 2019, and 2020 and section 1277 of the Na-*
18 *tional Defense Authorization Act for Fiscal Year 2020 that*
19 *did not alter or obscure, in any way, the intelligence com-*
20 *munity’s core determinations, its presentation of evidence,*
21 *or identification of relevant persons, as required, without*
22 *putting sources and methods at risk.*

1 ***DIVISION X—SUPPORTING FOS-***
2 ***TER YOUTH AND FAMILIES***
3 ***THROUGH THE PANDEMIC***

4 ***SEC. 1. SHORT TITLE.***

5 *This division may be cited as the “Supporting Foster*
6 *Youth and Families through the Pandemic Act”.*

7 ***SEC. 2. DEFINITIONS.***

8 *In this Act:*

9 (1) ***COVID–19 PUBLIC HEALTH EMERGENCY.—***

10 *The term “COVID–19 public health emergency”*
11 *means the public health emergency declared by the*
12 *Secretary pursuant to section 319 of the Public*
13 *Health Service Act, entitled “Determination that a*
14 *Public Health Emergency Exists Nationwide as the*
15 *Result of the 2019 Novel Coronavirus”.*

16 (2) ***COVID–19 PUBLIC HEALTH EMERGENCY PE-***

17 *RIOD.—The term “COVID–19 public health emer-*
18 *gency period” means the period beginning on April 1,*
19 *2020 and ending with September 30, 2021.*

20 (3) ***SECRETARY.—The term “Secretary” means***

21 *the Secretary of Health and Human Services.*

22 ***SEC. 3. CONTINUED SAFE OPERATION OF CHILD WELFARE***

23 ***PROGRAMS AND SUPPORT FOR OLDER FOS-***

24 ***TER YOUTH.***

25 (a) ***FUNDING INCREASES.—***

1 (1) *INCREASE IN SUPPORT FOR CHAFEE PRO-*
2 *GRAMS.—Out of any money in the Treasury of the*
3 *United States not otherwise appropriated, there are*
4 *appropriated \$400,000,000 for fiscal year 2021, to*
5 *carry out section 477 of the Social Security Act, in*
6 *addition to any amounts otherwise made available for*
7 *such purpose.*

8 (2) *EDUCATION AND TRAINING VOUCHERS.—Of*
9 *the amount made available by reason of paragraph*
10 *(1) of this subsection, not less than \$50,000,000 shall*
11 *be reserved for the provision of vouchers pursuant to*
12 *section 477(h)(2) of the Social Security Act.*

13 (3) *APPLICABILITY OF TECHNICAL ASSISTANCE*
14 *TO ADDITIONAL FUNDS.—*

15 (A) *IN GENERAL.—Section 477(g)(2) of the*
16 *Social Security Act shall apply with respect to*
17 *the amount made available by reason of para-*
18 *graph (1) of this subsection as if the amount*
19 *were included in the amount specified in section*
20 *477(h) of such Act.*

21 (B) *RESERVATION OF FUNDS.—*

22 (i) *IN GENERAL.—Of the amount to*
23 *which section 477(g)(2) of the Social Secu-*
24 *rity Act applies by reason of subparagraph*
25 *(A) of this paragraph, the Secretary shall*

1 *reserve not less than \$500,000 to provide*
2 *technical assistance to a State imple-*
3 *menting or seeking to implement a driving*
4 *and transportation program for foster*
5 *youth.*

6 *(ii) PROVIDER QUALIFICATIONS.—The*
7 *Secretary shall ensure that the entity pro-*
8 *viding the assistance has demonstrated the*
9 *capacity to—*

10 *(I) successfully administer activi-*
11 *ties in 1 or more States to provide*
12 *driver’s licenses to youth who are in*
13 *foster care under the responsibility of*
14 *the State; and*

15 *(II) increase the number of such*
16 *foster youth who obtain a driver’s li-*
17 *cence.*

18 *(4) INAPPLICABILITY OF STATE MATCHING RE-*
19 *QUIREMENT TO ADDITIONAL FUNDS.—In making pay-*
20 *ments under subsections (a)(4) and (e)(1) of section*
21 *474 of the Social Security Act from the additional*
22 *funds made available as a result of paragraphs (1)*
23 *and (2) of this subsection, the percentages specified in*
24 *subsections (a)(4)(A)(i) and (e)(1) of such section are,*
25 *respectively, deemed to be 100 percent.*

1 (5) *MAXIMUM AWARD AMOUNT.*—*The dollar*
2 *amount specified in section 477(i)(4)(B) of the Social*
3 *Security Act through the end of fiscal year 2022 is*
4 *deemed to be \$12,000.*

5 (6) *INAPPLICABILITY OF NYTD PENALTY TO ADDI-*
6 *TIONAL FUNDS.*—*In calculating any penalty under*
7 *section 477(e)(2) of the Social Security Act with re-*
8 *spect to the National Youth in Transition Database*
9 *(NYTD) for April 1, 2020, through the end of fiscal*
10 *year 2022, none of the additional funds made avail-*
11 *able by reason of paragraphs (1) and (2) of this sub-*
12 *section shall be considered to be part of an allotment*
13 *to a State under section 477(c) of such Act.*

14 (b) *MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR*
15 *ASSISTANCE.*—*During fiscal years 2020 and 2021, a child*
16 *may be eligible for services and assistance under section 477*
17 *of the Social Security Act until the child attains 27 years*
18 *of age, notwithstanding any contrary certification made*
19 *under such section.*

20 (c) *SPECIAL RULE.*—*With respect to funds made*
21 *available by reason of subsection (a) that are used during*
22 *the COVID–19 public health emergency period to support*
23 *activities due to the COVID–19 pandemic, the Secretary*
24 *may not require any State to provide proof of a direct con-*
25 *nection to the pandemic if doing so would be administra-*

1 *tively burdensome or would otherwise delay or impede the*
2 *ability of the State to serve foster youth.*

3 *(d) PROGRAMMATIC FLEXIBILITIES.—During the*
4 *COVID–19 public health emergency period:*

5 *(1) SUSPENSION OF CERTAIN REQUIREMENTS*
6 *UNDER THE EDUCATION AND TRAINING VOUCHER*
7 *PROGRAM.—The Secretary shall allow a State to*
8 *waive the applicability of the requirement in section*
9 *477(i)(3) of the Social Security Act that a youth*
10 *must be enrolled in a postsecondary education or*
11 *training program or making satisfactory progress to-*
12 *ward completion of that program if a youth is unable*
13 *to do so due to the COVID–19 public health emer-*
14 *gency.*

15 *(2) AUTHORITY TO USE VOUCHERS TO MAINTAIN*
16 *TRAINING AND POSTSECONDARY EDUCATION.—A*
17 *voucher provided under a State educational and*
18 *training voucher program under section 477(i) of the*
19 *Social Security Act may be used for maintaining*
20 *training and postsecondary education, including less*
21 *than full-time matriculation costs or other expenses*
22 *that are not part of the cost of attendance but would*
23 *help support youth in remaining enrolled as described*
24 *in paragraph (1) of this subsection.*

1 (3) *AUTHORITY TO WAIVE LIMITATIONS ON PER-*
2 *CENTAGE OF FUNDS USED FOR HOUSING ASSISTANCE*
3 *AND ELIGIBILITY FOR SUCH ASSISTANCE.*—*Notwith-*
4 *standing section 477(b)(3)(B) of the Social Security*
5 *Act, a State may use—*

6 (A) *more than 30 percent of the amounts*
7 *paid to the State from its allotment under sec-*
8 *tion 477(c)(1) of such Act for a fiscal year, for*
9 *room or board payments; and*

10 (B) *any of such amounts for youth other-*
11 *wise eligible for services under section 477 of*
12 *such Act who—*

13 (i) *have attained 18 years of age and*
14 *not 27 years of age; and*

15 (ii) *experienced foster care at 14 years*
16 *of age or older.*

17 (4) *AUTHORITY TO PROVIDE DRIVING AND*
18 *TRANSPORTATION ASSISTANCE.*—

19 (A) *USE OF FUNDS.*—*Funds provided under*
20 *section 477 of the Social Security Act may be*
21 *used to provide driving and transportation as-*
22 *istance to youth described in paragraph (3)(B)*
23 *who have attained 15 years of age with costs re-*
24 *lated to obtaining a driver's license and driving*
25 *lawfully in a State (such as vehicle insurance*

1 *costs, driver's education class and testing fees,*
2 *practice lessons, practice hours, license fees, road-*
3 *side assistance, deductible assistance, and assist-*
4 *ance in purchasing an automobile).*

5 *(B) MAXIMUM ALLOWANCE.—The amount of*
6 *the assistance provided for each eligible youth*
7 *under subparagraph (A) shall not exceed \$4,000*
8 *per year, and any assistance so provided shall be*
9 *disregarded for purposes of determining the re-*
10 *cipient's eligibility for, and the amount of, any*
11 *other Federal or federally-supported assistance,*
12 *except that the State agency shall take appro-*
13 *priate steps to prevent duplication of benefits*
14 *under this and other Federal or federally-sup-*
15 *ported programs.*

16 *(C) REPORT TO THE CONGRESS.—Within 6*
17 *months after the end of the expenditure period,*
18 *the Secretary shall submit to the Congress a re-*
19 *port on the extent to which, and the manner in*
20 *which, the funds to which subsection (a)(3) ap-*
21 *plies were used to provide technical assistance to*
22 *State child welfare programs, monitor State per-*
23 *formance and foster youth outcomes, and evalu-*
24 *ate program effectiveness.*

1 **SEC. 4. PREVENTING AGING OUT OF FOSTER CARE DURING**
2 **THE PANDEMIC.**

3 (a) *ADDRESSING FOSTER CARE AGE RESTRICTIONS*
4 *DURING THE PANDEMIC.*—A State operating a program
5 under part E of title IV of the Social Security Act may
6 not require a child who is in foster care under the responsi-
7 bility of the State to leave foster care solely by reason of
8 the child’s age. A child may not be found ineligible for foster
9 care maintenance payments under section 472 of such Act
10 solely due to the age of the child or the failure of the child
11 to meet a condition of section 475(8)(B)(iv) of such Act be-
12 fore October 1, 2021.

13 (b) *RE-ENTRY TO FOSTER CARE FOR YOUTH WHO*
14 *AGE OUT DURING THE PANDEMIC.*—A State operating a
15 program under the State plan approved under part E of
16 title IV of the Social Security Act (and without regard to
17 whether the State has exercised the option provided by sec-
18 tion 475(8)(B) of such Act to extend assistance under such
19 part to older children) shall—

20 (1) permit any youth who left foster care due to
21 age during the COVID–19 public health emergency to
22 voluntarily re-enter foster care;

23 (2) provide to each such youth who was formally
24 discharged from foster care during the COVID–19
25 public health emergency, a notice designed to make
26 the youth aware of the option to return to foster care;

1 (3) *facilitate the voluntary return of any such*
2 *youth to foster care; and*

3 (4) *conduct a public awareness campaign about*
4 *the option to voluntarily re-enter foster care for youth*
5 *who have not attained 22 years of age, who aged out*
6 *of foster care in fiscal year 2020 or fiscal year 2021,*
7 *and who are otherwise eligible to return to foster care.*

8 (c) *PROTECTIONS FOR YOUTH IN FOSTER CARE.—A*
9 *State operating a program under the State plan approved*
10 *under part E of title IV of the Social Security Act shall—*

11 (1) *continue to ensure that the safety, perma-*
12 *nence, and well-being needs of older foster youth, in-*
13 *cluding youth who remain in foster care and youth*
14 *who age out of foster care during that period but who*
15 *re-enter foster care pursuant to this section, are met;*
16 *and*

17 (2) *work with any youth who remains in foster*
18 *care after attaining 18 years of age (or such greater*
19 *age as the State may have elected under section*
20 *475(8)(B)(iii) of such Act) to develop, or review and*
21 *revise, a transition plan consistent with the plan re-*
22 *ferred to in section 475(5)(H) of such Act, and assist*
23 *the youth with identifying adults who can offer mean-*
24 *ingful, permanent connections.*

1 (d) *AUTHORITY TO USE ADDITIONAL FUNDING FOR*
2 *CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,*
3 *FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH IN*
4 *CARE DURING THE PANDEMIC.—*

5 (1) *IN GENERAL.—Subject to paragraph (2) of*
6 *this subsection, a State to which additional funds are*
7 *made available as a result of section 3(a) may use the*
8 *funds to meet any costs incurred in complying with*
9 *subsections (a), (b), and (c) of this section.*

10 (2) *RESTRICTIONS.—*

11 (A) *The costs referred to in paragraph (1)*
12 *must be incurred after the date of the enactment*
13 *of this section and before October 1, 2021.*

14 (B) *The costs of complying with subsection*
15 *(a) or (c) of this section must not be incurred on*
16 *behalf of children eligible for foster care mainte-*
17 *nance payments under section 472 of the Social*
18 *Security Act, including youth who have attained*
19 *18 years of age who are eligible for the payments*
20 *by reason of the temporary waiver of the age re-*
21 *quirement or the conditions of section*
22 *475(8)(B)(iv) of such Act.*

23 (C) *A State shall make reasonable efforts to*
24 *ensure that eligibility for foster care mainte-*
25 *nance payments under section 472 of the Social*

1 *Security Act is determined when a youth re-*
2 *remains in, or re-enters, foster care as a result of*
3 *the State complying with subsections (a) and (c)*
4 *of this section.*

5 *(D) A child who re-enters care during the*
6 *COVID–19 public health emergency period may*
7 *not be found ineligible for foster care mainte-*
8 *nance payments under section 472 of the Social*
9 *Security Act solely due to age or the require-*
10 *ments of section 475(8)(B)(iv) of such Act before*
11 *October 1, 2021.*

12 *(e) TERMINATION OF CERTAIN PROVISIONS.—The pre-*
13 *ceding provisions of this section shall have no force or effect*
14 *after September 30, 2021.*

15 **SEC. 5. FAMILY FIRST PREVENTION SERVICES PROGRAM**
16 **PANDEMIC FLEXIBILITY.**

17 *During the COVID–19 public health emergency period,*
18 *each percentage specified in subparagraphs (A)(i) and (B)*
19 *of section 474(a)(6) of the Social Security Act is deemed*
20 *to be 100 percent.*

21 **SEC. 6. EMERGENCY FUNDING FOR THE MARYLEE ALLEN**
22 **PROMOTING SAFE AND STABLE FAMILIES**
23 **PROGRAM.**

24 *(a) IN GENERAL.—Out of any money in the Treasury*
25 *of the United States not otherwise appropriated, there are*

1 *appropriated \$85,000,000 to carry out section 436(a) of the*
2 *Social Security Act for fiscal year 2021, in addition to any*
3 *amounts otherwise made available for such purpose. For*
4 *purposes of section 436(b) of such Act, the amount made*
5 *available by the preceding sentence shall be considered part*
6 *of the amount specified in such section 436(a).*

7 **(b) INAPPLICABILITY OF STATE MATCHING REQUIRE-**
8 *MENT TO ADDITIONAL FUNDS.—In making payments under*
9 *section 434(a) of the Social Security Act from the addi-*
10 *tional funds made available as a result of subsection (a)*
11 *of this section, the percentage specified in section 434(a)(1)*
12 *of such Act is deemed to be 100 percent.*

13 **SEC. 7. COURT IMPROVEMENT PROGRAM.**

14 **(a) RESERVATION OF FUNDS.—Of the additional**
15 *amounts made available by reason of section 6 of this Act,*
16 *the Secretary shall reserve \$10,000,000 for grants under*
17 *subsection (b) of this section for fiscal year 2021, which*
18 *shall be considered to be made under section 438 of the So-*
19 *cial Security Act.*

20 **(b) DISTRIBUTION OF FUNDS.—**

21 **(1) IN GENERAL.—From the amounts reserved**
22 *under subsection (a) of this section, the Secretary*
23 *shall—*

24 **(A) reserve not more than \$500,000 for**
25 *Tribal court improvement activities; and*

1 (B) from the amount remaining after the
2 application of subparagraph (A), make a grant
3 to each highest State court that is approved to
4 receive a grant under section 438 of the Social
5 Security Act for the purpose described in section
6 438(a)(3) of such Act, for fiscal year 2021.

7 (2) AMOUNT.—The amount of the grant awarded
8 to a highest State court under this subsection shall be
9 the sum of—

10 (A) \$85,000; and

11 (B) the amount that bears the same ratio to
12 the amount reserved under subsection (a) that re-
13 mains after the application of paragraph (1)(A)
14 and subparagraph (A) of this paragraph, as the
15 number of individuals in the State in which the
16 court is located who have not attained 21 years
17 of age bears to the total number of such individ-
18 uals in all States the highest courts of which
19 were awarded a grant under this subsection
20 (based on the most recent year for which data
21 are available from the Bureau of the Census).

22 (3) OTHER RULES.—

23 (A) IN GENERAL.—The grants awarded to
24 the highest State courts under this subsection
25 shall be in addition to any grants made to the

1 *courts under section 438 of the Social Security*
2 *Act for any fiscal year.*

3 (B) *NO ADDITIONAL APPLICATION.*—*The*
4 *Secretary shall award grants to the highest State*
5 *courts under this subsection without requiring*
6 *the courts to submit an additional application.*

7 (C) *REPORTS.*—*The Secretary may estab-*
8 *lish reporting criteria specific to the grants*
9 *awarded under this subsection.*

10 (D) *REDISTRIBUTION OF FUNDS.*—*If a*
11 *highest State court does not accept a grant*
12 *awarded under this subsection, or does not agree*
13 *to comply with any reporting requirements im-*
14 *posed under subparagraph (C) or the use of*
15 *funds requirements specified in subsection (c),*
16 *the Secretary shall redistribute the grant funds*
17 *that would have been awarded to that court*
18 *under this subsection among the other highest*
19 *State courts that are awarded grants under this*
20 *subsection and agree to comply with the report-*
21 *ing and use of funds requirements.*

22 (E) *NO MATCHING REQUIREMENT.*—*The*
23 *limitation on the use of funds specified in section*
24 *438(d) of such Act shall not apply to the grants*
25 *awarded under this section.*

1 (c) *USE OF FUNDS.*—A highest State court awarded
2 a grant under subsection (b) shall use the grant funds to
3 address needs stemming from the COVID–19 public health
4 emergency, which may include any of the following:

5 (1) *Technology investments to facilitate the tran-*
6 *sition to remote hearings for dependency courts when*
7 *necessary as a direct result of the COVID–19 public*
8 *health emergency.*

9 (2) *Training for judges, attorneys, and case-*
10 *workers on facilitating and participating in remote*
11 *hearings that comply with due process and all appli-*
12 *cable law, ensure child safety and well-being, and*
13 *help inform judicial decision-making.*

14 (3) *Programs to help families address aspects of*
15 *the case plan to avoid delays in legal proceedings that*
16 *would occur as a direct result of the COVID–19 pub-*
17 *lic health emergency.*

18 (4) *Other purposes to assist courts, court per-*
19 *sonnel, or related staff related to the COVID–19 pub-*
20 *lic health emergency.*

21 (d) *CONFORMING AMENDMENTS.*—Section 438 of the
22 *Social Security Act (42 U.S.C. 629h) is amended in each*
23 *of subsections (c)(1) and (d) by striking “2021” and insert-*
24 *ing “2022”.*

1 **SEC. 8. KINSHIP NAVIGATOR PROGRAMS PANDEMIC FLEXI-**
2 **BILITY.**

3 (a) *INAPPLICABILITY OF MATCHING FUNDS REQUIRE-*
4 *MENTS.*—*During the COVID–19 public health emergency*
5 *period, the percentage specified in section 474(a)(7) of the*
6 *Social Security Act is deemed to be 100 percent.*

7 (b) *WAIVER OF EVIDENCE STANDARD.*—*During the*
8 *COVID–19 public health emergency period, the requirement*
9 *in section 474(a)(7) of the Social Security Act that the Sec-*
10 *retary determine that a kinship navigator program be oper-*
11 *ated in accordance with promising, supported, or well-sup-*
12 *ported practices that meet the applicable criteria specified*
13 *for the practices in section 471(e)(4)(C) of such Act shall*
14 *have no force or effect, except that each State with such a*
15 *program shall provide the Secretary with an assurance that*
16 *the program will be, or is in the process of being, evaluated*
17 *for the purpose of building an evidence base to later deter-*
18 *mine whether the program meets the criteria set forth in*
19 *such section 471(e)(4)(C).*

20 (c) *OTHER ALLOWABLE USES OF FUNDS.*—*A State*
21 *may use funds provided to carry out a kinship navigator*
22 *program—*

23 (1) *for evaluations, independent systematic re-*
24 *view, and related activities;*

1 (2) *to provide short-term support to kinship fam-*
2 *ilies for direct services or assistance during the*
3 *COVID–19 public health emergency period; and*

4 (3) *to ensure that kinship caregivers have the in-*
5 *formation and resources to allow kinship families to*
6 *function at their full potential, including—*

7 (A) *ensuring that those who are at risk of*
8 *contracting COVID–19 have access to informa-*
9 *tion and resources for necessities, including food,*
10 *safety supplies, and testing and treatment for*
11 *COVID–19;*

12 (B) *access to technology and technological*
13 *supports needed for remote learning or other ac-*
14 *tivities that must be carried out virtually due to*
15 *the COVID–19 public health emergency;*

16 (C) *health care and other assistance, includ-*
17 *ing legal assistance and assistance with making*
18 *alternative care plans for the children in their*
19 *care if the caregivers were to become unable to*
20 *continue caring for the children;*

21 (D) *services to kinship families, including*
22 *kinship families raising children outside of the*
23 *foster care system; and*

24 (E) *assistance to allow children to continue*
25 *safely living with kin.*

1 (d) *TERRITORY CAP EXEMPTION.*—Section 1108(a)(1)
2 *of the Social Security Act shall be applied without regard*
3 *to any amount paid to a territory pursuant to this section*
4 *that would not have been paid to the territory in the absence*
5 *of this section.*

6 **SEC. 9. ADJUSTMENT OF FUNDING CERTAINTY BASELINES**
7 **FOR FAMILY FIRST TRANSITION ACT FUND-**
8 **ING CERTAINTY GRANTS.**

9 Section 602(c)(2) of division N of the Further Consoli-
10 *dated Appropriations Act, 2020 (Public Law 116–94) is*
11 *amended—*

12 (1) *in subparagraph (C), in the matter preceding*
13 *clause (i), by striking “The calculation” and insert-*
14 *ing “Except as provided in subparagraph (G), the*
15 *calculation”;* and

16 (2) *by adding at the end the following:*

17 “(G) *ADJUSTMENT OF FUNDING CERTAINTY*
18 *BASELINES.*—

19 “(i) *HOLD HARMLESS FOR TEMPORARY*
20 *INCREASE IN FMAP.*—*For each fiscal year*
21 *specified in subparagraph (B), the Sec-*
22 *retary shall increase the maximum capped*
23 *allocation for fiscal year 2019 or the final*
24 *cost neutrality limit for fiscal year 2018 for*
25 *a State or sub-State jurisdiction referred to*

1 in subparagraph (A)(i), by the amount
2 equal to the difference between—

3 “(I) the amount of the foster care
4 maintenance payments portion of such
5 maximum capped allocation or final
6 cost neutrality limit; and

7 “(II) the amount that the foster
8 care maintenance payments portion of
9 such maximum capped allocation or
10 final cost neutrality limit would be if
11 the Federal medical assistance percent-
12 age applicable to the State under
13 clause (i) for the fiscal year so speci-
14 fied were used to determine the amount
15 of such portion.

16 “(i) *APPLICABLE FEDERAL MEDICAL*
17 *ASSISTANCE PERCENTAGE.*—For purposes of
18 clause (i)(II), the Federal medical assist-
19 ance percentage applicable to a State for a
20 fiscal year specified in subparagraph (B) is
21 the average of the values of the Federal med-
22 ical assistance percentage applicable to the
23 State in each quarter of such fiscal year
24 under section 474(a)(1) of the Social Secu-
25 rity Act (42 U.S.C. 674(a)(1)) after appli-

1 *cation of any temporary increase in the*
2 *Federal medical assistance percentage for*
3 *the State and quarter under section 6008 of*
4 *the Families First Coronavirus Response*
5 *Act (42 U.S.C. 1396d note) and any other*
6 *Federal legislation enacted during the pe-*
7 *riod that begins on July 1, 2020, and ends*
8 *on December 31, 2021.”.*

9 **SEC. 10. ALLOWING HOME VISITING PROGRAMS TO CON-**
10 **TINUE SERVING FAMILIES SAFELY.**

11 *(a) IN GENERAL.—For purposes of section 511 of the*
12 *Social Security Act, during the COVID–19 public health*
13 *emergency period—*

14 *(1) a virtual home visit shall be considered a*
15 *home visit;*

16 *(2) funding for, and staffing levels of, a program*
17 *conducted pursuant to such section shall not be re-*
18 *duced on account of reduced enrollment in the pro-*
19 *gram; and*

20 *(3) funds provided for such a program may be*
21 *used—*

22 *(A) to train home visitors in conducting a*
23 *virtual home visit and in emergency prepared-*
24 *ness and response planning for families served,*
25 *and may include training on how to safely con-*

1 *duct intimate partner violence screenings re-*
2 *motely, training on safety and planning for fam-*
3 *ilies served;*

4 *(B) for the acquisition by families enrolled*
5 *in the program of such technological means as*
6 *are needed to conduct and support a virtual*
7 *home visit; and*

8 *(C) to provide emergency supplies to fami-*
9 *lies served, regardless of whether the provision of*
10 *such supplies is within the scope of the approved*
11 *program, such as diapers, formula, non-perish-*
12 *able food, water, hand soap, and hand sanitizer.*

13 *(b) VIRTUAL HOME VISIT DEFINED.—In subsection*
14 *(a), the term “virtual home visit” means a home visit, as*
15 *described in an applicable service delivery model, that is*
16 *conducted solely by the use of electronic information and*
17 *telecommunications technologies.*

18 *(c) AUTHORITY TO DELAY DEADLINES.—*

19 *(1) IN GENERAL.—The Secretary may extend the*
20 *deadline by which a requirement of section 511 of the*
21 *Social Security Act must be met, by such period of*
22 *time as the Secretary deems appropriate, taking into*
23 *consideration the impact of the COVID–19 public*
24 *health emergency on eligible entity home visiting pro-*
25 *grams and the impact of families enrolled in home*

1 *visiting programs. The Secretary may delay the dead-*
2 *line for submission, waive performance measures, or*
3 *allow for alternative data sources to be used to show*
4 *improvement in performance in the manner provided*
5 *in section 511(d)(1) of such Act.*

6 (2) *DELAY OF DEADLINE FOR STATEWIDE NEEDS*
7 *ASSESSMENT.—The Secretary may delay the October*
8 *1, 2020, deadline for reviewing and updating any*
9 *needs assessment required by section 511(b)(1) or*
10 *511(h)(2)(A) of the Social Security Act, but any such*
11 *delay shall not affect the timing for, or amount of,*
12 *any payment to the State involved from the fiscal*
13 *year allotments available to the State under section*
14 *502(c) of such Act.*

15 (3) *GUIDANCE.—The Secretary shall provide to*
16 *eligible entities funded under section 511 of the Social*
17 *Security Act information on the parameters used in*
18 *extending a deadline under paragraph (1) or (2) of*
19 *this subsection.*

20 (d) *TIMELY RELEASE OF TITLE V FUNDS.—The au-*
21 *thorities provided in this section shall not be interpreted*
22 *to authorize or require any delay in the timely release of*
23 *funds under title V of the Social Security Act.*

1 **SEC. 11. TECHNICAL CORRECTION TO TEMPORARY IN-**
2 **CREASE OF MEDICAID FMAP.**

3 *Section 6008 of the Families First Coronavirus Re-*
4 *sponse Act (Public Law 116–127) is amended by adding*
5 *at the end the following:*

6 “(d) *APPLICATION TO TITLE IV-E PAYMENTS.—If the*
7 *District of Columbia receives the increase described in sub-*
8 *section (a) in the Federal medical assistance percentage for*
9 *the District of Columbia with respect to a quarter, the Fed-*
10 *eral medical assistance percentage for the District of Colum-*
11 *bia, as so increased, shall apply to payments made to the*
12 *District of Columbia under part E of title IV of the Social*
13 *Security Act (42 U.S.C. 670 et seq.) for that quarter, and*
14 *the payments under such part shall be deemed to be made*
15 *on the basis of the Federal medical assistance percentage*
16 *applied with respect to such District for purposes of title*
17 *XIX of such Act (42 U.S.C. 1396 et seq.) and as increased*
18 *under subsection (a).”.*

19 ***DIVISION Y—AMERICAN MINER***
20 ***BENEFITS IMPROVEMENT***

21 **SEC. 1. SHORT TITLE.**

22 *This division may be cited as the “American Miner*
23 *Benefits Improvement Act of 2020”.*

1 **SEC. 2. TRANSFERS TO 1974UMWA PENSION PLAN.**

2 (a) *IN GENERAL.*—Section 402(h)(2)(C)(ii) of the Sur-
3 face Mining Control and Reclamation Act of 1977 (30
4 U.S.C. 1232(h)(2)(C)(ii)) is amended—

5 (1) by striking “the Bipartisan American Miners
6 Act of 2019” each place it appears and inserting “the
7 American Miner Benefits Improvement Act of 2020”,

8 (2) by striking “or 2019” in subclause (II) and
9 inserting “2019, or any year thereafter,”

10 (3) by inserting before “; and” in subclause (II)
11 the following: “(or, in the case of any such health ben-
12 efits confirmed in any bankruptcy proceeding, would
13 be subsequently denied or reduced)”, and

14 (4) by striking “January 1, 2019” in the second
15 sentence and inserting “January 1, 2020”.

16 (b) *INCREASE IN LIMITATION TO ACCOUNT FOR CAL-*
17 *CULATION OF HEALTH BENEFIT PLAN EXCESS.*—Section
18 402(i)(3) of such Act (30 U.S.C. 1232(i)(3)) is amended by
19 adding at the end the following new subparagraph:

20 “(C) *INCREASE IN LIMITATION TO ACCOUNT*
21 *FOR CALCULATION OF HEALTH BENEFIT PLAN*
22 *EXCESS.*—The dollar limitation under subpara-
23 graph (A) shall be increased by the amount of
24 the cost to provide benefits which are taken into
25 account under subsection (h)(2)(C)(ii) solely by
26 reason of the amendments made by section 2(a)

1 *of the American Miner Benefits Improvement*
 2 *Act of 2020.”.*

3 (c) *APPLICATION.*—

4 (1) *IN GENERAL.*—*Except as provided in para-*
 5 *graph (2), the amendments made by this section shall*
 6 *take effect on the date of the enactment of this Act.*

7 (2) *SUBSECTION (a)(3).*—*The amendment made*
 8 *by subsection (a)(3) shall apply to denials and reduc-*
 9 *tions after December 31, 2019.*

10 ***DIVISION Z—ENERGY ACT OF***
 11 ***2020***

12 ***SEC. 101. SHORT TITLE; TABLE OF CONTENTS.***

13 (a) *SHORT TITLE.*—*This division may be cited as the*
 14 *“Energy Act of 2020”.*

15 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 16 *this Act is as follows:*

DIVISION Z—ENERGY ACT OF 2020

Sec. 101. Short title; table of contents.

TITLE I—EFFICIENCY

- Sec. 1001. Coordination of energy retrofitting assistance for schools.*
- Sec. 1002. Use of energy and water efficiency measures in Federal buildings.*
- Sec. 1003. Energy efficient data centers.*
- Sec. 1004. Energy-efficient and energy-saving information technologies.*
- Sec. 1005. Extended Product System Rebate Program.*
- Sec. 1006. Energy Efficient Transformer Rebate Program.*
- Sec. 1007. Smart building acceleration.*
- Sec. 1008. Modifications to the ceiling fan energy conservation standard.*
- Sec. 1009. Report on electrochromic glass.*
- Sec. 1010. Energy and water for sustainability.*
- Sec. 1011. Weatherization Assistance Program.*
- Sec. 1012. Federal Energy Management Program.*
- Sec. 1013. CHP Technical Assistance Partnership Program.*
- Sec. 1014. Smart energy water efficiency pilot program.*

TITLE II—NUCLEAR

- Sec. 2001. Advanced Nuclear Fuel Availability.*
Sec. 2002. Amendments to definitions in Energy Policy Act of 2005.
Sec. 2003. Nuclear energy research, development, demonstration, and commercial application programs.
Sec. 2004. High-performance computation collaborative research program.
Sec. 2005. Nuclear energy budget plan.
Sec. 2006. Organization and administration of programs.
Sec. 2007. Extension and expansion of limitations on importation of uranium from Russian Federation.
Sec. 2008. Fusion energy research.

TITLE III—RENEWABLE ENERGY AND STORAGE

Subtitle A—Renewable Energy Research and Development

- Sec. 3001. Water power research and development.*
Sec. 3002. Advanced geothermal innovation leadership.
Sec. 3003. Wind energy research and development.
Sec. 3004. Solar energy research and development.
Sec. 3005. Hydroelectric production incentives and efficiency improvements.
Sec. 3006. Conforming amendments.

Subtitle B—Natural Resources Provisions

- Sec. 3101. Definitions.*
Sec. 3102. Program to improve eligible project permit coordination.
Sec. 3103. Increasing economic certainty.
Sec. 3104. National goal for renewable energy production on Federal land.
Sec. 3105. Facilitation of coproduction of geothermal energy on oil and gas leases.
Sec. 3106. Savings clause.

Subtitle C—Energy Storage

- Sec. 3201. Better energy storage technology.*
Sec. 3202. Energy storage technology and microgrid assistance program.

TITLE IV—CARBON MANAGEMENT

- Sec. 4001. Fossil energy.*
Sec. 4002. Establishment of carbon capture technology program.
Sec. 4003. Carbon storage validation and testing.
Sec. 4004. Carbon utilization program.
Sec. 4005. High efficiency turbines.
Sec. 4006. National energy technology laboratory reforms.
Sec. 4007. Study on Blue Hydrogen Technology.
Sec. 4008. Produced water research and development.

TITLE V—CARBON REMOVAL

- Sec. 5001. Carbon removal.*
Sec. 5002. Carbon dioxide removal task force and report.

TITLE VI—INDUSTRIAL AND MANUFACTURING TECHNOLOGIES

- Sec. 6001. Purpose.*

- Sec. 6002. Coordination of research and development of energy efficient technologies for industry.*
- Sec. 6003. Industrial emissions reduction technology development program.*
- Sec. 6004. Industrial Technology Innovation Advisory Committee.*
- Sec. 6005. Technical assistance program to implement industrial emissions reduction.*
- Sec. 6006. Development of national smart manufacturing plan.*

TITLE VII—CRITICAL MINERALS

- Sec. 7001. Rare earth elements.*
- Sec. 7002. Mineral security.*
- Sec. 7003. Monitoring mineral investments under Belt and Road Initiative of People's Republic of China.*

TITLE VIII—GRID MODERNIZATION

- Sec. 8001. Smart grid regional demonstration initiative.*
- Sec. 8002. Smart grid modeling, visualization, architecture, and controls.*
- Sec. 8003. Integrated energy systems.*
- Sec. 8004. Grid integration research and development.*
- Sec. 8005. Advisory committee.*
- Sec. 8006. Coordination of efforts.*
- Sec. 8007. Technology demonstration on the distribution grid.*
- Sec. 8008. Voluntary model pathways.*
- Sec. 8009. Performance metrics for electricity infrastructure providers.*
- Sec. 8010. Voluntary State, regional, and local electricity distribution planning.*
- Sec. 8011. Micro-grid and integrated micro-grid systems program.*
- Sec. 8012. Technical amendments; authorization of appropriations.*
- Sec. 8013. Indian energy.*
- Sec. 8014. Report on electricity access and reliability.*
- Sec. 8015. Net metering study and evaluation.*

TITLE IX—DEPARTMENT OF ENERGY INNOVATION

- Sec. 9001. Office of technology transitions.*
- Sec. 9002. Lab partnering service pilot program.*
- Sec. 9003. Technology commercialization fund.*
- Sec. 9004. Streamlining prize competitions.*
- Sec. 9005. Milestone-based demonstration projects.*
- Sec. 9006. Other transaction authority extension.*
- Sec. 9007. Technology transfer reports and evaluation.*
- Sec. 9008. Veterans' health initiative.*
- Sec. 9009. Sustainable Transportation Research and Development.*
- Sec. 9010. Loan program office title XVII reform.*
- Sec. 9011. Established Program to Stimulate Competitive Research.*

TITLE X—ARPA-E AMENDMENTS

- Sec. 10001. ARPA-E amendments.*

TITLE XI—OTHER MATTERS

- Sec. 11001. Low-Dose Radiation Research.*
- Sec. 11002. Authorization.*
- Sec. 11003. Sense of Congress.*

Sec. 11004. Addressing insufficient compensation of employees and other personnel of the Federal Energy Regulatory Commission.

Sec. 11005. Report on the authority of the Secretary of Energy to implement flexible compensation models.

1 **TITLE I—EFFICIENCY**

2 **SEC. 1001. COORDINATION OF ENERGY RETROFITTING AS-** 3 **SISTANCE FOR SCHOOLS.**

4 (a) *DEFINITION OF SCHOOL.*—*In this section, the term*
5 *“school” means—*

6 (1) *an elementary school or secondary school (as*
7 *defined in section 8101 of the Elementary and Sec-*
8 *ondary Education Act of 1965 (20 U.S.C. 7801));*

9 (2) *an institution of higher education (as defined*
10 *in section 101(a) of the Higher Education Act of 1965*
11 *(20 U.S.C. 1001(a));*

12 (3) *a postsecondary vocational institution (as de-*
13 *fined in section 102(c) of the Higher Education Act*
14 *of 1965 (20 U.S.C. 1002(c));*

15 (4) *a school of the defense dependents’ education*
16 *system under the Defense Dependents’ Education Act*
17 *of 1978 (20 U.S.C. 921 et seq.) or established under*
18 *section 2164 of title 10, United States Code;*

19 (5) *a school operated by the Bureau of Indian*
20 *Education;*

21 (6) *a tribally controlled school (as defined in sec-*
22 *tion 5212 of the Tribally Controlled Schools Act of*
23 *1988 (25 U.S.C. 2511)); and*

1 (7) *a Tribal College or University (as defined in*
2 *section 316(b) of the Higher Education Act of 1965*
3 *(20 U.S.C. 1059c(b))*).

4 (b) *DESIGNATION OF LEAD AGENCY.—The Secretary*
5 *of Energy (in this section referred to as the “Secretary”),*
6 *acting through the Office of Energy Efficiency and Renew-*
7 *able Energy, shall act as the lead Federal agency for coordi-*
8 *nating and disseminating information on existing Federal*
9 *programs and assistance that may be used to help initiate,*
10 *develop, and finance energy efficiency, renewable energy,*
11 *and energy retrofitting projects for schools.*

12 (c) *REQUIREMENTS.—In carrying out coordination*
13 *and outreach under subsection (b), the Secretary shall—*

14 (1) *in consultation and coordination with the*
15 *appropriate Federal agencies, carry out a review of*
16 *existing programs and financing mechanisms (includ-*
17 *ing revolving loan funds and loan guarantees) avail-*
18 *able in or from the Department of Agriculture, the*
19 *Department of Energy, the Department of Education,*
20 *the Department of the Treasury, the Internal Revenue*
21 *Service, the Environmental Protection Agency, and*
22 *other appropriate Federal agencies with jurisdiction*
23 *over energy financing and facilitation that are cur-*
24 *rently used or may be used to help initiate, develop,*

1 *and finance energy efficiency, renewable energy, and*
2 *energy retrofitting projects for schools;*

3 *(2) establish a Federal cross-departmental col-*
4 *laborative coordination, education, and outreach ef-*
5 *fort to streamline communication and promote avail-*
6 *able Federal opportunities and assistance described in*
7 *paragraph (1), for energy efficiency, renewable en-*
8 *ergy, and energy retrofitting projects that enables*
9 *States, local educational agencies, and schools—*

10 *(A) to use existing Federal opportunities*
11 *more effectively; and*

12 *(B) to form partnerships with Governors,*
13 *State energy programs, local educational, finan-*
14 *cial, and energy officials, State and local govern-*
15 *ment officials, nonprofit organizations, and other*
16 *appropriate entities, to support the initiation of*
17 *the projects;*

18 *(3) provide technical assistance for States, local*
19 *educational agencies, and schools to help develop and*
20 *finance energy efficiency, renewable energy, and en-*
21 *ergy retrofitting projects—*

22 *(A) to increase the energy efficiency of*
23 *buildings or facilities;*

24 *(B) to install systems that individually gen-*
25 *erate energy from renewable energy resources;*

1 (C) to establish partnerships to leverage
2 economies of scale and additional financing
3 mechanisms available to larger clean energy ini-
4 tiatives; or

5 (D) to promote—

6 (i) the maintenance of health, environ-
7 mental quality, and safety in schools, in-
8 cluding the ambient air quality, through en-
9 ergy efficiency, renewable energy, and en-
10 ergy retrofit projects; and

11 (ii) the achievement of expected energy
12 savings and renewable energy production
13 through proper operations and maintenance
14 practices;

15 (4) develop and maintain a single online re-
16 source website with contact information for relevant
17 technical assistance and support staff in the Office of
18 Energy Efficiency and Renewable Energy for States,
19 local educational agencies, and schools to effectively
20 access and use Federal opportunities and assistance
21 described in paragraph (1) to develop energy effi-
22 ciency, renewable energy, and energy retrofitting
23 projects; and

24 (5) establish a process for recognition of schools
25 that—

1 (A) have successfully implemented energy ef-
2 ficiency, renewable energy, and energy retro-
3 fitting projects; and

4 (B) are willing to serve as resources for
5 other local educational agencies and schools to
6 assist initiation of similar efforts.

7 (d) *REPORT.*—Not later than 180 days after the date
8 of enactment of this Act, the Secretary shall submit to Con-
9 gress a report describing the implementation of this section.

10 **SEC. 1002. USE OF ENERGY AND WATER EFFICIENCY MEAS-**
11 **URES IN FEDERAL BUILDINGS.**

12 (a) *REPORTS.*—Section 548(b) of the National Energy
13 Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

14 (1) in paragraph (3), by striking “and” at the
15 end;

16 (2) in paragraph (4), by striking the period at
17 the end and inserting “; and”; and

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

19 “(5)(A) the status of the energy savings perform-
20 ance contracts and utility energy service contracts of
21 each agency, to the extent that the information is not
22 duplicative of information provided to the Secretary
23 under a separate authority;

24 “(B) the quantity and investment value of the
25 contracts for the previous year;

1 “(C) *the guaranteed energy savings, or for con-*
2 *tracts without a guarantee, the estimated energy sav-*
3 *ings, for the previous year, as compared to the meas-*
4 *ured energy savings for the previous year;*

5 “(D) *a forecast of the estimated quantity and in-*
6 *vestment value of contracts anticipated in the fol-*
7 *lowing year for each agency; and*

8 “(E)(i) *a comparison of the information de-*
9 *scribed in subparagraph (B) and the forecast de-*
10 *scribed in subparagraph (D) in the report of the pre-*
11 *vious year; and*

12 “(i) *if applicable, the reasons for any differences*
13 *in the data compared under clause (i).”.*

14 (b) *DEFINITION OF ENERGY CONSERVATION MEAS-*
15 *URES.—Section 551(4) of the National Energy Conserva-*
16 *tion Policy Act (42 U.S.C. 8259(4)) is amended by striking*
17 *“or retrofit activities” and inserting “retrofit activities, or*
18 *energy consuming devices and required support structures”.*

19 (c) *AUTHORITY TO ENTER INTO CONTRACTS.—Section*
20 *801(a)(2)(F) of the National Energy Conservation Policy*
21 *Act (42 U.S.C. 8287(a)(2)(F)) is amended—*

22 (1) *in clause (i), by striking “or” at the end;*

23 (2) *in clause (ii), by striking the period at the*
24 *end and inserting “; or”; and*

25 (3) *by adding at the end the following:*

1 “(iii) limit the recognition of operation
2 and maintenance savings associated with
3 systems modernized or replaced with the
4 implementation of energy conservation
5 measures, water conservation measures, or
6 any combination of energy conservation
7 measures and water conservation meas-
8 ures.”.

9 (d) MISCELLANEOUS AUTHORITY; EXCLUDED CON-
10 TRACTS.—Section 801(a)(2) of the National Energy Con-
11 servation Policy Act (42 U.S.C. 8287(a)(2)) is amended by
12 adding at the end the following:

13 “(H) MISCELLANEOUS AUTHORITY.—Not-
14 withstanding subtitle I of title 40, United States
15 Code, a Federal agency may accept, retain, sell,
16 or transfer, and apply the proceeds of the sale or
17 transfer of, any energy and water incentive, re-
18 bate, grid services revenue, or credit (including a
19 renewable energy certificate) to fund a contract
20 under this title.

21 “(I) EXCLUDED CONTRACTS.—A contract
22 entered into under this title may not be for work
23 performed—

1 “(i) at a Federal hydroelectric facility
2 that provides power marketed by a Power
3 Marketing Administration; or

4 “(ii) at a hydroelectric facility owned
5 and operated by the Tennessee Valley Au-
6 thority established under the Tennessee Val-
7 ley Authority Act of 1933 (16 U.S.C. 831 et
8 seq.).”.

9 (e) *PAYMENT OF COSTS*.—Section 802 of the National
10 Energy Conservation Policy Act (42 U.S.C. 8287a) is
11 amended by striking “(and related operation and mainte-
12 nance expenses)” and inserting “, including related oper-
13 ations and maintenance expenses”.

14 (f) *DEFINITION OF ENERGY SAVINGS*.—Section 804(2)
15 of the National Energy Conservation Policy Act (42 U.S.C.
16 8287c(2)) is amended—

17 (1) in subparagraph (A), by striking “federally
18 owned building or buildings or other federally owned
19 facilities” and inserting “Federal building (as defined
20 in section 551)” each place it appears;

21 (2) in subparagraph (C), by striking “; and”
22 and inserting a semicolon;

23 (3) in subparagraph (D), by striking the period
24 at the end and inserting a semicolon; and

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

1 “(E) the use, sale, or transfer of any energy
2 and water incentive, rebate, grid services rev-
3 enue, or credit (including a renewable energy
4 certificate); and

5 “(F) any revenue generated from a reduc-
6 tion in energy or water use, more efficient waste
7 recycling, or additional energy generated from
8 more efficient equipment.”.

9 (g) *ENERGY AND WATER CONSERVATION MEAS-*
10 *URES.—Section 543 of the National Energy Conservation*
11 *Policy Act (42 U.S.C. 8253) is amended—*

12 (1) *in the section heading, by inserting “**AND***
13 ***WATER**” after “**ENERGY**”;*

14 (2) *in subsection (b)—*

15 (A) *in the subsection heading, by inserting*
16 *“AND WATER” after “ENERGY”; and*

17 (B) *by striking paragraphs (1) and (2) and*
18 *inserting the following:*

19 “(1) *IN GENERAL.—Each agency shall—*

20 “(A) *not later than October 1, 2022, to the*
21 *maximum extent practicable, begin installing in*
22 *Federal buildings owned by the United States all*
23 *energy and water conservation measures deter-*
24 *mined by the Secretary to be life cycle cost-effec-*
25 *tive (as defined in subsection (f)(1)); and*

1 “(B) complete the installation described in
2 subparagraph (A) as soon as practicable after
3 the date referred to in that subparagraph.

4 “(2) EXPLANATION OF NONCOMPLIANCE.—

5 “(A) IN GENERAL.—If an agency fails to
6 comply with paragraph (1), the agency shall
7 submit to the Secretary, using guidelines devel-
8 oped by the Secretary, an explanation of the rea-
9 sons for the failure.

10 “(B) REPORT TO CONGRESS.—Not later
11 than January 1, 2022, and every 2 years there-
12 after, the Secretary shall submit to Congress a
13 report that describes any noncompliance by an
14 agency with the requirements of paragraph (1).”;

15 (3) in subsection (c)(1)—

16 (A) in subparagraph (A)—

17 (i) in the matter preceding clause (i),
18 by striking “An agency” and inserting “The
19 head of each agency”; and

20 (ii) by inserting “or water” after “en-
21 ergy” each place it appears; and

22 (B) in subparagraph (B)(i), by inserting
23 “or water” after “energy”;

24 (4) in subsection (d)(2), by inserting “and
25 water” after “energy”;

1 (5) *in subsection (e)*—

2 (A) *in the subsection heading, by inserting*
3 “AND WATER” *after “ENERGY”;*

4 (B) *in paragraph (1)*—

5 (i) *in the first sentence*—

6 (I) *by striking “October 1, 2012”*
7 *and inserting “October 1, 2022”;*

8 (II) *by inserting “and water”*
9 *after “energy”; and*

10 (III) *by inserting “and water”*
11 *after “electricity”;*

12 (ii) *in the second sentence, by inserting*
13 “and water” *after “electricity”; and*

14 (iii) *in the fourth sentence, by insert-*
15 *ing “and water” after “energy”;*

16 (C) *in paragraph (2)*—

17 (i) *in subparagraph (A)*—

18 (I) *by striking “and” before “Fed-*
19 *eral”; and*

20 (II) *by inserting “and any other*
21 *person the Secretary deems necessary,”*
22 *before “shall”;*

23 (ii) *in subparagraph (B)*—

1 (I) in clause (i)(II), by inserting
2 “and water” after “energy” each place
3 it appears;

4 (II) in clause (ii), by inserting
5 “and water” after “energy”; and

6 (III) in clause (iv), by inserting
7 “and water” after “energy”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C) UPDATE.—Not later than 180 days
11 after the date of enactment of this subparagraph,
12 the Secretary shall update the guidelines estab-
13 lished under subparagraph (A) to take into ac-
14 count water efficiency requirements under this
15 section.”;

16 (D) in paragraph (3), in the matter pre-
17 ceding subparagraph (A), by striking “estab-
18 lished under paragraph (2)” and inserting “up-
19 dated under paragraph (2)(C)”; and

20 (E) in paragraph (4)—

21 (i) in subparagraph (A)—

22 (I) by striking “this paragraph”
23 and inserting “the Energy Act of
24 2020”; and

1 (II) by inserting “and water” be-
2 fore “use in”; and

3 (ii) in subparagraph (B)(ii), in the
4 matter preceding subclause (I), by inserting
5 “and water” after “energy”; and

6 (6) in subsection (f)—

7 (A) in paragraph (1)—

8 (i) by redesignating subparagraphs
9 (E), (F), and (G) as subparagraphs (F),
10 (G), and (H), respectively; and

11 (ii) by inserting after subparagraph
12 (D) the following:

13 “(E) ONGOING COMMISSIONING.—The term
14 ‘ongoing commissioning’ means an ongoing proc-
15 ess of commissioning using monitored data, the
16 primary goal of which is to ensure continuous
17 optimum performance of a facility, in accord-
18 ance with design or operating needs, over the
19 useful life of the facility, while meeting facility
20 occupancy requirements.”;

21 (B) in paragraph (2)—

22 (i) in subparagraph (A), by inserting
23 “and water” before “use”;

24 (ii) in subparagraph (B)—

1 (I) by striking “energy” before
2 “efficiency”; and

3 (II) by inserting “or water” before
4 “use”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(C) *ENERGY MANAGEMENT SYSTEM.*—An
8 energy manager designated for a facility under
9 subparagraph (A) shall take into consider-
10 ation—

11 “(i) the use of a system to manage en-
12 ergy and water use at the facility; and

13 “(ii) the applicability of the certifi-
14 cation of the facility in accordance with the
15 International Organization for Standard-
16 ization standard numbered 50001 and enti-
17 tled ‘Energy Management Systems.’.”;

18 (C) by striking paragraphs (3) and (4) and
19 inserting the following:

20 “(3) *ENERGY AND WATER EVALUATIONS AND*
21 *COMMISSIONING.*—

22 “(A) *EVALUATIONS.*—Except as provided in
23 subparagraph (B), not later than the date that
24 is 180 days after the date of enactment of the
25 Energy Act of 2020, and annually thereafter,

1 *each energy manager shall complete, for the pre-*
2 *ceding calendar year, a comprehensive energy*
3 *and water evaluation and recommissioning or*
4 *retrocommissioning for approximately 25 percent*
5 *of the facilities of the applicable agency that*
6 *meet the criteria under paragraph (2)(B) in a*
7 *manner that ensures that an evaluation of each*
8 *facility is completed not less frequently than once*
9 *every 4 years.*

10 *“(B) EXCEPTIONS.—An evaluation and re-*
11 *commissioning or retrocommissioning shall not*
12 *be required under subparagraph (A) with respect*
13 *to a facility that, as of the date on which the*
14 *evaluation and recommissioning or*
15 *retrocommissioning would occur—*

16 *“(i) has had a comprehensive energy*
17 *and water evaluation during the preceding*
18 *8-year period;*

19 *“(ii)(I) has been commissioned, re-*
20 *commissioned, or retrocommissioned during*
21 *the preceding 10-year period; or*

22 *“(II) is under ongoing commissioning,*
23 *recommissioning, or retrocommissioning;*

24 *“(iii) has not had a major change in*
25 *function or use since the previous evalua-*

1 *tion and recommissioning or*
2 *retrocommissioning;*

3 *“(iv) has been benchmarked with pub-*
4 *lic disclosure under paragraph (8) during*
5 *the preceding calendar year; and*

6 *“(v)(I) based on the benchmarking de-*
7 *scribed in clause (iv), has achieved at a fa-*
8 *cility level the most recent cumulative en-*
9 *ergy savings target under subsection (a)*
10 *compared to the earlier of—*

11 *“(aa) the date of the most recent*
12 *evaluation; or*

13 *“(bb) the date—*

14 *“(AA) of the most recent*
15 *commissioning, recommissioning,*
16 *or retrocommissioning; or*

17 *“(BB) on which ongoing*
18 *commissioning began; or*

19 *“(II) has a long-term contract in place*
20 *guaranteeing energy savings at least as*
21 *great as the energy savings target under*
22 *subclause (I).*

23 *“(4) IMPLEMENTATION OF IDENTIFIED ENERGY*
24 *AND WATER EFFICIENCY MEASURES.—*

1 “(A) *IN GENERAL.*—Not later than 2 years
2 after the date of completion of each evaluation
3 under paragraph (3), each energy manager shall
4 implement any energy- or water-saving measure
5 that—

6 “(i) the Federal agency identified in
7 the evaluation; and

8 “(ii) is life cycle cost-effective, as deter-
9 mined by evaluating an individual measure
10 or a bundle of measures with varying pay-
11 backs.

12 “(B) *PERFORMANCE CONTRACTING.*—Each
13 Federal agency shall use performance contracting
14 to address at least 50 percent of the measures
15 identified under subparagraph (A)(i).”;

16 (D) in paragraph (7)(B)(ii)(II), by insert-
17 ing “and water” after “energy”; and

18 (E) in paragraph (9)(A), in the matter pre-
19 ceding clause (i), by inserting “and water” after
20 “energy”.

21 (h) *CONFORMING AMENDMENT.*—The table of contents
22 for the National Energy Conservation Policy Act (Public
23 Law 95–619; 92 Stat. 3206) is amended by striking the
24 item relating to section 543 and inserting the following:

 “Sec. 543. Energy and water management requirements.”.

1 **SEC. 1003. ENERGY EFFICIENT DATA CENTERS.**

2 *Section 453 of the Energy Independence and Security*
3 *Act of 2007 (42 U.S.C. 17112) is amended—*

4 *(1) in subsection (b)—*

5 *(A) in paragraph (2)(D)(iv), by striking*
6 *“determined by the organization” and inserting*
7 *“proposed by the stakeholders”; and*

8 *(B) by striking paragraph (3); and*

9 *(2) by striking subsections (c) through (g) and*
10 *inserting the following:*

11 *“(c) STAKEHOLDER INVOLVEMENT.—*

12 *“(1) IN GENERAL.—The Secretary and the Ad-*
13 *ministrator shall carry out subsection (b) in collabo-*
14 *ration with the information technology industry and*
15 *other key stakeholders, with the goal of producing re-*
16 *sults that accurately reflect the most relevant and use-*
17 *ful information.*

18 *“(2) CONSIDERATIONS.—In carrying out the col-*
19 *laboration described in paragraph (1), the Secretary*
20 *and the Administrator shall pay particular attention*
21 *to organizations that—*

22 *“(A) have members with expertise in energy*
23 *efficiency and in the development, operation, and*
24 *functionality of data centers, information tech-*
25 *nology equipment, and software, including rep-*

1 *representatives of hardware manufacturers, data*
2 *center operators, and facility managers;*

3 *“(B) obtain and address input from the Na-*
4 *tional Laboratories (as that term is defined in*
5 *section 2 of the Energy Policy Act of 2005 (42*
6 *U.S.C. 15801)) or any institution of higher edu-*
7 *cation, research institution, industry association,*
8 *company, or public interest group with applica-*
9 *ble expertise;*

10 *“(C) follow—*

11 *“(i) commonly accepted procedures for*
12 *the development of specifications; and*

13 *“(ii) accredited standards development*
14 *processes; or*

15 *“(D) have a mission to promote energy effi-*
16 *ciency for data centers and information tech-*
17 *nology.*

18 *“(d) MEASUREMENTS AND SPECIFICATIONS.—The Sec-*
19 *retary and the Administrator shall consider and assess the*
20 *adequacy of the specifications, measurements, best practices,*
21 *and benchmarks described in subsection (b) for use by the*
22 *Federal Energy Management Program, the Energy Star*
23 *Program, and other efficiency programs of the Department*
24 *of Energy or the Environmental Protection Agency.*

25 *“(e) STUDY.—*

1 “(1) *DEFINITION OF REPORT.*—*In this sub-*
2 *section, the term ‘report’ means the report of the Law-*
3 *rence Berkeley National Laboratory entitled ‘United*
4 *States Data Center Energy Usage Report’ and dated*
5 *June 2016, which was prepared as an update to the*
6 *‘Report to Congress on Server and Data Center En-*
7 *ergy Efficiency’, published on August 2, 2007, pursu-*
8 *ant to section 1 of Public Law 109–431 (120 Stat.*
9 *2920).*

10 “(2) *STUDY.*—*Not later than 4 years after the*
11 *date of enactment of the Energy Act of 2020, the Sec-*
12 *retary, in collaboration with the Administrator, shall*
13 *make available to the public an update to the report*
14 *that provides—*

15 “(A) *a comparison and gap analysis of the*
16 *estimates and projections contained in the report*
17 *with new data regarding the period from 2015*
18 *through 2019;*

19 “(B) *an analysis considering the impact of*
20 *information technologies, including*
21 *virtualization and cloud computing, in the pub-*
22 *lic and private sectors;*

23 “(C) *an evaluation of the impact of the*
24 *combination of cloud platforms, mobile devices,*

1 *social media, and big data on data center energy*
2 *usage;*

3 “(D) *an evaluation of water usage in data*
4 *centers and recommendations for reductions in*
5 *that water usage; and*

6 “(E) *updated projections and recommenda-*
7 *tions for best practices through fiscal year 2025.*

8 “(f) *DATA CENTER ENERGY PRACTITIONER PRO-*
9 *GRAM.—*

10 “(1) *IN GENERAL.—The Secretary, in collabora-*
11 *tion with key stakeholders and the Director of the Of-*
12 *fice of Management and Budget, shall maintain a*
13 *data center energy practitioner program that provides*
14 *for the certification of energy practitioners qualified*
15 *to evaluate the energy usage and efficiency opportuni-*
16 *ties in federally owned and operated data centers.*

17 “(2) *EVALUATIONS.—Each Federal agency shall*
18 *consider having the data centers of the agency evalu-*
19 *ated once every 4 years by energy practitioners cer-*
20 *tified pursuant to the program, whenever practicable*
21 *using certified practitioners employed by the agency.*

22 “(g) *OPEN DATA INITIATIVE.—*

23 “(1) *IN GENERAL.—The Secretary, in collabora-*
24 *tion with key stakeholders and the Director of the Of-*
25 *fice of Management and Budget, shall establish an*

1 *open data initiative relating to energy usage at feder-*
2 *ally owned and operated data centers, with the pur-*
3 *pose of making the data available and accessible in*
4 *a manner that encourages further data center innova-*
5 *tion, optimization, and consolidation.*

6 “(2) *CONSIDERATION.*—*In establishing the ini-*
7 *tiative under paragraph (1), the Secretary shall con-*
8 *sider using the online Data Center Maturity Model.*

9 “(h) *INTERNATIONAL SPECIFICATIONS AND*
10 *METRICS.*—*The Secretary, in collaboration with key stake-*
11 *holders, shall actively participate in efforts to harmonize*
12 *global specifications and metrics for data center energy and*
13 *water efficiency.*

14 “(i) *DATA CENTER UTILIZATION METRIC.*—*The Sec-*
15 *retary, in collaboration with key stakeholders, shall facili-*
16 *tate in the development of an efficiency metric that meas-*
17 *ures the energy efficiency of a data center (including equip-*
18 *ment and facilities).*

19 “(j) *PROTECTION OF PROPRIETARY INFORMATION.*—
20 *The Secretary and the Administrator shall not disclose any*
21 *proprietary information or trade secrets provided by any*
22 *individual or company for the purposes of carrying out this*
23 *section or the programs and initiatives established under*
24 *this section.”.*

1 **SEC. 1004. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**
2 **MATION TECHNOLOGIES.**

3 *Section 543 of the National Energy Conservation Pol-*
4 *icy Act (42 U.S.C. 8253) is amended by adding at the end*
5 *the following:*

6 *“(h) FEDERAL IMPLEMENTATION STRATEGY FOR EN-*
7 *ERGY-EFFICIENT AND ENERGY-SAVING INFORMATION*
8 *TECHNOLOGIES.—*

9 *“(1) DEFINITIONS.—In this subsection:*

10 *“(A) DIRECTOR.—The term ‘Director’*
11 *means the Director of the Office of Management*
12 *and Budget.*

13 *“(B) INFORMATION TECHNOLOGY.—The*
14 *term ‘information technology’ has the meaning*
15 *given that term in section 11101 of title 40,*
16 *United States Code.*

17 *“(2) DEVELOPMENT OF IMPLEMENTATION STRAT-*
18 *EGY.—Not later than 1 year after the date of enact-*
19 *ment of the Energy Act of 2020, each Federal agency*
20 *shall coordinate with the Director, the Secretary, and*
21 *the Administrator of the Environmental Protection*
22 *Agency to develop an implementation strategy (in-*
23 *cluding best-practices and measurement and*
24 *verification techniques) for the maintenance, pur-*
25 *chase, and use by the Federal agency of energy-effi-*
26 *cient and energy-saving information technologies at*

1 *or for facilities owned and operated by the Federal*
2 *agency, taking into consideration the performance*
3 *goals established under paragraph (4).*

4 “(3) *ADMINISTRATION.—In developing an imple-*
5 *mentation strategy under paragraph (2), each Federal*
6 *agency shall consider—*

7 “(A) *advanced metering infrastructure;*

8 “(B) *energy efficient data center strategies*
9 *and methods of increasing asset and infrastruc-*
10 *ture utilization;*

11 “(C) *advanced power management tools;*

12 “(D) *building information modeling, in-*
13 *cluding building energy management;*

14 “(E) *secure telework and travel substitution*
15 *tools; and*

16 “(F) *mechanisms to ensure that the agency*
17 *realizes the energy cost savings of increased effi-*
18 *ciency and utilization.*

19 “(4) *PERFORMANCE GOALS.—*

20 “(A) *IN GENERAL.—Not later than 180*
21 *days after the date of enactment of the Energy*
22 *Act of 2020, the Director, in consultation with*
23 *the Secretary, shall establish performance goals*
24 *for evaluating the efforts of Federal agencies in*
25 *improving the maintenance, purchase, and use of*

1 *energy-efficient and energy-saving information*
2 *technology at or for facilities owned and oper-*
3 *ated by the Federal agencies.*

4 “(B) *BEST PRACTICES.*—*The Chief Infor-*
5 *mation Officers Council established under section*
6 *3603 of title 44, United States Code, shall rec-*
7 *ommend best practices for the attainment of the*
8 *performance goals established under subpara-*
9 *graph (A), which shall include, to the extent ap-*
10 *plicable by law, consideration by a Federal agen-*
11 *cy of the use of—*

12 “(i) *energy savings performance con-*
13 *tracting; and*

14 “(ii) *utility energy services con-*
15 *tracting.*

16 “(5) *REPORTS.*—

17 “(A) *AGENCY REPORTS.*—*Each Federal*
18 *agency shall include in the report of the agency*
19 *under section 527 of the Energy Independence*
20 *and Security Act of 2007 (42 U.S.C. 17143) a*
21 *description of the efforts and results of the agen-*
22 *cy under this subsection.*

23 “(B) *OMB GOVERNMENT EFFICIENCY RE-*
24 *PORTS AND SCORECARDS.*—*Effective beginning*
25 *not later than October 1, 2022, the Director shall*

1 include in the annual report and scorecard of the
2 Director required under section 528 of the En-
3 ergy Independence and Security Act of 2007 (42
4 U.S.C. 17144) a description of the efforts and re-
5 sults of Federal agencies under this subsection.

6 “(C) *USE OF EXISTING REPORTING STRUC-*
7 *TURES.—The Director may require Federal*
8 *agencies to submit any information required to*
9 *be submitted under this subsection through report-*
10 *ing structures in use as of the date of enactment*
11 *of the Energy Act of 2020.”.*

12 **SEC. 1005. EXTENDED PRODUCT SYSTEM REBATE PRO-**
13 **GRAM.**

14 (a) *DEFINITIONS.—In this section:*

15 (1) *ELECTRIC MOTOR.—The term “electric*
16 *motor” has the meaning given the term in section*
17 *431.12 of title 10, Code of Federal Regulations (as in*
18 *effect on the date of enactment of this Act).*

19 (2) *ELECTRONIC CONTROL.—The term “elec-*
20 *tronic control” means—*

21 (A) *a power converter; or*

22 (B) *a combination of a power circuit and*
23 *control circuit included on 1 chassis.*

24 (3) *EXTENDED PRODUCT SYSTEM.—The term*
25 *“extended product system” means an electric motor*

1 *and any required associated electronic control and*
2 *driven load that—*

3 *(A) offers variable speed or multispeed oper-*
4 *ation;*

5 *(B) offers partial load control that reduces*
6 *input energy requirements (as measured in kilo-*
7 *watt-hours) as compared to identified base levels*
8 *set by the Secretary of Energy (in this section*
9 *referred to as the “Secretary”); and*

10 *(C)(i) has greater than 1 horsepower; and*

11 *(ii) uses an extended product system tech-*
12 *nology, as determined by the Secretary.*

13 *(4) QUALIFIED EXTENDED PRODUCT SYSTEM.—*

14 *(A) IN GENERAL.—The term “qualified ex-*
15 *tended product system” means an extended prod-*
16 *uct system that—*

17 *(i) includes an electric motor and an*
18 *electronic control; and*

19 *(ii) reduces the input energy (as meas-*
20 *ured in kilowatt-hours) required to operate*
21 *the extended product system by not less than*
22 *5 percent, as compared to identified base*
23 *levels set by the Secretary.*

1 (B) *INCLUSIONS.*—*The term “qualified ex-*
2 *tended product system” includes commercial or*
3 *industrial machinery or equipment that—*

4 (i)(I) *did not previously make use of*
5 *the extended product system prior to the re-*
6 *design described in subclause (II); and*

7 (II) *incorporates an extended product*
8 *system that has greater than 1 horsepower*
9 *into redesigned machinery or equipment;*
10 *and*

11 (ii) *was previously used prior to, and*
12 *was placed back into service during, cal-*
13 *endar year 2021 or 2022.*

14 (b) *ESTABLISHMENT.*—*Not later than 180 days after*
15 *the date of enactment of this Act, the Secretary shall estab-*
16 *lish a program to provide rebates for expenditures made*
17 *by qualified entities for the purchase or installation of a*
18 *qualified extended product system.*

19 (c) *QUALIFIED ENTITIES.*—

20 (1) *ELIGIBILITY REQUIREMENTS.*—*A qualified*
21 *entity under this section shall be—*

22 (A) *in the case of a qualified extended prod-*
23 *uct system described in subsection (a)(4)(A), the*
24 *purchaser of the qualified extended product that*
25 *is installed; and*

1 (B) in the case of a qualified extended prod-
2 uct system described in subsection (a)(4)(B), the
3 manufacturer of the commercial or industrial
4 machinery or equipment that incorporated the
5 extended product system into that machinery or
6 equipment.

7 (2) APPLICATION.—To be eligible to receive a re-
8 bate under this section, a qualified entity shall submit
9 to the Secretary—

10 (A) an application in such form, at such
11 time, and containing such information as the
12 Secretary may require; and

13 (B) a certification that includes dem-
14 onstrated evidence—

15 (i) that the entity is a qualified entity;

16 and

17 (ii)(I) in the case of a qualified entity
18 described in paragraph (1)(A)—

19 (aa) that the qualified entity in-
20 stalled the qualified extended product
21 system during the 2 fiscal years fol-
22 lowing the date of enactment of this
23 Act;

1 *(bb) that the qualified extended*
2 *product system meets the requirements*
3 *of subsection (a)(4)(A); and*

4 *(cc) showing the serial number,*
5 *manufacturer, and model number from*
6 *the nameplate of the installed motor of*
7 *the qualified entity on which the quali-*
8 *fied extended product system was in-*
9 *stalled; or*

10 *(II) in the case of a qualified entity*
11 *described in paragraph (1)(B), dem-*
12 *onstrated evidence—*

13 *(aa) that the qualified extended*
14 *product system meets the requirements*
15 *of subsection (a)(4)(B); and*

16 *(bb) showing the serial number,*
17 *manufacturer, and model number from*
18 *the nameplate of the installed motor of*
19 *the qualified entity with which the ex-*
20 *tended product system is integrated.*

21 *(d) AUTHORIZED AMOUNT OF REBATE.—*

22 *(1) IN GENERAL.—The Secretary may provide to*
23 *a qualified entity a rebate in an amount equal to the*
24 *product obtained by multiplying—*

1 (A) an amount equal to the sum of the
2 nameplate rated horsepower of—

3 (i) the electric motor to which the
4 qualified extended product system is at-
5 tached; and

6 (ii) the electronic control; and

7 (B) \$25.

8 (2) *MAXIMUM AGGREGATE AMOUNT.*—A qualified
9 entity shall not be entitled to aggregate rebates under
10 this section in excess of \$25,000 per calendar year.

11 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
12 authorized to be appropriated to carry out this section
13 \$5,000,000 for each of fiscal years 2022 and 2023.

14 **SEC. 1006. ENERGY EFFICIENT TRANSFORMER REBATE**
15 **PROGRAM.**

16 (a) *DEFINITIONS.*—In this section:

17 (1) *QUALIFIED ENERGY EFFICIENT TRANS-*
18 *FORMER.*—The term “qualified energy efficient trans-
19 former” means a transformer that meets or exceeds
20 the applicable energy conservation standards de-
21 scribed in the tables in subsection (b)(2) and para-
22 graphs (1) and (2) of subsection (c) of section 431.196
23 of title 10, Code of Federal Regulations (as in effect
24 on the date of enactment of this Act).

1 (2) *QUALIFIED ENERGY INEFFICIENT TRANS-*
2 *FORMER.—The term “qualified energy inefficient*
3 *transformer” means a transformer with an equal*
4 *number of phases and capacity to a transformer de-*
5 *scribed in any of the tables in subsection (b)(2) and*
6 *paragraphs (1) and (2) of subsection (c) of section*
7 *431.196 of title 10, Code of Federal Regulations (as*
8 *in effect on the date of enactment of this Act) that—*

9 (A) *does not meet or exceed the applicable*
10 *energy conservation standards described in para-*
11 *graph (1); and*

12 (B)(i) *was manufactured between January*
13 *1, 1987, and December 31, 2008, for a trans-*
14 *former with an equal number of phases and ca-*
15 *capacity as a transformer described in the table in*
16 *subsection (b)(2) of section 431.196 of title 10,*
17 *Code of Federal Regulations (as in effect on the*
18 *date of enactment of this Act); or*

19 (ii) *was manufactured between January 1,*
20 *1992, and December 31, 2011, for a transformer*
21 *with an equal number of phases and capacity as*
22 *a transformer described in the table in para-*
23 *graph (1) or (2) of subsection (c) of that section*
24 *(as in effect on the date of enactment of this*
25 *Act).*

1 (3) *QUALIFIED ENTITY.*—*The term “qualified en-*
2 *tity” means an owner of industrial or manufacturing*
3 *facilities, commercial buildings, or multifamily resi-*
4 *dential buildings, a utility, or an energy service com-*
5 *pany that fulfills the requirements of subsection (c).*

6 (b) *ESTABLISHMENT.*—*Not later than 90 days after*
7 *the date of enactment of this Act, the Secretary of Energy*
8 *(in this section referred to as the “Secretary”) shall estab-*
9 *lish a program to provide rebates to qualified entities for*
10 *expenditures made by the qualified entity for the replace-*
11 *ment of a qualified energy inefficient transformer with a*
12 *qualified energy efficient transformer.*

13 (c) *REQUIREMENTS.*—*To be eligible to receive a rebate*
14 *under this section, an entity shall submit to the Secretary*
15 *an application in such form, at such time, and containing*
16 *such information as the Secretary may require, including*
17 *demonstrated evidence—*

18 (1) *that the entity purchased a qualified energy*
19 *efficient transformer;*

20 (2) *of the core loss value of the qualified energy*
21 *efficient transformer;*

22 (3) *of the age of the qualified energy inefficient*
23 *transformer being replaced;*

24 (4) *of the core loss value of the qualified energy*
25 *inefficient transformer being replaced—*

1 (A) as measured by a qualified professional
2 or verified by the equipment manufacturer, as
3 applicable; or

4 (B) for transformers described in subsection
5 (a)(2)(B)(i), as selected from a table of default
6 values as determined by the Secretary in con-
7 sultation with applicable industry; and

8 (5) that the qualified energy inefficient trans-
9 former has been permanently decommissioned and
10 scrapped.

11 (d) *AUTHORIZED AMOUNT OF REBATE.*—The amount
12 of a rebate provided under this section shall be—

13 (1) for a 3-phase or single-phase transformer
14 with a capacity of not less than 10 and not greater
15 than 2,500 kilovolt-amperes, twice the amount equal
16 to the difference in Watts between the core loss value
17 (as measured in accordance with paragraphs (2) and
18 (4) of subsection (c)) of—

19 (A) the qualified energy inefficient trans-
20 former; and

21 (B) the qualified energy efficient trans-
22 former; or

23 (2) for a transformer described in subsection
24 (a)(2)(B)(i), the amount determined using a table of
25 default rebate values by rated transformer output, as

1 *measured in kilovolt-amperes, as determined by the*
2 *Secretary in consultation with applicable industry.*

3 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$5,000,000 for each of fiscal years 2022 and 2023.*

6 (f) *TERMINATION OF EFFECTIVENESS.—The authority*
7 *provided by this section terminates on December 31, 2023.*

8 **SEC. 1007. SMART BUILDING ACCELERATION.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *DEPARTMENT.—The term “Department”*
11 *means the Department of Energy.*

12 (2) *PROGRAM.—The term “program” means the*
13 *Federal Smart Building Program established under*
14 *subsection (b)(1).*

15 (3) *SECRETARY.—The term “Secretary” means*
16 *the Secretary of Energy.*

17 (4) *SMART BUILDING.—The term “smart build-*
18 *ing” means a building, or collection of buildings, with*
19 *an energy system that—*

20 (A) *is flexible and automated;*

21 (B) *has extensive operational monitoring*
22 *and communication connectivity, allowing re-*
23 *mote monitoring and analysis of all building*
24 *functions;*

1 (C) takes a systems-based approach in inte-
2 grating the overall building operations for con-
3 trol of energy generation, consumption, and stor-
4 age;

5 (D) communicates with utilities and other
6 third-party commercial entities, if appropriate;

7 (E) protects the health and safety of occu-
8 pants and workers; and

9 (F) incorporates cybersecurity best prac-
10 tices.

11 (5) *SMART BUILDING ACCELERATOR*.—The term
12 “smart building accelerator” means an initiative that
13 is designed to demonstrate specific innovative policies
14 and approaches—

15 (A) with clear goals and a clear timeline;
16 and

17 (B) that, on successful demonstration, would
18 accelerate investment in energy efficiency.

19 (b) *FEDERAL SMART BUILDING PROGRAM*.—

20 (1) *ESTABLISHMENT*.—Not later than 1 year
21 after the date of enactment of this Act, the Secretary
22 shall, in consultation with the Administrator of Gen-
23 eral Services, establish a program to be known as the
24 “Federal Smart Building Program”—

1 (A) to implement smart building tech-
2 nology; and

3 (B) to demonstrate the costs and benefits of
4 smart buildings.

5 (2) *SELECTION.*—

6 (A) *IN GENERAL.*—The Secretary shall co-
7 ordinate the selection of not fewer than 1 build-
8 ing from among each of several key Federal
9 agencies, as described in paragraph (4), to com-
10 pose an appropriately diverse set of smart build-
11 ings based on size, type, and geographic location.

12 (B) *INCLUSION OF COMMERCIALY OPER-*
13 *ATED BUILDINGS.*—In making selections under
14 subparagraph (A), the Secretary may include
15 buildings that are owned by the Federal Govern-
16 ment but are commercially operated.

17 (3) *TARGETS.*—Not later than 18 months after
18 the date of enactment of this Act, the Secretary shall
19 establish targets for the number of smart buildings to
20 be commissioned and evaluated by key Federal agen-
21 cies by 3 years and 6 years after the date of enact-
22 ment of this Act.

23 (4) *FEDERAL AGENCY DESCRIBED.*—The key
24 Federal agencies referred to paragraph (2)(A) shall
25 include buildings operated by—

- 1 (A) *the Department of the Army;*
2 (B) *the Department of the Navy;*
3 (C) *the Department of the Air Force;*
4 (D) *the Department;*
5 (E) *the Department of the Interior;*
6 (F) *the Department of Veterans Affairs; and*
7 (G) *the General Services Administration.*

8 (5) *REQUIREMENT.—In implementing the pro-*
9 *gram, the Secretary shall leverage existing financing*
10 *mechanisms including energy savings performance*
11 *contracts, utility energy service contracts, and annual*
12 *appropriations.*

13 (6) *EVALUATION.—Using the guidelines of the*
14 *Federal Energy Management Program relating to*
15 *whole-building evaluation, measurement, and*
16 *verification, the Secretary shall evaluate the costs and*
17 *benefits of the buildings selected under paragraph (2),*
18 *including an identification of—*

- 19 (A) *which advanced building technologies—*
20 (i) *are most cost-effective; and*
21 (ii) *show the most promise for—*
22 (I) *increasing building energy*
23 *savings;*
24 (II) *increasing service perform-*
25 *ance to building occupants;*

1 (III) *reducing environmental im-*
2 *pacts; and*

3 (IV) *establishing cybersecurity;*
4 *and*

5 (B) *any other information the Secretary de-*
6 *termines to be appropriate.*

7 (7) *AWARDS.—The Secretary may expand*
8 *awards made under the Federal Energy Management*
9 *Program and the Better Building Challenge to recog-*
10 *nize specific agency achievements in accelerating the*
11 *adoption of smart building technologies.*

12 (c) *SURVEY OF PRIVATE SECTOR SMART BUILD-*
13 *INGS.—*

14 (1) *SURVEY.—The Secretary shall conduct a sur-*
15 *vey of privately owned smart buildings throughout the*
16 *United States, including commercial buildings, lab-*
17 *oratory facilities, hospitals, multifamily residential*
18 *buildings, and buildings owned by nonprofit organi-*
19 *zations and institutions of higher education.*

20 (2) *SELECTION.—From among the smart build-*
21 *ings surveyed under paragraph (1), the Secretary*
22 *shall select not fewer than 1 building each from an*
23 *appropriate range of building sizes, types, and geo-*
24 *graphic locations.*

1 (3) *EVALUATION.*—Using the guidelines of the
2 *Federal Energy Management Program* relating to
3 *whole-building evaluation, measurement, and*
4 *verification, the Secretary shall evaluate the costs and*
5 *benefits of the buildings selected under paragraph (2),*
6 *including an identification of—*

7 (A) *which advanced building technologies*
8 *and systems—*

9 (i) *are most cost-effective; and*

10 (ii) *show the most promise for—*

11 (I) *increasing building energy*
12 *savings;*

13 (II) *increasing service perform-*
14 *ance to building occupants;*

15 (III) *reducing environmental im-*
16 *pacts; and*

17 (IV) *establishing cybersecurity;*
18 *and*

19 (B) *any other information the Secretary de-*
20 *termines to be appropriate.*

21 (d) *BETTER BUILDING CHALLENGE.*—As part of the
22 *Better Building Challenge of the Department, the Secretary,*
23 *in consultation with major private sector property owners,*
24 *shall develop smart building accelerators to demonstrate in-*
25 *novative policies and approaches that will accelerate the*

1 *transition to smart buildings in the public, institutional,*
2 *and commercial buildings sectors.*

3 (e) *RESEARCH AND DEVELOPMENT ON INTEGRATING*
4 *BUILDINGS ONTO THE ELECTRIC GRID.—*

5 (1) *IN GENERAL.—*Subtitle *B* of title *IV* of the
6 *Energy Independence and Security Act of 2007* (42
7 *U.S.C. 17081 et seq.*) is amended by adding at the
8 *end the following:*

9 **“SEC. 426. ADVANCED INTEGRATION OF BUILDINGS ONTO**
10 **THE ELECTRIC GRID.**

11 “(a) *IN GENERAL.—*The Secretary shall establish a
12 *program of research, development, and demonstration to en-*
13 *able components of commercial and residential buildings to*
14 *serve as dynamic energy loads on and resources for the elec-*
15 *tric grid. The program shall focus on—*

16 “(1) *developing low-cost, low power, wireless sen-*
17 *sors to—*

18 “(A) *monitor building energy load;*

19 “(B) *forecast building energy need; and*

20 “(C) *enable building-level energy control;*

21 “(2) *developing data management capabilities*
22 *and standard communication protocols to further*
23 *interoperability at the building and grid-level;*

24 “(3) *developing advanced building-level energy*
25 *management of components through integration of*

1 *smart technologies, control systems, and data proc-*
2 *essing, to enable energy efficiency and savings;*

3 *“(4) optimizing energy consumption at the*
4 *building level to enable grid stability and resilience;*

5 *“(5) improving visualization of behind the meter*
6 *equipment and technologies to provide better insight*
7 *into the energy needs and energy forecasts of indi-*
8 *vidual buildings;*

9 *“(6) reducing the cost of key components to ac-*
10 *celerate the adoption of smart building technologies;*

11 *“(7) protecting against cybersecurity threats and*
12 *addressing security vulnerabilities of building systems*
13 *or equipment; and*

14 *“(8) other areas determined appropriate by the*
15 *Secretary.*

16 *“(b) CONSIDERATIONS.—In carrying out the program*
17 *under subsection (a), the Secretary shall—*

18 *“(1) work with utility partners, building owners,*
19 *technology vendors, and building developers to test*
20 *and validate technologies and encourage the commer-*
21 *cial application of these technologies by building own-*
22 *ers; and*

23 *“(2) consider the specific challenges of enabling*
24 *greater interaction between components of—*

1 “(A) *small- and medium-sized buildings*
2 *and the electric grid; and*

3 “(B) *residential and commercial buildings*
4 *and the electric grid.*

5 “(c) *BUILDINGS-TO-GRID INTEGRATION REPORT.—Not*
6 *later than 1 year after the enactment of this section, the*
7 *Secretary shall submit to the Committee on Science, Space,*
8 *and Technology and the Committee on Energy and Com-*
9 *merce of the House of Representatives and the Committee*
10 *on Energy and Natural Resources of the Senate a report*
11 *on the results of a study that examines the research, develop-*
12 *ment, and demonstration opportunities, challenges, and*
13 *standards needed to enable components of commercial and*
14 *residential buildings to serve as dynamic energy loads on*
15 *and resources for the electric grid.*

16 “(1) *REPORT REQUIREMENTS.—The report shall*
17 *include—*

18 “(A) *an assessment of the technologies need-*
19 *ed to enable building components as dynamic*
20 *loads on and resources for the electric grid, in-*
21 *cluding how such technologies can be—*

22 “(i) *incorporated into new commercial*
23 *and residential buildings; and*

24 “(ii) *retrofitted in older buildings;*

1 “(B) *guidelines for the design of new build-*
2 *ings and building components to enable modern*
3 *grid interactivity and improve energy efficiency;*

4 “(C) *an assessment of barriers to the adop-*
5 *tion by building owners of advanced technologies*
6 *enabling greater integration of building compo-*
7 *nents onto the electric grid; and*

8 “(D) *an assessment of the feasibility of*
9 *adopting technologies developed under subsection*
10 *(a) at Department facilities.*

11 “(2) *RECOMMENDATIONS.—As part of the report,*
12 *the Secretary shall develop a 10-year roadmap to*
13 *guide the research, development, and demonstration*
14 *program to enable components of commercial and res-*
15 *idential buildings to serve as dynamic energy loads*
16 *on and resources for the electric grid.*

17 “(3) *UPDATES.—The Secretary shall update the*
18 *report required under this section every 3 years for*
19 *the duration of the program under subsection (a) and*
20 *shall submit the updated report to the Committee on*
21 *Science, Space, and Technology and the Committee on*
22 *Energy and Commerce of the House of Representa-*
23 *tives and the Committee on Energy and Natural Re-*
24 *sources of the Senate.*

1 “(d) *PROGRAM IMPLEMENTATION.*—*In carrying out*
2 *this section, the Secretary shall—*

3 “(1) *implement the recommendations from the*
4 *report in subsection (c); and*

5 “(2) *coordinate across all relevant program of-*
6 *fices at the Department to achieve the goals estab-*
7 *lished in this section, including the Office of Elec-*
8 *tricity.*”.

9 “(2) *CONFORMING AMENDMENT.*—*The table of*
10 *contents for the Energy Independence and Security*
11 *Act of 2007 is amended by adding after the item re-*
12 *lating to section 425 the following:*

“*Sec. 426. Advanced integration of buildings onto the electric grid.*”.

13 “(f) *REPORT.*—*Not later than 2 years after the date of*
14 *enactment of this Act, and every 2 years thereafter until*
15 *a total of 3 reports have been made, the Secretary shall sub-*
16 *mit to the Committee on Energy and Natural Resources of*
17 *the Senate and the Committee on Energy and Commerce*
18 *and the Committee on Science, Space, and Technology of*
19 *the House of Representatives a report on—*

20 “(1) *the establishment of the Federal Smart*
21 *Building Program and the evaluation of Federal*
22 *smart buildings under subsection (b);*

23 “(2) *the survey and evaluation of private sector*
24 *smart buildings under subsection (c); and*

1 (3) any recommendations of the Secretary to fur-
2 ther accelerate the transition to smart buildings.

3 **SEC. 1008. MODIFICATIONS TO THE CEILING FAN ENERGY**
4 **CONSERVATION STANDARD.**

5 (a) *IN GENERAL.*—Section 325(ff)(6) of the Energy
6 Policy and Conservation Act (42 U.S.C. 6295(ff)(6)) is
7 amended by adding at the end the following:

8 “(C)(i) Large-diameter ceiling fans manufactured on
9 or after January 21, 2020, shall—

10 “(I) not be required to meet minimum ceiling
11 fan efficiency in terms of ratio of the total airflow to
12 the total power consumption as described in the final
13 rule titled ‘Energy Conservation Program: Energy
14 Conservation Standards for Ceiling Fans’ (82 Fed.
15 Reg. 6826 (January 19, 2017)); and

16 “(II) have a CFEI greater than or equal to—

17 “(aa) 1.00 at high speed; and

18 “(bb) 1.31 at 40 percent speed or the nearest
19 speed that is not less than 40 percent speed.

20 “(ii) For purposes of this subparagraph, the term
21 ‘CFEI’ means the Fan Energy Index for large-diameter
22 ceiling fans, calculated in accordance with ANSI/AMCA
23 Standard 208–18 titled ‘Calculation of the Fan Energy
24 Index’, with the following modifications:

1 “(I) Using an Airflow Constant (Q_0) of 26,500
2 cubic feet per minute.

3 “(II) Using a Pressure Constant (P_0) of 0.0027
4 inches water gauge.

5 “(III) Using a Fan Efficiency Constant (η_0) of
6 42 percent.”.

7 (b) *REVISION.*—For purposes of section 325(m) of the
8 Energy Policy and Conservation Act (42 U.S.C. 6295(m)),
9 the standard established in section 325(ff)(6)(C) of such Act
10 (as added by subsection (a) of this section) shall be treated
11 as if such standard was issued on January 19, 2017.

12 **SEC. 1009. REPORT ON ELECTROCHROMIC GLASS.**

13 (a) *DEFINITION OF ELECTROCHROMIC GLASS.*—In
14 this section, the term “electrochromic glass” means glass
15 that uses electricity to change the light transmittance prop-
16 erties of the glass to heat or cool a structure.

17 (b) *REPORT.*—Not later than 1 year after the date of
18 enactment of this Act, the Secretary of Energy, in collabora-
19 tion with the heads of other relevant agencies, shall submit
20 to the Committee on Energy and Natural Resources of the
21 Senate and the Committee on Energy and Commerce of the
22 House of Representatives a report that addresses the benefits
23 of electrochromic glass, including the following:

1 (1) *Reductions in energy consumption in com-*
2 *mercial buildings, especially peak cooling load reduc-*
3 *tion and annual energy bill savings.*

4 (2) *Benefits in the workplace, especially visual*
5 *comfort and employee health.*

6 (3) *Benefits of natural light in hospitals for pa-*
7 *tients and staff, especially accelerated patient healing*
8 *and recovery time.*

9 **SEC. 1010. ENERGY AND WATER FOR SUSTAINABILITY.**

10 (a) *NEXUS OF ENERGY AND WATER FOR SUSTAIN-*
11 *ABILITY.—*

12 (1) *DEFINITIONS.—In this section:*

13 (A) *DEPARTMENT.—The term “Depart-*
14 *ment” means the Department of Energy.*

15 (B) *ENERGY-WATER NEXUS.—The term “en-*
16 *ergy-water nexus” means the links between—*

17 (i) *the water needed to produce fuels,*
18 *electricity, and other forms of energy; and*

19 (ii) *the energy needed to transport, re-*
20 *claim, and treat water and wastewater.*

21 (C) *INTERAGENCY RD&D COORDINATION*
22 *COMMITTEE.—The term “Interagency RD&D Co-*
23 *ordination Committee” means the Interagency*
24 *RD&D Coordination Committee on the Nexus of*
25 *Energy and Water for Sustainability (or the*

1 “*NEWS RD&D Committee*”) established under
2 paragraph (3)(A).

3 (D) *NEXUS OF ENERGY AND WATER SUS-*
4 *TAINABILITY RD&D OFFICE; NEWS RD&D OF-*
5 *FICE.*—The term “*Nexus of Energy and Water*
6 *Sustainability RD&D Office*” or the “*NEWS*
7 *RD&D Office*” means an office located at the De-
8 partment and managed in cooperation with the
9 Department of the Interior pursuant to an agree-
10 ment between the 2 agencies to carry out leader-
11 ship and administrative functions for the Inter-
12 agency RD&D Coordination Committee.

13 (E) *RD&D.*—The term “*RD&D*” means re-
14 search, development, and demonstration.

15 (F) *SECRETARY.*—The term “*Secretary*”
16 means the Secretary of Energy.

17 (2) *STATEMENT OF POLICY.*—Recognizing States’
18 primacy over allocation and administration of water
19 resources (except in specific instances where pre-
20 empted under Federal law) and the siting of energy
21 infrastructure within State boundaries on non-Fed-
22 eral lands, it is the national policy that the Federal
23 government, in all energy-water nexus management
24 activities, shall maximize coordination and consulta-
25 tion among Federal agencies and with State and local

1 *governments, and disseminate information to the pub-*
2 *lic in the most effective manner.*

3 (3) *INTERAGENCY RD&D COORDINATION COM-*
4 *MITTEE.—*

5 (A) *ESTABLISHMENT.—Not later than 180*
6 *days after the date of enactment of this Act, the*
7 *Secretary and the Secretary of the Interior shall*
8 *establish the joint NEWS RD&D Office and*
9 *Interagency RD&D Coordination Committee on*
10 *the Nexus of Energy and Water for Sustain-*
11 *ability (or the “NEWS RD&D Committee”) to*
12 *carry out the duties described in subparagraph*
13 *(C).*

14 (B) *ADMINISTRATION.—*

15 (i) *CHAIRS.—The Secretary and the*
16 *Secretary of the Interior shall jointly man-*
17 *age the NEWS RD&D Office and serve as*
18 *co-chairs of the Interagency RD&D Coordi-*
19 *nation Committee.*

20 (ii) *MEMBERSHIP; STAFFING.—Mem-*
21 *bership and staffing shall be determined by*
22 *the co-chairs.*

23 (C) *DUTIES.—The Interagency RD&D Co-*
24 *ordination Committee shall—*

1 (i) serve as a forum for developing
2 common Federal goals and plans on energy-
3 water nexus RD&D activities, in coordina-
4 tion with the National Science and Tech-
5 nology Council;

6 (ii) not later than 1 year after the date
7 of enactment of this Act, and biennially
8 thereafter, issue a strategic plan on energy-
9 water nexus RD&D activities, priorities,
10 and objectives pursuant to subparagraph
11 (D), which shall be developed in consulta-
12 tion with relevant State and local govern-
13 ments;

14 (iii) convene and promote coordination
15 of RD&D activities of relevant Federal de-
16 partments and agencies on energy-water
17 nexus;

18 (iv)(I) coordinate and develop capa-
19 bilities and methodologies related to RD&D
20 activities for data collection, data commu-
21 nication protocols (including models and
22 modeling results), data management, and
23 dissemination of validated data and results
24 related to energy-water nexus RD&D activi-

1 *ties to requesting Federal departments and*
2 *agencies; and*

3 *(II) promote information exchange be-*
4 *tween Federal departments and agencies—*

5 *(aa) to identify and document*
6 *Federal and non-Federal RD&D pro-*
7 *grams and funding opportunities that*
8 *support basic and applied RD&D pro-*
9 *posals to advance energy-water nexus*
10 *related science and technologies;*

11 *(bb) to leverage existing RD&D*
12 *programs by encouraging joint solicita-*
13 *tions, block grants, and matching pro-*
14 *grams with non-Federal entities; and*

15 *(cc) to identify opportunities for*
16 *domestic and international public-pri-*
17 *vate partnerships, innovative financing*
18 *mechanisms, and information and*
19 *data exchange with respect to RD&D*
20 *activities;*

21 *(v) identify ways to leverage existing*
22 *RD&D programs, including programs at*
23 *the State and local level;*

1 (vi) make publicly available the results
2 of RD&D activities on the energy water
3 nexus;

4 (vii) with regard to RD&D programs,
5 recommend improvements and best practices
6 for the collection and dissemination of fed-
7 eral water use data and the use of moni-
8 toring networks; and

9 (viii) promote coordination on RD&D
10 with non-Federal interests by—

11 (I) consulting with representatives
12 of research and academic institutions,
13 State, local, and Tribal governments,
14 public utility commissions, and indus-
15 try, who have expertise in technologies,
16 technological innovations, or practices
17 relating to the energy-water nexus; and

18 (II) considering conducting tech-
19 nical workshops.

20 (D) STRATEGIC PLAN.—In developing the
21 strategic plan pursuant to (C)(ii), the Inter-
22 agency RD&D Coordination Committee shall—

23 (i) to the maximum extent possible,
24 avoid duplication with other Federal

1 *RD&D programs, and projects, including*
2 *with those of the National Laboratories;*

3 *(ii) consider inclusion of specific re-*
4 *search, development and demonstration*
5 *needs, including—*

6 *(I) innovative practices, tech-*
7 *nologies and other advancements im-*
8 *proving water efficiency, treatment, re-*
9 *covery, or reuse associated with energy*
10 *generation, including cooling, and fuel*
11 *production;*

12 *(II) innovative practices, tech-*
13 *nologies and other advancements asso-*
14 *ciated with energy use in water collec-*
15 *tion, supply, delivery, distribution,*
16 *treatment, or reuse;*

17 *(III) innovative practices, tech-*
18 *nologies and other advancements asso-*
19 *ciated with generation or production of*
20 *energy from water or wastewater sys-*
21 *tems; and*

22 *(IV) modeling and systems anal-*
23 *ysis related to energy-water nexus; and*

24 *(iii) submit the plan to the Committee*
25 *on Energy and Natural Resources of the*

1 *Senate and the Committees on Science,*
2 *Space, and Technology, Energy and Com-*
3 *merce, and Natural Resources of the House*
4 *of Representatives.*

5 *(E) RULES OF CONSTRUCTION.—*

6 *(i) Nothing in this section grants to*
7 *the Interagency RD&D Coordination Com-*
8 *mittee the authority to promulgate regula-*
9 *tions or set standards.*

10 *(ii) Notwithstanding any other provi-*
11 *sion of law, nothing in this section shall be*
12 *construed to require State, Tribal, or local*
13 *governments to take any action that may*
14 *result in an increased financial burden to*
15 *such governments.*

16 *(F) ADDITIONAL PARTICIPATION.—In devel-*
17 *oping the strategic plan described in subpara-*
18 *graph (C)(ii), the Secretary shall consult and co-*
19 *ordinate with a diverse group of representatives*
20 *from research and academic institutions, indus-*
21 *try, public utility commissions, and State and*
22 *local governments who have expertise in tech-*
23 *nologies and practices relating to the energy-*
24 *water nexus.*

1 (G) *REVIEW; REPORT.*—At the end of the 5-
2 year period beginning on the date on which the
3 Interagency RD&D Coordination Committee and
4 NEWS RD&D Office are established, the NEWS
5 RD&D Office shall—

6 (i) review the activities, relevance, and
7 effectiveness of the Interagency RD&D Co-
8 ordination Committee; and

9 (ii) submit to the Committee on En-
10 ergy and Natural Resources of the Senate
11 and the Committees on Science, Space, and
12 Technology, Energy and Commerce, and
13 Natural Resources of the House of Rep-
14 resentatives a report that—

15 (I) describes the results of the re-
16 view conducted under clause (i); and

17 (II) includes a recommendation
18 on whether the Interagency RD&D Co-
19 ordination Committee should continue.

20 (4) *CROSSCUT BUDGET.*—Not later than 30 days
21 after the President submits the budget of the United
22 States Government under section 1105 of title 31,
23 United States Code, the co-chairs of the Interagency
24 RD&D Coordination Committee (acting through the
25 NEWS RD&D Office) shall submit to the Committee

1 *on Energy and Natural Resources of the Senate and*
2 *the Committees on Science, Space, and Technology,*
3 *Energy and Commerce, and Natural Resources of the*
4 *House of Representatives, an interagency budget*
5 *crosscut report that displays at the program-, project-*
6 *, and activity-level for each of the Federal agencies*
7 *that carry out or support (including through grants,*
8 *contracts, interagency and intraagency transfers, and*
9 *multiyear and no-year funds) basic and applied*
10 *RD&D activities to advance the energy-water nexus*
11 *related science and technologies, including—*

12 *(A) the budget proposed in the budget re-*
13 *quest of the President for the upcoming fiscal*
14 *year;*

15 *(B) expenditures and obligations for the*
16 *prior fiscal year; and*

17 *(C) estimated expenditures and obligations*
18 *for the current fiscal year.*

19 (5) *TERMINATION.—*

20 *(A) IN GENERAL.—The authority provided*
21 *to the NEWS RD&D Office and NEWS RD&D*
22 *Committee under this subsection shall terminate*
23 *on the date that is 7 years after the date of en-*
24 *actment of this Act.*

1 (B) *EFFECT.*—*The termination of authority*
2 *under subparagraph (A) shall not affect ongoing*
3 *interagency planning, coordination, or other*
4 *RD&D activities relating to the energy-water*
5 *nexus.*

6 (b) *INTEGRATING ENERGY AND WATER RESEARCH.*—
7 *The Secretary shall integrate the following considerations*
8 *into energy RD&D programs and projects of the Depart-*
9 *ment by—*

10 (1) *advancing RD&D for energy and energy effi-*
11 *ciency technologies and practices that meet the objec-*
12 *tives of—*

13 (A) *minimizing freshwater withdrawal and*
14 *consumption;*

15 (B) *increasing water use efficiency; and*

16 (C) *utilizing nontraditional water sources;*

17 (2) *considering the effects climate variability*
18 *may have on water supplies and quality for energy*
19 *generation and fuel production; and*

20 (3) *improving understanding of the energy-water*
21 *nexus (as defined in subsection (a)(1)).*

22 (c) *ADDITIONAL ACTIVITIES.*—*The Secretary may pro-*
23 *vide for such additional RD&D activities as appropriate*
24 *to integrate the considerations described in subsection (b)*
25 *into the RD&D activities of the Department.*

1 **SEC. 1011. WEATHERIZATION ASSISTANCE PROGRAM.**

2 (a) *REAUTHORIZATION OF WEATHERIZATION ASSIST-*
3 *ANCE PROGRAM.*—Section 422 of the *Energy Conservation*
4 *and Production Act* (42 U.S.C. 6872) is amended by strik-
5 *ing paragraphs (1) through (5) and inserting the following:*

6 “(1) \$330,000,000 for fiscal year 2021; and

7 “(2) \$350,000,000 for each of fiscal years 2022
8 *through 2025.*”.

9 (b) *MODERNIZING THE DEFINITION OF WEATHERIZA-*
10 *TION MATERIALS.*—Section 412(9)(J) of the *Energy Con-*
11 *servation and Production Act* (42 U.S.C. 6862(9)(J)) is
12 *amended—*

13 (1) by inserting “, including renewable energy
14 *technologies and other advanced technologies,*” after
15 “*devices or technologies*”; and

16 (2) by striking “, the Secretary of Agriculture,
17 *and the Director of the Community Services Adminis-*
18 *tration*”.

19 (c) *CONSIDERATION OF HEALTH BENEFITS.*—Section
20 *413(b) of the Energy Conservation and Production Act* (42
21 *U.S.C. 6863(b)) is amended—*

22 (1) *in paragraph (3)—*

23 (A) by striking “*and with the Director of*
24 *the Community Services Administration*”;

25 (B) by inserting “*and by*” after “*in car-*
26 *rying out this part,*”; and

1 (C) by striking “, and the Director of the
2 Community Services Administration in carrying
3 out weatherization programs under section
4 222(a)(12) of the Economic Opportunity Act of
5 1964”;

6 (2) by redesignating paragraphs (4) through (6)
7 as paragraphs (5) through (7), respectively; and

8 (3) by inserting after paragraph (3), the fol-
9 lowing:

10 “(4) The Secretary may amend the regulations pre-
11 scribed under paragraph (1) to provide that the standards
12 described in paragraph (2)(A) take into consideration im-
13 provements in the health and safety of occupants of dwelling
14 units, and other non-energy benefits, from weatherization.”.

15 (d) **CONTRACTOR OPTIMIZATION.**—

16 (1) **IN GENERAL.**—The Energy Conservation and
17 Production Act is amended by inserting after section
18 414B (42 U.S.C. 6864b) the following:

19 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

20 “(a) **IN GENERAL.**—The Secretary may request that
21 entities receiving funding from the Federal Government or
22 from a State through a weatherization assistance program
23 under section 413 or section 414 perform periodic reviews
24 of the use of private contractors in the provision of weather-

1 ization assistance, and encourage expanded use of contrac-
 2 tors as appropriate.

3 “(b) *USE OF TRAINING FUNDS.*—Entities described in
 4 subsection (a) may use funding described in such subsection
 5 to train private, non-Federal entities that are contracted
 6 to provide weatherization assistance under a weatherization
 7 program, in accordance with rules determined by the Sec-
 8 retary.”.

9 (2) *TABLE OF CONTENTS AMENDMENT.*—The
 10 table of contents for the *Energy Conservation and*
 11 *Production Act* is amended by inserting after the item
 12 relating to section 414B the following:

“Sec. 414C. Contractor optimization.”.

13 (e) *FINANCIAL ASSISTANCE FOR WAP ENHANCEMENT*
 14 *AND INNOVATION.*—

15 (1) *IN GENERAL.*—The *Energy Conservation and*
 16 *Production Act* is amended by inserting after section
 17 414C (as added by subsection (d) of this section) the
 18 following:

19 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
 20 **MENT AND INNOVATION.**

21 “(a) *PURPOSES.*—The purposes of this section are—

22 “(1) to expand the number of dwelling units that
 23 are occupied by low-income persons that receive
 24 weatherization assistance by making such dwelling
 25 units weatherization-ready;

1 “(2) to promote the deployment of renewable en-
2 ergy in dwelling units that are occupied by low-in-
3 come persons;

4 “(3) to ensure healthy indoor environments by
5 enhancing or expanding health and safety measures
6 and resources available to dwellings that are occupied
7 by low-income persons;

8 “(4) to disseminate new methods and best prac-
9 tices among entities providing weatherization assist-
10 ance; and

11 “(5) to encourage entities providing weatheriza-
12 tion assistance to hire and retain employees who are
13 individuals—

14 “(A) from the community in which the as-
15 sistance is provided; and

16 “(B) from communities or groups that are
17 underrepresented in the home energy perform-
18 ance workforce, including religious and ethnic
19 minorities, women, veterans, individuals with
20 disabilities, and individuals who are
21 socioeconomically disadvantaged.

22 “(b) *FINANCIAL ASSISTANCE*.—The Secretary shall, to
23 the extent funds are made available, award financial assist-
24 ance, on an annual basis, through a competitive process to
25 entities receiving funding from the Federal Government or

1 *from a State, tribal organization, or unit of general purpose*
2 *local government through a weatherization program under*
3 *section 413 or section 414, or to nonprofit entities, to be*
4 *used by such an entity—*

5 “(1) *with respect to dwelling units that are occu-*
6 *pled by low-income persons, to—*

7 “(A) *implement measures to make such*
8 *dwelling units weatherization-ready by address-*
9 *ing structural, plumbing, roofing, and electrical*
10 *issues, environmental hazards, or other measures*
11 *that the Secretary determines to be appropriate;*

12 “(B) *install energy efficiency technologies,*
13 *including home energy management systems,*
14 *smart devices, and other technologies the Sec-*
15 *retary determines to be appropriate;*

16 “(C) *install renewable energy systems (as*
17 *defined in section 415(c)(6)(A)); and*

18 “(D) *implement measures to ensure healthy*
19 *indoor environments by improving indoor air*
20 *quality, accessibility, and other healthy homes*
21 *measures as determined by the Secretary;*

22 “(2) *to improve the capability of the entity—*

23 “(A) *to significantly increase the number of*
24 *energy retrofits performed by such entity;*

1 “(B) to replicate best practices for work per-
2 formed pursuant to this section on a larger scale;

3 “(C) to leverage additional funds to sustain
4 the provision of weatherization assistance and
5 other work performed pursuant to this section
6 after financial assistance awarded under this
7 section is expended; and

8 “(D) to hire and retain employees who are
9 individuals described subsection (a)(5);

10 “(3) for innovative outreach and education re-
11 garding the benefits and availability of weatheriza-
12 tion assistance and other assistance available pursu-
13 ant to this section;

14 “(4) for quality control of work performed pursu-
15 ant to this section;

16 “(5) for data collection, measurement, and
17 verification with respect to such work;

18 “(6) for program monitoring, oversight, evalua-
19 tion, and reporting regarding such work;

20 “(7) for labor, training, and technical assistance
21 relating to such work;

22 “(8) for planning, management, and administra-
23 tion (up to a maximum of 15 percent of the assist-
24 ance provided); and

1 “(9) for such other activities as the Secretary de-
2 termines to be appropriate.

3 “(c) AWARD FACTORS.—In awarding financial assist-
4 ance under this section, the Secretary shall consider—

5 “(1) the applicant’s record of constructing, ren-
6 ovating, repairing, or making energy efficient single-
7 family, multifamily, or manufactured homes that are
8 occupied by low-income persons, either directly or
9 through affiliates, chapters, or other partners (using
10 the most recent year for which data are available);

11 “(2) the number of dwelling units occupied by
12 low-income persons that the applicant has built, ren-
13 ovated, repaired, weatherized, or made more energy
14 efficient in the 5 years preceding the date of the ap-
15 plication;

16 “(3) the qualifications, experience, and past per-
17 formance of the applicant, including experience suc-
18 cessfully managing and administering Federal funds;

19 “(4) the strength of an applicant’s proposal to
20 achieve one or more of the purposes under subsection
21 (a);

22 “(5) the extent to which such applicant will uti-
23 lize partnerships and regional coordination to achieve
24 one or more of the purposes under subsection (a);

25 “(6) regional and climate zone diversity;

1 “(7) *urban, suburban, and rural localities; and*
2 “(8) *such other factors as the Secretary deter-*
3 *mines to be appropriate.*

4 “(d) *APPLICATIONS.—*

5 “(1) *ADMINISTRATION.—To be eligible for an*
6 *award of financial assistance under this section, an*
7 *applicant shall submit to the Secretary an applica-*
8 *tion in such manner and containing such informa-*
9 *tion as the Secretary may require.*

10 “(2) *AWARDS.—Subject to the availability of ap-*
11 *propriations, not later than 270 days after the date*
12 *of enactment of this section, the Secretary shall make*
13 *a first award of financial assistance under this sec-*
14 *tion.*

15 “(e) *MAXIMUM AMOUNT AND TERM.—*

16 “(1) *IN GENERAL.—The total amount of finan-*
17 *cial assistance awarded to an entity under this sec-*
18 *tion shall not exceed \$2,000,000.*

19 “(2) *TECHNICAL AND TRAINING ASSISTANCE.—*
20 *The total amount of financial assistance awarded to*
21 *an entity under this section shall be reduced by the*
22 *cost of any technical and training assistance provided*
23 *by the Secretary that relates to such financial assist-*
24 *ance.*

1 “(3) *TERM.*—*The term of an award of financial*
2 *assistance under this section shall not exceed 3 years.*

3 “(4) *RELATIONSHIP TO FORMULA GRANTS.*—*An*
4 *entity may use financial assistance awarded to such*
5 *entity under this section in conjunction with other fi-*
6 *nancial assistance provided to such entity under this*
7 *part.*

8 “(f) *REQUIREMENTS.*—*Not later than 90 days after the*
9 *date of enactment of this section, the Secretary shall issue*
10 *requirements to implement this section, including, for enti-*
11 *ties receiving financial assistance under this section—*

12 “(1) *standards for allowable expenditures;*

13 “(2) *a minimum saving-to-investment ratio; and*

14 “(3) *standards for—*

15 “(A) *training programs;*

16 “(B) *energy audits;*

17 “(C) *the provision of technical assistance;*

18 “(D) *monitoring activities carried out using*
19 *such financial assistance;*

20 “(E) *verification of energy and cost savings;*

21 “(F) *liability insurance requirements; and*

22 “(G) *recordkeeping and reporting require-*
23 *ments, which shall include reporting to the Office*
24 *of Weatherization and Intergovernmental Pro-*
25 *grams of the Department of Energy applicable*

1 *data on each dwelling unit retrofitted or other-*
2 *wise assisted pursuant to this section.*

3 “(g) *COMPLIANCE WITH STATE AND LOCAL LAW.—*
4 *Nothing in this section supersedes or otherwise affects any*
5 *State or local law, to the extent that the State or local law*
6 *contains a requirement that is more stringent than the ap-*
7 *plicable requirement of this section.*

8 “(h) *REVIEW AND EVALUATION.—The Secretary shall*
9 *review and evaluate the performance of each entity that re-*
10 *ceives an award of financial assistance under this section*
11 *(which may include an audit).*

12 “(i) *ANNUAL REPORT.—The Secretary shall submit to*
13 *Congress an annual report that provides a description of—*

14 “(1) *actions taken under this section to achieve*
15 *the purposes of this section; and*

16 “(2) *accomplishments as a result of such actions,*
17 *including energy and cost savings achieved.*

18 “(j) *FUNDING.—*

19 “(1) *AMOUNTS.—*

20 “(A) *IN GENERAL.—For each of fiscal years*
21 *2021 through 2025, of the amount made avail-*
22 *able under section 422 for such fiscal year to*
23 *carry out the weatherization program under this*
24 *part (not including any of such amount made*
25 *available for Department of Energy headquarters*

1 *training or technical assistance), not more*
2 *than—*

3 “(i) 2 percent of such amount (if such
4 amount is \$225,000,000 or more but less
5 than \$260,000,000) may be used to carry
6 out this section;

7 “(ii) 4 percent of such amount (if such
8 amount is \$260,000,000 or more but less
9 than \$300,000,000) may be used to carry
10 out this section; and

11 “(iii) 6 percent of such amount (if
12 such amount is \$300,000,000 or more) may
13 be used to carry out this section.

14 “(B) *MINIMUM.*—For each of fiscal years
15 2021 through 2025, if the amount made avail-
16 able under section 422 (not including any of
17 such amount made available for Department of
18 Energy headquarters training or technical assist-
19 ance) for such fiscal year is less than
20 \$225,000,000, no funds shall be made available
21 to carry out this section.

22 “(2) *LIMITATION.*—For any fiscal year, the Sec-
23 retary may not use more than \$25,000,000 of the
24 amount made available under section 422 to carry
25 out this section.

1 “(k) *TERMINATION.*—*The Secretary may not award fi-*
2 *nancial assistance under this section after September 30,*
3 *2025.*”.

4 (2) *TABLE OF CONTENTS.*—*The table of contents*
5 *for the Energy Conservation and Production Act is*
6 *amended by inserting after the item relating to sec-*
7 *tion 414C the following:*

“*Sec. 414D. Financial assistance for WAP enhancement and innovation.*”.

8 (f) *HIRING.*—

9 (1) *IN GENERAL.*—*The Energy Conservation and*
10 *Production Act is amended by inserting after section*
11 *414D (as added by subsection (e) of this section) the*
12 *following:*

13 **“SEC. 414E. HIRING.**

14 “*The Secretary may, as the Secretary determines ap-*
15 *propriate, encourage entities receiving funding from the*
16 *Federal Government or from a State through a weatheriza-*
17 *tion program under section 413 or section 414, to prioritize*
18 *the hiring and retention of employees who are individuals*
19 *described in section 414D(a)(5).*”.

20 (2) *TABLE OF CONTENTS.*—*The table of contents*
21 *for the Energy Conservation and Production Act is*
22 *amended by inserting after the item relating to sec-*
23 *tion 414D the following:*

“*Sec. 414E. Hiring.*”.

1 (g) *INCREASE IN ADMINISTRATIVE FUNDS.*—Section
2 *415(a)(1) of the Energy Conservation and Production Act*
3 *(42 U.S.C. 6865(a)(1)) is amended by striking “10 percent”*
4 *and inserting “15 percent”.*

5 (h) *AMENDING RE-WEATHERIZATION DATE.*—Para-
6 *graph (2) of section 415(c) of the Energy Conservation and*
7 *Production Act (42 U.S.C. 6865(c)) is amended to read as*
8 *follows:*

9 “(2) *Dwelling units weatherized (including dwelling*
10 *units partially weatherized) under this part, or under other*
11 *Federal programs (in this paragraph referred to as ‘pre-*
12 *vious weatherization’), may not receive further financial as-*
13 *sistance for weatherization under this part until the date*
14 *that is 15 years after the date such previous weatherization*
15 *was completed. This paragraph does not preclude dwelling*
16 *units that have received previous weatherization from re-*
17 *ceiving assistance and services (including the provision of*
18 *information and education to assist with energy manage-*
19 *ment and evaluation of the effectiveness of installed weath-*
20 *erization materials) other than weatherization under this*
21 *part or under other Federal programs, or from receiving*
22 *non-Federal assistance for weatherization.”.*

23 (i) *ANNUAL REPORT.*—Section 421 of the Energy Con-
24 *servaion and Production Act (42 U.S.C. 6871) is amended*
25 *by inserting “the number of multifamily buildings in which*

1 *individual dwelling units were weatherized during the pre-*
2 *vious year, the number of individual dwelling units in mul-*
3 *tifamily buildings weatherized during the previous year,”*
4 *after “the average size of the dwellings being weatherized,”.*

5 (j) *REPORT ON WAIVERS.—Not later than 180 days*
6 *after the date of enactment of this Act, the Secretary of En-*
7 *ergy shall submit to Congress a report on the status of any*
8 *request made after September 30, 2010, for a waiver of any*
9 *requirement under section 200.313 of title 2, Code of Fed-*
10 *eral Regulations, as such requirement applies with respect*
11 *to the weatherization assistance program under part A of*
12 *title IV of the Energy Conservation and Production Act (42*
13 *U.S.C. 6861 et seq.), including a description of any such*
14 *waiver that has been granted and any such request for a*
15 *waiver that has been considered but not granted.*

16 **SEC. 1012. FEDERAL ENERGY MANAGEMENT PROGRAM.**

17 *Section 543 of the National Energy Conservation Pol-*
18 *icy Act (42 U.S.C. 8253) is further amended by adding at*
19 *the end the following:*

20 *“(i) FEDERAL ENERGY MANAGEMENT PROGRAM.—*

21 *“(1) IN GENERAL.—The Secretary shall carry*
22 *out a program, to be known as the ‘Federal Energy*
23 *Management Program’ (referred to in this subsection*
24 *as the ‘Program’), to facilitate the implementation by*
25 *the Federal Government of cost-effective energy and*

1 *water management and energy-related investment*
2 *practices—*

3 *“(A) to coordinate and strengthen Federal*
4 *energy and water resilience; and*

5 *“(B) to promote environmental stewardship.*

6 *“(2) FEDERAL DIRECTOR.—The Secretary shall*
7 *appoint an individual to serve as the director of the*
8 *Program (referred to in this subsection as the ‘Federal*
9 *Director’), which shall be a career position in the*
10 *Senior Executive service, to administer the Program.*

11 *“(3) PROGRAM ACTIVITIES.—*

12 *“(A) STRATEGIC PLANNING AND TECHNICAL*
13 *ASSISTANCE.—In administering the Program,*
14 *the Federal Director shall—*

15 *“(i) provide technical assistance and*
16 *project implementation support and guid-*
17 *ance to agencies to identify, implement,*
18 *procure, and track energy and water con-*
19 *servation measures required under this Act*
20 *and under other provisions of law;*

21 *“(ii) in coordination with the Admin-*
22 *istrator of the General Services Administra-*
23 *tion, establish appropriate procedures,*
24 *methods, and best practices for use by agen-*
25 *cies to select, monitor, and terminate con-*

1 *tracts entered into pursuant to a utility in-*
2 *centive program under section 546(c) with*
3 *utilities;*

4 *“(iii) carry out the responsibilities of*
5 *the Secretary under section 801, as deter-*
6 *mined appropriate by the Secretary;*

7 *“(iv) establish and maintain internet-*
8 *based information resources and project*
9 *tracking systems and tools for energy and*
10 *water management;*

11 *“(v) coordinate comprehensive and*
12 *strategic approaches to energy and water*
13 *resilience planning for agencies; and*

14 *“(vi) establish a recognition program*
15 *for Federal achievement in energy and*
16 *water management, energy-related invest-*
17 *ment practices, environmental stewardship,*
18 *and other relevant areas, through events*
19 *such as individual recognition award cere-*
20 *monies and public announcements.*

21 *“(B) ENERGY AND WATER MANAGEMENT*
22 *AND REPORTING.—In administering the Pro-*
23 *gram, the Federal Director shall—*

1 “(i) track and report on the progress of
2 agencies in meeting the requirements of the
3 agency under this section;

4 “(ii) make publicly available agency
5 performance data required under—

6 “(I) this section and sections 544,
7 546, 547, and 548; and

8 “(II) section 203 of the Energy
9 Policy Act of 2005 (42 U.S.C. 15852);

10 “(iii)(I) collect energy and water use
11 and consumption data from each agency;
12 and

13 “(II) based on that data, submit to
14 each agency a report that will facilitate the
15 energy and water management, energy-re-
16 lated investment practices, and environ-
17 mental stewardship of the agency in sup-
18 port of Federal goals under this Act and
19 under other provisions of law;

20 “(iv) carry out the responsibilities of
21 the Secretary under section 305 of the En-
22 ergy Conservation and Production Act (42
23 U.S.C. 6834);

24 “(v) in consultation with the Adminis-
25 trator of the General Services Administra-

1 *tion, acting through the head of the Office*
2 *of High-Performance Green Buildings, es-*
3 *tablish and implement sustainable design*
4 *principles for Federal facilities; and*

5 *“(vi) designate products that meet the*
6 *highest energy conservation standards for*
7 *categories not covered under the Energy*
8 *Star program established under section*
9 *324A of the Energy Policy and Conserva-*
10 *tion Act (42 U.S.C. 6294a).*

11 *“(C) FEDERAL INTERAGENCY COORDINA-*
12 *TION.—In administering the Program, the Fed-*
13 *eral Director shall—*

14 *“(i) develop and implement accredited*
15 *training consistent with existing Federal*
16 *programs and activities—*

17 *“(I) relating to energy and water*
18 *use, management, and resilience in*
19 *Federal facilities, energy-related invest-*
20 *ment practices, and environmental*
21 *stewardship; and*

22 *“(II) that includes in-person*
23 *training, internet-based programs, and*
24 *national in-person training events;*

1 “(ii) carry out the functions of the Sec-
2 retary with respect to the Interagency En-
3 ergy Management Task Force under section
4 547; and

5 “(iii) report on the implementation of
6 the priorities of the President, including
7 Executive orders, relating to energy and
8 water use in Federal facilities, in coordina-
9 tion with—

10 “(I) the Office of Management
11 and Budget;

12 “(II) the Council on Environ-
13 mental Quality; and

14 “(III) any other entity, as consid-
15 ered necessary by the Federal Director.

16 “(D) FACILITY AND FLEET OPTIMIZA-
17 TION.—In administering the Program, the Fed-
18 eral Director shall develop guidance, supply as-
19 sistance to, and track the progress of agencies—

20 “(i) in conducting portfolio-wide facil-
21 ity energy and water resilience planning
22 and project integration;

23 “(ii) in building new construction and
24 major renovations to meet the sustainable

1 *design and energy and water performance*
2 *standards required under this section;*

3 “(iii) *in developing guidelines for—*

4 “(I) *facility commissioning; and*

5 “(II) *facility operations and*
6 *maintenance; and*

7 “(iv) *in coordination with the Admin-*
8 *istrator of the General Services Administra-*
9 *tion, in meeting statutory and agency goals*
10 *for Federal fleet vehicles.*

11 “(4) *MANAGEMENT COUNCIL.—The Federal Di-*
12 *rector shall establish a management council to advise*
13 *the Federal Director that shall—*

14 “(A) *convene not less frequently than once*
15 *every quarter; and*

16 “(B) *consist of representatives from—*

17 “(i) *the Council on Environmental*
18 *Quality;*

19 “(ii) *the Office of Management and*
20 *Budget; and*

21 “(iii) *the Office of Federal High-Per-*
22 *formance Green Buildings in the General*
23 *Services Administration.*

24 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*
25 *There is authorized to be appropriated to the Sec-*

1 retary to carry out this subsection \$36,000,000 for
2 each of fiscal years 2021 through 2025.”.

3 **SEC. 1013. CHP TECHNICAL ASSISTANCE PARTNERSHIP**
4 **PROGRAM.**

5 (a) *IN GENERAL.*—Section 375 of the Energy Policy
6 and Conservation Act (42 U.S.C. 6345) is amended to read
7 as follows:

8 **“SEC. 375. CHP TECHNICAL ASSISTANCE PARTNERSHIP**
9 **PROGRAM.**

10 “(a) *RENAMING.*—

11 “(1) *IN GENERAL.*—The Clean Energy Applica-
12 tion Centers of the Department of Energy are redesign-
13 ated as the CHP Technical Assistance Partnership
14 Program (referred to in this section as the ‘Program’).

15 “(2) *PROGRAM DESCRIPTION.*—The Program
16 shall consist of—

17 “(A) the 10 regional CHP Technical Assist-
18 ance Partnerships in existence on the date of en-
19 actment of the Energy Act of 2020;

20 “(B) such other regional CHP Technical As-
21 sistance Partnerships as the Secretary may es-
22 tablish with consideration given to establishing
23 such partnerships in rural communities; and

1 “(C) any supporting technical activities
2 under the Technical Partnership Program of the
3 Advanced Manufacturing Office.

4 “(3) REFERENCES.—Any reference in any law,
5 rule, regulation, or publication to a Combined Heat
6 and Power Application Center or a Clean Energy Ap-
7 plication Center shall be deemed to be a reference to
8 the Program.

9 “(b) CHP TECHNICAL ASSISTANCE PARTNERSHIP
10 PROGRAM.—

11 “(1) IN GENERAL.—The Program shall—

12 “(A) operate programs to encourage deploy-
13 ment of combined heat and power, waste heat to
14 power, and efficient district energy (collectively
15 referred to in this subsection as ‘CHP’) tech-
16 nologies by providing education and outreach
17 to—

18 “(i) building, industrial, and electric
19 and natural gas utility professionals;

20 “(ii) State and local policymakers; and

21 “(iii) other individuals and organiza-
22 tions with an interest in efficient energy
23 use, local or opportunity fuel use, resiliency,
24 or energy security, microgrids, and district
25 energy; and

1 “(B) provide project specific support to
2 building and industrial professionals through
3 economic and engineering assessments and advi-
4 sory activities.

5 “(2) FUNDING FOR CERTAIN ACTIVITIES.—

6 “(A) IN GENERAL.—The Program shall
7 make funds available to institutions of higher
8 education, research centers, and other appro-
9 priate institutions to ensure the continued oper-
10 ations and effectiveness of the regional CHP
11 Technical Assistance Partnerships.

12 “(B) USE OF FUNDS.—Funds made avail-
13 able under subparagraph (A) may be used—

14 “(i) to collect and distribute informa-
15 tional materials relevant to manufacturers,
16 commercial buildings, institutional facili-
17 ties, and Federal sites, including continued
18 support of the mission goals of the Depart-
19 ment of Defense, on CHP and microgrid
20 technologies, including continuation and
21 updating of—

22 “(I) the CHP installation data-
23 base;

24 “(II) CHP technology potential
25 analyses;

- 1 “(III) *State CHP resource pages;*
2 *and*
3 “(IV) *CHP Technical Assistance*
4 *Partnerships websites;*
5 “(ii) *to produce and conduct work-*
6 *shops, reports, seminars, internet programs,*
7 *CHP resiliency resources, and other activi-*
8 *ties to provide education to end users, regu-*
9 *lators, and stakeholders in a manner that*
10 *leads to the deployment of CHP tech-*
11 *nologies;*
12 “(iii) *to provide or coordinate onsite*
13 *assessments for sites and enterprises that*
14 *may consider deployment of CHP tech-*
15 *nology, including the potential use of bio-*
16 *mass CHP systems;*
17 “(iv) *to identify candidates for deploy-*
18 *ment of CHP technologies, hybrid renew-*
19 *able-CHP technologies, biomass CHP,*
20 *microgrids, and clean energy;*
21 “(v) *to provide nonbiased engineering*
22 *support to sites considering deployment of*
23 *CHP technologies;*
24 “(vi) *to assist organizations and com-*
25 *munities, including rural communities, de-*

1 *veloping clean energy technologies and poli-*
2 *cies in overcoming barriers to deployment;*
3 *and*

4 *“(vii) to assist companies, commu-*
5 *nities (including rural communities), and*
6 *organizations with field validation and per-*
7 *formance evaluations of CHP and other*
8 *clean energy technologies implemented.*

9 *“(C) DURATION.—The Program shall make*
10 *funds available under subparagraph (A) for a*
11 *period of 5 years.*

12 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
13 *authorized to be appropriated to carry out this section*
14 *\$12,000,000 for each of fiscal years 2021 through 2025.”.*

15 *(b) CONFORMING AMENDMENT.—The table of contents*
16 *of the Energy Policy and Conservation Act is amended by*
17 *striking the item relating to section 375 and inserting the*
18 *following:*

“375. CHP Technical Assistance Partnership Program.”.

19 **SEC. 1014. SMART ENERGY WATER EFFICIENCY PILOT PRO-**
20 **GRAM.**

21 *(a) SMART ENERGY AND WATER EFFICIENCY PILOT*
22 *PROGRAM.—Subtitle A of title IX of the Energy Policy Act*
23 *of 2005 (42 U.S.C. 16191 et seq.) is amended by adding*
24 *at the end the following:*

1 **“SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT**
2 **PROGRAM.**

3 “(a) *DEFINITIONS.—In this section:*

4 “(1) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
5 *ty’ means—*

6 “(A) *a utility;*

7 “(B) *a municipality;*

8 “(C) *a water district;*

9 “(D) *an Indian Tribe or Alaska Native vil-*
10 *lage; and*

11 “(E) *any other authority that provides*
12 *water, wastewater, or water reuse services.*

13 “(2) *SMART ENERGY AND WATER EFFICIENCY*
14 *PILOT PROGRAM.—The term ‘smart energy and water*
15 *efficiency pilot program’ or ‘pilot program’ means the*
16 *pilot program established under subsection (b).*

17 “(b) *SMART ENERGY AND WATER EFFICIENCY PILOT*
18 *PROGRAM.—*

19 “(1) *IN GENERAL.—The Secretary shall establish*
20 *and carry out a smart energy and water efficiency*
21 *pilot program in accordance with this section.*

22 “(2) *PURPOSE.—The purpose of the smart en-*
23 *ergy and water efficiency pilot program is to award*
24 *grants to eligible entities to demonstrate unique, ad-*
25 *vanced, or innovative technology-based solutions that*
26 *will—*

1 “(A) improve the net energy balance of
2 water, wastewater, and water reuse systems;

3 “(B) improve the net energy balance of
4 water, wastewater, and water reuse systems to
5 help communities across the United States make
6 measurable progress in conserving water, saving
7 energy, and reducing costs;

8 “(C) support the implementation of innova-
9 tive and unique processes and the installation of
10 established advanced automated systems that
11 provide real-time data on energy and water; and

12 “(D) improve energy-water conservation
13 and quality and predictive maintenance through
14 technologies that utilize internet connected tech-
15 nologies, including sensors, intelligent gateways,
16 and security embedded in hardware.

17 “(3) PROJECT SELECTION.—

18 “(A) IN GENERAL.—The Secretary shall
19 make competitive, merit-reviewed grants under
20 the pilot program to not less than 3, but not
21 more than 5, eligible entities.

22 “(B) SELECTION CRITERIA.—In selecting
23 an eligible entity to receive a grant under the
24 pilot program, the Secretary shall consider—

25 “(i) energy and cost savings;

1 “(ii) *the uniqueness, commercial via-*
2 *bility, and reliability of the technology to be*
3 *used;*

4 “(iii) *the degree to which the project*
5 *integrates next-generation sensors software,*
6 *analytics, and management tools;*

7 “(iv) *the anticipated cost-effectiveness*
8 *of the pilot project through measurable en-*
9 *ergy savings, water savings or reuse, and*
10 *infrastructure costs averted;*

11 “(v) *whether the technology can be de-*
12 *ployed in a variety of geographic regions*
13 *and the degree to which the technology can*
14 *be implemented in a wide range of applica-*
15 *tions ranging in scale from small towns to*
16 *large cities, including Tribal communities;*

17 “(vi) *whether the technology has been*
18 *successfully deployed elsewhere;*

19 “(vii) *whether the technology was*
20 *sourced from a manufacturer based in the*
21 *United States; and*

22 “(viii) *whether the project will be com-*
23 *pleted in 5 years or less.*

24 “(C) *APPLICATIONS.—*

1 “(i) *IN GENERAL.*—Subject to clause
2 (ii), an eligible entity seeking a grant under
3 the pilot program shall submit to the Sec-
4 retary an application at such time, in such
5 manner, and containing such information
6 as the Secretary determines to be necessary.

7 “(ii) *CONTENTS.*—An application
8 under clause (i) shall, at a minimum, in-
9 clude—

10 “(I) a description of the project;

11 “(II) a description of the tech-
12 nology to be used in the project;

13 “(III) the anticipated results, in-
14 cluding energy and water savings, of
15 the project;

16 “(IV) a comprehensive budget for
17 the project;

18 “(V) the names of the project lead
19 organization and any partners;

20 “(VI) the number of users to be
21 served by the project;

22 “(VII) a description of the ways
23 in which the proposal would meet per-
24 formance measures established by the
25 Secretary; and

1 “(VIII) any other information
2 that the Secretary determines to be
3 necessary to complete the review and
4 selection of a grant recipient.

5 “(4) ADMINISTRATION.—

6 “(A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this section, the
8 Secretary shall select grant recipients under this
9 section.

10 “(B) EVALUATIONS.—

11 “(i) ANNUAL EVALUATIONS.—The Sec-
12 retary shall annually carry out an evalua-
13 tion of each project for which a grant is
14 provided under this section that meets per-
15 formance measures and benchmarks devel-
16 oped by the Secretary, consistent with the
17 purposes of this section.

18 “(ii) REQUIREMENTS.—Consistent
19 with the performance measures and bench-
20 marks developed under clause (i), in car-
21 rying out an evaluation under that clause,
22 the Secretary shall—

23 “(I) evaluate the progress and im-
24 pact of the project; and

1 “(II) assess the degree to which
2 the project is meeting the goals of the
3 pilot program.

4 “(C) *TECHNICAL AND POLICY ASSIST-*
5 *ANCE.—On the request of a grant recipient, the*
6 *Secretary shall provide technical and policy as-*
7 *sistance.*

8 “(D) *BEST PRACTICES.—The Secretary*
9 *shall make available to the public through the*
10 *Internet and other means the Secretary considers*
11 *to be appropriate—*

12 “(i) a copy of each evaluation carried
13 out under subparagraph (B); and

14 “(ii) a description of any best practices
15 identified by the Secretary as a result of
16 those evaluations.

17 “(E) *REPORT TO CONGRESS.—The Sec-*
18 *retary shall submit to Congress a report con-*
19 *taining the results of each evaluation carried out*
20 *under subparagraph (B).*

21 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to the Secretary to carry out*
23 *this section \$15,000,000, to remain available until ex-*
24 *pendent.*”.

1 (B) shall conduct research and development,
2 and provide financial assistance to assist com-
3 mercial entities, to design and license transpor-
4 tation packages for HA–LEU, including can-
5 isters for metal, gas, and other HA–LEU com-
6 positions;

7 (C) shall, to the extent practicable—

8 (i) by January 1, 2024, support com-
9 mercial entity submission of such transpor-
10 tation package designs to the Commission
11 for certification by the Commission under
12 part 71 of title 10, Code of Federal Regula-
13 tions; and

14 (ii) encourage the Commission to have
15 such transportation package designs so cer-
16 tified by the Commission within 24 months
17 after receipt of an application;

18 (D) shall consider options for acquiring or
19 providing HA–LEU from a stockpile of uranium
20 owned by the Department, or using enrichment
21 technology, to make available to members of the
22 consortium established pursuant to subpara-
23 graph (F) for commercial use or demonstration
24 projects, taking into account cost and amount of
25 time required, and prioritizing methods that

1 *would produce usable HA–LEU the quickest, in-*
2 *cluding options for acquiring or providing HA–*
3 *LEU—*

4 *(i) that—*

5 *(I) directly meets the needs of an*
6 *end user; and*

7 *(II) has been previously used or*
8 *fabricated for another purpose;*

9 *(ii) that meets the needs of an end user*
10 *after having radioactive or other contami-*
11 *nants that resulted from a previous use or*
12 *fabrication of the fuel for research, develop-*
13 *ment, demonstration, or deployment activi-*
14 *ties of the Department removed;*

15 *(iii) that is produced from high-en-*
16 *riched uranium that is blended with lower*
17 *assay uranium to become HA–LEU to meet*
18 *the needs of an end user;*

19 *(iv) that is produced by Department*
20 *research, development, and demonstration*
21 *activities;*

22 *(v) that is produced in the United*
23 *States by—*

1 (I) a United States-owned com-
2 mercial entity operating United
3 States-origin technology;

4 (II) a United States-owned com-
5 mercial entity operating a foreign-ori-
6 gin technology; or

7 (III) a foreign-owned entity oper-
8 ating a foreign-origin technology;

9 (vi) that does not require extraction of
10 uranium or development of uranium from
11 lands managed by the Federal Government,
12 cause harm to the natural or cultural re-
13 sources of Tribal communities or sovereign
14 Native Nations, or result in degraded
15 ground or surface water quality on publicly
16 managed or privately owned lands; or

17 (vii) that does not negatively impact
18 the availability of HA–LEU by the Depart-
19 ment to support the production of medical
20 isotopes, including the medical isotopes de-
21 fined under the American Medical Isotopes
22 Production Act of 2012 (Public Law 112–
23 239; 126 Stat. 2211);

24 (E) not later than 1 year after the date of
25 enactment of this Act, and biennially thereafter,

1 *shall conduct a survey of stakeholders to estimate*
2 *the quantity of HA–LEU necessary for domestic*
3 *commercial use for each of the 5 subsequent*
4 *years;*

5 *(F) shall establish, and from time to time*
6 *update, a consortium, which may include enti-*
7 *ties involved in any stage of the nuclear fuel*
8 *cycle, to partner with the Department to support*
9 *the availability of HA–LEU for civilian domes-*
10 *tic demonstration and commercial use, including*
11 *by—*

12 *(i) providing information to the Sec-*
13 *retary for purposes of surveys conducted*
14 *under subparagraph (E);*

15 *(ii) purchasing HA–LEU made avail-*
16 *able by the Secretary to members of the con-*
17 *sortium for commercial use under the pro-*
18 *gram; and*

19 *(iii) carrying out demonstration*
20 *projects using HA–LEU provided by the*
21 *Secretary under the program;*

22 *(G) if applicable, shall, prior to acquiring*
23 *or providing HA–LEU under subparagraph (H),*
24 *in coordination with the consortium established*
25 *pursuant to subparagraph (F), develop a sched-*

1 *ule for cost recovery of HA–LEU made available*
2 *to members of the consortium using HA–LEU*
3 *for commercial use pursuant to subparagraph*
4 *(H);*

5 *(H) shall, beginning not later than 3 years*
6 *after the establishment of a consortium under*
7 *subparagraph (F), have the capability to acquire*
8 *or provide HA–LEU, in order to make such*
9 *HA–LEU available to members of the consor-*
10 *tium beginning not later than January 1, 2026,*
11 *in amounts that are consistent, to the extent*
12 *practicable, with—*

13 *(i) the quantities estimated under the*
14 *surveys conducted under subparagraph (E);*
15 *plus*

16 *(ii) the quantities necessary for dem-*
17 *onstration projects carried out under the*
18 *program, as determined by the Secretary;*

19 *(I) shall, for advanced reactor demonstra-*
20 *tion projects, prioritize the provision of HA–*
21 *LEU made available under this section through*
22 *a merit-based, competitive selection process; and*

23 *(J) shall seek to ensure that the activities*
24 *carried out under this section do not cause any*
25 *delay in the progress of any HA–LEU project*

1 *between private industry and the Department*
2 *that is underway as of the date of the enactment*
3 *of this section.*

4 (3) *APPLICABILITY OF USEC PRIVATIZATION*
5 *ACT.—*

6 (A) *SALE OR TRANSFER TO CONSORTIUM.—*

7 *The requirements of section 3112 of the USEC*
8 *Privatization Act (42 U.S.C. 2297h–10), except*
9 *for the requirements of subparagraph (A) of sec-*
10 *tion 3112(d)(2), shall not apply to the provision*
11 *of enrichment services, or the sale or transfer of*
12 *HA–LEU for commercial use by the Secretary to*
13 *a member of the consortium under this sub-*
14 *section.*

15 (B) *DEMONSTRATION.—HA–LEU made*
16 *available to members of the consortium estab-*
17 *lished pursuant to paragraph (2)(F) for dem-*
18 *onstration projects shall remain the property of*
19 *and title will remain with the Department,*
20 *which shall be responsible for the storage, use,*
21 *and disposition of all radioactive waste and*
22 *spent nuclear fuel created by the irradiation,*
23 *processing, or purification of such uranium, and*
24 *shall not be subject to the requirements of a sale*
25 *or transfer of uranium under sections 3112, ex-*

1 *cept for the requirements of subparagraph (A) of*
2 *section 3112(d)(2), and 3113 of the USEC Pri-*
3 *vation Act (42 U.S.C. 2297h–10; 42 U.S.C.*
4 *2297h–11).*

5 (4) *NATIONAL SECURITY NEEDS.*—*The Secretary*
6 *shall only make available to a member of the consor-*
7 *tium under this section for commercial or demonstra-*
8 *tion project use material that the President has deter-*
9 *mined is not necessary for national security needs,*
10 *provided that this available material shall not include*
11 *any material that the Secretary may determine to be*
12 *necessary for the National Nuclear Security Adminis-*
13 *tration or other critical Departmental missions.*

14 (5) *DOE ACQUISITION OF HA–LEU.*—*The Sec-*
15 *retary may not make commitments under this section*
16 *(including cooperative agreements (used in accord-*
17 *ance with section 6305 of title 31, United States*
18 *Code), purchase agreements, guarantees, leases, service*
19 *contracts, or any other type of commitment) for the*
20 *purchase or other acquisition of HA–LEU unless—*

21 (A) *funds are specifically provided for such*
22 *purposes in advance in subsequent appropria-*
23 *tions Acts, and only to the extent that the full ex-*
24 *tent of anticipated costs stemming from such*

1 *commitments is recorded as an obligation up*
2 *front and in full at the time it is made; or*

3 *(B) such committing agreement includes a*
4 *clause conditioning the Federal Government's ob-*
5 *ligation on the availability of future year appro-*
6 *priations.*

7 (6) *SUNSET.*—*The authority of the Secretary to*
8 *carry out the program under this subsection shall ex-*
9 *pire on the earlier of—*

10 *(A) September 30, 2034; or*

11 *(B) 90 days after the date on which HA-*
12 *LEU is available to provide a reliable and ade-*
13 *quate supply for civilian domestic advanced nu-*
14 *clear reactors in the commercial market.*

15 (7) *LIMITATION.*—*The Secretary shall not barter*
16 *or otherwise sell or transfer uranium in any form in*
17 *exchange for services relating to the final disposition*
18 *of radioactive waste from uranium that is made*
19 *available under this subsection.*

20 (b) *REPORTS TO CONGRESS.*—

21 (1) *COMMISSION REPORT ON NECESSARY REGU-*
22 *LATORY UPDATES.*—*Not later than 12 months after*
23 *the date of enactment of this Act, the Commission*
24 *shall submit to Congress a report that includes—*

1 (A) *identification of updates to regulations,*
2 *certifications, and other regulatory policies that*
3 *the Commission determines are necessary in*
4 *order for HA–LEU to be commercially available,*
5 *including—*

6 (i) *guidance for material control and*
7 *accountability of special nuclear material;*

8 (ii) *certifications relating to transpor-*
9 *tation packaging for HA–LEU; and*

10 (iii) *licensing of enrichment, conver-*
11 *sion, and fuel fabrication facilities for HA–*
12 *LEU, and associated physical security*
13 *plans for such facilities;*

14 (B) *a description of such updates; and*

15 (C) *a timeline to complete such updates.*

16 (2) *DOE REPORT ON PROGRAM TO SUPPORT THE*
17 *AVAILABILITY OF HA–LEU FOR CIVILIAN DOMESTIC*
18 *DEMONSTRATION AND COMMERCIAL USE.—*

19 (A) *IN GENERAL.—Not later than 180 days*
20 *after the date of enactment of this Act, the Sec-*
21 *retary shall submit to Congress a report that de-*
22 *scribes actions proposed to be carried out by the*
23 *Secretary under the program described in sub-*
24 *section (a)(1).*

1 (B) *COORDINATION AND STAKEHOLDER*
2 *INPUT.—In developing the report under this*
3 *paragraph, the Secretary shall consult with—*

- 4 (i) *the Commission;*
5 (ii) *suppliers of medical isotopes that*
6 *have converted their operations to use HA-*
7 *LEU;*
8 (iii) *the National Laboratories;*
9 (iv) *institutions of higher education;*
10 (v) *a diverse group of entities from the*
11 *nuclear energy industry;*
12 (vi) *a diverse group of technology de-*
13 *velopers;*
14 (vii) *experts in nuclear nonprolifera-*
15 *tion, environmental safety, safeguards and*
16 *security, and public health and safety; and*
17 (viii) *members of the consortium cre-*
18 *ated under subsection (a)(2)(F).*

19 (C) *COST AND SCHEDULE ESTIMATES.—The*
20 *report under this paragraph shall include esti-*
21 *mated costs, budgets, and timeframes for all ac-*
22 *tivities carried out under this section.*

23 (D) *REQUIRED EVALUATIONS.—The report*
24 *under this paragraph shall evaluate—*

1 *(i) the actions required to establish and*
2 *carry out the program under subsection*
3 *(a)(1) and the cost of such actions, includ-*
4 *ing with respect to—*

5 *(I) proposed preliminary terms*
6 *for contracting between the Depart-*
7 *ment and recipients of HA–LEU*
8 *under the program (including guide-*
9 *lines defining the roles and responsibil-*
10 *ities between the Department and the*
11 *recipient); and*

12 *(II) the potential to coordinate*
13 *with recipients of HA–LEU under the*
14 *program regarding—*

15 *(aa) fuel fabrication; and*

16 *(bb) fuel transport;*

17 *(ii) the potential sources and fuel*
18 *forms available to provide uranium for the*
19 *program under subsection (a)(1);*

20 *(iii) options to coordinate the program*
21 *under subsection (a)(1) with the operation*
22 *of the versatile, reactor-based fast neutron*
23 *source under section 959A of the Energy*
24 *Policy Act of 2005 (as added by section*
25 *2003);*

1 (iv) the ability of uranium producers
2 to provide materials for advanced nuclear
3 reactor fuel;

4 (v) any associated legal, regulatory,
5 and policy issues that should be addressed
6 to enable—

7 (I) implementation of the pro-
8 gram under subsection (a)(1); and

9 (II) the establishment of an indus-
10 try capable of providing HA-LEU;
11 and

12 (vi) any research and development
13 plans to develop criticality benchmark data
14 under subsection (a)(2)(A), if needed.

15 (3) *ALTERNATE FUELS REPORT.*—Not later than
16 180 days after the date of enactment of this Act, the
17 Secretary shall, after consulting with relevant enti-
18 ties, including National Laboratories, institutions of
19 higher education, and technology developers, submit to
20 Congress a report identifying any and all options for
21 providing nuclear material, containing isotopes other
22 than the uranium-235 isotope, such as uranium-233
23 and thorium-232 to be used as fuel for advanced nu-
24 clear reactor research, development, demonstration, or
25 commercial application purposes.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to carry out research, devel-*
3 *opment, demonstration, and transportation activities in*
4 *this section—*

5 (1) *\$31,500,000 for fiscal year 2021;*

6 (2) *\$33,075,000 for fiscal year 2022;*

7 (3) *\$34,728,750 for fiscal year 2023;*

8 (4) *\$36,465,188 for fiscal year 2024; and*

9 (5) *\$38,288,447 for fiscal year 2025.*

10 (d) *DEFINITIONS.*—*In this section:*

11 (1) *COMMISSION.*—*The term “Commission”*
12 *means the Nuclear Regulatory Commission.*

13 (2) *DEMONSTRATION PROJECT.*—*The term “demon-*
14 *stration project” has the meaning given such term*
15 *in section 959A of the Energy Policy Act of 2005.*

16 (3) *HA-LEU.*—*The term “HA-LEU” means*
17 *high-assay low-enriched uranium.*

18 (4) *HIGH-ASSAY LOW-ENRICHED URANIUM.*—*The*
19 *term “high-assay low-enriched uranium” means ura-*
20 *nium having an assay greater than 5.0 weight per-*
21 *cent and less than 20.0 weight percent of the ura-*
22 *nium-235 isotope.*

23 (5) *HIGH-ENRICHED URANIUM.*—*The term*
24 *“high-enriched uranium” means uranium with an*

1 *assay of 20.0 weight percent or more of the uranium-*
2 *235 isotope.*

3 (6) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Energy.*

5 **SEC. 2002. AMENDMENTS TO DEFINITIONS IN ENERGY POL-**
6 **ICY ACT OF 2005.**

7 *Section 951(b)(1) of the Energy Policy Act of 2005 (42*
8 *U.S.C. 16271(b)(1)) is amended to read as follows:*

9 “(1) *ADVANCED NUCLEAR REACTOR.*—*The term*
10 *‘advanced nuclear reactor’ means—*

11 “(A) *a nuclear fission reactor, including a*
12 *prototype plant (as defined in sections 50.2 and*
13 *52.1 of title 10, Code of Federal Regulations (or*
14 *successor regulations)), with significant improve-*
15 *ments compared to reactors operating on the*
16 *date of enactment of the Energy Act of 2020, in-*
17 *cluding improvements such as—*

18 “(i) *additional inherent safety features;*

19 “(ii) *lower waste yields;*

20 “(iii) *improved fuel and material per-*
21 *formance;*

22 “(iv) *increased tolerance to loss of fuel*
23 *cooling;*

24 “(v) *enhanced reliability or improved*
25 *resilience;*

- 1 “(vi) increased proliferation resistance;
- 2 “(vii) increased thermal efficiency;
- 3 “(viii) reduced consumption of cooling
- 4 water and other environmental impacts;
- 5 “(ix) the ability to integrate into elec-
- 6 tric applications and nonelectric applica-
- 7 tions;
- 8 “(x) modular sizes to allow for deploy-
- 9 ment that corresponds with the demand for
- 10 electricity or process heat; and
- 11 “(xi) operational flexibility to respond
- 12 to changes in demand for electricity or
- 13 process heat and to complement integration
- 14 with intermittent renewable energy or en-
- 15 ergy storage; and
- 16 “(B) a fusion reactor.”.

17 **SEC. 2003. NUCLEAR ENERGY RESEARCH, DEVELOPMENT,**

18 **DEMONSTRATION, AND COMMERCIAL APPLI-**

19 **CATION PROGRAMS.**

20 (a) *REACTOR CONCEPTS RESEARCH, DEVELOPMENT,*

21 *AND DEMONSTRATION.*—Section 952 of the Energy Policy

22 *Act of 2005 (42 U.S.C. 16272) is amended to read as fol-*

23 *lows:*

1 “(K) *environmental impacts; and*
2 “(L) *resilience.*”

3 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There are authorized to be appropriated to the Sec-*
5 *retary to carry out the program under this subsection*
6 *\$55,000,000 for each of fiscal years 2021 through*
7 *2025.*”

8 “(3) *REPORT.—The Secretary shall submit an-*
9 *nually a public report to the Committee on Science,*
10 *Space, and Technology of the House of Representa-*
11 *tives and the Committee on Energy and Natural Re-*
12 *sources of the Senate documenting funds spent under*
13 *the program that describes program activities, objec-*
14 *tives, and outcomes, including those that could benefit*
15 *the entirety of the existing reactor fleet, such as with*
16 *respect to aging management and related sustain-*
17 *ability concerns, and identifying funds awarded to*
18 *private entities.*”

19 “(b) *ADVANCED REACTOR TECHNOLOGIES.—*

20 “(1) *IN GENERAL.—The Secretary shall carry*
21 *out a program of research, development, demonstra-*
22 *tion, and commercial application to support ad-*
23 *vanced reactor technologies.*”

24 “(2) *REQUIREMENTS.—In carrying out the pro-*
25 *gram under this subsection, the Secretary shall—*

1 “(A) *prioritize designs for advanced nuclear*
2 *reactors that are proliferation resistant and pas-*
3 *sively safe, including designs that, compared to*
4 *reactors operating on the date of enactment of*
5 *the Energy Act of 2020—*

6 “(i) *are economically competitive with*
7 *other electric power generation plants;*

8 “(ii) *have higher efficiency, lower cost,*
9 *less environmental impacts, increased resil-*
10 *ience, and improved safety;*

11 “(iii) *use fuels that are proliferation*
12 *resistant and have reduced production of*
13 *high-level waste per unit of output; and*

14 “(iv) *use advanced instrumentation*
15 *and monitoring systems;*

16 “(B) *consult with the Nuclear Regulatory*
17 *Commission on appropriate metrics to consider*
18 *for the criteria specified in subparagraph (A);*

19 “(C) *support research and development to*
20 *resolve materials challenges relating to extreme*
21 *environments, including environments that con-*
22 *tain high levels of—*

23 “(i) *radiation fluence;*

24 “(ii) *temperature;*

25 “(iii) *pressure; and*

1 “(iv) corrosion;

2 “(D) support research and development to
3 aid in the qualification of advanced fuels, in-
4 cluding fabrication techniques;

5 “(E) support activities that address near-
6 term challenges in modeling and simulation to
7 enable accelerated design of and licensing of ad-
8 vanced nuclear reactors, including the identifica-
9 tion of tools and methodologies for validating
10 such modeling and simulation efforts;

11 “(F) develop technologies, including tech-
12 nologies to manage, reduce, or reuse nuclear
13 waste;

14 “(G) ensure that nuclear research infra-
15 structure is maintained or constructed, includ-
16 ing—

17 “(i) currently operational research re-
18 actors at the National Laboratories and in-
19 stitutions of higher education;

20 “(ii) hot cell research facilities;

21 “(iii) a versatile fast neutron source;

22 and

23 “(iv) advanced coolant testing facili-
24 ties, including coolants such as lead, so-
25 dium, gas, and molten salt;

1 “(H) improve scientific understanding of
2 nonlight water coolant physics and chemistry;

3 “(I) develop advanced sensors and control
4 systems, including the identification of tools and
5 methodologies for validating such sensors and
6 systems;

7 “(J) investigate advanced manufacturing
8 and advanced construction techniques and mate-
9 rials to reduce the cost of advanced nuclear reac-
10 tors, including the use of digital twins and of
11 strategies to implement project and construction
12 management best practices, and study the effects
13 of radiation and corrosion on materials created
14 with these techniques;

15 “(K) consult with the Administrator of the
16 National Nuclear Security Administration to in-
17 tegrate reactor safeguards and security into de-
18 sign;

19 “(L) support efforts to reduce any technical
20 barriers that would prevent commercial applica-
21 tion of advanced nuclear energy systems; and

22 “(M) develop various safety analyses and
23 emergency preparedness and response methodolo-
24 gies.

1 “(3) *COORDINATION.*—*The Secretary shall co-*
2 *ordinate with individuals engaged in the private sec-*
3 *tor and individuals who are experts in nuclear non-*
4 *proliferation, environmental and public health and*
5 *safety, and economics to advance the development of*
6 *various designs of advanced nuclear reactors. In car-*
7 *rying out this paragraph, the Secretary shall convene*
8 *an advisory committee of such individuals and such*
9 *committee shall submit annually a report to the rel-*
10 *evant committees of Congress with respect to the*
11 *progress of the program.*

12 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—
13 *There are authorized to be appropriated to the Sec-*
14 *retary to carry out the program under this subsection*
15 *\$55,000,000 for each of fiscal years 2021 through*
16 *2025.*

17 “(c) *NUCLEAR INTEGRATED ENERGY SYSTEMS RE-*
18 *SEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMER-*
19 *CIAL APPLICATION PROGRAM.*—

20 “(1) *IN GENERAL.*—*The Secretary shall carry*
21 *out a program of research, development, demonstra-*
22 *tion, and commercial application to develop nuclear*
23 *integrated energy systems, composed of 2 or more co-*
24 *located or jointly operated subsystems of energy gen-*
25 *eration, energy storage, or other technologies and in*

1 *which not less than 1 such subsystem is a nuclear en-*
2 *ergy system, to—*

3 *“(A) reduce greenhouse gas emissions in*
4 *both the power and nonpower sectors; and*

5 *“(B) maximize energy production and effi-*
6 *ciency.*

7 *“(2) COORDINATION.—In carrying out the pro-*
8 *gram under paragraph (1), the Secretary shall co-*
9 *ordinate with—*

10 *“(A) relevant program offices within the*
11 *Department of Energy;*

12 *“(B) National Laboratories;*

13 *“(C) institutions of higher education; and*

14 *“(D) the private sector.*

15 *“(3) FOCUS AREAS.—The program under para-*
16 *graph (1) may include research, development, dem-*
17 *onstration, or commercial application of nuclear inte-*
18 *grated energy systems with respect to—*

19 *“(A) desalination technologies and proc-*
20 *esses;*

21 *“(B) hydrogen or other liquid and gaseous*
22 *fuel or chemical production;*

23 *“(C) heat for industrial processes;*

24 *“(D) district heating;*

1 “(E) heat or electricity generation and stor-
2 age;

3 “(F) carbon capture, use, utilization, and
4 storage;

5 “(G) microgrid or island applications;

6 “(H) integrated systems modeling, analysis,
7 and optimization, inclusive of different configu-
8 rations of integrated energy systems; and

9 “(I) integrated design, planning, building,
10 and operation of systems with existing infra-
11 structure, including interconnection requirements
12 with the electric grid, as appropriate.

13 “(4) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the Sec-
15 retary to carry out the program under this sub-
16 section—

17 “(A) \$20,000,000 for fiscal year 2021;

18 “(B) \$30,000,000 for fiscal year 2022;

19 “(C) \$30,000,000 for fiscal year 2023;

20 “(D) \$40,000,000 for fiscal year 2024; and

21 “(E) \$40,000,000 for fiscal year 2025.”.

22 (b) FUEL CYCLE RESEARCH AND DEVELOPMENT.—
23 Section 953 of the Energy Policy Act of 2005 (42 U.S.C.
24 16273) is amended to read as follows:

1 **“SEC. 953. FUEL CYCLE RESEARCH, DEVELOPMENT, DEM-**
2 **ONSTRATION, AND COMMERCIAL APPLICA-**
3 **TION.**

4 *“(a) USED NUCLEAR FUEL RESEARCH, DEVELOP-*
5 *MENT, DEMONSTRATION, AND COMMERCIAL APPLICA-*
6 *TION.—*

7 *“(1) IN GENERAL.—The Secretary shall conduct*
8 *an advanced fuel cycle research, development, dem-*
9 *onstration, and commercial application program to*
10 *improve fuel cycle performance, minimize environ-*
11 *mental and public health and safety impacts, and*
12 *support a variety of options for used nuclear fuel*
13 *storage, use, and disposal, including advanced nu-*
14 *clear reactor and non-reactor concepts (such as radio-*
15 *isotope power systems), which may include—*

16 *“(A) dry cask storage;*

17 *“(B) consolidated interim storage;*

18 *“(C) deep geological storage and disposal,*
19 *including mined repository, and other tech-*
20 *nologies;*

21 *“(D) used nuclear fuel transportation;*

22 *“(E) integrated waste management systems;*

23 *“(F) vitrification;*

24 *“(G) fuel recycling and transmutation tech-*
25 *nologies, including advanced reprocessing tech-*
26 *nologies such as electrochemical and molten salt*

1 *technologies, and advanced redox extraction tech-*
2 *nologies;*

3 *“(H) advanced materials to be used in sub-*
4 *paragraphs (A) through (G); and*

5 *“(I) other areas as determined by the Sec-*
6 *retary.*

7 *“(2) REQUIREMENTS.—In carrying out the pro-*
8 *gram under this subsection, the Secretary shall—*

9 *“(A) ensure all activities and designs incor-*
10 *porate state of the art safeguards technologies*
11 *and techniques to reduce risk of proliferation;*

12 *“(B) consult with the Administrator of the*
13 *National Nuclear Security Administration to in-*
14 *tegrate safeguards and security by design;*

15 *“(C) consider the potential benefits and*
16 *other impacts of those activities for civilian nu-*
17 *clear applications, environmental health and*
18 *safety, and national security, including consider-*
19 *ation of public consent; and*

20 *“(D) consider the economic viability of all*
21 *activities and designs.*

22 *“(3) AUTHORIZATION OF APPROPRIATIONS.—*
23 *There are authorized to be appropriated to the Sec-*
24 *retary to carry out the program under this subsection*

1 \$60,000,000 for each of fiscal years 2021 through
2 2025.

3 “(b) *ADVANCED FUELS.*—

4 “(1) *IN GENERAL.*—The Secretary shall conduct
5 an advanced fuels research, development, demonstra-
6 tion, and commercial application program on next-
7 generation light water reactor and advanced reactor
8 fuels that demonstrate the potential for improved—

9 “(A) performance;

10 “(B) accident tolerance;

11 “(C) proliferation resistance;

12 “(D) use of resources;

13 “(E) environmental impact; and

14 “(F) economics.

15 “(2) *REQUIREMENTS.*—In carrying out the pro-
16 gram under this subsection, the Secretary shall focus
17 on the development of advanced technology fuels, in-
18 cluding fabrication techniques, that offer improved ac-
19 cident-tolerance and economic performance with the
20 goal of initial commercial application by December
21 31, 2025.

22 “(3) *REPORT.*—Not later than 180 days after the
23 date of enactment of this section, the Secretary shall
24 submit to the Committee on Science, Space, and Tech-
25 nology of the House of Representatives and the Com-

1 *mittee on Energy and Natural Resources of the Sen-*
2 *ate a report that describes how the technologies and*
3 *concepts studied under this program would impact re-*
4 *actor economics, the fuel cycle, operations, safety, pro-*
5 *liferation, and the environment.*

6 “(4) *AUTHORIZATION OF APPROPRIATIONS.—*
7 *There are authorized to be appropriated to the Sec-*
8 *retary to carry out the program under this subsection*
9 *\$125,000,000 for each of fiscal years 2021 through*
10 *2025.”.*

11 *(c) NUCLEAR SCIENCE AND ENGINEERING SUPPORT.—*
12 *Section 954 of the Energy Policy Act of 2005 (42 U.S.C.*
13 *16274) is amended—*

14 *(1) in the section heading, by striking “UNI-*
15 *VERSITY NUCLEAR” and inserting “NUCLEAR”;*

16 *(2) in subsection (b)—*

17 *(A) in the matter preceding paragraph (1),*
18 *by striking “this section” and inserting “this*
19 *subsection”;* and

20 *(B) by redesignating paragraphs (1)*
21 *through (5) as subparagraphs (A) through (E),*
22 *respectively, and indenting appropriately;*

23 *(3) in subsection (c), by redesignating para-*
24 *graphs (1) and (2) as subparagraphs (A) and (B), re-*
25 *spectively, and indenting appropriately;*

1 (4) *in subsection (d)—*

2 (A) *in the matter preceding paragraph (1),*
3 *by striking “this section” and inserting “this*
4 *subsection”;* and

5 (B) *by redesignating paragraphs (1)*
6 *through (4) as subparagraphs (A) through (D),*
7 *respectively, and indenting appropriately;*

8 (5) *in subsection (e), by striking “this section”*
9 *and inserting “this subsection”;*

10 (6) *in subsection (f)—*

11 (A) *by striking “this section” and inserting*
12 *“this subsection”;* and

13 (B) *by striking “subsection (b)(2)” and in-*
14 *serting “paragraph (2)(B)”;*

15 (7) *by redesignating subsections (a) through (d)*
16 *as paragraphs (1) through (4), respectively, and in-*
17 *denting appropriately;*

18 (8) *by redesignating subsections (e) and (f) as*
19 *paragraphs (7) and (8), respectively;*

20 (9) *by inserting after paragraph (4) (as so redesi-*
21 *gnated) the following:*

22 “(5) *RADIOLOGICAL FACILITIES MANAGEMENT.—*

23 “(A) *IN GENERAL.—The Secretary shall*
24 *carry out a program under which the Secretary*
25 *shall provide project management, technical sup-*

1 *port, quality engineering and inspection, and*
2 *nuclear material handling support to research*
3 *reactors located at universities.*

4 “(B) *AUTHORIZATION OF APPROPRIA-*
5 *TIONS.—Of any amounts appropriated to carry*
6 *out the program under this subsection, there are*
7 *authorized to be appropriated to the Secretary to*
8 *carry out the program under this paragraph*
9 *\$20,000,000 for each of fiscal years 2021 through*
10 *2025.*

11 “(6) *NUCLEAR ENERGY UNIVERSITY PROGRAM.—*
12 *In carrying out the programs under this section, the*
13 *Department shall, to the maximum extent practicable,*
14 *allocate 20 percent of funds appropriated to nuclear*
15 *energy research and development programs annually*
16 *to fund university-led research and university infra-*
17 *structure projects through an open, competitive solici-*
18 *tation process.”;*

19 (10) *by inserting before paragraph (1) (as so re-*
20 *designated) the following:*

21 “(a) *UNIVERSITY NUCLEAR SCIENCE AND ENGINEER-*
22 *ING SUPPORT.—*”; and

23 (11) *by adding at the end the following:*

24 “(b) *NUCLEAR ENERGY GRADUATE TRAINEESHIP*
25 *SUBPROGRAM.—*

1 “(1) *ESTABLISHMENT.*—*In carrying out the pro-*
2 *gram under subsection (a), the Secretary shall estab-*
3 *lish a nuclear energy graduate traineeship subpro-*
4 *gram under which the Secretary shall competitively*
5 *award graduate traineeships in coordination with*
6 *universities to provide focused, advanced training to*
7 *meet critical mission needs of the Department, includ-*
8 *ing in industries that are represented by skilled labor*
9 *unions.*

10 “(2) *REQUIREMENTS.*—*In carrying out the sub-*
11 *program under this subsection, the Secretary shall—*

12 “(A) *encourage appropriate partnerships*
13 *among National Laboratories, affected univer-*
14 *sities, and industry; and*

15 “(B) *on an annual basis, evaluate the needs*
16 *of the nuclear energy community to implement*
17 *graduate traineeships for focused topical areas*
18 *addressing mission-specific workforce needs.*

19 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
20 *There are authorized to be appropriated to the Sec-*
21 *retary to carry out the subprogram under this sub-*
22 *section \$5,000,000 for each of fiscal years 2021*
23 *through 2025.”.*

24 “(d) *CONFORMING AMENDMENT.*—*The table of contents*
25 *of the Energy Policy Act of 2005 (Public Law 109– 58;*

1 119 Stat. 600) is amended by striking the items relating
2 to sections 952 through 954 and inserting the following:

“Sec. 952. Reactor concepts research, development, demonstration, and commercial application.

“Sec. 953. Fuel cycle research, development, demonstration, and commercial application.

“Sec. 954. Nuclear science and engineering support.”.

3 (e) UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.—
4 Section 313 of the Omnibus Appropriations Act, 2009 (42
5 U.S.C. 16274a), is amended to read as follows:

6 **“SEC. 313. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.**

7 “(a) IN GENERAL.—The Secretary of Energy, the Ad-
8 ministrator of the National Nuclear Security Administra-
9 tion, and the Chairman of the Nuclear Regulatory Commis-
10 sion shall jointly establish a program, to be known as the
11 ‘University Nuclear Leadership Program’.

12 “(b) USE OF FUNDS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), amounts made available to carry out the
15 Program shall be used to provide financial assistance
16 for scholarships, fellowships, and research and devel-
17 opment projects at institutions of higher education in
18 areas relevant to the programmatic mission of the ap-
19 plicable Federal agency, with an emphasis on pro-
20 viding the financial assistance with respect to re-
21 search, development, demonstration, and commercial
22 application activities relevant to civilian advanced
23 nuclear reactors including, but not limited to—

1 “(A) *relevant fuel cycle technologies;*
2 “(B) *project management; and*
3 “(C) *advanced construction, manufacturing,*
4 *and fabrication methods.*

5 “(2) *EXCEPTION.—Notwithstanding paragraph*
6 *(1), amounts made available to carry out the Pro-*
7 *gram may be used to provide financial assistance for*
8 *a scholarship, fellowship, or multiyear research and*
9 *development project that does not align directly with*
10 *a programmatic mission of the Department of En-*
11 *ergy, if the activity for which assistance is provided*
12 *would facilitate the maintenance of the discipline of*
13 *nuclear science or engineering.*

14 “(c) *DEFINITIONS.—In this section:*

15 “(1) *ADVANCED NUCLEAR REACTOR; INSTITUTION*
16 *OF HIGHER EDUCATION.—The terms ‘advanced nu-*
17 *clear reactor’ and ‘institution of higher education’*
18 *have the meanings given those terms in section 951 of*
19 *the Energy Policy Act of 2005 (42 U.S.C. 16271).*

20 “(2) *PROGRAM.—The term ‘Program’ means the*
21 *University Nuclear Leadership Program established*
22 *under this section.*

23 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
24 *are authorized to be appropriated to carry out the Program*
25 *for each of fiscal years 2021 through 2025—*

1 “(1) \$30,000,000 to the Secretary of Energy, of
2 which \$15,000,000 shall be for use by the Adminis-
3 trator of the National Nuclear Security Administra-
4 tion; and

5 “(2) \$15,000,000 to the Nuclear Regulatory Com-
6 mission.”.

7 (f) *NUCLEAR ENERGY RESEARCH INFRASTRUC-*
8 *TURE.—Section 955 of the Energy Policy Act of 2005 (42*
9 *U.S.C. 16275) is amended—*

10 (1) *in subsection (c), paragraph (1)—*

11 (A) *in the paragraph heading, by striking*
12 *“MISSION NEED” and inserting “AUTHORIZA-*
13 *TION”;* and

14 (B) *in subparagraph (A), by striking “de-*
15 *termine the mission need” and inserting “pro-*
16 *vide”;*

17 (2) *by adding at the end of subsection (c) the fol-*
18 *lowing:*

19 “(7) *AUTHORIZATION OF APPROPRIATIONS.—*
20 *There are authorized to be appropriated to the Sec-*
21 *retary to carry out to completion the construction of*
22 *the facility under this section—*

23 “(A) \$295,000,000 for fiscal year 2021;

24 “(B) \$348,000,000 for fiscal year 2022;

25 “(C) \$525,000,000 for fiscal year 2023;

1 “(D) \$534,000,000 for fiscal year 2024; and
2 “(E) \$584,000,000 for fiscal year 2025.”.

3 (3) in subsection (c) paragraph (4), by striking
4 “2025” and inserting “2026”; and

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

6 “(d) *GATEWAY FOR ACCELERATED INNOVATION IN NU-*
7 *CLEAR.*—

8 “(1) *IN GENERAL.*—*In carrying out the pro-*
9 *grams under this subtitle, the Secretary is authorized*
10 *to establish a new initiative to be known as the Gate-*
11 *way for Accelerated Innovation in Nuclear (GAIN).*
12 *The initiative shall, to the maximum extent prac-*
13 *ticable and consistent with national security, provide*
14 *the nuclear energy industry with access to cutting*
15 *edge research and development along with the tech-*
16 *nical, regulatory, and financial support necessary to*
17 *move innovative nuclear energy technologies toward*
18 *commercialization in an accelerated and cost-effective*
19 *fashion. The Secretary shall make available, as a*
20 *minimum—*

21 “(A) *experimental capabilities and testing*
22 *facilities;*

23 “(B) *computational capabilities, modeling,*
24 *and simulation tools;*

1 “(C) access to existing datasets and data
2 validation tools; and

3 “(D) technical assistance with guidance or
4 processes as needed.

5 “(2) SELECTION.—

6 “(A) IN GENERAL.—The Secretary shall se-
7 lect industry partners for awards on a competi-
8 tive merit-reviewed basis.

9 “(B) CONSIDERATIONS.—In selecting indus-
10 try partners under subparagraph (A), the Sec-
11 retary shall consider—

12 “(i) the information disclosed by the
13 Department as described in paragraph (1);
14 and

15 “(ii) any existing facilities the Depart-
16 ment will provide for public private part-
17 nership activities.”.

18 (g) ADVANCED REACTOR DEMONSTRATION PRO-
19 GRAM.—

20 (1) IN GENERAL.—Subtitle E of title IX of the
21 Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.)
22 is amended by adding at the end the following:

1 **“SEC. 959A. ADVANCED REACTOR DEMONSTRATION PRO-**
2 **GRAM.**

3 *“(a) DEMONSTRATION PROJECT DEFINED.—For the*
4 *purposes of this section, the term ‘demonstration project’*
5 *means an advanced nuclear reactor operated in any man-*
6 *ner, including as part of the power generation facilities of*
7 *an electric utility system, for the purpose of demonstrating*
8 *the suitability for commercial application of the advanced*
9 *nuclear reactor.*

10 *“(b) ESTABLISHMENT.—The Secretary shall establish*
11 *a program to advance the research, development, dem-*
12 *onstration, and commercial application of domestic ad-*
13 *vanced, affordable, nuclear energy technologies by—*

14 *“(1) demonstrating a variety of advanced nu-*
15 *clear reactor technologies, including those that could*
16 *be used to produce—*

17 *“(A) safer, emissions-free power at a com-*
18 *petitive cost of electricity compared to other new*
19 *energy generation technologies on the date of en-*
20 *actment of the Energy Act of 2020;*

21 *“(B) heat for community heating, indus-*
22 *trial purposes, heat storage, or synthetic fuel*
23 *production;*

24 *“(C) remote or off-grid energy supply; or*

25 *“(D) backup or mission-critical power sup-*
26 *plies;*

1 “(2) *identifying research areas that the private*
2 *sector is unable or unwilling to undertake due to the*
3 *cost of, or risks associated with, the research; and*

4 “(3) *facilitating the access of the private sector—*

5 “(A) *to Federal research facilities and per-*
6 *sonnel; and*

7 “(B) *to the results of research relating to*
8 *civil nuclear technology funded by the Federal*
9 *Government.*

10 “(c) *DEMONSTRATION PROJECTS.—In carrying out*
11 *demonstration projects under the program established in*
12 *subsection (b), the Secretary shall—*

13 “(1) *include, as an evaluation criterion, diver-*
14 *sity in designs for the advanced nuclear reactors dem-*
15 *onstrated under this section, including designs using*
16 *various—*

17 “(A) *primary coolants;*

18 “(B) *fuel types and compositions; and*

19 “(C) *neutron spectra;*

20 “(2) *consider, as evaluation criteria—*

21 “(A) *the likelihood that the operating cost*
22 *for future commercial units for each design im-*
23 *plemented through a demonstration project under*
24 *this subsection is cost-competitive in the applica-*
25 *ble market, including those designs configured as*

1 *integrated energy systems as described in section*
2 *952(c);*

3 *“(B) the technology readiness level of a pro-*
4 *posed advanced nuclear reactor technology;*

5 *“(C) the technical abilities and qualifica-*
6 *tions of teams desiring to demonstrate a pro-*
7 *posed advanced nuclear reactor technology; and*

8 *“(D) the capacity to meet cost-share re-*
9 *quirements of the Department;*

10 *“(3) ensure that each evaluation of candidate*
11 *technologies for the demonstration projects is com-*
12 *pleted through an external review of proposed designs,*
13 *which review shall—*

14 *“(A) be conducted by a panel that includes*
15 *not fewer than 1 representative that does not*
16 *have a conflict of interest of each within the ap-*
17 *plicable market of the design of—*

18 *“(i) an electric utility;*

19 *“(ii) an entity that uses high-tempera-*
20 *ture process heat for manufacturing or in-*
21 *dustrial processing, such as a petrochemical*
22 *or synthetic fuel company, a manufacturer*
23 *of metals or chemicals, or a manufacturer of*
24 *concrete;*

1 “(iii) an expert from the investment
2 community;

3 “(iv) a project management practi-
4 tioner; and

5 “(v) an environmental health and safe-
6 ty expert; and

7 “(B) include a review of each demonstration
8 project under this subsection which shall include
9 consideration of cost-competitiveness and other
10 value streams, together with the technology readi-
11 ness level, the technical abilities and qualifica-
12 tions of teams desiring to demonstrate a pro-
13 posed advanced nuclear reactor technology, the
14 capacity to meet cost-share requirements of the
15 Department, if Federal funding is provided, and
16 environmental impacts;

17 “(4) for federally funded demonstration projects,
18 enter into cost-sharing agreements with private sector
19 partners in accordance with section 988 for the con-
20 duct of activities relating to the research, develop-
21 ment, and demonstration of advanced nuclear reactor
22 designs under the program;

23 “(5) consult with—

24 “(A) National Laboratories;

25 “(B) institutions of higher education;

1 “(C) *traditional end users (such as electric*
2 *utilities);*

3 “(D) *potential end users of new technologies*
4 *(such as users of high-temperature process heat*
5 *for manufacturing processing, including petro-*
6 *chemical or synthetic fuel companies, manufac-*
7 *turers of metals or chemicals, or manufacturers*
8 *of concrete);*

9 “(E) *developers of advanced nuclear reactor*
10 *technology;*

11 “(F) *environmental and public health and*
12 *safety experts; and*

13 “(G) *non-proliferation experts;*

14 “(6) *seek to ensure that the demonstration*
15 *projects carried out under this section do not cause*
16 *any delay in the progress of an advanced reactor*
17 *project by private industry and the Department of*
18 *Energy that is underway as of the date of enactment*
19 *of this section;*

20 “(7) *establish a streamlined approval process for*
21 *expedited contracting between awardees and the De-*
22 *partment;*

23 “(8) *identify technical challenges to candidate*
24 *technologies;*

1 “(9) support near-term research and development
2 to address the highest risk technical challenges to the
3 successful demonstration of a selected advanced reac-
4 tor technology, in accordance with—

5 “(A) paragraph (8);

6 “(B) the research and development activities
7 under section 952(b); and

8 “(C) the research and development activities
9 under section 958; and

10 “(10) establish such technology advisory working
11 groups as the Secretary determines to be appropriate
12 to advise the Secretary regarding the technical chal-
13 lenges identified under paragraph (8) and the scope
14 of research and development programs to address the
15 challenges, in accordance with paragraph (9), to be
16 comprised of—

17 “(A) private sector advanced nuclear reac-
18 tor technology developers;

19 “(B) technical experts with respect to the
20 relevant technologies at institutions of higher
21 education;

22 “(C) technical experts at the National Lab-
23 oratories;

24 “(D) environmental and public health and
25 safety experts;

1 “(E) non-proliferation experts; and
2 “(F) any other entities the Secretary deter-
3 mines appropriate.

4 “(d) MILESTONE-BASED DEMONSTRATION
5 PROJECTS.—The Secretary may carry out demonstration
6 projects under subsection (c) as a milestone-based dem-
7 onstration project under section 9005 of the Energy Act of
8 2020.

9 “(e) NONDUPLICATION.—Entities may not receive
10 funds under this program if receiving funds from another
11 reactor demonstration program at the Department in the
12 same fiscal year.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There are
14 authorized to be appropriated to the Secretary to carry out
15 the program under this subsection—

16 “(1) \$405,000,000 for fiscal year 2021;

17 “(2) \$405,000,000 for fiscal year 2022;

18 “(3) \$420,000,000 for fiscal year 2023;

19 “(4) \$455,000,000 for fiscal year 2024; and

20 “(5) \$455,000,000 for fiscal year 2025.”.

21 “(2) TABLE OF CONTENTS.—The table of contents
22 of the Energy Policy Act of 2005 (Public Law 109–
23 58; 119 Stat. 594) is amended—

1 (A) *in the items relating to sections 957,*
2 958, and 959, by inserting “Sec.” before “95”
3 each place it appears; and

4 (B) *by inserting after the item relating to*
5 *section 959 the following:*

“Sec. 959A. *Advanced reactor demonstration program.*”.

6 (h) *INTERNATIONAL NUCLEAR ENERGY COOPERA-*
7 *TION.—*

8 (1) *IN GENERAL.—*Subtitle *E* of title *IX* of the
9 *Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.),*
10 *as amended by subsection (g), is further amended by*
11 *adding at the end the following:*

12 **“SEC. 959B. INTERNATIONAL NUCLEAR ENERGY COOPERA-**
13 **TION.**

14 *“The Secretary shall carry out a program—*

15 *“(1) to collaborate in international efforts with*
16 *respect to research, development, demonstration, and*
17 *commercial application of nuclear technology that*
18 *supports diplomatic, financing, nonproliferation, cli-*
19 *mate, and international economic objectives for the*
20 *safe, secure, and peaceful use of such technology; and*

21 *“(2) to develop collaboration initiatives with re-*
22 *spect to such efforts with a variety of countries*
23 *through—*

24 *“(A) preparations for research and develop-*
25 *ment agreements;*

1 “(B) the development of coordinated action
2 plans; and

3 “(C) new or existing multilateral coopera-
4 tion commitments including—

5 “(i) the International Framework for
6 Nuclear Energy Cooperation;

7 “(ii) the Generation IV International
8 Forum;

9 “(iii) the International Atomic Energy
10 Agency;

11 “(iv) the Organization for Economic
12 Co-operation and Development Nuclear En-
13 ergy Agency; and

14 “(v) any other international collabo-
15 rative effort with respect to advanced nu-
16 clear reactor operations and safety.”.

17 (2) *TABLE OF CONTENTS.*—*The table of contents*
18 *of the Energy Policy Act of 2005 (Public Law 109–*
19 *58; 119 Stat. 594), as amended by subsection (g), is*
20 *further amended by inserting after the item relating*
21 *to section 959A the following:*

“Sec. 959B. *International nuclear energy cooperation.*”.

1 **SEC. 2004. HIGH-PERFORMANCE COMPUTATION COLLABO-**
2 **RATIVE RESEARCH PROGRAM.**

3 *Section 957 of the Energy Policy Act of 2005 (42*
4 *U.S.C. 16277) is amended by adding at the end the fol-*
5 *lowing:*

6 “(d) *DUPLICATION.—The Secretary shall ensure the*
7 *coordination of, and avoid unnecessary duplication of, the*
8 *activities of the program under subsection (a) with the ac-*
9 *tivities of—*

10 *“(1) other research entities of the Department,*
11 *including the National Laboratories, the Advanced*
12 *Research Projects Agency–Energy, and the Advanced*
13 *Scientific Computing Research program; and*

14 *“(2) industry.”.*

15 **SEC. 2005. NUCLEAR ENERGY BUDGET PLAN.**

16 *Section 959 of the Energy Policy Act of 2005 (42*
17 *U.S.C. 16279) is amended—*

18 *(1) by amending subsection (b) to read as fol-*
19 *lows:*

20 “(b) *BUDGET PLAN ALTERNATIVE 1.—One of the*
21 *budget plans submitted under subsection (a) shall assume*
22 *constant annual funding for 10 years at the appropriated*
23 *level for the current fiscal year for the civilian nuclear en-*
24 *ergy research and development of the Department.”;*

25 *(2) in subsection (d)(2) by striking “; and” and*
26 *inserting “;”;*

1 **“SEC. 959C. ORGANIZATION AND ADMINISTRATION OF PRO-**
2 **GRAMS.**

3 “(a) *COORDINATION.*—*In carrying out this subtitle,*
4 *the Secretary shall coordinate activities, and effectively*
5 *manage crosscutting research priorities across programs of*
6 *the Department and other relevant Federal agencies, includ-*
7 *ing the National Laboratories.*

8 “(b) *COLLABORATION.*—

9 “(1) *IN GENERAL.*—*In carrying out this subtitle,*
10 *the Secretary shall collaborate with industry, Na-*
11 *tional Laboratories, other relevant Federal agencies,*
12 *institutions of higher education, including minority-*
13 *serving institutions and research reactors, Tribal en-*
14 *tities, including Alaska Native Corporations, and*
15 *international bodies with relevant scientific and tech-*
16 *nical expertise.*

17 “(2) *PARTICIPATION.*—*To the extent practicable,*
18 *the Secretary shall encourage research projects that*
19 *promote collaboration between entities specified in*
20 *paragraph (1).*

21 “(c) *DISSEMINATION OF RESULTS AND PUBLIC AVAIL-*
22 *ABILITY.*—*The Secretary shall, except to the extent protected*
23 *from disclosure under section 552(b) of title 5, United*
24 *States Code, publish the results of projects supported under*
25 *this subtitle through Department websites, reports, data-*
26 *bases, training materials, and industry conferences, includ-*

1 *ing information discovered after the completion of such*
2 *projects.*

3 “(d) *EDUCATION AND OUTREACH.*—*In carrying out*
4 *the activities described in this subtitle, the Secretary shall*
5 *support education and outreach activities to disseminate*
6 *information and promote public understanding of nuclear*
7 *energy.*

8 “(e) *TECHNICAL ASSISTANCE.*—*In carrying out this*
9 *subtitle, for the purposes of supporting technical, nonhard-*
10 *ware, and information-based advances in nuclear energy*
11 *development and operations, the Secretary shall also con-*
12 *duct technical assistance and analysis activities, including*
13 *activities that support commercial application of nuclear*
14 *energy in rural, Tribal, and low-income communities.*

15 “(f) *PROGRAM REVIEW.*—*At least annually, all pro-*
16 *grams in this subtitle shall be subject to an annual review*
17 *by the Nuclear Energy Advisory Committee of the Depart-*
18 *ment or other independent entity, as appropriate.*

19 “(g) *SENSITIVE INFORMATION.*—*The Secretary shall*
20 *not publish any information generated under this subtitle*
21 *that is detrimental to national security, as determined by*
22 *the Secretary.”.*

23 “(b) *TABLE OF CONTENTS.*—*The table of contents of the*
24 *Energy Policy Act of 2005 (Public Law 109–58; 119 Stat.*

1 594), as amended by this Act, is further amended by insert-
2 ing after the item relating to section 959B the following:
“Sec. 959C. Organization and administration of programs.”.

3 **SEC. 2007. EXTENSION AND EXPANSION OF LIMITATIONS**
4 **ON IMPORTATION OF URANIUM FROM RUS-**
5 **SIAN FEDERATION.**

6 (a) *IN GENERAL.*—Section 3112A of the USEC Privat-
7 ization Act (42 U.S.C. 2297h–10a) is amended—

8 (1) in subsection (a)—

9 (A) by redesignating paragraph (7) as
10 paragraph (8); and

11 (B) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) *SUSPENSION AGREEMENT.*—The term ‘Sus-
14 pension Agreement’ has the meaning given that term
15 in section 3102(13).”;

16 (2) in subsection (b)—

17 (A) by striking “United States to support”
18 and inserting the following: “United States—

19 “(1) to support”;

20 (B) by striking the period at the end and
21 inserting a semicolon; and

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

23 “(2) to reduce reliance on uranium imports in
24 order to protect essential national security interests;

1 “(3) to revive and strengthen the supply chain
2 for nuclear fuel produced and used in the United
3 States; and

4 “(4) to expand production of nuclear fuel in the
5 United States.”; and

6 (3) in subsection (c)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) in clause (vi), by striking “;
10 and” and inserting a semicolon;

11 (II) in clause (vii), by striking the
12 period at the end and inserting a semi-
13 colon; and

14 (III) by adding at the end the fol-
15 lowing:

16 “(viii) in calendar year 2021, 596,682
17 kilograms;

18 “(ix) in calendar year 2022, 489,617
19 kilograms;

20 “(x) in calendar year 2023, 578,877
21 kilograms;

22 “(xi) in calendar year 2024, 476,536
23 kilograms;

24 “(xii) in calendar year 2025, 470,376
25 kilograms;

1 “(xiii) in calendar year 2026, 464,183
2 kilograms;
3 “(xiv) in calendar year 2027, 459,083
4 kilograms;
5 “(xv) in calendar year 2028, 344,312
6 kilograms;
7 “(xvi) in calendar year 2029, 340,114
8 kilograms;
9 “(xvii) in calendar year 2030, 332,141
10 kilograms;
11 “(xviii) in calendar year 2031,
12 328,862 kilograms;
13 “(xix) in calendar year 2032, 322,255
14 kilograms;
15 “(xx) in calendar year 2033, 317,536
16 kilograms;
17 “(xxi) in calendar year 2034, 298,088
18 kilograms;
19 “(xxii) in calendar year 2035, 294,511
20 kilograms;
21 “(xxiii) in calendar year 2036,
22 286,066 kilograms;
23 “(xxiv) in calendar year 2037, 281,272
24 kilograms;

1 “(xxv) in calendar year 2038, 277,124
2 kilograms;

3 “(xxvi) in calendar year 2039, 277,124
4 kilograms; and

5 “(xxvii) in calendar year 2040,
6 267,685 kilograms.”;

7 (ii) by redesignating subparagraph (B)
8 as subparagraph (C); and

9 (iii) by inserting after subparagraph
10 (A) the following:

11 “(B) ADMINISTRATION.—

12 “(i) IN GENERAL.—The Secretary of
13 Commerce shall administer the import limi-
14 tations described in subparagraph (A) in
15 accordance with the provisions of the Sus-
16 pension Agreement, including—

17 “(I) the limitations on sales of en-
18 riched uranium product and separa-
19 tive work units plus conversion, in
20 amounts determined in accordance
21 with Section IV.B.1 of the Suspension
22 Agreement (as amended by the amend-
23 ment published in the Federal Register
24 on October 9, 2020 (85 Fed. Reg.
25 64112));

1 “(II) the export limit allocations
2 set forth in Appendix 5 of the Suspen-
3 sion Agreement (as so amended);

4 “(III) the requirements for nat-
5 ural uranium returned feed associated
6 with imports of low-enriched uranium,
7 including pursuant to sales of enrich-
8 ment, with or without conversion, from
9 the Russian Federation, as set forth in
10 Section IV.B.1 of the Suspension
11 Agreement (as so amended);

12 “(IV) any other provisions of the
13 Suspension Agreement (as so amend-
14 ed); and

15 “(V) any related administrative
16 guidance issued by the Department of
17 Commerce.

18 “(ii) *EFFECT OF TERMINATION OF*
19 *SUSPENSION AGREEMENT.*—Clause (i) shall
20 remain in effect if the Suspension Agree-
21 ment is terminated.”;

22 (B) in paragraph (3)—

23 (i) in subparagraph (A), by striking
24 the semicolon and inserting “; or”;

1 (ii) in subparagraph (B), by striking
2 “; or” and inserting a period; and

3 (iii) by striking subparagraph (C);
4 (C) in paragraph (5)—

5 (i) in subparagraph (A), by striking
6 “reference data” and all that follows
7 through “2019” and inserting the following:
8 “lower scenario data in the report of the
9 World Nuclear Association entitled ‘The Nu-
10 clear Fuel Report: Global Scenarios for De-
11 mand and Supply Availability 2019–2040’.
12 In each of calendar years 2023, 2029, and
13 2035”; and

14 (ii) by redesignating subparagraphs
15 (B) and (C) as subparagraphs (C) and (D),
16 respectively;

17 (iii) by inserting after subparagraph
18 (A) the following:

19 “(B) *REPORT REQUIRED*.—Not later than
20 one year after the date of the enactment of the
21 Energy Act of 2020, and every 3 years thereafter,
22 the Secretary shall submit to Congress a report
23 that includes—

24 “(i) a recommendation on the use of
25 all publicly available data to ensure accu-

1 *rate forecasting by scenario data to comport*
2 *to actual demand for low-enriched uranium*
3 *for nuclear reactors in the United States;*
4 *and*

5 *“(ii) an identification of the steps to be*
6 *taken to adjust the import limitations de-*
7 *scribed in paragraph (2)(A) based on the*
8 *most accurate scenario data.”; and*

9 *(iv) in subparagraph (D), as redesign-*
10 *ated by clause (ii), by striking “subpara-*
11 *graph (B)” and inserting “subparagraph*
12 *(C)”;*

13 *(D) in paragraph (9), by striking “2020”*
14 *and inserting “2040”;*

15 *(E) in paragraph (12)(B), by inserting “or*
16 *the Suspension Agreement” after “the Russian*
17 *HEU Agreement”;* and

18 *(F) by striking “(2)(B)” each place it ap-*
19 *pears and inserting “(2)(C)”.*

20 *(b) APPLICABILITY.—The amendments made by sub-*
21 *section (a) apply with respect to uranium imported from*
22 *the Russian Federation on or after January 1, 2021.*

1 **SEC. 2008. FUSION ENERGY RESEARCH.**

2 (a) *PROGRAM.*—Section 307 of the Department of En-
3 *ergy Research and Innovation Act (42 U.S.C. 18645) is*
4 *amended—*

5 (1) *by redesignating subsections (a) through (g)*
6 *as subsections (b) through (h), respectively;*

7 (2) *by inserting before subsection (b), as so redес-*
8 *ignated, the following:*

9 “(a) *PROGRAM.*—As part of the activities authorized
10 *under section 209 of the Department of Energy Organiza-*
11 *tion Act (42 U.S.C. 7139) and section 972 of the Energy*
12 *Policy Act of 2005 (42 U.S.C. 16312), the Director shall*
13 *carry out a fusion energy sciences research and enabling*
14 *technology development program to effectively address the*
15 *scientific and engineering challenges to building a cost com-*
16 *petitive fusion power plant and to support the development*
17 *of a competitive fusion power industry in the United States.*
18 *As part of this program, the Director shall carry out re-*
19 *search activities to expand the fundamental understandings*
20 *of plasma and matter at very high temperatures and den-*
21 *sities for fusion applications and for other engineering and*
22 *plasma science applications.”;*

23 (3) *by amending subsection (d) to read as fol-*
24 *lows:*

25 “(d) *INERTIAL FUSION RESEARCH AND DEVELOP-*
26 *MENT.*—

1 “(1) *IN GENERAL.*—*The Director shall carry out*
2 *a program of research and technology development in*
3 *inertial fusion for energy applications, including ion*
4 *beam, laser, and pulsed power fusion systems.*

5 “(2) *ACTIVITIES.*—*As part of the program de-*
6 *scribed in paragraph (1), the Director shall support*
7 *activities at and partnerships with universities and*
8 *the National Laboratories to—*

9 “(A) *develop novel target designs;*

10 “(B) *support modeling of various inertial*
11 *fusion energy concepts and systems;*

12 “(C) *develop diagnostic tools; and*

13 “(D) *improve inertial fusion energy driver*
14 *technologies.*

15 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—*Out*
16 *of funds authorized to be appropriated under sub-*
17 *section (o), there are authorized to be appropriated to*
18 *the Secretary to carry out the activities described in*
19 *subsection (d) \$25,000,000 for each of fiscal years*
20 *2021 through 2025.”;*

21 (4) *by amending subsection (e) to read as fol-*
22 *lows:*

23 “(e) *ALTERNATIVE AND ENABLING CONCEPTS.*—

24 “(1) *IN GENERAL.*—*The Director shall support*
25 *research and development activities and facility oper-*

1 *ations at institutions of higher education, National*
2 *Laboratories, and private facilities in the United*
3 *States for a portfolio of alternative and enabling fu-*
4 *sion energy concepts that may provide solutions to*
5 *significant challenges to the establishment of a com-*
6 *mercial magnetic fusion power plant, prioritized*
7 *based on the ability of the United States to play a*
8 *leadership role in the international fusion research*
9 *community.*

10 “(2) *ACTIVITIES.—Fusion energy concepts and*
11 *activities explored under paragraph (1) may in-*
12 *clude—*

13 “(A) *alternative fusion energy concepts, in-*
14 *cluding—*

15 “(i) *advanced stellarator concepts;*

16 “(ii) *non-tokamak confinement con-*
17 *figurations operating at low magnetic*
18 *fields;*

19 “(iii) *magnetized target fusion energy*
20 *concepts; or*

21 “(iv) *other promising fusion energy*
22 *concepts identified by the Director;*

23 “(B) *enabling fusion technology develop-*
24 *ment activities, including—*

1 “(i) *high magnetic field approaches fa-*
2 *cilitated by high temperature super-*
3 *conductors;*

4 “(ii) *liquid metals to address issues as-*
5 *sociated with fusion plasma interactions*
6 *with the inner wall of the encasing device;*
7 *and*

8 “(iii) *advanced blankets for heat man-*
9 *agement and fuel breeding; and*

10 “(C) *advanced scientific computing activi-*
11 *ties.*

12 “(3) *INNOVATION NETWORK FOR FUSION EN-*
13 *ERGY.—*

14 “(A) *IN GENERAL.—The Secretary, acting*
15 *through the Office of Science, shall support a*
16 *program to provide fusion energy researchers*
17 *with access to scientific and technical resources*
18 *and expertise at facilities supported by the De-*
19 *partment, including such facilities at National*
20 *Laboratories and universities, to advance inno-*
21 *vative fusion energy technologies toward commer-*
22 *cial application.*

23 “(B) *AWARDS.—Financial assistance under*
24 *the program established in subsection (a)—*

1 “(i) shall be awarded on a competitive,
2 merit-reviewed basis; and

3 “(ii) may be in the form of grants,
4 vouchers, equipment loans, or contracts to
5 private entities.

6 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—Out
7 of funds authorized to be appropriated under sub-
8 section (o), there are authorized to be appropriated to
9 the Secretary to carry out the activities described in
10 subsection (e) \$50,000,000 for each of fiscal years
11 2021 through 2025.”; and

12 (5) by adding at the end the following:

13 “(i) *MILESTONE-BASED DEVELOPMENT PROGRAM.*—

14 “(1) *IN GENERAL.*—Using the authority of the
15 Secretary under section 646(g) of the Department of
16 Energy Organization Act (42 U.S.C. 7256(g)), not-
17 withstanding paragraph (10) of such section, the Sec-
18 retary shall establish, not later than 6 months after
19 the date of enactment of this section, a milestone-
20 based fusion energy development program that re-
21 quires projects to meet particular technical milestones
22 before a participant is awarded funds by the Depart-
23 ment.

24 “(2) *PURPOSE.*—The purpose of the program es-
25 tablished by paragraph (1) shall be to support the de-

1 *velopment of a U.S.-based fusion power industry*
2 *through the research and development of technologies*
3 *that will enable the construction of new full-scale fu-*
4 *sion systems capable of demonstrating significant im-*
5 *provements in the performance of such systems, as de-*
6 *defined by the Secretary, within 10 years of the enact-*
7 *ment of this section.*

8 “(3) *ELIGIBILITY.*—*Any entity is eligible to par-*
9 *ticipate in the program provided that the Secretary*
10 *has deemed it as having the necessary resources and*
11 *expertise.*

12 “(4) *REQUIREMENTS.*—*In carrying out the mile-*
13 *stone-based program under paragraph (1), the Sec-*
14 *retary shall, for each relevant project—*

15 “(A) *request proposals from eligible entities,*
16 *as determined by the Secretary, that include pro-*
17 *posed technical milestones, including estimated*
18 *project timelines and total costs;*

19 “(B) *set milestones based on a rigorous*
20 *technical review process;*

21 “(C) *award funding of a predetermined*
22 *amount to projects that successfully meet pro-*
23 *posed milestones under paragraph (1), or for ex-*
24 *penses deemed reimbursable by the Secretary, in*

1 *accordance with terms negotiated for an indi-*
2 *vidual award; and*

3 “(D) *communicate regularly with selected*
4 *eligible entities and, if the Secretary deems ap-*
5 *propriate, exercise small amounts of flexibility*
6 *for technical milestones as projects mature.*

7 “(5) *AWARDS.—For the program established*
8 *under paragraph (1)—*

9 “(A) *an award recipient shall be responsible*
10 *for all costs until milestones are achieved, or re-*
11 *imbursable expenses are reviewed and verified by*
12 *the Department;*

13 “(B) *should an awardee not meet the mile-*
14 *stones described in paragraph (4), the Secretary*
15 *may end the partnership with an award recipi-*
16 *ent and use the remaining funds in the ended*
17 *agreement for new or existing projects carried*
18 *out under this section; and*

19 “(C) *consistent with the existing authorities*
20 *of the Department, the Secretary may end the*
21 *partnership with an award recipient for cause*
22 *during the performance period.*

23 “(6) *APPLICATIONS.—Any project proposal sub-*
24 *mitted to the program under paragraph (1) shall be*
25 *evaluated based upon its scientific, technical, and*

1 *business merits through a peer-review process, which*
2 *shall include reviewers with appropriate expertise*
3 *from the private sector, the investment community,*
4 *and experts in the science and engineering of fusion*
5 *and plasma physics.*

6 “(7) *PROJECT MANAGEMENT.*—*In carrying out*
7 *projects under this program and assessing the comple-*
8 *tion of their milestones in accordance with paragraph*
9 *(4), the Secretary shall consult with experts that rep-*
10 *resent diverse perspectives and professional experi-*
11 *ences, including those from the private sector, to en-*
12 *sure a complete and thorough review.*

13 “(8) *PROGRAMMATIC REVIEW.*—*Not later than 4*
14 *years after the Secretary has established 3 milestones*
15 *under this program, the Secretary shall enter into a*
16 *contractual arrangement with the National Academy*
17 *of Sciences to review and provide a report describing*
18 *the findings of this review to the House Committee on*
19 *Science, Space, and Technology and the Senate Com-*
20 *mittee on Energy and Natural Resources on the pro-*
21 *gram established under this paragraph (1) that as-*
22 *sesses—*

23 “(A) *the benefits and drawbacks of a mile-*
24 *stone-based fusion program as compared to tra-*

1 *ditional program structure funding models at the*
2 *Department;*

3 “(B) *lessons-learned from program oper-*
4 *ations; and*

5 “(C) *any other matters the Secretary deter-*
6 *mines regarding the program.*

7 “(9) *ANNUAL REPORT.—As part of the annual*
8 *budget request submitted for each fiscal year, the Sec-*
9 *retary shall provide the House Committee on Science,*
10 *Space, and Technology and the Senate Committee on*
11 *Energy and Natural Resources a report describing*
12 *partnerships supported by the program established*
13 *under paragraph (1) during the previous fiscal year.*

14 “(10) *AUTHORIZATION OF APPROPRIATIONS.—*
15 *Out of funds authorized to be appropriated under*
16 *subsection (o), there are authorized to be appropriated*
17 *to the Secretary to carry out the activities described*
18 *in subsection (i), to remain available until ex-*
19 *pended—*

20 “(A) *\$45,000,000 for fiscal year 2021;*

21 “(B) *\$65,000,000 for fiscal year 2022;*

22 “(C) *\$105,000,000 for fiscal year 2023;*

23 “(D) *\$65,000,000 for fiscal year 2024; and*

24 “(E) *\$45,000,000 for fiscal year 2025.*

1 “(j) *FUSION REACTOR SYSTEM DESIGN.*—*The Direc-*
2 *tor shall support research and development activities to de-*
3 *sign future fusion reactor systems and examine and address*
4 *the technical drivers for the cost of these systems.*

5 “(k) *GENERAL PLASMA SCIENCE AND APPLICA-*
6 *TIONS.*—*The Director shall support research in general*
7 *plasma science and high energy density physics that ad-*
8 *vance the understanding of the scientific community of fun-*
9 *damental properties and complex behavior of matter to con-*
10 *trol and manipulate plasmas for a broad range of applica-*
11 *tions, including support for research relevant to advance-*
12 *ments in chip manufacturing and microelectronics.*

13 “(l) *SENSE OF CONGRESS.*—*It is the sense of Congress*
14 *that the United States should support a robust, diverse pro-*
15 *gram in addition to providing sufficient support to, at a*
16 *minimum, meet its commitments to ITER and maintain*
17 *the schedule of the project as determined by the Secretary*
18 *in coordination with the ITER Organization at the time*
19 *of the enactment of this section. It is further the sense of*
20 *Congress that developing the scientific basis for fusion, pro-*
21 *viding research results key to the success of ITER, and*
22 *training the next generation of fusion scientists are of crit-*
23 *ical importance to the United States and should in no way*
24 *be diminished by participation of the United States in the*
25 *ITER project.*

1 “(m) *INTERNATIONAL COLLABORATION.*—*The Director*
2 *shall—*

3 “(1) *as practicable and in coordination with*
4 *other appropriate Federal agencies as necessary, en-*
5 *sure the access of United States researchers to the*
6 *most advanced fusion research facilities and research*
7 *capabilities in the world, including ITER;*

8 “(2) *to the maximum extent practicable, con-*
9 *tinue to leverage United States participation ITER,*
10 *and prioritize expanding international partnerships*
11 *and investments in current and future fusion research*
12 *facilities within the United States; and*

13 “(3) *to the maximum extent practicable,*
14 *prioritize engagement in collaborative efforts in sup-*
15 *port of future international facilities that would pro-*
16 *vide access to the most advanced fusion research fa-*
17 *cilities in the world to United States researchers.*

18 “(n) *FISSION AND FUSION RESEARCH COORDINATION*
19 *REPORT.*—

20 “(1) *IN GENERAL.*—*Not later than 6 months*
21 *after the date of enactment of this section, the Sec-*
22 *retary shall transmit to Congress a report addressing*
23 *opportunities for coordinating fusion energy research*
24 *and development activities between the Office of Nu-*

1 *clear Energy, the Office of Science, and the Advanced*
2 *Research Projects Agency—Energy.*

3 “(2) COMPONENTS.—*The report shall assess op-*
4 *portunities for collaboration on research and develop-*
5 *ment of—*

6 “(A) *liquid metals to address issues associ-*
7 *ated with fusion plasma interactions with the*
8 *inner wall of the encasing device and other com-*
9 *ponents within the reactor;*

10 “(B) *immersion blankets for heat manage-*
11 *ment and fuel breeding;*

12 “(C) *technologies and methods for instru-*
13 *mentation and control;*

14 “(D) *computational methods and codes for*
15 *system operation and maintenance;*

16 “(E) *codes and standard development;*

17 “(F) *radioactive waste handling;*

18 “(G) *radiological safety;*

19 “(H) *potential for non-electricity generation*
20 *applications; and*

21 “(I) *any other overlapping priority as iden-*
22 *tified by the Director of the Office of Science or*
23 *the Assistant Secretary of Energy for Nuclear*
24 *Energy.*

1 “(o) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
2 *are authorized to be appropriated to the Secretary to carry*
3 *out the activities described in this section—*

4 “(1) \$996,000,000 for fiscal year 2021;

5 “(2) \$921,000,000 for fiscal year 2022;

6 “(3) \$961,000,000 for fiscal year 2023;

7 “(4) \$921,000,000 for fiscal year 2024; and

8 “(5) \$901,000,000 for fiscal year 2025.”.

9 (b) *ITER.*—*Section 972(c) of the Energy Policy Act*
10 *of 2005 (42 U.S.C. 16312) is amended to read as follows:*

11 “(c) *UNITED STATES PARTICIPATION IN ITER.*—

12 “(1) *IN GENERAL.*—*There is authorized United*
13 *States participation in the construction and oper-*
14 *ations of the ITER project, as agreed to under the*
15 *April 25, 2007 ‘Agreement on the Establishment of*
16 *the ITER International Fusion Energy Organization*
17 *for the Joint Implementation of the ITER Project’.*
18 *The Director shall coordinate and carry out the re-*
19 *sponsibilities of the United States with respect to this*
20 *Agreement.*

21 “(2) *REPORT.*—*Not later than 1 year after the*
22 *date of enactment of this section, the Secretary shall*
23 *submit to Congress a report providing an assessment*
24 *of the most recent schedule for ITER that has been*
25 *approved by the ITER Council.*

1 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—Out
2 of funds authorized to be appropriated under section
3 307(o) of the Department of Energy Research and In-
4 novation Act (42 U.S.C. 18645), there shall be made
5 available to the Secretary to carry out the construc-
6 tion of ITER—

7 “(A) \$374,000,000 for fiscal year 2021; and
8 “(B) \$281,000,000 for each of fiscal years
9 2022 through 2025.”.

10 ***TITLE III—RENEWABLE ENERGY***
11 ***AND STORAGE***

12 ***Subtitle A—Renewable Energy***
13 ***Research and Development***

14 ***SEC. 3001. WATER POWER RESEARCH AND DEVELOPMENT.***

15 (a) *IN GENERAL.*—Subtitle C of title VI of the Energy
16 Independence and Security Act of 2007 (42 U.S.C. 17211
17 *et seq.*) is amended to read as follows:

18 ***“Subtitle C—Water Power Research***
19 ***and Development***

20 ***“SEC. 632. DEFINITIONS.***

21 *“In this subtitle:*

22 “(1) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
23 ty’ means any of the following entities:

24 “(A) *An institution of higher education.*

25 “(B) *A National Laboratory.*

1 “(C) *A Federal research agency.*

2 “(D) *A State research agency.*

3 “(E) *A nonprofit research organization.*

4 “(F) *An industrial entity or a multi-institutional consortium thereof.*

6 “(2) *INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means—*

8 “(A) *an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or*

11 “(B) *a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).*

14 “(3) *MARINE ENERGY.—The term ‘marine energy’ means energy from—*

16 “(A) *waves, tides, and currents in oceans, estuaries, and tidal areas;*

18 “(B) *free flowing water in rivers, lakes, streams, and man-made channels;*

20 “(C) *differentials in salinity and pressure gradients; and*

22 “(D) *differentials in water temperature, including ocean thermal energy conversion.*

24 “(4) *NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given such term*

25

1 *in section 2(3) of the Energy Policy Act of 2005 (42*
2 *U.S.C. 15801(3)).*

3 “(5) *WATER POWER.*—*The term ‘water power’*
4 *refers to hydropower, including conduit power,*
5 *pumped storage, and marine energy technologies.*

6 “(6) *MICROGRID.*—*The term ‘microgrid’ has the*
7 *meaning given such term in section 641 of the Energy*
8 *Independence and Security Act of 2007 (42 U.S.C.*
9 *17231).*

10 **“SEC. 633. WATER POWER TECHNOLOGY RESEARCH, DEVEL-**
11 **OPMENT, AND DEMONSTRATION.**

12 “*The Secretary shall carry out a program to conduct*
13 *research, development, demonstration, and commercial ap-*
14 *plication of water power technologies in support of each of*
15 *the following purposes:*

16 “(1) *To promote research, development, dem-*
17 *onstration, and commercial application of water*
18 *power generation technologies in order to increase ca-*
19 *capacity and reduce the cost of those technologies.*

20 “(2) *To promote research and development to*
21 *improve the environmental impact of water power*
22 *technologies.*

23 “(3) *To provide grid reliability and resilience,*
24 *including through technologies that facilitate new*

1 *market opportunities, such as ancillary services, for*
2 *water power.*

3 *“(4) To promote the development of water power*
4 *technologies to improve economic growth and enhance*
5 *cross-institutional foundational workforce develop-*
6 *ment in the water power sector, including in coastal*
7 *communities.*

8 **“SEC. 634. HYDROPOWER RESEARCH, DEVELOPMENT, AND**
9 **DEMONSTRATION.**

10 *“The Secretary shall conduct a program of research,*
11 *development, demonstration, and commercial application*
12 *for technologies that improve the capacity, efficiency, resil-*
13 *ience, security, reliability, affordability, and environmental*
14 *impact, including potential cumulative environmental im-*
15 *pacts, of hydropower systems. In carrying out such pro-*
16 *gram, the Secretary shall prioritize activities designed to—*

17 *“(1) develop technology for—*

18 *“(A) non-powered dams, including aging*
19 *and potentially hazardous dams;*

20 *“(B) pumped storage;*

21 *“(C) constructed waterways;*

22 *“(D) new stream-reach development;*

23 *“(E) modular and small dams;*

24 *“(F) increased operational flexibility; and*

1 “(G) enhancement of relevant existing fa-
2 cilities;

3 “(2) develop new strategies and technologies, in-
4 cluding analytical methods, physical and numerical
5 tools, and advanced computing, as well as methods to
6 validate such methods and tools, in order to—

7 “(A) extend the operational lifetime of hy-
8 dropower systems and their physical structures,
9 while improving environmental impact, includ-
10 ing potential cumulative environmental impacts;

11 “(B) assist in device and system design, in-
12 stallation, operation, and maintenance; and

13 “(C) reduce costs, limit outages, and in-
14 crease unit and plant efficiencies, including by
15 examining the impact of changing water and
16 electricity demand on hydropower generation,
17 flexibility, and provision of grid services;

18 “(3) study, in conjunction with other relevant
19 Federal agencies as appropriate, methods to improve
20 the hydropower licensing process, including by com-
21 piling current and accepted best practices, public
22 comments, and methodologies to assess the full range
23 of potential environmental and economic impacts;

1 “(4) identify opportunities for joint research, de-
2 velopment, and demonstration programs between hy-
3 dropower systems, which may include—

4 “(A) pumped storage systems and other re-
5 newable energy systems;

6 “(B) small hydro facilities and other energy
7 storage systems;

8 “(C) other hybrid energy systems;

9 “(D) small hydro facilities and critical in-
10 frastructure, including water infrastructure; and

11 “(E) hydro facilities and responsive load
12 technologies, which may include smart buildings
13 and city systems;

14 “(5) improve the reliability of hydropower tech-
15 nologies, including during extreme weather events;

16 “(6) develop methods and technologies to improve
17 environmental impact, including potential cumu-
18 lative environmental impacts, of hydropower and
19 pumped storage technologies, including potential im-
20 pacts on wildlife, such as—

21 “(A) fisheries;

22 “(B) aquatic life and resources;

23 “(C) navigation of waterways; and

1 “(D) upstream and downstream environ-
2 mental conditions, including sediment move-
3 ment, water quality, and flow volumes;

4 “(7) identify ways to increase power generation
5 by—

6 “(A) diversifying plant configuration op-
7 tions;

8 “(B) improving pump-back efficiencies;

9 “(C) investigating multi-phase systems;

10 “(D) developing, testing, and monitoring
11 advanced generators with faster cycling times,
12 variable speeds, and improved efficiencies;

13 “(E) developing, testing, and monitoring
14 advanced turbines capable of improving environ-
15 mental impact, including potential cumulative
16 environmental impacts, including small turbine
17 designs;

18 “(F) developing standardized powertrain
19 components;

20 “(G) developing components with advanced
21 materials and manufacturing processes, includ-
22 ing additive manufacturing; and

23 “(H) developing analytical tools that enable
24 hydropower to provide grid services that,

1 *amongst other services, improve grid integration*
2 *of other energy sources;*

3 “(8) *advance new pumped storage technologies,*
4 *including—*

5 “(A) *systems with adjustable speed and*
6 *other new pumping and generating equipment*
7 *designs;*

8 “(B) *modular systems;*

9 “(C) *alternative closed-loop systems, includ-*
10 *ing mines and quarries; and*

11 “(D) *other innovative equipment and mate-*
12 *rials as determined by the Secretary;*

13 “(9) *reduce civil works costs and construction*
14 *times for hydropower and pumped storage systems,*
15 *including comprehensive data and systems analysis of*
16 *hydropower and pumped storage construction tech-*
17 *nologies and processes in order to identify areas for*
18 *whole-system efficiency gains;*

19 “(10) *advance efficient and reliable integration*
20 *of hydropower and pumped storage systems with the*
21 *electric grid by—*

22 “(A) *improving methods for operational*
23 *forecasting of renewable energy systems to iden-*
24 *tify opportunities for hydropower applications*
25 *in pumped storage and hybrid energy systems,*

1 *including forecasting of seasonal and annual en-*
2 *ergy storage;*

3 *“(B) considering aggregating small distrib-*
4 *uted hydropower assets; and*

5 *“(C) identifying barriers to grid scale im-*
6 *plementation of hydropower and pumped storage*
7 *technologies;*

8 *“(11) improve computational fluid dynamic*
9 *modeling methods;*

10 *“(12) improve flow measurement methods, in-*
11 *cluding maintenance of continuous flow measurement*
12 *equipment;*

13 *“(13) identify best methods for compiling data*
14 *on all hydropower resources and assets, including*
15 *identifying potential for increased capacity; and*

16 *“(14) identify mechanisms to test and validate*
17 *performance of hydropower and pumped storage tech-*
18 *nologies.*

19 **“SEC. 635. MARINE ENERGY RESEARCH, DEVELOPMENT,**
20 **AND DEMONSTRATION.**

21 *“(a) IN GENERAL.—The Secretary, in consultation*
22 *with the Secretary of Defense, Secretary of Commerce (act-*
23 *ing through the Under Secretary of Commerce for Oceans*
24 *and Atmosphere) and other relevant Federal agencies, shall*
25 *conduct a program of research, development, demonstration,*

1 *and commercial application of marine energy technology,*
2 *including activities to—*

3 “(1) *assist technology development to improve*
4 *the components, processes, and systems used for power*
5 *generation from marine energy resources at a variety*
6 *of scales;*

7 “(2) *establish and expand critical testing infra-*
8 *structure and facilities necessary to—*

9 “(A) *demonstrate and prove marine energy*
10 *devices at a range of scales in a manner that is*
11 *cost-effective and efficient; and*

12 “(B) *accelerate the technological readiness*
13 *and commercial application of such devices;*

14 “(3) *address marine energy resource variability*
15 *issues, including through the application of energy*
16 *storage technologies;*

17 “(4) *advance efficient and reliable integration of*
18 *marine energy with the electric grid, which may in-*
19 *clude smart building systems;*

20 “(5) *identify and study critical short-term and*
21 *long-term needs to maintaining a sustainable marine*
22 *energy supply chain based in the United States;*

23 “(6) *increase the reliability, security, and resil-*
24 *ience of marine energy technologies;*

1 “(7) validate the performance, reliability, main-
2 tainability, and cost of marine energy device designs
3 and system components in an operating environment;

4 “(8) consider the protection of critical infra-
5 structure, such as adequate separation between ma-
6 rine energy devices and submarine telecommuni-
7 cations cables, including through the development of
8 voluntary, consensus-based standards for such pur-
9 poses;

10 “(9) identify opportunities for crosscutting re-
11 search, development, and demonstration programs be-
12 tween existing energy research programs;

13 “(10) identify and improve, in conjunction with
14 the Secretary of Commerce, acting through the Under
15 Secretary of Commerce for Oceans and Atmosphere,
16 and other relevant Federal agencies as appropriate,
17 the environmental impact, including potential cumu-
18 lative environmental impacts, of marine energy tech-
19 nologies, including—

20 “(A) potential impacts on fisheries and
21 other marine resources; and

22 “(B) developing technologies, including
23 mechanisms for self-evaluation, and other means
24 available for improving environmental impact,

1 *including potential cumulative environmental*
2 *impacts;*

3 “(11) *identify, in consultation with relevant*
4 *Federal agencies, potential navigational impacts of*
5 *marine energy technologies and strategies to prevent*
6 *possible adverse impacts, in addition to opportunities*
7 *for marine energy systems to aid the United States*
8 *Coast Guard, such as remote sensing for coastal bor-*
9 *der security;*

10 “(12) *develop numerical and physical tools, in-*
11 *cluding models and monitoring technologies, to assist*
12 *industry in device and system design, installation,*
13 *operation, and maintenance, including methods to*
14 *validate such tools;*

15 “(13) *support materials science as it relates to*
16 *marine energy technology, such as the development of*
17 *corrosive-resistant materials;*

18 “(14) *improve marine energy resource fore-*
19 *casting and general understanding of aquatic system*
20 *behavior, including turbulence and extreme condi-*
21 *tions;*

22 “(15) *develop metrics and voluntary, consensus-*
23 *based standards, in coordination with the National*
24 *Institute of Standards and Technology and appro-*
25 *prate standard development organizations, for ma-*

1 *rine energy components, systems, and projects, includ-*
2 *ing—*

3 *“(A) measuring performance of marine en-*
4 *ergy technologies; and*

5 *“(B) characterizing environmental condi-*
6 *tions;*

7 *“(16) enhance integration with hybrid energy*
8 *systems, including desalination;*

9 *“(17) identify opportunities to integrate marine*
10 *energy technologies into new and existing infrastruc-*
11 *ture; and*

12 *“(18) to develop technology necessary to support*
13 *the use of marine energy—*

14 *“(A) for the generation and storage of power*
15 *at sea; and*

16 *“(B) for the generation and storage of*
17 *power to promote the resilience of coastal com-*
18 *munities, including in applications relating to—*

19 *“(i) desalination;*

20 *“(ii) disaster recovery and resilience;*

21 *and*

22 *“(iii) community microgrids in iso-*
23 *lated power systems.*

24 *“(b) STUDY OF NON-POWER SECTOR APPLICATIONS*
25 *FOR ADVANCED MARINE ENERGY TECHNOLOGIES.—*

1 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
2 *tion with the Secretary of Transportation and the*
3 *Secretary of Commerce, shall conduct a study to ex-*
4 *amine opportunities for research and development in*
5 *advanced marine energy technologies for non-power*
6 *sector applications, including applications with re-*
7 *spect to—*

8 “(A) *the maritime transportation sector;*

9 “(B) *associated maritime energy infrastruc-*
10 *ture, including infrastructure that serves ports,*
11 *to improve system resilience and disaster recov-*
12 *ery; and*

13 “(C) *enabling scientific missions at sea and*
14 *in extreme environments, including the Arctic.*

15 “(2) *REPORT.*—*Not later than 1 year after the*
16 *date of enactment of this section, the Secretary shall*
17 *submit to the Committee on Energy and Natural Re-*
18 *sources of the Senate and the Committee on Science,*
19 *Space, and Technology of the House of Representa-*
20 *tives a report that describes the results of the study*
21 *conducted under paragraph (1).*

22 **“SEC. 636. NATIONAL MARINE ENERGY CENTERS.**

23 “(a) *IN GENERAL.*—*The Secretary shall award grants,*
24 *each such grant up to \$10,000,000 per year, to institutions*
25 *of higher education (or consortia thereof) for—*

1 “(1) *the continuation and expansion of the re-*
2 *search, development, demonstration, testing, and com-*
3 *mercial application activities at the National Marine*
4 *Energy Centers (referred to in this section as ‘Cen-*
5 *ters’) established as of January 1, 2020; and*

6 “(2) *the establishment of new National Marine*
7 *Energy Centers.*

8 “(b) *LOCATION SELECTION.—In selecting institutions*
9 *of higher education for new Centers, the Secretary shall con-*
10 *sider the following criteria:*

11 “(1) *Whether the institution hosts an existing*
12 *marine energy research and development program.*

13 “(2) *Whether the institution has proven technical*
14 *expertise to support marine energy research.*

15 “(3) *Whether the institution has access to marine*
16 *resources.*

17 “(c) *PURPOSES.—The Centers shall coordinate among*
18 *themselves, the Department, and National Laboratories*
19 *to—*

20 “(1) *advance research, development, demonstra-*
21 *tion, and commercial application of marine energy*
22 *technologies in response to industry and commercial*
23 *needs;*

1 “(2) *support in-water testing and demonstration*
2 *of marine energy technologies, including facilities ca-*
3 *pable of testing—*

4 “(A) *marine energy systems of various tech-*
5 *nology readiness levels and scales;*

6 “(B) *a variety of technologies in multiple*
7 *test berths at a single location;*

8 “(C) *arrays of technology devices; and*

9 “(D) *interconnectivity to an electrical grid,*
10 *including microgrids; and*

11 “(3) *collect and disseminate information on best*
12 *practices in all areas relating to developing and man-*
13 *aging marine energy resources and energy systems.*

14 “(d) *COORDINATION.—To the extent practicable, the*
15 *Centers shall coordinate their activities with the Secretary*
16 *of Commerce, acting through the Undersecretary of Com-*
17 *merce for Oceans and Atmosphere, and other relevant Fed-*
18 *eral agencies.*

19 “(e) *TERMINATION.—To the extent otherwise author-*
20 *ized by law, the Secretary may terminate funding for a*
21 *Center described in paragraph (a) if such Center is under-*
22 *performing.*

1 **“SEC. 637. ORGANIZATION AND ADMINISTRATION OF PRO-**
2 **GRAMS.**

3 *“(a) COORDINATION.—In carrying out this subtitle,*
4 *the Secretary shall coordinate activities, and effectively*
5 *manage cross-cutting research priorities across programs of*
6 *the Department and other relevant Federal agencies, includ-*
7 *ing the National Laboratories and the National Marine En-*
8 *ergy Centers.*

9 *“(b) COLLABORATION.—*

10 *“(1) IN GENERAL.—In carrying out this subtitle,*
11 *the Secretary shall collaborate with industry, Na-*
12 *tional Laboratories, other relevant Federal agencies,*
13 *institutions of higher education, including Minority*
14 *Serving Institutions, National Marine Energy Cen-*
15 *ters, Tribal entities, including Alaska Native Cor-*
16 *porations, and international bodies with relevant sci-*
17 *entific and technical expertise.*

18 *“(2) PARTICIPATION.—To the extent practicable,*
19 *the Secretary shall encourage research projects that*
20 *promote collaboration between entities specified in*
21 *paragraph (1) and include entities not historically*
22 *associated with National Marine Energy Centers,*
23 *such as Minority Serving Institutions.*

24 *“(3) INTERNATIONAL COLLABORATION.—The Sec-*
25 *retary, in coordination with other appropriate Fed-*
26 *eral and multilateral agencies (including the United*

1 *States Agency for International Development) shall*
2 *support collaborative efforts with international part-*
3 *ners to promote the research, development, and dem-*
4 *onstration of water power technologies used to develop*
5 *hydropower, pump storage, and marine energy re-*
6 *sources.*

7 “(c) *DISSEMINATION OF RESULTS AND PUBLIC AVAIL-*
8 *ABILITY.—The Secretary shall—*

9 “(1) *publish the results of projects supported*
10 *under this subtitle through Department websites, re-*
11 *ports, databases, training materials, and industry*
12 *conferences, including information discovered after*
13 *the completion of such projects, withholding any in-*
14 *dustrial proprietary information; and*

15 “(2) *share results of such projects with the public*
16 *except to the extent that the information is protected*
17 *from disclosure under section 552(b) of title 5, United*
18 *States Code.*

19 “(d) *AWARD FREQUENCY.—The Secretary shall solicit*
20 *applications for awards under this subtitle no less fre-*
21 *quently than once per fiscal year.*

22 “(e) *EDUCATION AND OUTREACH.—In carrying out*
23 *the activities described in this subtitle, the Secretary shall*
24 *support education and outreach activities to disseminate*
25 *information and promote public understanding of water*

1 *power technologies and the water power workforce, includ-*
2 *ing activities at the National Marine Energy Centers.*

3 “(f) *TECHNICAL ASSISTANCE AND WORKFORCE DE-*
4 *VELOPMENT.—In carrying out this subtitle, the Secretary*
5 *may also conduct, for purposes of supporting technical,*
6 *non-hardware, and information-based advances in water*
7 *power systems development and operations—*

8 “(1) *technical assistance and analysis activities*
9 *with eligible entities, including activities that support*
10 *expanding access to advanced water power tech-*
11 *nologies for rural, Tribal, and low-income commu-*
12 *nities; and*

13 “(2) *workforce development and training activi-*
14 *ties, including to support the dissemination of stand-*
15 *ards and best practices for enabling water power pro-*
16 *duction.*

17 “(g) *STRATEGIC PLAN.—In carrying out the activities*
18 *described in this subtitle, the Secretary shall—*

19 “(1) *not later than one year after the date of the*
20 *enactment of the Energy Act of 2020, draft a plan,*
21 *considering input from relevant stakeholders such as*
22 *industry and academia, to implement the programs*
23 *described in this subtitle and update the plan on an*
24 *annual basis; and*

1 “(2) the plan shall address near-term (up to 2
2 years), mid-term (up to 7 years), and long-term (up
3 to 15 years) challenges to the advancement of water
4 power systems.

5 “(h) *REPORT TO CONGRESS.*—Not later than 1 year
6 after the date of the enactment of the Energy Act of 2020,
7 and at least once every 2 years thereafter, the Secretary
8 shall provide, and make available to the public and the rel-
9 evant authorizing and appropriations committees of Con-
10 gress, a report on the findings of research conducted and
11 activities carried out pursuant to this subtitle, including
12 the most current strategic plan under subsection (g) and
13 the progress made in implementing such plan.

14 “**SEC. 638. APPLICABILITY OF OTHER LAWS.**

15 “Nothing in this subtitle shall be construed as waiving,
16 modifying, or superseding the applicability of any require-
17 ment under any environmental or other Federal or State
18 law.

19 “**SEC. 639. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to the Sec-
21 retary to carry out this subtitle \$186,600,000 for each of
22 fiscal years 2021 through 2025, including \$137,428,378 for
23 marine energy and \$49,171,622 for hydropower research,
24 development, and demonstration activities.”.

1 (b) *CONFORMING TABLE OF CONTENTS AMEND-*
 2 *MENT.—The table of contents for the Energy Independence*
 3 *and Security Act of 2007 is amended by striking the items*
 4 *relating to subtitle C of title VI and inserting the following:*

“Subtitle C—Water Power Research and Development

- “Sec. 632. Definitions.*
“Sec. 633. Water power technology research, development, and demonstration.
“Sec. 634. Hydropower research, development, and demonstration.
“Sec. 635. Marine energy research, development, and demonstration.
“Sec. 636. National Marine Energy Centers.
“Sec. 637. Organization and administration of programs.
“Sec. 638. Applicability of other laws.
“Sec. 639. Authorization of appropriations.”.

5 **SEC. 3002. ADVANCED GEOTHERMAL INNOVATION LEADER-**
 6 **SHIP.**

7 (a) *DEFINITIONS.—Section 612 of the Energy Inde-*
 8 *pendence and Security Act of 2007 (42 U.S.C. 17191) is*
 9 *amended—*

10 (1) *by amending paragraph (1) to read as fol-*
 11 *lows:*

12 “*(1) ENGINEERED.—When referring to enhanced*
 13 *geothermal systems, the term ‘engineered’ means de-*
 14 *signed to access subsurface heat, including stimula-*
 15 *tion and nonstimulation technologies to address one*
 16 *or more of the following issues:*

17 “*(A) Lack of effective permeability, porosity*
 18 *or open fracture connectivity within the heat res-*
 19 *ervoir.*

20 “*(B) Insufficient contained geofluid in the*
 21 *heat reservoir.*

1 “(C) *A low average geothermal gradient*
2 *which necessitates deeper drilling, or the use of*
3 *alternative heat sources or heat generation proc-*
4 *esses.*”;

5 (2) *by redesignating paragraphs (2) through (7)*
6 *as paragraphs (3) through (8), respectively; and*

7 (3) *by adding after paragraph (1) the following:*

8 “(2) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
9 *ty’ means any of the following entities:*

10 “(A) *An institution of higher education.*

11 “(B) *A National laboratory.*

12 “(C) *A Federal research agency.*

13 “(D) *A State research agency.*

14 “(E) *A nonprofit research organization.*

15 “(F) *An industrial entity.*

16 “(G) *A consortium of 2 or more entities de-*
17 *scribed in subparagraphs (A) through (F).*”.

18 (b) *HYDROTHERMAL RESEARCH AND DEVELOP-*
19 *MENT.—Section 613 of the Energy Independence and Secu-*
20 *rity Act of 2007 (42 U.S.C. 17192) is amended to read as*
21 *follows:*

22 “**SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOP-**
23 **MENT.**

24 “(a) *IN GENERAL.—The Secretary shall carry out a*
25 *program of research, development, demonstration, and com-*

1 *mercial application for geothermal energy production from*
2 *hydrothermal systems.*

3 “(b) *PROGRAMS.—The program authorized in sub-*
4 *section (a) shall include the following:*

5 “(1) *ADVANCED HYDROTHERMAL RESOURCE*
6 *TOOLS.—The research and development of advanced*
7 *geologic tools to assist in locating hydrothermal re-*
8 *sources, and to increase the reliability of site charac-*
9 *terization, including the development of new imaging*
10 *and sensing technologies and techniques to assist in*
11 *prioritization of targets for characterization;*

12 “(2) *EXPLORATORY DRILLING FOR GEOTHERMAL*
13 *RESOURCES.—The demonstration of advanced tech-*
14 *nologies and techniques of siting and exploratory*
15 *drilling for undiscovered resources in a variety of geo-*
16 *logic settings, carried out in collaboration with indus-*
17 *try partners that will assist in the acquisition of high*
18 *quality data sets relevant for hydrothermal subsurface*
19 *characterization activities.”.*

20 “(c) *GENERAL GEOTHERMAL SYSTEMS RESEARCH AND*
21 *DEVELOPMENT.—Section 614 of the Energy Independence*
22 *and Security Act of 2007 (42 U.S.C. 17193) is amended*
23 *to read as follows:*

1 **“SEC. 614. GENERAL GEOTHERMAL SYSTEMS RESEARCH**
2 **AND DEVELOPMENT.**

3 “(a) *SUBSURFACE COMPONENTS AND SYSTEMS.*—The
4 Secretary shall support a program of research, development,
5 demonstration, and commercial application of components
6 and systems capable of withstanding geothermal environ-
7 ments and necessary to develop, produce, and monitor geo-
8 thermal reservoirs and produce geothermal energy.

9 “(b) *ENVIRONMENTAL IMPACTS.*—The Secretary
10 shall—

11 “(1) support a program of research, development,
12 demonstration, and commercial application of tech-
13 nologies and practices designed to mitigate or pre-
14 clude potential adverse environmental impacts of geo-
15 thermal energy development, production or use;

16 “(2) support a research program to identify po-
17 tential environmental impacts, including induced
18 seismicity, and environmental benefits of geothermal
19 energy development, production, and use, and ensure
20 that the program described in paragraph (1) address-
21 es such impacts, including water use and effects on
22 groundwater and local hydrology;

23 “(3) support a program of research to compare
24 the potential environmental impacts and environ-
25 mental benefits identified as part of the development,
26 production, and use of geothermal energy with the po-

1 *tential emission reductions of greenhouse gases gained*
2 *by geothermal energy development, production, and*
3 *use; and*

4 “(4) *in carrying out this section, the Secretary*
5 *shall, to the maximum extent practicable, consult*
6 *with relevant federal agencies, including the Environ-*
7 *mental Protection Agency.*

8 “(c) *RESERVOIR THERMAL ENERGY STORAGE.—The*
9 *Secretary shall support a program of research, development,*
10 *and demonstration of reservoir thermal energy storage, em-*
11 *phasizing cost-effective improvements through deep direct*
12 *use engineering, design, and systems research.*

13 “(d) *OIL AND GAS TECHNOLOGY TRANSFER INITIA-*
14 *TIVE.—*

15 “(1) *IN GENERAL.—The Secretary shall support*
16 *an initiative among the Office of Fossil Energy, the*
17 *Office of Energy Efficiency and Renewable Energy,*
18 *and the private sector to research, develop, and dem-*
19 *onstrate relevant advanced technologies and operation*
20 *techniques used in the oil and gas sector for use in*
21 *geothermal energy development.*

22 “(2) *PRIORITIES.—In carrying out paragraph*
23 *(1), the Secretary shall prioritize technologies with the*
24 *greatest potential to significantly increase the use and*
25 *lower the cost of geothermal energy in the United*

1 *States, including the cost and speed of geothermal*
2 *drilling surface technologies, large- and small-scale*
3 *drilling, and well construction.*

4 *“(e) COPRODUCTION OF GEOTHERMAL ENERGY AND*
5 *MINERALS PRODUCTION RESEARCH AND DEVELOPMENT*
6 *INITIATIVE.—*

7 *“(1) IN GENERAL.—The Secretary shall carry*
8 *out a research and development initiative under*
9 *which the Secretary shall provide financial assistance*
10 *to demonstrate the coproduction of critical minerals*
11 *from geothermal resources.*

12 *“(2) REQUIREMENTS.—An award made under*
13 *paragraph (1) shall—*

14 *“(A) improve the cost effectiveness of remov-*
15 *ing minerals from geothermal brines as part of*
16 *the coproduction process;*

17 *“(B) increase recovery rates of the targeted*
18 *mineral commodity;*

19 *“(C) decrease water use and other environ-*
20 *mental impacts, as determined by the Secretary;*
21 *and*

22 *“(D) demonstrate a path to commercial via-*
23 *bility.*

1 “(f) *FLEXIBLE OPERATIONS.*—*The Secretary shall*
2 *support a research initiative on flexible operation of geo-*
3 *thermal power plants.*

4 “(g) *INTEGRATED ENERGY SYSTEMS.*—*The Secretary*
5 *shall identify opportunities for joint research, development,*
6 *and demonstration programs between geothermal systems*
7 *and other energy generation or storage systems.*

8 “(h) *DRILLING DATA REPOSITORY.*—

9 “(1) *IN GENERAL.*—*The Secretary shall, in con-*
10 *sultation with the Secretary of the Interior, establish*
11 *and operate a voluntary, industry-wide repository of*
12 *geothermal drilling information to lower the cost of*
13 *future geothermal drilling.*

14 “(2) *REPOSITORY.*—

15 “(A) *IN GENERAL.*—*In carrying out para-*
16 *graph (1), the Secretary shall collaborate with*
17 *countries utilizing a significant amount of geo-*
18 *thermal energy, as determined by the Secretary.*

19 “(B) *DATA SYSTEM.*—*The repository estab-*
20 *lished under paragraph (1) shall be integrated*
21 *with the National Geothermal Data System.”.*

22 “(d) *ENHANCED GEOTHERMAL SYSTEMS RESEARCH*
23 *AND DEVELOPMENT.*—*Section 615 of the Energy Independ-*
24 *ence and Security Act of 2007 (42 U.S.C. 17194) is amend-*
25 *ed to read as follows:*

1 **“SEC. 615. ENHANCED GEOTHERMAL SYSTEMS RESEARCH**
2 **AND DEVELOPMENT.**

3 “(a) *IN GENERAL.*—*The Secretary shall support a pro-*
4 *gram of research, development, demonstration, and commer-*
5 *cial application for enhanced geothermal systems, including*
6 *the programs described in subsection (b).*

7 “(b) *ENHANCED GEOTHERMAL SYSTEMS TECH-*
8 *NOLOGIES.*—*In collaboration with industry partners, insti-*
9 *tutions of higher education, and the national laboratories,*
10 *the Secretary shall support a program of research, develop-*
11 *ment, demonstration, and commercial application of the*
12 *technologies to achieve higher efficiency and lower cost en-*
13 *hanced geothermal systems, including—*

14 “(1) *reservoir stimulation;*

15 “(2) *drilled, non-stimulated (e.g. closed-loop) res-*
16 *ervoir technologies;*

17 “(3) *reservoir characterization, monitoring, and*
18 *modeling and understanding of the surface area and*
19 *volume of fractures;*

20 “(4) *stress and fracture mapping including real*
21 *time monitoring and modeling;*

22 “(5) *tracer development;*

23 “(6) *three and four-dimensional seismic imaging*
24 *and tomography;*

25 “(7) *well placement and orientation;*

26 “(8) *long-term reservoir management;*

1 “(9) *drilling technologies, methods, and tools;*

2 “(10) *improved exploration tools;*

3 “(11) *zonal isolation; and*

4 “(12) *understanding induced seismicity risks*
5 *from reservoir engineering and stimulation.*

6 “(c) *FRONTIER OBSERVATORY FOR RESEARCH IN*
7 *GEOHERMAL ENERGY.—*

8 “(1) *IN GENERAL.—The Secretary shall support*
9 *the establishment and construction of up to 3 field re-*
10 *search sites, which shall each be known as a ‘Frontier*
11 *Observatory for Research in Geothermal Energy’ or*
12 *‘FORGE’ site to develop, test, and enhance techniques*
13 *and tools for enhanced geothermal energy.*

14 “(2) *DUTIES.—The Secretary shall—*

15 “(A) *provide financial assistance in support*
16 *of research and development projects focused on*
17 *advanced monitoring technologies, new tech-*
18 *nologies and approaches for implementing multi-*
19 *zone stimulations, nonstimulation techniques,*
20 *and dynamic reservoir modeling that incor-*
21 *porates all available high-fidelity characteriza-*
22 *tion data; and*

23 “(B) *seek opportunities to coordinate efforts*
24 *and share information with domestic and inter-*
25 *national partners engaged in research and devel-*

1 *opment of geothermal systems and related tech-*
2 *nology, including coordination between FORGE*
3 *sites.*

4 “(3) *SITE SELECTION.*—*Of the FORGE sites re-*
5 *ferred to in paragraph (1), the Secretary shall—*

6 “(A) *consider applications through a com-*
7 *petitive, merit-reviewed process, from National*
8 *Laboratories, multi-institutional collaborations,*
9 *institutes of higher education and other appro-*
10 *priate entities best suited to provide national*
11 *leadership on geothermal related issues and per-*
12 *form the duties enumerated under this sub-*
13 *section;*

14 “(B) *prioritize existing field sites and fa-*
15 *cilities with capabilities relevant to the duties*
16 *enumerated under this subsection;*

17 “(C) *determine the mission need for and po-*
18 *tential location of subsequent FORGE sites fol-*
19 *lowing the completion of construction and one*
20 *year of operation of two FORGE sites; and*

21 “(D) *ensure geologic diversity among*
22 *FORGE sites when developing subsequent sites,*
23 *to the maximum extent practicable.*

1 “(4) *EXISTING FORGE SITES.*—A *FORGE* site
2 *already in existence on the date of enactment of this*
3 *Act may continue to receive support.*

4 “(5) *SITE OPERATION.*—

5 “(A) *INITIAL DURATION.*—*FORGE* sites se-
6 *lected under paragraph (3) shall operate for an*
7 *initial term of not more than 7 years after the*
8 *date on which site operation begins.*

9 “(B) *PERFORMANCE METRICS.*—*The Sec-*
10 *retary shall establish performance metrics for*
11 *each FORGE site supported under this para-*
12 *graph, which may be used by the Secretary to*
13 *determine whether a FORGE site should con-*
14 *tinue to receive funding.*

15 “(6) *ADDITIONAL TERMS.*—

16 “(A) *IN GENERAL.*—*At the end of an oper-*
17 *ational term described in subparagraph (B), a*
18 *FORGE site may—*

19 “(i) *be transferred to other public or*
20 *private entities for further enhanced geo-*
21 *thermal testing; or*

22 “(ii) *subject to appropriations and a*
23 *merit review by the Secretary, operate for*
24 *an additional term of not more than 7*
25 *years.*

1 “(B) *OPERATIONAL TERM DESCRIBED.*—An
2 *operational term referred to in subparagraph*
3 *(A)*—

4 “(i) *in the case of an existing FORGE*
5 *site, is the existing operational term; and*

6 “(ii) *in the case of new FORGE sites*
7 *selected under paragraph (3), is the initial*
8 *term under paragraph (5)(A) or an addi-*
9 *tional term under subparagraph (A)(ii) of*
10 *this paragraph.*

11 “(7) *FUNDING.*—

12 “(A) *IN GENERAL.*—*Out of funds authorized*
13 *to be appropriated under section 623, there shall*
14 *be made available to the Secretary to carry out*
15 *the FORGE activities under this paragraph—*

16 “(i) *\$45,000,000 for fiscal year 2021;*

17 “(ii) *\$55,000,000 for fiscal year 2022;*

18 “(iii) *\$65,000,000 for fiscal year 2023;*

19 “(iv) *\$70,000,000 for fiscal year 2024;*

20 *and*

21 “(v) *\$70,000,000 for fiscal year 2025.*

22 “(B) *CONSIDERATIONS.*—*In carrying out*
23 *this subsection, the Secretary shall consider the*
24 *balance between funds dedicated to construction*

1 *and operations and research activities to reflect*
2 *the state of site development.*

3 “(d) *ENHANCED GEOTHERMAL SYSTEMS DEMONSTRATION*—
4 *TIONS.*—

5 “(1) *IN GENERAL.*—*Beginning on the date of en-*
6 *actment of this section, the Secretary, in collaboration*
7 *with industry partners, institutions of higher edu-*
8 *cation, and the national laboratories, shall support*
9 *an initiative for demonstration of enhanced geo-*
10 *thermal systems for power production or direct use.*

11 “(2) *PROJECTS.*—

12 “(A) *IN GENERAL.*—*Under the initiative de-*
13 *scribed in paragraph (1), 4 demonstration*
14 *projects shall be carried out in locations that are*
15 *potentially commercially viable for enhanced geo-*
16 *thermal systems development, while also consid-*
17 *ering environmental impacts to the maximum*
18 *extent practicable, as determined by the Sec-*
19 *retary.*

20 “(B) *REQUIREMENTS.*—*Demonstration*
21 *projects under subparagraph (A) shall—*

22 “(i) *collectively demonstrate—*

23 “(I) *different geologic settings,*
24 *such as hot sedimentary aquifers, lay-*

1 *ered geologic systems, supercritical sys-*
2 *tems, and basement rock systems; and*

3 *“(II) a variety of development*
4 *techniques, including open hole and*
5 *cased hole completions, differing well*
6 *orientations, and stimulation and non-*
7 *stimulation mechanisms; and*

8 *“(ii) to the extent practicable, use ex-*
9 *isting sites where subsurface characteriza-*
10 *tion or geothermal energy integration anal-*
11 *ysis has been conducted.*

12 *“(C) EASTERN DEMONSTRATION.—Not fewer*
13 *than 1 of the demonstration projects carried out*
14 *under subparagraph (A) shall be located an area*
15 *east of the Mississippi River that is suitable for*
16 *enhanced geothermal demonstration for power,*
17 *heat, or a combination of power and heat.*

18 *“(D) MILESTONE-BASED DEMONSTRATION*
19 *PROJECTS.—The Secretary may carry out dem-*
20 *onstration projects under this subsection as a*
21 *milestone-based demonstration project under sec-*
22 *tion 9005 of the Energy Act of 2020.*

23 *“(3) FUNDING.—Out of funds authorized to be*
24 *appropriated under section 623, there shall be made*
25 *available to the Secretary to carry out the demonstra-*

1 *tion activities under this subsection \$21,000,000 for*
2 *each of fiscal years 2021 through 2025.”.*

3 *(e) GEOTHERMAL HEAT PUMPS AND DIRECT USE.—*

4 *(1) IN GENERAL.—Title VI of the Energy Inde-*
5 *pendence and Security Act of 2007 is amended by in-*
6 *serting after section 616 (42 U.S.C. 17195) the fol-*
7 *lowing:*

8 **“SEC. 616A. GEOTHERMAL HEAT PUMPS AND DIRECT USE**
9 **RESEARCH AND DEVELOPMENT.**

10 *“(a) PURPOSES.—The purposes of this section are—*

11 *“(1) to improve the understanding of related*
12 *earth sciences, components, processes, and systems*
13 *used for geothermal heat pumps and the direct use of*
14 *geothermal energy; and*

15 *“(2) to increase the energy efficiency, lower the*
16 *cost, increase the use, and improve and demonstrate*
17 *the effectiveness of geothermal heat pumps and the di-*
18 *rect use of geothermal energy.*

19 *“(b) DEFINITIONS.—In this section:*

20 *“(1) DIRECT USE OF GEOTHERMAL ENERGY.—*
21 *The term ‘direct use of geothermal energy’ means geo-*
22 *thermal systems that use water directly or through a*
23 *heat exchanger to provide—*

1 “(A) heating and cooling to buildings, com-
2 mercial districts, residential communities, and
3 large municipal, or industrial projects; or

4 “(B) heat required for industrial processes,
5 agriculture, aquaculture, and other facilities.

6 “(2) *ECONOMICALLY DISTRESSED AREA*.—The
7 term ‘economically distressed area’ means an area de-
8 scribed in section 301(a) of the Public Works and
9 Economic Development Act of 1965 (42 U.S.C.
10 3161(a)).

11 “(3) *GEOTHERMAL HEAT PUMP*.—The term ‘geo-
12 thermal heat pump’ means a system that provides
13 heating and cooling by exchanging heat from shallow
14 geology, groundwater, or surface water using—

15 “(A) a closed loop system, which transfers
16 heat by way of buried or immersed pipes that
17 contain a mix of water and working fluid; or

18 “(B) an open loop system, which circulates
19 ground or surface water directly into the build-
20 ing and returns the water to the same aquifer or
21 surface water source.

22 “(c) *PROGRAM*.—

23 “(1) *IN GENERAL*.—The Secretary shall support
24 within the Geothermal Technologies Office a program
25 of research, development, and demonstration for geo-

1 *thermal heat pumps and the direct use of geothermal*
2 *energy.*

3 “(2) *AREAS.*—*The program under paragraph (1)*
4 *may include research, development, demonstration,*
5 *and commercial application of—*

6 “(A) *geothermal ground loop efficiency im-*
7 *provements, cost reductions, and improved in-*
8 *stallation and operations methods;*

9 “(B) *the use of geothermal energy for build-*
10 *ing-scale energy storage;*

11 “(C) *the use of geothermal energy as a grid*
12 *management resource or seasonal energy storage;*

13 “(D) *geothermal heat pump efficiency im-*
14 *provements;*

15 “(E) *the use of alternative fluids as a heat*
16 *exchange medium, such as hot water found in*
17 *mines and mine shafts, graywater, or other*
18 *fluids that may improve the economics of geo-*
19 *thermal heat pumps;*

20 “(F) *heating of districts, neighborhoods,*
21 *communities, large commercial or public build-*
22 *ings, and industrial and manufacturing facili-*
23 *ties;*

24 “(G) *the use of low temperature ground-*
25 *water for direct use; and*

1 “(H) system integration of direct use with
2 geothermal electricity production.

3 “(3) ENVIRONMENTAL IMPACTS.—In carrying
4 out the program, the Secretary shall identify and
5 mitigate potential environmental impacts in accord-
6 ance with section 614(b).

7 “(d) FINANCIAL ASSISTANCE.—

8 “(1) IN GENERAL.—The Secretary shall carry
9 out the program established in subsection (c) by mak-
10 ing financial assistance available to State, local, and
11 Tribal governments, institutions of higher education,
12 nonprofit entities, National Laboratories, utilities,
13 and for-profit companies.

14 “(2) PRIORITY.—In providing financial assist-
15 ance under this subsection, the Secretary may give
16 priority to proposals that apply to large buildings,
17 commercial districts, and residential communities
18 that are located in economically distressed areas and
19 areas that the Secretary determines to have high eco-
20 nomic potential for geothermal district heating based
21 on the report, ‘Geovision: Harnessing the Heat Be-
22 neath our Feet’ published by the Department in 2019,
23 or a successor report.”.

24 “(2) CONFORMING AMENDMENT.—Section 1(b) of
25 the Energy Independence and Security Act of 2007

1 (42 U.S.C. 17001 note) is amended in the table of
2 contents by inserting after the item relating to section
3 616 the following:

 “Sec. 616A. Geothermal heat pumps and direct use research and development.”.

4 (f) **ORGANIZATION AND ADMINISTRATION OF PRO-**
5 **GRAMS.**—

6 (1) *IN GENERAL.*—Section 617 of the Energy
7 Independence and Security Act of 2007 (42 U.S.C.
8 17196) is amended—

9 (A) by striking the section heading and in-
10 serting “**ORGANIZATION AND ADMINISTRA-**
11 **TION OF PROGRAMS**”;

12 (B) in subsection (b), by striking paragraph
13 (2) and redesignating paragraphs (3) and (4) as
14 paragraphs (2) and (3), respectively; and

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

16 “(c) **EDUCATION AND OUTREACH.**—In carrying out
17 the activities described in this subtitle, the Secretary shall
18 support education and outreach activities to disseminate
19 information on geothermal energy technologies and the geo-
20 thermal energy workforce, including activities at the Fron-
21 tier Observatory for Research in Geothermal Energy site or
22 sites.

23 “(d) **TECHNICAL ASSISTANCE.**—In carrying out this
24 subtitle, the Secretary shall also conduct technical assist-
25 ance and analysis activities with eligible entities for the

1 *purpose of supporting the commercial application of ad-*
2 *vances in geothermal energy systems development and oper-*
3 *ations, which may include activities that support expand-*
4 *ing access to advanced geothermal energy technologies for*
5 *rural, Tribal, and low-income communities.*

6 “(e) *REPORT.—Every 5 years after the date of enact-*
7 *ment of this subsection, the Secretary shall report to the*
8 *Committee on Science and Technology of the House of Rep-*
9 *resentatives and the Committee on Energy and Natural Re-*
10 *sources of the Senate on advanced concepts and technologies*
11 *to maximize the geothermal resource potential of the United*
12 *States.*

13 “(f) *PROGRESS REPORTS.—Not later than 1 year after*
14 *the date of enactment of this subsection, and every 2 years*
15 *thereafter, the Secretary shall submit to the Committee on*
16 *Science and Technology of the House of Representatives and*
17 *the Committee on Energy and Natural Resources of the Sen-*
18 *ate a report on the results of projects undertaken under this*
19 *part and other such information the Secretary considers ap-*
20 *propriate.”.*

21 (2) *CONFORMING AMENDMENT.—Section 1(b) of*
22 *the Energy Independence and Security Act of 2007*
23 *(42 U.S.C. 17001 note) is amended in the table of*
24 *contents by amending the item related to section 617*
25 *to read as follows:*

“Sec. 617. *Organization and administration of programs.*”.

1 (g) *ADVANCED GEOTHERMAL COMPUTING AND DATA*
2 *SCIENCE RESEARCH AND DEVELOPMENT.*—

3 (1) *IN GENERAL.*—Section 618 of the Energy
4 *Independence and Security Act of 2007 (42 U.S.C.*
5 *17197) is amended to read as follows:*

6 **“SEC. 618. ADVANCED GEOTHERMAL COMPUTING AND DATA**
7 ***SCIENCE RESEARCH AND DEVELOPMENT.***

8 “(a) *IN GENERAL.*—The Secretary shall carry out a
9 *program of research and development of advanced com-*
10 *puting and data science tools for geothermal energy.*

11 “(b) *PROGRAMS.*—The program authorized in sub-
12 *section (a) shall include the following:*

13 “(1) *ADVANCED COMPUTING FOR GEOTHERMAL*
14 *SYSTEMS TECHNOLOGIES.*—Research, development,
15 *and demonstration of technologies to develop advanced*
16 *data, machine learning, artificial intelligence, and re-*
17 *lated computing tools to assist in locating geothermal*
18 *resources, to increase the reliability of site character-*
19 *ization, to increase the rate and efficiency of drilling,*
20 *to improve induced seismicity mitigation, and to sup-*
21 *port enhanced geothermal systems technologies.*

22 “(2) *GEOTHERMAL SYSTEMS RESERVOIR MOD-*
23 *ELING.*—Research, development, and demonstration of
24 *models of geothermal reservoir performance and en-*
25 *hanced geothermal systems reservoir stimulation tech-*

1 *nologies and techniques, with an emphasis on accu-*
2 *rately modeling fluid and heat flow, permeability evo-*
3 *lution, geomechanics, geochemistry, seismicity, and*
4 *operational performance over time, including collabo-*
5 *ration with industry and field validation.*

6 “(c) *COORDINATION.*—*In carrying out these programs,*
7 *the Secretary shall ensure coordination and consultation*
8 *with the Department of Energy’s Office of Science. The Sec-*
9 *retary shall ensure, to the maximum extent practicable, co-*
10 *ordination of these activities with the Department of En-*
11 *ergy National Laboratories, institutes of higher education,*
12 *and the private sector.”.*

13 (2) *CONFORMING AMENDMENT.*—*Section 1(b) of*
14 *the Energy Independence and Security Act of 2007*
15 *(42 U.S.C. 17001 note) is amended in the table of*
16 *contents by amending the item related to section 618*
17 *to read as follows:*

“*Sec. 618. Advanced geothermal computing and data science research and devel-*
opment.”.

18 (h) *GEOHERMAL WORKFORCE DEVELOPMENT.*—

19 (1) *IN GENERAL.*—*Section 619 of the Energy*
20 *Independence and Security Act of 2007 (42 U.S.C.*
21 *17198) is amended to read as follows:*

22 **“SEC. 619. GEOHERMAL WORKFORCE DEVELOPMENT.**

23 “*The Secretary shall support the development of a geo-*
24 *thermal energy workforce through a program that—*

1 “(1) *facilitates collaboration between university*
2 *students and researchers at the National Laboratories;*
3 *and*

4 “(2) *prioritizes science in areas relevant to the*
5 *mission of the Department through the application of*
6 *geothermal energy tools and technologies.*”.

7 (2) *CONFORMING AMENDMENT.*—Section 1(b) of
8 *the Energy Independence and Security Act of 2007*
9 *(42 U.S.C. 17001 note) is amended in the table of*
10 *contents by amending the item related to section 619*
11 *to read as follows:*

 “*Sec. 619. Geothermal workforce development.*”.

12 (i) *REPEALS.*—

13 (1) *EISA REPEAL.*—Subtitle B of title VI of the
14 *Energy Independence and Security Act of 2007 (42*
15 *U.S.C. 17191 et seq.) is amended by striking sections*
16 *620 and 621.*

17 (2) *CONFORMING AMENDMENT.*—Section 1(b) of
18 *the Energy Independence and Security Act of 2007*
19 *(42 U.S.C. 17001 note) is amended in the table of*
20 *contents by striking the item related to section 620*
21 *and 621.*

22 (3) *ADDITIONAL REPEAL.*—The *Geothermal En-*
23 *ergy Research, Development, and Demonstration Act*
24 *of 1974 (30 U.S.C. 1101 et seq.) is repealed.*

1 (j) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 623 of the Energy Independence and Security Act of 2007
3 (42 U.S.C. 17202) is amended to read as follows:

4 **“SEC. 623. AUTHORIZATION OF APPROPRIATIONS.**

5 *“There are authorized to be appropriated to the Sec-*
6 *retary to carry out the programs under this subtitle*
7 *\$170,000,000 for each of fiscal years 2021 through 2025.”.*

8 (k) *INTERNATIONAL GEOTHERMAL ENERGY DEVELOP-*
9 *MENT.*—Section 624 of the Energy Independence and Secu-
10 rity Act of 2007 (42 U.S.C. 17203) is amended—

11 (1) by amending subsection (a) to read as fol-
12 lows:

13 *“(a) IN GENERAL.—The Secretary of Energy, in co-*
14 *ordination with other appropriate Federal and multilateral*
15 *agencies (including the United States Agency for Inter-*
16 *national Development) shall support collaborative efforts*
17 *with international partners to promote the research, devel-*
18 *opment, and demonstration of geothermal technologies used*
19 *to develop hydrothermal and enhanced geothermal system*
20 *resources.”; and*

21 (2) by striking subsection (c).

22 (l) *REAUTHORIZATION OF HIGH COST REGION GEO-*
23 *THERMAL ENERGY GRANT PROGRAM.*—Section 625 of the
24 Energy Independence and Security Act of 2007 (42 U.S.C.
25 17204) is amended—

1 (1) *in subsection (a)(2), by inserting “or heat”*
2 *after “electrical power”; and*

3 (2) *by amending subsection (e) to read as fol-*
4 *lows:*

5 “(e) *AUTHORIZATION OF APPROPRIATIONS.—Out of*
6 *funds authorized under section 623, there is authorized to*
7 *be appropriated to carry out this section \$5,000,000 for*
8 *each of fiscal years 2021 through 2025.”.*

9 (m) *UPDATE TO GEOTHERMAL RESOURCE ASSESS-*
10 *MENT.—Section 2501 of the Energy Policy Act of 1992 (30*
11 *U.S.C. 1028) is amended—*

12 (1) *by redesignating subsections (a) and (b) as*
13 *subsections (b) and (d), respectively;*

14 (2) *by inserting before subsection (b) (as so re-*
15 *designated) the following:*

16 “(a) *DEFINITION OF ENHANCED GEOTHERMAL SYS-*
17 *TEMS.—In this section, the term ‘enhanced geothermal sys-*
18 *tems’ has the meaning given the term in section 612 of the*
19 *Energy Independence and Security Act of 2007 (42 U.S.C.*
20 *17191).”;*

21 (3) *by inserting after subsection (b) (as so red-*
22 *esignated) the following:*

23 “(c) *UPDATE TO GEOTHERMAL RESOURCE ASSESS-*
24 *MENT.—The Secretary of the Interior, acting through the*
25 *United States Geological Survey, and in consultation with*

1 *the Secretary of Energy, shall update the 2008 United*
2 *States geothermal resource assessment carried out by the*
3 *United States Geological Survey, including—*

4 “(1) *with respect to areas previously identified*
5 *by the Department of Energy or the United States*
6 *Geological Survey as having significant potential for*
7 *hydrothermal energy or enhanced geothermal systems*
8 *energy, by focusing on—*

9 “(A) *improving the resolution of resource*
10 *potential at systematic temperatures and depths,*
11 *including temperatures and depths appropriate*
12 *for power generation and direct use applications;*

13 “(B) *quantifying the total potential to co-*
14 *produce geothermal energy and minerals;*

15 “(C) *incorporating data relevant to under-*
16 *ground thermal energy storage and exchange,*
17 *such as aquifer and soil properties; and*

18 “(D) *producing high resolution maps, in-*
19 *cluding—*

20 “(i) *maps that indicate key subsurface*
21 *parameters for electric and direct use re-*
22 *sources; and*

23 “(ii) *risk maps for induced seismicity*
24 *based on geologic, geographic, and oper-*
25 *ational parameters; and*

1 “(2) to the maximum extent practicable, by co-
2 ordinating with relevant State officials and institu-
3 tions of higher education to expand geothermal assess-
4 ments, including enhanced geothermal systems assess-
5 ments, to include assessments for the Commonwealth
6 of Puerto Rico and the States of Alaska and Ha-
7 waii.”; and

8 (4) in subsection (d) (as so redesignated), by
9 striking “necessary” and inserting “necessary”.

10 (n) *MODIFYING THE DEFINITION OF RENEWABLE EN-*
11 *ERGY TO INCLUDE THERMAL ENERGY.—*

12 (o) *MODIFYING THE DEFINITION OF RENEWABLE EN-*
13 *ERGY TO INCLUDE THERMAL ENERGY.—Section 203 of the*
14 *Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—*

15 (1) in subsection (b)(2), by striking “generated”
16 and inserting “produced”; and

17 (2) in subsection (c)—

18 (A) by redesignating paragraphs (1)
19 through (3) as subparagraphs (A) through (C),
20 respectively, and indenting appropriately;

21 (B) in the matter preceding subparagraph
22 (A) (as so redesignated), by striking “For pur-
23 poses” and inserting the following:

24 “(1) *IN GENERAL.—For purposes*”; and

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

1 “(2) *SEPARATE CALCULATION.*—

2 “(A) *IN GENERAL.*—For purposes of deter-
3 mining compliance with the requirement of this
4 section, any energy consumption that is avoided
5 through the use of geothermal energy shall be
6 considered to be renewable energy produced.

7 “(B) *EFFICIENCY ACCOUNTING.*—Energy
8 consumption that is avoided through the use of
9 geothermal energy that is considered to be renew-
10 able energy under this section shall not be con-
11 sidered energy efficiency for the purpose of com-
12 pliance with Federal energy efficiency goals, tar-
13 gets, and incentives.”.

14 **SEC. 3003. WIND ENERGY RESEARCH AND DEVELOPMENT.**

15 (a) *DEFINITIONS.*—In this section:

16 (1) *CRITICAL MATERIAL.*—The term “critical
17 material” has the meaning given the term in section
18 7002 of this Act.

19 (2) *ECONOMICALLY DISTRESSED AREA.*—The
20 term “economically distressed area” means an area
21 described in section 301(a) of the Public Works and
22 Economic Development Act of 1965 (42 U.S.C.
23 3161(a)).

24 (3) *ELIGIBLE ENTITY.*—The term “eligible enti-
25 ty” means—

1 (A) *an institution of higher education, in-*
2 *cluding a minority-serving institution;*

3 (B) *a National Laboratory;*

4 (C) *a Federal research agency;*

5 (D) *a State research agency;*

6 (E) *a research agency associated with a ter-*
7 *ritory or freely associated state;*

8 (F) *a Tribal energy development organiza-*
9 *tion;*

10 (G) *an Indian Tribe;*

11 (H) *a Tribal organization;*

12 (I) *a Native Hawaiian community-based*
13 *organization;*

14 (J) *a nonprofit research organization;*

15 (K) *an industrial entity;*

16 (L) *any other entity, as determined by the*
17 *Secretary; and*

18 (M) *a consortium of 2 or more entities de-*
19 *scribed in subparagraphs (A) through (L).*

20 (4) *INDIAN TRIBE.*—*The term “Indian Tribe”*
21 *has the meaning given the term in section 4 of the In-*
22 *dian Self-Determination and Education Assistance*
23 *Act (25 U.S.C. 5304).*

24 (5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
25 *term “institution of higher education” means—*

1 (A) *an institution of higher education (as*
2 *defined in section 101(a) of the Higher Edu-*
3 *cation Act of 1965 (20 U.S.C. 1001(a)); or*

4 (B) *a postsecondary vocational institution*
5 *(as defined in section 102(c) of the Higher Edu-*
6 *cation Act of 1965 (20 U.S.C. 1002(c)).*

7 (6) *MINORITY SERVING INSTITUTION.—The term*
8 *“minority-serving institution” has the meaning given*
9 *the term “eligible institution” in section 371(a) of the*
10 *Higher Education Act of 1965 (20 U.S.C. 1067q(a)).*

11 (7) *NATIONAL LABORATORY.—The term “Na-*
12 *tional Laboratory” has the meaning given such term*
13 *in section 2(3) of the Energy Policy Act of 2005 (42*
14 *U.S.C. 15801(3)).*

15 (8) *NATIVE HAWAIIAN COMMUNITY-BASED ORGA-*
16 *NIZATION.—The term “Native Hawaiian community-*
17 *based organization” has the meaning given the term*
18 *in section 6207 of the Elementary and Secondary*
19 *Education Act of 1965 (20 U.S.C. 7517).*

20 (9) *PROGRAM.—The term “program” means the*
21 *program established under subsection (b)(1).*

22 (10) *SECRETARY.—The term “Secretary” means*
23 *the Secretary of Energy.*

24 (11) *TERRITORY OR FREELY ASSOCIATED*
25 *STATE.—The term “territory or freely associated*

1 *state” has the meaning given the term “insular area”*
2 *in section 1404 of the Food and Agriculture Act of*
3 *1977 (7 U.S.C. 3103).*

4 (12) *TRIBAL ENERGY DEVELOPMENT ORGANIZA-*
5 *TION.—The term “Tribal energy development organi-*
6 *zation” has the meaning given the term “tribal en-*
7 *ergy development organization” in section 2601 of the*
8 *Energy Policy Act of 1992 (25 U.S.C. 3501).*

9 (13) *TRIBAL ORGANIZATION.—The term “Tribal*
10 *organization” has the meaning given the term in sec-*
11 *tion 4 of the Indian Self-Determination and Edu-*
12 *cation Assistance Act (25 U.S.C. 5304).*

13 (b) *WIND ENERGY TECHNOLOGY PROGRAM.—*

14 (1) *ESTABLISHMENT.—*

15 (A) *IN GENERAL.—The Secretary shall es-*
16 *tablish a program to conduct research, develop-*
17 *ment, demonstration, and commercialization of*
18 *wind energy technologies in accordance with this*
19 *subsection.*

20 (B) *PURPOSES.—The purposes of the pro-*
21 *gram are the following:*

22 (i) *To improve the energy efficiency,*
23 *cost effectiveness, reliability, resilience, secu-*
24 *rity, siting, integration, manufacturability,*

1 *installation, decommissioning, and*
2 *recyclability of wind energy technologies.*

3 *(ii) To optimize the performance and*
4 *operation of wind energy components, tur-*
5 *bines, and systems, including through the*
6 *development of new materials, hardware,*
7 *and software.*

8 *(iii) To optimize the design and adapt-*
9 *ability of wind energy technologies to the*
10 *broadest practical range of geographic, at-*
11 *mospheric, offshore, and other site condi-*
12 *tions, including—*

13 *(I) at varying hub heights; and*

14 *(II) through the use of computer*
15 *modeling.*

16 *(iv) To support the integration of wind*
17 *energy technologies with the electric grid*
18 *and other energy technologies and systems.*

19 *(v) To reduce the cost, risk, and other*
20 *potential negative impacts across the life-*
21 *span of wind energy technologies, includ-*
22 *ing—*

23 *(I) manufacturing, siting, permit-*
24 *ting, installation, operations, mainte-*

1 *nance, decommissioning, and recycling;*
2 *and*

3 *(II) through the development of*
4 *solutions to transportation barriers to*
5 *wind components.*

6 *(vi) To reduce and mitigate potential*
7 *negative impacts of wind energy tech-*
8 *nologies on human communities, the envi-*
9 *ronment, or commerce.*

10 *(vii) To address barriers to the com-*
11 *mercialization and export of wind energy*
12 *technologies.*

13 *(viii) To support the domestic wind in-*
14 *dustry, workforce, and supply chain.*

15 *(C) TARGETS.—Not later than 180 days*
16 *after the date of enactment of this Act, the Sec-*
17 *retary shall establish targets for the program re-*
18 *lating to near-term (up to 2 years), mid-term*
19 *(up to 7 years), and long-term (up to 15 years)*
20 *challenges to the advancement of wind energy*
21 *technologies, including onshore, offshore, distrib-*
22 *uted, and off-grid technologies.*

23 *(2) ACTIVITIES.—*

24 *(A) TYPES OF ACTIVITIES.—In carrying out*
25 *the program, the Secretary shall carry out re-*

1 search, development, demonstration, and com-
2 mercialization activities, including—

3 (i) awarding grants and awards, on a
4 competitive, merit-reviewed basis;

5 (ii) performing precompetitive research
6 and development;

7 (iii) establishing or maintaining dem-
8 onstration facilities and projects, including
9 through stewardship of existing facilities
10 such as the National Wind Test Center;

11 (iv) providing technical assistance;

12 (v) entering into contracts and cooper-
13 ative agreements;

14 (vi) providing small business vouchers;

15 (vii) establishing prize competitions;

16 (viii) conducting education and out-
17 reach activities;

18 (ix) conducting professional develop-
19 ment activities; and

20 (x) conducting analyses, studies, and
21 reports.

22 (B) *SUBJECT AREAS.*—The Secretary shall
23 carry out research, development, demonstration,
24 and commercialization activities in the following
25 subject areas:

1 (i) *Wind power plant siting, performance,*
2 *operations, and security.*

3 (ii) *New materials and designs relating*
4 *to all hardware, software, and components*
5 *of wind energy technologies, including*
6 *technologies and strategies that reduce the*
7 *use of energy, water, critical materials, and*
8 *other commodities that are determined to be*
9 *vulnerable to disruption.*

10 (iii) *Advanced wind energy manufacturing*
11 *and installation technologies and*
12 *practices, including materials, processes,*
13 *such as onsite or near site manufacturing,*
14 *and design.*

15 (iv) *Offshore wind-specific projects and*
16 *plants, including—*

17 (I) *fixed and floating substructure*
18 *systems, materials, and components;*

19 (II) *the operation of offshore facilities,*
20 *such as—*

21 (aa) *an offshore research facility*
22 *to conduct research for oceanic,*
23 *biological, geological, and*
24 *atmospheric resource characterization*
25 *relevant to offshore wind en-*

1 *ergy development in coordination*
2 *with the ocean and atmospheric*
3 *science communities; and*

4 *(bb) an offshore support*
5 *structure testing facility to con-*
6 *duct development, demonstration,*
7 *and commercialization of large-*
8 *scale and full-scale offshore wind*
9 *energy support structure compo-*
10 *nents and systems;*

11 *(III) the monitoring and analysis*
12 *of site and environmental consider-*
13 *ations unique to offshore sites, includ-*
14 *ing freshwater environments.*

15 *(v) Integration of wind energy tech-*
16 *nologies with—*

17 *(I) the electric grid, including*
18 *transmission, distribution, microgrids,*
19 *and distributed energy systems; and*

20 *(II) other energy technologies, in-*
21 *cluding—*

22 *(aa) other generation sources;*

23 *(bb) demand response tech-*
24 *nologies; and*

1 (cc) energy storage tech-
2 nologies.

3 (vi) *Methods to improve the lifetime,*
4 *maintenance, decommissioning, recycling,*
5 *reuse, and sustainability of wind energy*
6 *components and systems, including tech-*
7 *nologies and strategies to reduce the use of*
8 *energy, water, critical materials, and other*
9 *valuable or harmful inputs.*

10 (vii) *Wind power forecasting and at-*
11 *mospheric measurement systems, including*
12 *for turbines and plant systems of varying*
13 *height.*

14 (viii) *Integrated wind energy systems,*
15 *grid-connected and off-grid, that incor-*
16 *porate diverse—*

17 (I) *generation sources;*

18 (II) *loads; and*

19 (III) *storage technologies.*

20 (ix) *Reducing market barriers, includ-*
21 *ing non-hardware and information-based*
22 *barriers, to the adoption of wind energy*
23 *technologies, such as impacts on, or chal-*
24 *lenges relating to—*

- 1 (I) *distributed wind technologies,*
2 *including the development of best prac-*
3 *tices, models, and voluntary stream-*
4 *lined processes for local siting and per-*
5 *mitting of distributed wind energy sys-*
6 *tems to reduce costs;*
- 7 (II) *airspace;*
- 8 (III) *military operations;*
- 9 (IV) *radar;*
- 10 (V) *local communities, with spe-*
11 *cial consideration given to economi-*
12 *cally distressed areas, previously dis-*
13 *turbed lands such as landfills and*
14 *former mines, and other areas dis-*
15 *proportionately impacted by environ-*
16 *mental pollution;*
- 17 (VI) *wildlife and wildlife habitats;*
- 18 *and*
- 19 (VII) *any other appropriate mat-*
20 *ter, as determined by the Secretary.*
- 21 (x) *Technologies or strategies to avoid,*
22 *minimize, and offset the potential impacts*
23 *of wind energy facilities on bird species, bat*
24 *species, marine wildlife, and other sensitive*
25 *species and habitats.*

1 *(xi) Advanced physics-based and data*
2 *analysis computational tools, in coordina-*
3 *tion with the high-performance computing*
4 *programs of the Department, to more effi-*
5 *ciently design, site, permit, manufacture,*
6 *install, operate, decommission, and recycle*
7 *wind energy systems.*

8 *(xii) Technologies for distributed wind,*
9 *including micro, small, and medium tur-*
10 *bines and the components of those turbines*
11 *and their microgrid applications.*

12 *(xiii) Transformational technologies*
13 *for harnessing wind energy.*

14 *(xiv) Other research areas that advance*
15 *the purposes of the program, as determined*
16 *by the Secretary.*

17 *(C) PRIORITIZATION.—In carrying out ac-*
18 *tivities under the program, the Secretary shall,*
19 *to the maximum extent practicable, give special*
20 *consideration to—*

21 *(i) projects that—*

22 *(I) are located in a geographically*
23 *diverse range of eligible entities;*

24 *(II) support the development or*
25 *demonstration of projects—*

1 (aa) *in economically dis-*
2 *tressed areas and areas dispropor-*
3 *tionately impacted by pollution;*
4 *and*

5 (bb) *that provide the greatest*
6 *potential to reduce energy costs,*
7 *as well as promote accessibility*
8 *and community implementation*
9 *of demonstrated technologies;*

10 (III) *can be replicated in a vari-*
11 *ety of regions and climates;*

12 (IV) *include business commer-*
13 *cialization plans that have the poten-*
14 *tial for—*

15 (aa) *domestic manufacturing*
16 *and production of wind energy*
17 *technologies; or*

18 (bb) *exports of wind energy*
19 *technologies; and*

20 (V) *are carried out in collabora-*
21 *tion with Tribal energy development*
22 *organizations, Indian Tribes, Tribal*
23 *organizations, Native Hawaiian com-*
24 *munity-based organizations, minority-*

1 *...serving institutions, or territories or*
2 *freely associated States; and*

3 (ii) *with regards to professional devel-*
4 *opment, activities that expand the number*
5 *of individuals from underrepresented groups*
6 *pursuing and attaining skills relevant to*
7 *wind energy.*

8 (D) *COORDINATION.*—*To the maximum ex-*
9 *tent practicable, the Secretary shall coordinate*
10 *activities under the program with other relevant*
11 *programs and capabilities of the Department*
12 *and other Federal research programs.*

13 (E) *USE OF FUNDS.*—*To the extent that*
14 *funding is not otherwise available through other*
15 *Federal programs or power purchase agreements,*
16 *funding awarded for demonstration projects may*
17 *be used for additional nontechnology costs, as de-*
18 *termined to be appropriate by the Secretary,*
19 *such as engineering or feasibility studies.*

20 (F) *SOLICITATION.*—*Not less than once*
21 *every two years, the Secretary shall conduct a*
22 *national solicitation for applications for dem-*
23 *onstration projects under this section.*

24 (G) *REPORT.*—

1 (i) *IN GENERAL.*—Not later than 180
2 days after the date of the enactment of this
3 Act, the Secretary shall submit to the Com-
4 mittee on Science, Space, and Technology of
5 the House of Representatives and the Com-
6 mittee on Energy and Natural Resources of
7 the Senate a report on the potential for, and
8 technical viability of, airborne wind energy
9 systems to provide a significant source of
10 energy in the United States.

11 (ii) *CONTENTS.*—The report under
12 paragraph (1) shall include a summary of
13 research, development, demonstration, and
14 commercialization needs, including an esti-
15 mate of Federal funding requirements, to
16 further examine and validate the technical
17 and economic viability of airborne wind en-
18 ergy concepts over the 10-year period begin-
19 ning on the date of the enactment of this
20 Act.

21 (3) *WIND TECHNICIAN TRAINING GRANT PRO-*
22 *GRAM.*—The Secretary may award grants, on a com-
23 petitive basis, to eligible entities to purchase large
24 pieces of wind component equipment, such as nacelles,
25 towers, and blades, for use in training wind techni-

1 *cian students in onshore or offshore wind applica-*
2 *tions.*

3 (4) *WIND ENERGY TECHNOLOGY RECYCLING RE-*
4 *SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-*
5 *GRAM.—*

6 (A) *IN GENERAL.—In addition to the pro-*
7 *gram activities described in paragraph (2), in*
8 *carrying out the program, the Secretary shall*
9 *award financial assistance to eligible entities for*
10 *research, development, and demonstration, and*
11 *commercialization projects to create innovative*
12 *and practical approaches to increase the reuse*
13 *and recycling of wind energy technologies, in-*
14 *cluding—*

15 (i) *by increasing the efficiency and cost*
16 *effectiveness of the recovery of raw materials*
17 *from wind energy technology components*
18 *and systems, including enabling tech-*
19 *nologies such as inverters;*

20 (ii) *by minimizing potential environ-*
21 *mental impacts from the recovery and dis-*
22 *posal processes;*

23 (iii) *by advancing technologies and*
24 *processes for the disassembly and recycling*
25 *of wind energy devices;*

1 (iv) by developing alternative mate-
2 rials, designs, manufacturing processes, and
3 other aspects of wind energy technologies
4 and the disassembly and resource recovery
5 process that enable efficient, cost effective,
6 and environmentally responsible dis-
7 assembly of, and resource recovery from,
8 wind energy technologies; and

9 (v) strategies to increase consumer ac-
10 ceptance of, and participation in, the recy-
11 cling of wind energy technologies.

12 (B) *DISSEMINATION OF RESULTS.*—The
13 Secretary shall make available to the public and
14 the relevant committees of Congress the results of
15 the projects carried out through financial assist-
16 ance awarded under subparagraph (A), includ-
17 ing—

18 (i) development of best practices or
19 training materials for use in the wind en-
20 ergy technology manufacturing, design, in-
21 stallation, decommissioning, or recycling
22 industries;

23 (ii) dissemination at industry con-
24 ferences;

1 (iii) coordination with information
2 dissemination programs relating to recy-
3 cling of electronic devices in general;

4 (iv) demonstration projects; and

5 (v) educational materials.

6 (C) *PRIORITY.*—In carrying out the activi-
7 ties authorized under this subsection, the Sec-
8 retary shall give special consideration to projects
9 that recover critical materials.

10 (D) *SENSITIVE INFORMATION.*—In carrying
11 out the activities authorized under this sub-
12 section, the Secretary shall ensure proper secu-
13 rity controls are in place to protect proprietary
14 or sensitive information, as appropriate.

15 (5) *WIND ENERGY TECHNOLOGY MATERIALS*
16 *PHYSICAL PROPERTY DATABASE.*—

17 (A) *IN GENERAL.*—Not later than Sep-
18 tember 1, 2022, the Secretary shall establish a
19 comprehensive physical property database of ma-
20 terials for use in wind energy technologies, which
21 shall identify the type, quantity, country of ori-
22 gin, source, significant uses, projected avail-
23 ability, and physical properties of materials used
24 in wind energy technologies.

1 (B) *COORDINATION.*—*In establishing the*
2 *database described in subparagraph (A), the Sec-*
3 *retary shall coordinate and, to the extent prac-*
4 *ticable, avoid duplication with—*

5 *(i) other Department activities, includ-*
6 *ing those carried out by the Office of*
7 *Science;*

8 *(ii) the Director of the National Insti-*
9 *tute of Standards and Technology;*

10 *(iii) the Administrator of the Environ-*
11 *mental Protection Agency;*

12 *(iv) the Secretary of the Interior; and*

13 *(v) relevant industry stakeholders, as*
14 *determined by the Secretary.*

15 (6) *WIND ENERGY PROGRAM STRATEGIC VI-*
16 *SION.*—

17 (A) *IN GENERAL.*—*Not later than Sep-*
18 *tember 1, 2022, and every 6 years thereafter, the*
19 *Secretary shall submit to Congress a report on*
20 *the strategic vision, progress, goals, and targets*
21 *of the program, including assessments of wind*
22 *energy markets and manufacturing.*

23 (B) *PREPARATION.*—*The Secretary shall co-*
24 *ordinate the preparation of the report under sub-*
25 *paragraph (A) with—*

- 1 (i) *existing peer review processes;*
2 (ii) *studies conducted by the National*
3 *Laboratories; and*
4 (iii) *the multiyear program planning*
5 *required under section 994 of the Energy*
6 *Policy Act of 2005 (42 U.S.C. 16358).*

7 (7) *AUTHORIZATION OF APPROPRIATIONS.—*
8 *There is authorized to be appropriated to the Sec-*
9 *retary to carry out the program \$125,000,000 for*
10 *each of fiscal years 2021 through 2025.*

11 **SEC. 3004. SOLAR ENERGY RESEARCH AND DEVELOPMENT.**

12 (a) *DEFINITIONS.—In this section:*

13 (1) *CRITICAL MATERIAL.—The term “critical*
14 *material” has the meaning given the term in section*
15 *7002 of this Act.*

16 (2) *ECONOMICALLY DISTRESSED AREA.—The*
17 *term “economically distressed area” means an area*
18 *described in section 301(a) of the Public Works and*
19 *Economic Development Act of 1965 (42 U.S.C.*
20 *3161(a)).*

21 (3) *ELIGIBLE ENTITY.—The term “eligible enti-*
22 *ty” means—*

23 (A) *an institution of higher education, in-*
24 *cluding a minority-serving institution;*

25 (B) *a National Laboratory;*

1 (C) a Federal research agency;

2 (D) a State research agency;

3 (E) a research agency associated with a ter-
4 ritory or freely associated state;

5 (F) a Tribal energy development organiza-
6 tion;

7 (G) an Indian Tribe;

8 (H) a Tribal organization;

9 (I) a Native Hawaiian community-based
10 organization;

11 (J) a nonprofit research organization;

12 (K) an industrial entity;

13 (L) any other entity, as determined by the
14 Secretary; and

15 (M) a consortium of 2 or more entities de-
16 scribed in subparagraphs (A) through (L).

17 (4) INDIAN TRIBE.—The term “Indian Tribe”
18 has the meaning given the term in section 4 of the In-
19 dian Self-Determination and Education Assistance
20 Act (25 U.S.C. 5304).

21 (5) INSTITUTION OF HIGHER EDUCATION.—The
22 term “institution of higher education” has the mean-
23 ing given the term in section 101 of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1001).

1 (6) *MINORITY-SERVING INSTITUTION.*—*The term*
2 *“minority-serving institution” has the meaning given*
3 *the term “eligible institution” in section 371(a) of the*
4 *Higher Education Act of 1965 (20 U.S.C. 1067q(a)).*

5 (7) *NATIONAL LABORATORY.*—*The term “Na-*
6 *tional Laboratory” has the meaning given such term*
7 *in section 2(3) of the Energy Policy Act of 2005 (42*
8 *U.S.C. 15801(3)).*

9 (8) *NATIVE HAWAIIAN COMMUNITY-BASED ORGA-*
10 *NIZATION.*—*The term “Native Hawaiian community-*
11 *based organization” has the meaning given the term*
12 *in section 6207 of the Elementary and Secondary*
13 *Education Act of 1965 (20 U.S.C. 7517).*

14 (9) *PHOTOVOLTAIC DEVICE.*—*The term “photo-*
15 *voltaic device” means—*

16 (A) *a device that converts light directly into*
17 *electricity through a solid-state, semiconductor*
18 *process;*

19 (B) *the photovoltaic cells of a device de-*
20 *scribed in subparagraph (A); and*

21 (C) *the electronic and electrical components*
22 *of a device described in subparagraph (A).*

23 (10) *PROGRAM.*—*The term “program” means the*
24 *program established under subsection (b)(1)(A).*

1 (11) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Energy.*

3 (12) *SOLAR ENERGY.*—*The term “solar energy”*
4 *means—*

5 (A) *thermal or electric energy derived from*
6 *radiation from the Sun; or*

7 (B) *energy resulting from a chemical reac-*
8 *tion caused by radiation recently originated in*
9 *the Sun.*

10 (13) *TERRITORY OR FREELY ASSOCIATED*
11 *STATE.*—*The term “territory or freely associated*
12 *state” has the meaning given the term “insular area”*
13 *in section 1404 of the Food and Agriculture Act of*
14 *1977 (7 U.S.C. 3103).*

15 (14) *TRIBAL ENERGY DEVELOPMENT ORGANIZA-*
16 *TION.*—*The term “Tribal energy development organi-*
17 *zation” has the meaning given the term “tribal en-*
18 *ergy development organization” in section 2601 of the*
19 *Energy Policy Act of 1992 (25 U.S.C. 3501).*

20 (15) *TRIBAL ORGANIZATION.*—*The term “Tribal*
21 *organization” has the meaning given the term in sec-*
22 *tion 4 of the Indian Self-Determination and Edu-*
23 *cation Assistance Act (25 U.S.C. 5304).*

24 (b) *SOLAR ENERGY TECHNOLOGY PROGRAM.*—

25 (1) *ESTABLISHMENT.*—

1 (A) *IN GENERAL.*—*The Secretary shall es-*
2 *tablish a program to conduct research, develop-*
3 *ment, demonstration, and commercialization of*
4 *solar energy technologies in accordance with this*
5 *subsection.*

6 (B) *PURPOSES.*—*The purposes of the pro-*
7 *gram are the following:*

8 (i) *To improve the energy efficiency,*
9 *cost effectiveness, reliability, resilience, secu-*
10 *rity, siting, integration, manufacturability,*
11 *installation, decommissioning, and*
12 *recyclability of solar energy technologies.*

13 (ii) *To optimize the performance and*
14 *operation of solar energy components, cells,*
15 *and systems, and enabling technologies, in-*
16 *cluding through the development of new ma-*
17 *terials, hardware, and software.*

18 (iii) *To optimize the design and adapt-*
19 *ability of solar energy systems to the broad-*
20 *est practical range of geographic and at-*
21 *mospheric conditions.*

22 (iv) *To support the integration of solar*
23 *energy technologies with the electric grid*
24 *and complementary energy technologies.*

1 (v) *To create and improve the conver-*
2 *sion of solar energy to other useful forms of*
3 *energy or other products.*

4 (vi) *To reduce the cost, risk, and other*
5 *potential negative impacts across the life-*
6 *span of solar energy technologies, including*
7 *manufacturing, siting, permitting, installa-*
8 *tion, operations, maintenance, decommis-*
9 *sioning, and recycling.*

10 (vii) *To reduce and mitigate potential*
11 *life cycle negative impacts of solar energy*
12 *technologies on human communities, wild-*
13 *life, and wildlife habitats.*

14 (viii) *To address barriers to the com-*
15 *mercialization and export of solar energy*
16 *technologies.*

17 (ix) *To support the domestic solar in-*
18 *dustry, workforce, and supply chain.*

19 (C) *TARGETS.—Not later than 180 days*
20 *after the date of enactment of this Act, the Sec-*
21 *retary shall establish targets for the program to*
22 *address near-term (up to 2 years), mid-term (up*
23 *to 7 years), and long-term (up to 15 years) chal-*
24 *lenges to the advancement of all types of solar*
25 *energy systems.*

1 (2) *ACTIVITIES.*—

2 (A) *TYPES OF ACTIVITIES.*—*In carrying out*
3 *the program, the Secretary shall carry out re-*
4 *search, development, demonstration, and com-*
5 *mercialization activities, including—*

6 (i) *awarding grants and awards, on a*
7 *competitive, merit-reviewed basis;*

8 (ii) *performing precompetitive research*
9 *and development;*

10 (iii) *establishing or maintaining dem-*
11 *onstration facilities and projects, including*
12 *through stewardship of existing facilities;*

13 (iv) *providing technical assistance;*

14 (v) *entering into contracts and cooper-*
15 *ative agreements;*

16 (vi) *providing small business vouchers;*

17 (vii) *establishing prize competitions;*

18 (viii) *conducting education and out-*
19 *reach activities;*

20 (ix) *conducting workforce development*
21 *activities; and*

22 (x) *conducting analyses, studies, and*
23 *reports.*

24 (B) *SUBJECT AREAS.*—*The Secretary shall*
25 *carry out research, development, demonstration,*

1 *and commercialization activities in the following*
2 *subject areas:*

3 *(i) Advanced solar energy technologies*
4 *of varying scale and power production, in-*
5 *cluding—*

6 *(I) new materials, components,*
7 *designs, and systems, including*
8 *perovskites, cadmium telluride, and or-*
9 *ganic materials;*

10 *(II) advanced photovoltaic and*
11 *thin-film devices;*

12 *(III) concentrated solar power;*

13 *(IV) solar heating and cooling;*

14 *and*

15 *(V) enabling technologies for solar*
16 *energy systems, including hardware*
17 *and software.*

18 *(ii) Solar energy technology siting,*
19 *performance, installation, operations, resil-*
20 *ience, and security.*

21 *(iii) Integration of solar energy tech-*
22 *nologies with—*

23 *(I) the electric grid, including*
24 *transmission, distribution, microgrids,*
25 *and distributed energy systems;*

1 (II) *other energy technologies, in-*
2 *cluding—*

3 (aa) *other generation sources;*

4 (bb) *demand response tech-*
5 *nologies; and*

6 (cc) *energy storage tech-*
7 *nologies; and*

8 (III) *other applications, such as*
9 *in the agriculture, transportation,*
10 *buildings, industrial, and fuels sectors.*

11 (iv) *Advanced solar energy manufac-*
12 *turing technologies and practices, including*
13 *materials, processes, and design.*

14 (v) *Methods to improve the lifetime,*
15 *maintenance, decommissioning, recycling,*
16 *reuse, and sustainability of solar energy*
17 *components and systems, including tech-*
18 *nologies and strategies that reduce the use of*
19 *energy, water, critical materials, and other*
20 *commodities that are determined to be vul-*
21 *nerable to disruption.*

22 (vi) *Solar energy forecasting, modeling,*
23 *and atmospheric measurement systems, in-*
24 *cluding for small-scale, large-scale, and ag-*
25 *gregated systems.*

1 (vii) *Integrated solar energy systems*
2 *that incorporate diverse—*

3 (I) *generation sources;*

4 (II) *loads; and*

5 (III) *storage technologies.*

6 (viii) *Reducing market barriers, in-*
7 *cluding nonhardware and information-*
8 *based barriers, to the adoption of solar en-*
9 *ergy technologies, including impacts on, or*
10 *challenges relating to—*

11 (I) *distributed and community*
12 *solar technologies, including the devel-*
13 *opment of best practices, models, and*
14 *voluntary streamlined processes for*
15 *local siting and permitting of distrib-*
16 *uted solar energy systems to reduce*
17 *costs;*

18 (II) *local communities, with spe-*
19 *cial consideration given to economi-*
20 *cally distressed areas, previously dis-*
21 *turbed lands such as landfills and*
22 *former mines, and other areas dis-*
23 *proportionately impacted by environ-*
24 *mental pollution;*

1 (III) *wildlife and wildlife habi-*
2 *tats; and*

3 (IV) *any other appropriate mat-*
4 *ter, as determined by the Secretary.*

5 (i) *Transformational technologies for*
6 *harnessing solar energy.*

7 (x) *Other research areas that advance*
8 *the purposes of the program, as determined*
9 *by the Secretary.*

10 (C) *PRIORITIZATION.—In carrying out ac-*
11 *tivities under the program, the Secretary shall,*
12 *to the maximum extent practicable, give priority*
13 *to projects that—*

14 (i) *are located in a geographically di-*
15 *verse range of eligible entities;*

16 (ii) *support the development or dem-*
17 *onstration of projects—*

18 (I) *in economically distressed*
19 *areas and areas disproportionately im-*
20 *pacted by pollution; or*

21 (II) *that provide the greatest po-*
22 *tential to reduce energy costs, as well*
23 *as promote accessibility and commu-*
24 *nity implementation of demonstrated*
25 *technologies;*

1 (iii) can be replicated in a variety of
2 regions and climates;

3 (iv) include business commercialization
4 plans that have the potential for—

5 (I) domestic manufacturing and
6 production of solar energy technologies;

7 or

8 (II) exports of solar energy tech-
9 nologies;

10 (v) are carried out in collaboration
11 with Tribal energy development organiza-
12 tions, Indian Tribes, Tribal organizations,
13 Native Hawaiian community-based organi-
14 zations, minority-serving institutions, or
15 territories or freely associated States; and

16 (vi) with regards to workforce develop-
17 ment, activities that expand the number of
18 individuals from underrepresented groups
19 pursuing and attaining skills relevant to
20 solar energy.

21 (D) COORDINATION.—To the maximum ex-
22 tent practicable, the Secretary shall coordinate
23 activities under the program with other relevant
24 programs and capabilities of the Department
25 and other Federal research programs.

1 (E) *USE OF FUNDS.*—*To the extent that*
2 *funding is not otherwise available through other*
3 *Federal programs or power purchase agreements,*
4 *funding awarded for demonstration projects may*
5 *be used for additional nontechnology costs, as de-*
6 *termined to be appropriate by the Secretary,*
7 *such as engineering or feasibility studies.*

8 (F) *SOLICITATION.*—*Not less than once*
9 *every two years, the Secretary shall conduct a*
10 *national solicitation for applications for dem-*
11 *onstration projects under this section.*

12 (3) *ADVANCED SOLAR ENERGY MANUFACTURING*
13 *INITIATIVE.*—

14 (A) *GRANTS.*—*In addition to the program*
15 *activities described in paragraph (2), in car-*
16 *rying out the program, the Secretary shall*
17 *award financial assistance to eligible entities for*
18 *research, development, demonstration, and com-*
19 *mercialization projects to advance new solar en-*
20 *ergy manufacturing technologies and techniques.*

21 (B) *PRIORITY.*—*In awarding grants under*
22 *subparagraph (A), to the extent practicable, the*
23 *Secretary shall give priority to solar energy*
24 *manufacturing projects that—*

1 (i) increase efficiency and cost effec-
2 tiveness in—

3 (I) the manufacturing process;
4 and

5 (II) the use of resources, such as
6 energy, water, and critical materials;

7 (ii) support domestic supply chains for
8 materials and components;

9 (iii) identify and incorporate nonhaz-
10 ardous alternative materials for components
11 and devices;

12 (iv) operate in partnership with Tribal
13 energy development organizations, Indian
14 Tribes, Tribal organizations, Native Hawai-
15 ian community-based organizations, minor-
16 ity-serving institutions, or territories or
17 freely associated states; or

18 (v) are located in economically dis-
19 tressed areas.

20 (C) *EVALUATION.*—Not later than 3 years
21 after the date of enactment of this Act, and every
22 4 years thereafter, the Secretary shall conduct,
23 and make available to the public and the rel-
24 evant committees of Congress, an independent re-

1 *view of the progress of the grants awarded under*
2 *subparagraph (A).*

3 *(4) SOLAR ENERGY TECHNOLOGY RECYCLING RE-*
4 *SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-*
5 *GRAM.—*

6 *(A) IN GENERAL.—In addition to the pro-*
7 *gram activities described in paragraph (2), in*
8 *carrying out the program, the Secretary shall*
9 *award financial assistance to eligible entities for*
10 *research, development, demonstration, and com-*
11 *mercialization projects to create innovative and*
12 *practical approaches to increase the reuse and*
13 *recycling of solar energy technologies, includ-*
14 *ing—*

15 *(i) by increasing the efficiency and cost*
16 *effectiveness of the recovery of raw materials*
17 *from solar energy technology components*
18 *and systems, including enabling tech-*
19 *nologies such as inverters;*

20 *(ii) by minimizing potential environ-*
21 *mental impacts from the recovery and dis-*
22 *posal processes;*

23 *(iii) by advancing technologies and*
24 *processes for the disassembly and recycling*
25 *of solar energy devices;*

1 (iv) by developing alternative mate-
2 rials, designs, manufacturing processes, and
3 other aspects of solar energy technologies
4 and the disassembly and resource recovery
5 process that enable efficient, cost effective,
6 and environmentally responsible dis-
7 assembly of, and resource recovery from,
8 solar energy technologies; and

9 (v) strategies to increase consumer ac-
10 ceptance of, and participation in, the recy-
11 cling of photovoltaic devices.

12 (B) *DISSEMINATION OF RESULTS.*—The
13 Secretary shall make available to the public and
14 the relevant committees of Congress the results of
15 the projects carried out through financial assist-
16 ance awarded under subparagraph (A), includ-
17 ing—

18 (i) development of best practices or
19 training materials for use in the
20 photovoltaics manufacturing, design, instal-
21 lation, refurbishing, disposal, or recycling
22 industries;

23 (ii) dissemination at industry con-
24 ferences;

1 (iii) coordination with information
2 dissemination programs relating to recy-
3 cling of electronic devices in general;

4 (iv) demonstration projects; and

5 (v) educational materials.

6 (C) *PRIORITY.*—In carrying out the activi-
7 ties authorized under this subsection, the Sec-
8 retary shall give special consideration to projects
9 that recover critical materials.

10 (D) *SENSITIVE INFORMATION.*—In carrying
11 out the activities authorized under this sub-
12 section, the Secretary shall ensure proper secu-
13 rity controls are in place to protect proprietary
14 or sensitive information, as appropriate.

15 (5) *SOLAR ENERGY TECHNOLOGY MATERIALS*
16 *PHYSICAL PROPERTY DATABASE.*—

17 (A) *IN GENERAL.*—Not later than Sep-
18 tember 1, 2022, the Secretary shall establish a
19 comprehensive physical property database of ma-
20 terials for use in solar energy technologies, which
21 shall identify the type, quantity, country of ori-
22 gin, source, significant uses, projected avail-
23 ability, and physical properties of materials used
24 in solar energy technologies.

1 (B) *COORDINATION.*—*In establishing the*
2 *database described in subparagraph (A), the Sec-*
3 *retary shall coordinate with—*

4 (i) *other Department activities, includ-*
5 *ing those carried out by the Office of*
6 *Science;*

7 (ii) *the Director of the National Insti-*
8 *tute of Standards and Technology;*

9 (iii) *the Administrator of the Environ-*
10 *mental Protection Agency;*

11 (iv) *the Secretary of the Interior; and*

12 (v) *relevant industry stakeholders, as*
13 *determined by the Secretary.*

14 (6) *SOLAR ENERGY TECHNOLOGY PROGRAM*
15 *STRATEGIC VISION.*—

16 (A) *IN GENERAL.*—*Not later than Sep-*
17 *tember 1, 2022, and every 6 years thereafter, the*
18 *Secretary shall submit to Congress a report on*
19 *the strategic vision, progress, goals, and targets*
20 *of the program, including assessments of solar*
21 *energy markets and manufacturing.*

22 (B) *INCLUSION.*—*As a part of the report de-*
23 *scribed in subparagraph (A), the Secretary shall*
24 *include a study that examines the viable market*
25 *opportunities available for solar energy tech-*

1 *nology manufacturing in the United States, in-*
2 *cluding—*

3 *(i) a description of—*

4 *(I) the ability to competitively*
5 *manufacture solar technology in the*
6 *United States, including the manufac-*
7 *ture of—*

8 *(aa) new and advanced ma-*
9 *terials, such as cells made with*
10 *new, high efficiency materials;*

11 *(bb) solar module equipment*
12 *and enabling technologies, includ-*
13 *ing smart inverters, sensors, and*
14 *tracking equipment; and*

15 *(cc) innovative solar module*
16 *designs and applications, includ-*
17 *ing those that can directly inte-*
18 *grate with new and existing*
19 *buildings and other infrastruc-*
20 *ture; and*

21 *(II) opportunities and barriers*
22 *within the United States and inter-*
23 *national solar energy technology mar-*
24 *ket;*

1 (ii) *policy recommendations for en-*
2 *hancing solar energy technology manufac-*
3 *turing in the United States;*

4 (iii) *a 10-year target and plan to en-*
5 *hance the competitiveness of solar energy*
6 *technology manufacturing in the United*
7 *States; and*

8 (iv) *any other research areas as deter-*
9 *mined by the Secretary.*

10 (C) *PREPARATION.*—*The Secretary shall co-*
11 *ordinate the preparation of the report under sub-*
12 *paragraph (A) with—*

13 (i) *existing peer review processes;*

14 (ii) *studies conducted by the National*
15 *Laboratories; and*

16 (iii) *the multiyear program planning*
17 *required under section 994 of the Energy*
18 *Policy Act of 2005 (42 U.S.C. 16358).*

19 (7) *AUTHORIZATION OF APPROPRIATIONS.*—
20 *There is authorized to be appropriated to the Sec-*
21 *retary to carry out the program \$300,000,000 for*
22 *each of fiscal years 2021 through 2025.*

1 **SEC. 3005. HYDROELECTRIC PRODUCTION INCENTIVES AND**
2 **EFFICIENCY IMPROVEMENTS.**

3 (a) *HYDROELECTRIC PRODUCTION INCENTIVES.*—*Sec-*
4 *tion 242 of the Energy Policy Act of 2005 (42 U.S.C.*
5 *15881) is amended—*

6 (1) *in subsection (b), by striking paragraph (1)*
7 *and inserting the following:*

8 “(1) **QUALIFIED HYDROELECTRIC FACILITY.**—
9 *The term ‘qualified hydroelectric facility’ means a*
10 *turbine or other generating device owned or solely op-*
11 *erated by a non-Federal entity—*

12 (A) *that generates hydroelectric energy for*
13 *sale; and*

14 (B)(i) *that is added to an existing dam or*
15 *conduit; or*

16 (ii)(I) *that has a generating capacity of*
17 *not more than 20 megawatts;*

18 (II) *for which the non-Federal entity has*
19 *received a construction authorization from the*
20 *Federal Energy Regulatory Commission, if ap-*
21 *plicable; and*

22 (III) *that is constructed in an area in*
23 *which there is inadequate electric service, as de-*
24 *termined by the Secretary, including by taking*
25 *into consideration—*

26 (aa) *access to the electric grid;*

1 “(bb) the frequency of electric outages;

2 or

3 “(cc) the affordability of electricity.”;

4 (2) in subsection (c), by striking “10” and in-
5 serting “22”;

6 (3) in subsection (e)(2), by striking “section
7 29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;

8 (4) in subsection (f), by striking “20” and in-
9 serting “32”; and

10 (5) in subsection (g), by striking “each of the fis-
11 cal years 2006 through 2015” and inserting “each of
12 fiscal years 2021 through 2036”.

13 (b) *HYDROELECTRIC EFFICIENCY IMPROVEMENT.*—
14 Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C.
15 15882(c)) is amended by striking “each of the fiscal years
16 2006 through 2015” and inserting “each of fiscal years
17 2021 through 2036”.

18 **SEC. 3006. CONFORMING AMENDMENTS.**

19 (a) *RENEWABLE ENERGY AND ENERGY EFFICIENCY*
20 *TECHNOLOGY COMPETITIVENESS ACT OF 1989.*—

21 (1) *NATIONAL GOALS AND MULTI-YEAR FUND-*
22 *ING.*—Section 4 of the Renewable Energy and Energy
23 *Efficiency Technology Competitiveness Act of 1989*
24 *(42 U.S.C. 12003) is amended—*

1 (A) *in the section heading, by striking*
2 **“WIND, PHOTOVOLTAICS, AND SOLAR**
3 **THERMAL”** *and inserting “ALCOHOL FROM*
4 **BIOMASS AND OTHER TECHNOLOGY”**;

5 (B) *in subsection (a)—*

6 (i) *in the matter preceding paragraph*
7 (1), *by striking “wind, photovoltaics, and*
8 *solar thermal energy” and inserting “alco-*
9 *hol from biomass and other energy tech-*
10 *nology”*;

11 (ii) *by striking paragraphs (1) through*
12 (3);

13 (iii) *by redesignating paragraphs (4)*
14 *and (5) as paragraphs (1) and (2), respec-*
15 *tively; and*

16 (iv) *in paragraph (2) (as so redesign-*
17 *ated), by striking “Ocean” and inserting*
18 *“Marine”*; *and*

19 (C) *in subsection (c)—*

20 (i) *in the matter preceding paragraph*
21 (1)—

22 (I) *by striking “the Wind Energy*
23 *Research Program, the Photovoltaic*
24 *Energy Systems Program, the Solar*

1 *Thermal Energy Systems Program*,”;
2 *and*
3 (II) *by striking “Ocean” and in-*
4 *serting “Marine”;*
5 (ii) *in paragraph (1)—*
6 (I) *by striking subparagraph (A);*
7 *and*
8 (II) *by redesignating subpara-*
9 *graphs (B) and (C) as subparagraphs*
10 *(A) and (B), respectively; and*
11 (iii) *in paragraph (2)—*
12 (I) *by striking subparagraph (A);*
13 *and*
14 (II) *by redesignating subpara-*
15 *graphs (B) and (C) as subparagraphs*
16 *(A) and (B), respectively.*

17 (2) *REPORTS.—Section 9(c) of the Renewable*
18 *Energy and Energy Efficiency Technology Competi-*
19 *tiveness Act of 1989 (42 U.S.C. 12006(c)) is amended*
20 *by striking “ocean,” and inserting “marine.”*

21 (b) *ENERGY POLICY ACT OF 2005.—The Energy Pol-*
22 *icy Act of 2005 (42 U.S.C. 15801 et seq.) is amended—*

23 (1) *ASSESSMENT OF RENEWABLE ENERGY RE-*
24 *SOURCES.—Section 201(a) of the Energy Policy Act*
25 *of 2005 (42 U.S.C. 15851(a)) is amended by striking*

1 “ocean (including tidal, wave, current, and thermal)”
2 and inserting “marine”.

3 (2) *FEDERAL PURCHASE REQUIREMENT.*—Section
4 203(b)(2) of the Energy Policy Act of 2005 (42
5 U.S.C. 15852(b)(2)) is amended—

6 (A) by inserting “marine energy (as defined
7 in section 632 of the Energy Independence and
8 Security Act of 2007), or” before “electric en-
9 ergy”; and

10 (B) by striking “ocean (including tidal,
11 wave, current, and thermal),”.

12 (3) *RENEWABLE ENERGY.*—Section 931 of the
13 Energy Policy Act of 2005 (42 U.S.C. 16231) is
14 amended—

15 (A) in subsection (a)(2)—

16 (i) by striking subparagraphs (A) and
17 (B);

18 (ii) by redesignating subparagraphs
19 (C) through (E) as subparagraphs (A)
20 through (C), respectively; and

21 (iii) in subparagraph (C)(i) (as so re-
22 designated), by striking “ocean energy, in-
23 cluding wave energy” and inserting “ma-
24 rine energy (as defined in section 632 of the

1 *Energy Independence and Security Act of*
2 *2007)*”;

3 *(B) by striking subsection (d); and*

4 *(C) by redesignating subsections (e) through*
5 *(g) as subsections (d) through (f), respectively.*

6 *(c) ENERGY POLICY ACT OF 1992.—Section 1212 of*
7 *the Energy Policy Act of 1992 (42 U.S.C. 13317) is amend-*
8 *ed—*

9 *(1) in subsection (a)(4)(A)(i), by striking “ocean*
10 *(including tidal, wave, current, and thermal)” and*
11 *inserting “marine energy (as defined in section 632*
12 *of the Energy Independence and Security Act of*
13 *2007)”;*

14 *(2) in subsection (b), in the matter preceding*
15 *paragraph (1), by striking “ocean (including tidal,*
16 *wave, current, and thermal)” and inserting “marine*
17 *energy (as defined in section 632 of the Energy Inde-*
18 *pendence and Security Act of 2007)”;* and

19 *(3) in subsection (e)(1), in the first sentence, by*
20 *striking “ocean (including tidal, wave, current, and*
21 *thermal)” and inserting “marine energy (as defined*
22 *in section 632 of the Energy Independence and Secu-*
23 *rity Act of 2007)”.*

24 *(d) FEDERAL NONNUCLEAR ENERGY RESEARCH AND*
25 *DEVELOPMENT ACT OF 1974.—Section 6(b)(3) of the Fed-*

1 *eral Nonnuclear Energy Research and Development Act of*
2 *1974 (42 U.S.C. 5905(b)(3)) is amended—*

3 *(1) by striking subparagraph (L); and*

4 *(2) by redesignating subparagraphs (M) through*
5 *(S) as subparagraphs (L) through (R), respectively.*

6 *(e) SOLAR ENERGY RESEARCH, DEVELOPMENT, AND*
7 *DEMONSTRATION ACT OF 1974.—*

8 *(1) REPEAL.—The Solar Energy Research, De-*
9 *velopment, and Demonstration Act of 1974 (42 U.S.C.*
10 *5551 et seq.) is repealed.*

11 *(2) SAVINGS PROVISION.—The repeal of the Solar*
12 *Energy Research, Development, and Demonstration*
13 *Act of 1974 (42 U.S.C. 5551 et seq.) under paragraph*
14 *(1) shall not affect the authority of the Secretary of*
15 *Energy to conduct research and development on solar*
16 *energy.*

17 *(f) SOLAR PHOTOVOLTAIC ENERGY RESEARCH, DE-*
18 *VELOPMENT, AND DEMONSTRATION ACT OF 1978.—The*
19 *Solar Photovoltaic Energy Research, Development, and*
20 *Demonstration Act of 1978 (42 U.S.C. 5581 et seq.) is re-*
21 *pealed.*

22 *(g) ENERGY INDEPENDENCE AND SECURITY ACT OF*
23 *2007.—*

1 (1) *REPEALS*.—Sections 606 and 607 of the *En-*
2 *ergy Independence and Security Act of 2007* (42
3 *U.S.C. 17174, 17175*) are repealed.

4 (2) *CONFORMING AMENDMENT*.—The table of
5 *contents in section 1(b) of the Energy Independence*
6 *and Security Act of 2007* (Public Law 110–140; 121
7 *Stat. 1495*) is amended by striking the items relating
8 to sections 606 and 607.

9 ***Subtitle B—Natural Resources***
10 ***Provisions***

11 ***SEC. 3101. DEFINITIONS.***

12 *In this subtitle:*

13 (1) *COVERED LAND*.—The term “covered land”
14 means land that is—

15 (A) *Federal lands administered by the Sec-*
16 *retary concerned; and*

17 (B) *not excluded from the development of*
18 *geothermal, solar, or wind energy under—*

19 (i) *a land use plan; or*

20 (ii) *other Federal law.*

21 (2) *FEDERAL LAND*.—The term “Federal land”
22 means—

23 (A) *public land as defined by section 103 of*
24 *the Federal Land Policy Management Act of*
25 *1976* (43 *U.S.C. 1702*); or

1 (B) *land of the National Forest System (as*
2 *defined in section 11(a) of the Forest and Range-*
3 *land Renewable Resources Planning Act of 1974*
4 *(16 U.S.C. 1609(a)).*

5 (3) *LAND USE PLAN.*—*The term “land use plan”*
6 *means—*

7 (A) *for public land, a land use plan estab-*
8 *lished under the Federal Land Policy and Man-*
9 *agement Act of 1976 (43 U.S.C. 1701 et seq.);*
10 *and*

11 (B) *for National Forest System land, a land*
12 *management plan approved, amended, or revised*
13 *under section 6 of the Forest and Rangeland Re-*
14 *newable Resources Planning Act of 1974 (16*
15 *U.S.C. 1604).*

16 (4) *ELIGIBLE PROJECT.*—*The term “eligible*
17 *project” means a project carried out on covered land*
18 *that uses wind, solar, or geothermal energy to gen-*
19 *erate energy.*

20 (5) *SECRETARY.*—*The term “Secretary” means*
21 *the Secretary of the Interior.*

22 **SEC. 3102. PROGRAM TO IMPROVE ELIGIBLE PROJECT PER-**
23 **MIT COORDINATION.**

24 (a) *ESTABLISHMENT.*—*The Secretary shall establish a*
25 *national Renewable Energy Coordination Office and State,*

1 *district, or field offices, as appropriate, with responsibility*
2 *to establish and implement a program to improve Federal*
3 *permit coordination with respect to eligible projects on cov-*
4 *ered land and such other activities as the Secretary deter-*
5 *mines necessary. In carrying out the program, the Sec-*
6 *retary may temporarily assign qualified staff to Renewable*
7 *Energy Coordination Offices to expedite the permitting of*
8 *eligible projects.*

9 (b) *MEMORANDUM OF UNDERSTANDING.—*

10 (1) *IN GENERAL.—Not later than 180 days after*
11 *the date of the enactment of this Act, the Secretary*
12 *shall enter into a memorandum of understanding for*
13 *purposes of this section with—*

14 (A) *the Secretary of Agriculture;*

15 (B) *the Administrator of the Environmental*
16 *Protection Agency; and*

17 (C) *the Secretary of Defense.*

18 (2) *STATE AND TRIBAL PARTICIPATION.—The*
19 *Secretary may request the Governor of any interested*
20 *State or any Tribal leader of any interested Indian*
21 *Tribe (as defined in section 4 of the Indian Self-De-*
22 *termination and Education Assistance Act (25 U.S.C.*
23 *5304)) to be a signatory to the memorandum of un-*
24 *derstanding under paragraph (1).*

25 (c) *DESIGNATION OF QUALIFIED STAFF.—*

1 (1) *IN GENERAL.*—Not later than 30 days after
2 the date on which the memorandum of understanding
3 under subsection (b) is executed, all Federal signato-
4 ries, as appropriate, shall identify for each of the Bu-
5 reau of Land Management Renewable Energy Coordi-
6 nation Offices one or more employees who have exper-
7 tise in the regulatory issues relating to the office in
8 which the employee is employed, including, as appli-
9 cable, particular expertise in—

10 (A) consultation regarding, and prepara-
11 tion of, biological opinions under section 7 of the
12 *Endangered Species Act of 1973* (16 U.S.C.
13 1536);

14 (B) permits under section 404 of the *Fed-*
15 *eral Water Pollution Control Act* (33 U.S.C.
16 1344);

17 (C) regulatory matters under the *Clean Air*
18 *Act* (42 U.S.C. 7401 et seq.);

19 (D) the *Federal Land Policy and Manage-*
20 *ment Act of 1976* (43 U.S.C. 1701 et seq.);

21 (E) the *Migratory Bird Treaty Act* (16
22 U.S.C. 703 et seq.);

23 (F) the preparation of analyses under the
24 *National Environmental Policy Act of 1969* (42
25 U.S.C. 4321 et seq.);

1 (G) *implementation of the requirements of*
2 *section 306108 of title 54, United States Code*
3 *(formerly known as section 106 of the National*
4 *Historic Preservation Act);*

5 (H) *planning under section 14 of the Na-*
6 *tional Forest Management Act of 1976 (16*
7 *U.S.C. 472a);*

8 (I) *developing geothermal resources under*
9 *the Geothermal Steam Act of 1970 (30 U.S.C.*
10 *1001 et seq.);*

11 (J) *the Act of June 8, 1940 (16 U.S.C. 668*
12 *et seq., popularly known as the Bald and Golden*
13 *Eagle Protection Act); and*

14 (K) *section 100101(a), chapter 1003, and*
15 *sections 100751(a), 100752, 100753 and 102101*
16 *of title 54, United States Code (previously known*
17 *as the National Park Service Organic Act).*

18 (2) *DUTIES.—Each employee assigned under*
19 *paragraph (1) shall—*

20 (A) *be responsible for addressing all issues*
21 *relating to the jurisdiction of the home office or*
22 *agency of the employee; and*

23 (B) *participate as part of the team of per-*
24 *sonnel working on proposed energy projects,*

1 *planning, monitoring, inspection, enforcement,*
2 *and environmental analyses.*

3 *(d) ADDITIONAL PERSONNEL.—The Secretary may as-*
4 *sign such additional personnel for the Bureau of Land*
5 *Management Renewable Energy Coordination Offices as are*
6 *necessary to ensure the effective implementation of any pro-*
7 *grams administered by the offices in accordance with the*
8 *multiple use mandate of the Federal Land Policy and Man-*
9 *agement Act of 1976 (43 U.S.C. 1701 et seq.).*

10 *(e) TRANSFER OF FUNDS.—To facilitate the coordina-*
11 *tion and processing of eligible project permits on Federal*
12 *land under the Renewable Energy Coordination Offices, the*
13 *Secretary may authorize the expenditure or transfer of any*
14 *funds that are necessary to—*

15 *(1) the United States Fish and Wildlife Service;*

16 *(2) the Bureau of Indian Affairs;*

17 *(3) the Forest Service;*

18 *(4) the Corps of Engineers;*

19 *(5) the National Park Service;*

20 *(6) the Environmental Protection Agency; or*

21 *(7) the Department of Defense.*

22 *(f) REPORT TO CONGRESS.—*

23 *(1) IN GENERAL.—Not later than February 1 of*
24 *the first fiscal year beginning after the date of the en-*
25 *actment of this Act, and each February 1 thereafter,*

1 *the Secretary shall submit to the Committee on En-*
2 *ergy and Natural Resources and the Committee on*
3 *Environment and Public Works of the Senate and the*
4 *Committee on Natural Resources of the House of Rep-*
5 *resentatives a report describing the progress made*
6 *under the program established under subsection (a)*
7 *during the preceding year.*

8 (2) *INCLUSIONS.—Each report under this sub-*
9 *section shall include—*

10 (A) *projections for renewable energy produc-*
11 *tion and capacity installations; and*

12 (B) *a description of any problems relating*
13 *to leasing, permitting, siting, or production.*

14 **SEC. 3103. INCREASING ECONOMIC CERTAINTY.**

15 (a) *CONSIDERATIONS.—The Secretary may consider*
16 *acreage rental rates, capacity fees, and other recurring an-*
17 *nual fees in total when evaluating existing rates paid for*
18 *the use of Federal land by eligible projects.*

19 (b) *REDUCTIONS IN BASE RENTAL RATES.—The Sec-*
20 *retary may reduce acreage rental rates and capacity fees,*
21 *or both, for existing and new wind and solar authorizations*
22 *if the Secretary determines—*

23 (1) *that the existing rates—*

24 (A) *exceed fair market value;*

25 (B) *impose economic hardships;*

1 (C) *limit commercial interest in a competi-*
2 *tive lease sale or right-of-way grant; or*

3 (D) *are not competitively priced compared*
4 *to other available land; or*

5 (2) *that a reduced rental rate or capacity fee is*
6 *necessary to promote the greatest use of wind and*
7 *solar energy resources.*

8 **SEC. 3104. NATIONAL GOAL FOR RENEWABLE ENERGY PRO-**
9 **DUCTION ON FEDERAL LAND.**

10 (a) *IN GENERAL.*—*Not later than September 1, 2022,*
11 *the Secretary shall, in consultation with the Secretary of*
12 *Agriculture and other heads of relevant Federal agencies,*
13 *establish national goals for renewable energy production on*
14 *Federal land.*

15 (b) *MINIMUM PRODUCTION GOAL.*—*The Secretary*
16 *shall seek to issue permits that, in total, authorize produc-*
17 *tion of not less than 25 gigawatts of electricity from wind,*
18 *solar, and geothermal energy projects by not later than*
19 *2025, through management of public lands and administra-*
20 *tion of Federal laws.*

21 **SEC. 3105. FACILITATION OF COPRODUCTION OF GEO-**
22 **THERMAL ENERGY ON OIL AND GAS LEASES.**

23 *Section 4(b) of the Geothermal Steam Act of 1970 (30*
24 *U.S.C. 1003(b)) is amended by adding at the end the fol-*
25 *lowing:*

1 “(4) *LAND SUBJECT TO OIL AND GAS LEASE.—*
2 *Land under an oil and gas lease issued pursuant to*
3 *the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the*
4 *Mineral Leasing Act for Acquired Lands (30 U.S.C.*
5 *351 et seq.) that is subject to an approved application*
6 *for permit to drill and from which oil and gas pro-*
7 *duction is occurring may be available for noncompeti-*
8 *tive leasing under subsection (c) by the holder of the*
9 *oil and gas lease—*

10 “(A) *on a determination that geothermal*
11 *energy will be produced from a well producing*
12 *or capable of producing oil and gas; and*

13 “(B) *to provide for the coproduction of geo-*
14 *thermal energy with oil and gas.”.*

15 **SEC. 3106. SAVINGS CLAUSE.**

16 *Notwithstanding any other provision of this subtitle,*
17 *the Secretary of the Interior and the Secretary of Agri-*
18 *culture shall continue to manage public lands under the*
19 *principles of multiple use and sustained yield in accordance*
20 *with the Federal Land Policy and Management Act of 1976*
21 *(43 U.S.C. 1701 et seq.) or the Forest and Rangeland Re-*
22 *newable Resources Planning Act of 1974 (16 U.S.C. 1600*
23 *et seq.), respectively, including for due consideration of*
24 *mineral and nonrenewable energy-related projects and other*
25 *nonrenewable energy uses, for the purposes of land use plan-*

1 *ning, permit processing, and conducting environmental re-*
2 *views.*

3 ***Subtitle C—Energy Storage***

4 ***SEC. 3201. BETTER ENERGY STORAGE TECHNOLOGY.***

5 *(a) DEFINITIONS.—In this section:*

6 *(1) ENERGY STORAGE SYSTEM.—The term “en-*
7 *ergy storage system” means any system, equipment,*
8 *facility, or technology that—*

9 *(A) is capable of absorbing or converting*
10 *energy, storing the energy for a period of time,*
11 *and dispatching the energy; and*

12 *(B)(i) uses mechanical, electrochemical,*
13 *thermal, electrolysis, or other processes to convert*
14 *and store electric energy that was generated at*
15 *an earlier time for use at a later time;*

16 *(ii) uses mechanical, electrochemical, bio-*
17 *chemical, or thermal processes to convert and*
18 *store energy generated from mechanical processes*
19 *that would otherwise be wasted, for delivery at a*
20 *later time; or*

21 *(iii) stores energy in an electric, thermal, or*
22 *gaseous state for direct use for heating or cooling*
23 *at a later time in a manner that avoids the need*
24 *to use electricity or other fuel sources at that*
25 *later time, such as a grid-enabled water heater.*

1 (2) *PROGRAM.*—*The term “program” means the*
2 *Energy Storage System Research, Development, and*
3 *Deployment Program established under subsection*
4 *(b)(1).*

5 (3) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Energy.*

7 (b) *ENERGY STORAGE SYSTEM RESEARCH, DEVELOP-*
8 *MENT, AND DEPLOYMENT PROGRAM.*—

9 (1) *ESTABLISHMENT.*—*Not later than 180 days*
10 *after the date of enactment of this Act, the Secretary*
11 *shall establish a program, to be known as the Energy*
12 *Storage System Research, Development, and Deploy-*
13 *ment Program.*

14 (2) *INITIAL PROGRAM OBJECTIVES.*—*The pro-*
15 *gram shall focus on research, development, and de-*
16 *ployment of—*

17 (A) *energy storage systems, components,*
18 *and materials designed to further the develop-*
19 *ment of technologies—*

20 (i) *for large-scale commercial deploy-*
21 *ment;*

22 (ii) *for deployment at cost targets es-*
23 *tablished by the Secretary;*

1 (iii) for hourly and subhourly dura-
2 tions required to provide reliability services
3 to the grid;

4 (iv) for daily durations, which have
5 the capacity to discharge energy for a min-
6 imum of 6 hours;

7 (v) for weekly or monthly durations,
8 which have the capacity to discharge energy
9 for 10 to 100 hours, at a minimum; and

10 (vi) for seasonal durations, which have
11 the capability to address seasonal variations
12 in supply and demand;

13 (B) distributed energy storage technologies
14 and applications, including building-grid inte-
15 gration;

16 (C) long-term cost, performance, and dem-
17 onstration targets for different types of energy
18 storage systems and for use in a variety of re-
19 gions, including rural areas;

20 (D) transportation energy storage tech-
21 nologies and applications, including vehicle-grid
22 integration;

23 (E) cost-effective systems and methods for—

24 (i) the sustainable and secure sourcing,
25 reclamation, recycling, and disposal of en-

1 *ergy storage systems, including critical*
2 *minerals; and*

3 *(ii) the reuse and repurposing of en-*
4 *ergy storage system technologies;*

5 *(F) advanced control methods for energy*
6 *storage systems;*

7 *(G) pumped hydroelectric energy storage*
8 *systems to advance—*

9 *(i) adoption of innovative technologies,*
10 *including—*

11 *(I) systems with adjustable-speed*
12 *and other new pumping and gener-*
13 *ating equipment designs;*

14 *(II) modular systems;*

15 *(III) closed-loop systems, includ-*
16 *ing mines and quarries; and*

17 *(IV) other innovative equipment*
18 *and materials as determined by the*
19 *Secretary; and*

20 *(ii) reductions of civil works costs and*
21 *construction times for hydropower and*
22 *pumped storage systems, including com-*
23 *prehensive data and systems analysis of hy-*
24 *dropower and pumped storage construction*

1 *technologies and processes in order to iden-*
2 *tify areas for whole-system efficiency gains;*

3 *(H) models and tools to demonstrate the*
4 *costs and benefits of energy storage to—*

5 *(i) power and water supply systems;*

6 *(ii) electric generation portfolio opti-*
7 *mization; and*

8 *(iii) expanded deployment of other re-*
9 *newable energy technologies, including in*
10 *integrated energy storage systems;*

11 *(I) energy storage use cases from individual*
12 *and combination technology applications, in-*
13 *cluding value from various-use cases and energy*
14 *storage services; and*

15 *(J) advanced manufacturing technologies*
16 *that have the potential to improve United States*
17 *competitiveness in energy storage manufacturing*
18 *or reduce United States dependence on critical*
19 *materials.*

20 *(3) TESTING AND VALIDATION.—In coordination*
21 *with 1 or more National Laboratories, the Secretary*
22 *shall support the development, standardized testing,*
23 *and validation of energy storage systems under the*
24 *program, including test-bed and field trials, by devel-*
25 *oping testing and evaluation methodologies for—*

1 (A) *storage technologies, controls, and power*
2 *electronics for energy storage systems under a*
3 *variety of operating conditions;*

4 (B) *standardized and grid performance test-*
5 *ing for energy storage systems, materials, and*
6 *technologies during each stage of development;*

7 (C) *reliability, safety, degradation, and du-*
8 *rability testing under standard and evolving*
9 *duty cycles; and*

10 (D) *accelerated life testing protocols to pre-*
11 *dict estimated lifetime metrics with accuracy.*

12 (4) *PERIODIC EVALUATION OF PROGRAM OBJEC-*
13 *TIVES.—Not less frequently than once every calendar*
14 *year, the Secretary shall evaluate and, if necessary,*
15 *update the program objectives to ensure that the pro-*
16 *gram continues to advance energy storage systems to-*
17 *ward widespread commercial deployment by lowering*
18 *the costs and increasing the duration of energy stor-*
19 *age resources.*

20 (5) *ENERGY STORAGE STRATEGIC PLAN.—*

21 (A) *IN GENERAL.—The Secretary shall de-*
22 *velop a 10-year strategic plan for the program,*
23 *and update the plan, in accordance with this*
24 *paragraph.*

1 (B) *CONTENTS.*—*The strategic plan devel-*
2 *oped under subparagraph (A) shall—*

3 (i) *be coordinated with and integrated*
4 *across other relevant offices in the Depart-*
5 *ment;*

6 (ii) *to the extent practicable, include*
7 *metrics that can be used to evaluate storage*
8 *technologies;*

9 (iii) *identify Department programs*
10 *that—*

11 (I) *support the research and devel-*
12 *opment activities described in para-*
13 *graph (2) and the demonstration*
14 *projects under subsection (c); and*

15 (II)(aa) *do not support the activi-*
16 *ties or projects described in subclause*
17 *(I); but*

18 (bb) *are important to the develop-*
19 *ment of energy storage systems and the*
20 *mission of the Department, as deter-*
21 *mined by the Secretary;*

22 (iv) *include expected timelines for—*

23 (I) *the accomplishment of relevant*
24 *objectives under current programs of*

1 *the Department relating to energy stor-*
2 *age systems; and*

3 *(II) the commencement of any*
4 *new initiatives within the Department*
5 *relating to energy storage systems to*
6 *accomplish those objectives; and*

7 *(v) incorporate relevant activities de-*
8 *scribed in the Grid Modernization Initiative*
9 *Multi-Year Program Plan.*

10 *(C) SUBMISSION TO CONGRESS.—Not later*
11 *than 180 days after the date of enactment of this*
12 *Act, the Secretary shall submit to the Committee*
13 *on Energy and Natural Resources of the Senate*
14 *and the Committees on Energy and Commerce*
15 *and Science, Space, and Technology of the House*
16 *of Representatives the strategic plan developed*
17 *under subparagraph (A).*

18 *(D) UPDATES TO PLAN.—The Secretary—*
19 *(i) shall annually review the strategic*
20 *plan developed under subparagraph (A);*
21 *and*

22 *(ii) may periodically revise the stra-*
23 *tegic plan as appropriate.*

24 *(6) LEVERAGING OF RESOURCES.—The program*
25 *may be led by a specific office of the Department, but*

1 shall be cross-cutting in nature, so that in carrying
2 out activities under the program, the Secretary (or a
3 designee of the Secretary charged with leading the
4 program) shall leverage existing Federal resources, in-
5 cluding, at a minimum, the expertise and resources
6 of—

7 (A) the Office of Electricity;

8 (B) the Office of Energy Efficiency and Re-
9 newable Energy, including the Water Power
10 Technologies Office; and

11 (C) the Office of Science, including—

12 (i) the Basic Energy Sciences Pro-
13 gram;

14 (ii) the Advanced Scientific Computing
15 Research Program;

16 (iii) the Biological and Environmental
17 Research Program; and

18 (D) the Electricity Storage Research Initia-
19 tive established under section 975 of the Energy
20 Policy Act of 2005 (42 U.S.C. 16315).

21 (7) *PROTECTING PRIVACY AND SECURITY.*—In
22 carrying out this subsection, the Secretary shall iden-
23 tify, incorporate, and follow best practices for pro-
24 tecting the privacy of individuals and businesses and
25 the respective sensitive data of the individuals and

1 *businesses, including by managing privacy risk and*
2 *implementing the Fair Information Practice Prin-*
3 *ciples of the Federal Trade Commission for the collec-*
4 *tion, use, disclosure, and retention of individual elec-*
5 *tric consumer information in accordance with the Of-*
6 *fice of Management and Budget Circular A-130 (or*
7 *successor circulars).*

8 *(c) ENERGY STORAGE DEMONSTRATION PROJECTS;*
9 *PILOT GRANT PROGRAM.—*

10 *(1) DEMONSTRATION PROJECTS.—Not later than*
11 *September 30, 2023, the Secretary shall, to the max-*
12 *imum extent practicable, enter into agreements to*
13 *carry out 3 energy storage system demonstration*
14 *projects, including at least 1 energy storage system*
15 *demonstration project designed to further the develop-*
16 *ment of technologies described in clause (v) or (vi) of*
17 *subsection (b)(2)(A).*

18 *(2) ENERGY STORAGE PILOT GRANT PROGRAM.—*

19 *(A) DEFINITION OF ELIGIBLE ENTITY.—In*
20 *this paragraph, the term “eligible entity”*
21 *means—*

22 *(i) a State energy office (as defined in*
23 *section 124(a) of the Energy Policy Act of*
24 *2005 (42 U.S.C. 15821(a));*

1 (ii) an Indian Tribe (as defined in sec-
2 tion 4 of the Native American Housing As-
3 sistance and Self-Determination Act of 1996
4 (25 U.S.C. 4103);

5 (iii) a Tribal organization (as defined
6 in section 3765 of title 38, United States
7 Code);

8 (iv) an institution of higher education
9 (as defined in section 101 of the Higher
10 Education Act of 1965 (20 U.S.C. 1001));

11 (v) an electric utility, including—

12 (I) an electric cooperative;

13 (II) a political subdivision of a
14 State, such as a municipally owned
15 electric utility, or any agency, author-
16 ity, corporation, or instrumentality of
17 a State political subdivision; and

18 (III) an investor-owned utility;

19 and

20 (vi) a private energy storage company.

21 (B) *ESTABLISHMENT.*—The Secretary shall
22 establish a competitive grant program under
23 which the Secretary shall award grants to eligi-
24 ble entities to carry out demonstration projects
25 for pilot energy storage systems.

1 (C) *SELECTION REQUIREMENTS.*—*In select-*
2 *ing eligible entities to receive a grant under sub-*
3 *paragraph (B), the Secretary shall, to the max-*
4 *imum extent practicable—*

5 (i) *ensure regional diversity among eli-*
6 *gible entities awarded grants, including en-*
7 *sureing participation of eligible entities that*
8 *are rural States and States with high en-*
9 *ergy costs;*

10 (ii) *ensure that grants are awarded for*
11 *demonstration projects that—*

12 (I) *expand on the existing tech-*
13 *nology demonstration programs of the*
14 *Department;*

15 (II) *are designed to achieve 1 or*
16 *more of the objectives described in sub-*
17 *paragraph (D); and*

18 (III) *inject or withdraw energy*
19 *from the bulk power system, electric*
20 *distribution system, building energy*
21 *system, or microgrid (grid-connected or*
22 *islanded mode) where the project is lo-*
23 *cated;*

24 (iii) *give consideration to proposals*
25 *from eligible entities for securing energy*

1 *storage through competitive procurement or*
2 *contract for service; and*

3 *(iv) prioritize projects that leverage*
4 *matching funds from non-Federal sources.*

5 *(D) OBJECTIVES.—Each demonstration*
6 *project carried out by a grant awarded under*
7 *subparagraph (B) shall have 1 or more of the fol-*
8 *lowing objectives:*

9 *(i) To improve the security of critical*
10 *infrastructure and emergency response sys-*
11 *tems.*

12 *(ii) To improve the reliability of trans-*
13 *mission and distribution systems, particu-*
14 *larly in rural areas, including high-energy*
15 *cost rural areas.*

16 *(iii) To optimize transmission or dis-*
17 *tribution system operation and power qual-*
18 *ity to defer or avoid costs of replacing or*
19 *upgrading electric grid infrastructure, in-*
20 *cluding transformers and substations.*

21 *(iv) To supply energy at peak periods*
22 *of demand on the electric grid or during pe-*
23 *riods of significant variation of electric grid*
24 *supply.*

1 (v) *To reduce peak loads of homes and*
2 *businesses.*

3 (vi) *To improve and advance power*
4 *conversion systems.*

5 (vii) *To provide ancillary services for*
6 *grid stability and management.*

7 (viii) *To integrate renewable energy re-*
8 *source production.*

9 (ix) *To increase the feasibility of*
10 *microgrids (grid-connected or islanded*
11 *mode).*

12 (x) *To enable the use of stored energy*
13 *in forms other than electricity to support*
14 *the natural gas system and other industrial*
15 *processes.*

16 (xi) *To integrate fast charging of elec-*
17 *tric vehicles.*

18 (xii) *To improve energy efficiency.*

19 (3) *REPORTS.*—*Not less frequently than once*
20 *every 3 years for the duration of the programs under*
21 *paragraphs (1) and (2), the Secretary shall submit to*
22 *Congress and make publicly available a report de-*
23 *scribing the performance of those programs.*

24 (4) *NO PROJECT OWNERSHIP INTEREST.*—*The*
25 *Federal Government shall not hold any equity or*

1 *other ownership interest in any energy storage system*
2 *that is part of a project under this subsection unless*
3 *the holding is agreed to by each participant of the*
4 *project.*

5 *(d) LONG-DURATION DEMONSTRATION INITIATIVE AND*
6 *JOINT PROGRAM.—*

7 *(1) DEFINITIONS.—In this subsection:*

8 *(A) INITIATIVE.—The term “Initiative”*
9 *means the demonstration initiative established*
10 *under paragraph (2).*

11 *(B) JOINT PROGRAM.—The term “Joint*
12 *Program” means the joint program established*
13 *under paragraph (4).*

14 *(2) ESTABLISHMENT OF INITIATIVE.—Not later*
15 *than 180 days after the date of enactment of this Act,*
16 *the Secretary shall establish a demonstration initia-*
17 *tive composed of demonstration projects focused on the*
18 *development of long-duration energy storage tech-*
19 *nologies.*

20 *(3) SELECTION OF PROJECTS.—To the maximum*
21 *extent practicable, in selecting demonstration projects*
22 *to participate in the Initiative, the Secretary shall—*

23 *(A) ensure a range of technology types;*

24 *(B) ensure regional diversity among*
25 *projects; and*

1 (C) *consider bulk power level, distribution*
2 *power level, behind-the-meter, microgrid*
3 *(gridconnected or islanded mode), and off-grid*
4 *applications.*

5 (4) *JOINT PROGRAM.—*

6 (A) *ESTABLISHMENT.—As part of the Ini-*
7 *tiative, the Secretary, in consultation with the*
8 *Secretary of Defense, shall establish within the*
9 *Department a joint program to carry out*
10 *projects—*

11 (i) *to demonstrate promising long-du-*
12 *ration energy storage technologies at dif-*
13 *ferent scales; and*

14 (ii) *to help new, innovative long-dura-*
15 *tion energy storage technologies become com-*
16 *mercially viable.*

17 (B) *MEMORANDUM OF UNDERSTANDING.—*
18 *Not later than 200 days after the date of enact-*
19 *ment of this Act, the Secretary shall enter into*
20 *a memorandum of understanding with the Sec-*
21 *retary of Defense to administer the Joint Pro-*
22 *gram.*

23 (C) *INFRASTRUCTURE.—In carrying out the*
24 *Joint Program, the Secretary and the Secretary*
25 *of Defense shall—*

1 (i) *use existing test-bed infrastructure*

2 *at—*

3 (I) *Department facilities; and*

4 (II) *Department of Defense instal-*
5 *lations; and*

6 (ii) *develop new infrastructure for*
7 *identified projects, if appropriate.*

8 (D) *GOALS AND METRICS.—The Secretary*
9 *and the Secretary of Defense shall develop goals*
10 *and metrics for technological progress under the*
11 *Joint Program consistent with energy resilience*
12 *and energy security policies.*

13 (E) *SELECTION OF PROJECTS.—*

14 (i) *IN GENERAL.—To the maximum ex-*
15 *tent practicable, in selecting projects to par-*
16 *ticipate in the Joint Program, the Secretary*
17 *and the Secretary of Defense shall—*

18 (I) *ensure that projects are car-*
19 *ried out under conditions that rep-*
20 *resent a variety of environments with*
21 *different physical conditions and mar-*
22 *ket constraints; and*

23 (II) *ensure an appropriate bal-*
24 *ance of—*

1 (aa) *larger, higher-cost*
2 *projects; and*

3 (bb) *smaller, lower-cost*
4 *projects.*

5 (ii) *PRIORITY.—In carrying out the*
6 *Joint Program, the Secretary and the Sec-*
7 *retary of Defense shall give priority to dem-*
8 *onstration projects that—*

9 (I) *make available to the public*
10 *project information that will accelerate*
11 *deployment of long-duration energy*
12 *storage technologies; and*

13 (II) *will be carried out in the*
14 *field.*

15 (e) *CRITICAL MATERIAL RECYCLING AND REUSE RE-*
16 *SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-*
17 *GRAM.—The United States Energy Storage Competitiveness*
18 *Act of 2007 (42 U.S.C. 17231) is amended by adding at*
19 *the end the following:*

20 “(q) *CRITICAL MATERIAL RECYCLING AND REUSE RE-*
21 *SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-*
22 *GRAM.—*

23 “(1) *DEFINITIONS.—In this subsection:*

1 “(A) *CRITICAL MATERIAL*.—*The term ‘crit-*
2 *ical material’ has the meaning given the term in*
3 *7002 of the Energy Act of 2020.*

4 “(B) *CRITICAL MATERIAL RECYCLING*.—*The*
5 *term ‘critical material recycling’ means the sepa-*
6 *ration and recovery of critical materials embed-*
7 *ded within an energy storage system through*
8 *physical or chemical means for the purpose of*
9 *reuse of those critical materials in other tech-*
10 *nologies.*

11 “(2) *ESTABLISHMENT*.—*Not later than 180 days*
12 *after the date of enactment of this subsection, the Sec-*
13 *retary shall establish a research, development, and*
14 *demonstration program for critical material recycling*
15 *and reuse of energy storage systems containing crit-*
16 *ical materials.*

17 “(3) *RESEARCH, DEVELOPMENT, AND DEM-*
18 *ONSTRATION*.—*In carrying out the program estab-*
19 *lished under paragraph (1), the Secretary shall con-*
20 *duct—*

21 “(A) *research, development, and demonstra-*
22 *tion activities for—*

23 “(i) *technologies, process improve-*
24 *ments, and design optimizations that facili-*
25 *tate and promote critical material recycling*

1 *of energy storage systems, including separa-*
2 *tion and sorting of component materials of*
3 *such systems, and extraction, recovery, and*
4 *reuse of critical materials from such sys-*
5 *tems;*

6 “(ii) *technologies and methods that*
7 *mitigate emissions and environmental im-*
8 *pacts that arise from critical material recy-*
9 *cling, including disposal of toxic reagents*
10 *and byproducts related to critical material*
11 *recycling processes;*

12 “(iii) *technologies to enable extraction,*
13 *recovery, and reuse of energy storage sys-*
14 *tems from electric vehicles and critical ma-*
15 *terial recycling from such vehicles; and*

16 “(iv) *technologies and methods to en-*
17 *able the safe transport, storage, and dis-*
18 *posal of energy storage systems containing*
19 *critical materials, including waste mate-*
20 *rials and components recovered during the*
21 *critical material recycling process; and*

22 “(B) *research on nontechnical barriers to*
23 *improve the collection and critical material recy-*
24 *cling of energy storage systems, including strate-*
25 *gies to improve consumer education of, accept-*

1 *ance of, and participation in, the critical mate-*
2 *rial recycling of energy storage systems.*

3 “(4) *REPORT TO CONGRESS.*—*Not later than 2*
4 *years after the date of enactment of this subsection,*
5 *and every 3 years thereafter, the Secretary shall sub-*
6 *mit to the Committee on Science, Space, and Tech-*
7 *nology and the Committee on Energy and Commerce*
8 *of the House of Representatives and the Committee on*
9 *Energy and Natural Resources of the Senate a report*
10 *summarizing the activities, findings, and progress of*
11 *the program.”.*

12 (f) *COORDINATION.*—*To the maximum extent prac-*
13 *ticable, the Secretary shall coordinate the activities under*
14 *this section (including activities conducted pursuant to the*
15 *amendments made by this section) among the offices and*
16 *employees of the Department, other Federal agencies, and*
17 *other relevant entities—*

18 (1) *to ensure appropriate collaboration;*

19 (2) *to avoid unnecessary duplication of those ac-*
20 *tivities; and*

21 (3) *to increase domestic manufacturing and pro-*
22 *duction of energy storage systems, such as those with-*
23 *in the Department and within the National Institute*
24 *of Standards and Technology.*

1 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated—*

3 (1) *to carry out subsection (b), \$100,000,000 for*
4 *each of fiscal years 2021 through 2025, to remain*
5 *available until expended;*

6 (2) *to carry out subsection (c), \$71,000,000 for*
7 *each of fiscal years 2021 through 2025, to remain*
8 *available until expended; and*

9 (3) *to carry out subsection (d), \$30,000,000 for*
10 *each of fiscal years 2021 through 2025, to remain*
11 *available until expended.*

12 **SEC. 3202. ENERGY STORAGE TECHNOLOGY AND**
13 **MICROGRID ASSISTANCE PROGRAM.**

14 (a) *DEFINITIONS.*—*In this section:*

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

17 (A) *a rural electric cooperative;*

18 (B) *an agency, authority, or instrumen-*
19 *tality of a State or political subdivision of a*
20 *State that sells or otherwise uses electrical energy*
21 *to provide electric services for customers; or*

22 (C) *a nonprofit organization working with*
23 *at least 6 entities described in subparagraph (A)*
24 *or (B).*

1 (2) *ENERGY STORAGE TECHNOLOGY.*—The term
2 “energy storage technology” includes grid-enabled
3 water heaters, building heating or cooling systems,
4 electric vehicles, the production of hydrogen for trans-
5 portation or industrial use, or other technologies that
6 store energy.

7 (3) *MICROGRID.*—The term “microgrid” means a
8 localized grid that operates autonomously regardless
9 of whether the grid can operate in connection with
10 another grid.

11 (4) *RENEWABLE ENERGY SOURCE.*—The term
12 “renewable energy source” has the meaning given the
13 term in section 609(a) of the Public Utility Regu-
14 latory Policies Act of 1978 (7 U.S.C. 918c(a)).

15 (5) *RURAL ELECTRIC COOPERATIVE.*—The term
16 “rural electric cooperative” means an electric coopera-
17 tive (as defined in section 3 of the Federal Power Act
18 (16 U.S.C. 796)) that sells electric energy to persons
19 in rural areas.

20 (6) *SECRETARY.*—The term “Secretary” means
21 the Secretary of Energy.

22 (b) *IN GENERAL.*—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary shall estab-
24 lish a program under which the Secretary shall—

1 (1) *provide grants to eligible entities under sub-*
2 *section (d);*

3 (2) *provide technical assistance to eligible enti-*
4 *ties under subsection (e); and*

5 (3) *disseminate information to eligible entities*
6 *on—*

7 (A) *the activities described in subsections*
8 *(d)(1) and (e); and*

9 (B) *potential and existing energy storage*
10 *technology and microgrid projects.*

11 (c) *COOPERATIVE AGREEMENT.—The Secretary may*
12 *enter into a cooperative agreement with an eligible entity*
13 *to carry out subsection (b).*

14 (d) *GRANTS.—*

15 (1) *IN GENERAL.—The Secretary may award*
16 *grants to eligible entities for identifying, evaluating,*
17 *designing, and demonstrating energy storage tech-*
18 *nology and microgrid projects that utilize energy*
19 *from renewable energy sources.*

20 (2) *APPLICATION.—To be eligible to receive a*
21 *grant under paragraph (1), an eligible entity shall*
22 *submit to the Secretary an application at such time,*
23 *in such manner, and containing such information as*
24 *the Secretary may require.*

1 (3) *USE OF GRANT.*—*An eligible entity that re-*
2 *ceives a grant under paragraph (1)—*

3 *(A) shall use the grant—*

4 *(i) to conduct feasibility studies to as-*
5 *sess the potential for implementation or im-*
6 *provement of energy storage technology or*
7 *microgrid projects;*

8 *(ii) to analyze and implement strate-*
9 *gies to overcome barriers to energy storage*
10 *technology or microgrid project implementa-*
11 *tion, including financial, contracting,*
12 *siting, and permitting barriers;*

13 *(iii) to conduct detailed engineering of*
14 *energy storage technology or microgrid*
15 *projects;*

16 *(iv) to perform a cost-benefit analysis*
17 *with respect to an energy storage technology*
18 *or microgrid project;*

19 *(v) to plan for both the short- and*
20 *long-term inclusion of energy storage tech-*
21 *nology or microgrid projects into the future*
22 *development plans of the eligible entity; or*

23 *(vi) to purchase and install necessary*
24 *equipment, materials, and supplies for dem-*
25 *onstration of emerging technologies; and*

1 (B) may use the grant to obtain technical
2 assistance from experts in carrying out the ac-
3 tivities described in subparagraph (A).

4 (4) *CONDITION.*—As a condition of receiving a
5 grant under paragraph (1), an eligible entity shall—

6 (A) implement a public awareness cam-
7 paign, in coordination with the Secretary, about
8 the project implemented under the grant in the
9 community in which the eligible entity is lo-
10 cated, which campaign shall include providing
11 projected environmental benefits achieved under
12 the project, where to find more information
13 about the program established under this section,
14 and any other information the Secretary deter-
15 mines necessary;

16 (B) submit to the Secretary, and make
17 available to the public, a report that describes—

18 (i) any energy cost savings and envi-
19 ronmental benefits achieved under the
20 project; and

21 (ii) the results of the project, including
22 quantitative assessments to the extent prac-
23 ticable, associated with each activity de-
24 scribed in paragraph (3)(A); and

1 (C) create and disseminate tools and re-
2 sources that will benefit other rural electric co-
3 operatives, which may include cost calculators,
4 guidebooks, handbooks, templates, and training
5 courses.

6 (5) *COST-SHARE*.—Activities under this sub-
7 section shall be subject to the cost-sharing require-
8 ments of section 988 of the Energy Policy Act of 2005
9 (42 U.S.C. 16352).

10 (e) *TECHNICAL ASSISTANCE*.—

11 (1) *IN GENERAL*.—In carrying out the program
12 established under subsection (b), the Secretary may
13 provide eligible entities with technical assistance re-
14 lating to—

15 (A) identifying opportunities for energy
16 storage technology and microgrid projects;

17 (B) understanding the technical and eco-
18 nomic characteristics of energy storage tech-
19 nology or microgrid projects;

20 (C) understanding financing alternatives;

21 (D) permitting and siting issues;

22 (E) obtaining case studies of similar and
23 successful energy storage technology or microgrid
24 projects;

1 (F) reviewing and obtaining computer soft-
2 ware for assessment, design, and operation and
3 maintenance of energy storage technology or
4 microgrid systems; and

5 (G) understanding and utilizing the reli-
6 ability and resiliency benefits of energy storage
7 technology and microgrid projects.

8 (2) *EXTERNAL CONTRACTS.*—In carrying out
9 paragraph (1), the Secretary may enter into contracts
10 with third-party experts, including engineering, fi-
11 nance, and insurance experts, to provide technical as-
12 sistance to eligible entities relating to the activities
13 described in such paragraph, or other relevant activi-
14 ties, as determined by the Secretary.

15 (f) *AUTHORIZATION OF APPROPRIATIONS.*—

16 (1) *IN GENERAL.*—There is authorized to be ap-
17 propriated to carry out this section \$15,000,000 for
18 each of fiscal years 2021 through 2025.

19 (2) *ADMINISTRATIVE COSTS.*—Not more than 5
20 percent of the amount appropriated under paragraph
21 (1) for each fiscal year shall be used for administra-
22 tive expenses.

1 **TITLE IV—CARBON**
2 **MANAGEMENT**

3 **SEC. 4001. FOSSIL ENERGY.**

4 Section 961(a) of the Energy Policy Act of 2005 (42
5 U.S.C. 16291(a)) is amended—

6 (1) by redesignating paragraphs (1) through (7)
7 as subparagraphs (A) through (G), respectively, and
8 indenting appropriately;

9 (2) in subparagraph (F) (as so redesignated), by
10 inserting “, including technology development to re-
11 duce emissions of carbon dioxide and associated emis-
12 sions of heavy metals within coal combustion residues
13 and gas streams resulting from fossil fuel use and
14 production” before the period at the end;

15 (3) by striking subparagraph (G) (as so redesign-
16 ated) and inserting the following:

17 “(G) Increasing the export of fossil energy-
18 related equipment, technology, including emis-
19 sions control technologies, and services from the
20 United States.

21 “(H) Decreasing the cost of emissions con-
22 trol technologies for fossil energy production,
23 generation, and delivery.

1 “(I) Significantly lowering greenhouse gas
2 emissions for all fossil fuel production, genera-
3 tion, delivery, and utilization technologies.

4 “(J) Developing carbon removal and utili-
5 zation technologies, products, and methods that
6 result in net reductions in greenhouse gas emis-
7 sions, including direct air capture and storage,
8 and carbon use and reuse for commercial appli-
9 cation.

10 “(K) Improving the conversion, use, and
11 storage of carbon oxides produced from fossil
12 fuels.

13 “(L) Reducing water use, improving water
14 reuse, and minimizing surface and subsurface
15 environmental impact in the development of un-
16 conventional domestic oil and natural gas re-
17 sources.”;

18 (4) by striking the subsection designation and all
19 that follows through “The Secretary” in the first sen-
20 tence of the matter preceding subparagraph (A) (as so
21 redesignated) and inserting the following:

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—The Secretary”;

24 (5) in paragraph (1) (as so designated), in the
25 second sentence of the matter preceding subparagraph

1 (A) (as so redesignated), by striking “Such programs”
2 and inserting the following:

3 “(2) *OBJECTIVES.*—The programs described in
4 paragraph (1) shall”; and

5 (6) by adding at the end the following:

6 “(3) *PRIORITY.*—In carrying out the objectives
7 described in subparagraphs (F) through (K) of para-
8 graph (2), the Secretary shall prioritize activities and
9 strategies that have the potential to significantly re-
10 duce emissions for each technology relevant to the ap-
11 plicable objective and the international commitments
12 of the United States.”.

13 **SEC. 4002. ESTABLISHMENT OF CARBON CAPTURE TECH-**
14 **NOLOGY PROGRAM.**

15 (a) *IN GENERAL.*—The Energy Policy Act of 2005 is
16 amended by striking section 962 (42 U.S.C. 16292) and in-
17 serting the following:

18 **“SEC. 962. CARBON CAPTURE TECHNOLOGY PROGRAM.**

19 “(a) *DEFINITIONS.*—In this section:

20 “(1) *LARGE-SCALE PILOT PROJECT.*—The term
21 ‘large-scale pilot project’ means a pilot project that—

22 “(A) represents the scale of technology devel-
23 opment beyond laboratory development and
24 bench scale testing, but not yet advanced to the

1 *point of being tested under real operational con-*
2 *ditions at commercial scale;*

3 “(B) *represents the scale of technology nec-*
4 *essary to gain the operational data needed to un-*
5 *derstand the technical and performance risks of*
6 *the technology before the application of that tech-*
7 *nology at commercial scale or in commercial-*
8 *scale demonstration; and*

9 “(C) *is large enough—*

10 “(i) *to validate scaling factors; and*

11 “(ii) *to demonstrate the interaction be-*
12 *tween major components so that control*
13 *philosophies for a new process can be devel-*
14 *oped and enable the technology to advance*
15 *from large-scale pilot project application to*
16 *commercial-scale demonstration or applica-*
17 *tion.*

18 “(2) *NATURAL GAS.—The term ‘natural gas’*
19 *means any fuel consisting in whole or in part of—*

20 “(A) *natural gas;*

21 “(B) *liquid petroleum gas;*

22 “(C) *synthetic gas derived from petroleum*
23 *or natural gas liquids;*

24 “(D) *any mixture of natural gas and syn-*
25 *thetic gas; or*

1 “(E) biomethane.

2 “(3) NATURAL GAS ELECTRIC GENERATION FA-
3 CILITY.—

4 “(A) IN GENERAL.—The term ‘natural gas
5 electric generation facility’ means a facility that
6 generates electric energy using natural gas as the
7 fuel.

8 “(B) INCLUSIONS.—The term ‘natural gas
9 electric generation facility’ includes without lim-
10 itation a new or existing—

11 “(i) simple cycle plant;

12 “(ii) combined cycle plant;

13 “(iii) combined heat and power plant;

14 or

15 “(iv) steam methane reformer that pro-
16 duces hydrogen from natural gas for use in
17 the production of electric energy.

18 “(4) PROGRAM.—The term ‘program’ means the
19 program established under subsection (b)(1).

20 “(5) TRANSFORMATIONAL TECHNOLOGY.—

21 “(A) IN GENERAL.—The term ‘trans-
22 formational technology’ means a technology that
23 represents a significant change in the methods
24 used to convert energy that will enable a step
25 change in performance, efficiency, cost of elec-

1 *tricity, and reduction of emissions as compared*
2 *to the technology in existence on the date of en-*
3 *actment of the Energy Act of 2020.*

4 “(B) *INCLUSIONS.—The term ‘trans-*
5 *formational technology’ includes a broad range*
6 *of potential technology improvements, includ-*
7 *ing—*

8 “(i) *thermodynamic improvements in*
9 *energy conversion and heat transfer, includ-*
10 *ing—*

11 “(I) *advanced combustion sys-*
12 *tems, including oxygen combustion sys-*
13 *tems and chemical looping; and*

14 “(II) *the replacement of steam cy-*
15 *cles with supercritical carbon dioxide*
16 *cycles;*

17 “(ii) *improvements in steam or carbon*
18 *dioxide turbine technology;*

19 “(iii) *improvements in carbon capture,*
20 *utilization, and storage systems technology;*

21 “(iv) *improvements in small-scale and*
22 *modular coal-fired technologies with reduced*
23 *carbon output or carbon capture that can*
24 *support incremental power generation ca-*
25 *capacity additions;*

1 “(v) *fuel cell technologies for low-cost,*
2 *high-efficiency modular power systems;*

3 “(vi) *advanced gasification systems;*

4 “(vii) *thermal cycling technologies; and*

5 “(viii) *any other technology the Sec-*
6 *retary recognizes as transformational tech-*
7 *nology.*

8 “(b) *CARBON CAPTURE TECHNOLOGY PROGRAM.—*

9 “(1) *IN GENERAL.—The Secretary shall establish*
10 *a carbon capture technology program for the develop-*
11 *ment of transformational technologies that will sig-*
12 *nificantly improve the efficiency, effectiveness, costs,*
13 *emissions reductions, and environmental performance*
14 *of coal and natural gas use, including in manufac-*
15 *turing and industrial facilities.*

16 “(2) *REQUIREMENTS.—The program shall in-*
17 *clude—*

18 “(A) *a research and development program;*

19 “(B) *large-scale pilot projects;*

20 “(C) *demonstration projects, in accordance*
21 *with paragraph (4); and*

22 “(D) *a front-end engineering and design*
23 *program.*

24 “(3) *PROGRAM GOALS AND OBJECTIVES.—In*
25 *consultation with the interested entities described in*

1 *paragraph (6)(C), the Secretary shall develop goals*
2 *and objectives for the program to be applied to the*
3 *transformational technologies developed within the*
4 *program, taking into consideration the following:*

5 *“(A) Increasing the performance of coal*
6 *electric generation facilities and natural gas elec-*
7 *tric generation facilities, including by—*

8 *“(i) ensuring reliable, low-cost power*
9 *from new and existing coal electric genera-*
10 *tion facilities and natural gas electric gen-*
11 *eration facilities;*

12 *“(ii) achieving high conversion effi-*
13 *ciencies;*

14 *“(iii) addressing emissions of carbon*
15 *dioxide and other air pollutants;*

16 *“(iv) developing small-scale and mod-*
17 *ular technologies to support incremental ca-*
18 *capacity additions and load following genera-*
19 *tion, in addition to large-scale generation*
20 *technologies;*

21 *“(v) supporting dispatchable oper-*
22 *ations for new and existing applications of*
23 *coal and natural gas generation; and*

1 “(vi) accelerating the development of
2 technologies that have transformational en-
3 ergy conversion characteristics.

4 “(B) Using carbon capture, utilization, and
5 sequestration technologies to decrease the carbon
6 dioxide emissions, and the environmental impact
7 from carbon dioxide emissions, from new and ex-
8 isting coal electric generation facilities and nat-
9 ural gas electric generation facilities, including
10 by—

11 “(i) accelerating the development, de-
12 ployment, and commercialization of tech-
13 nologies to capture and sequester carbon di-
14 oxide emissions from new and existing coal
15 electric generation facilities and natural gas
16 electric generation facilities;

17 “(ii) supporting sites for safe geological
18 storage of large volumes of anthropogenic
19 sources of carbon dioxide and the develop-
20 ment of the infrastructure needed to support
21 a carbon dioxide utilization and storage in-
22 dustry;

23 “(iii) improving the conversion, utili-
24 zation, and storage of carbon dioxide pro-

1 *duced from fossil fuels and other anthropo-*
2 *genic sources of carbon dioxide;*

3 *“(iv) lowering greenhouse gas emis-*
4 *sions for all fossil fuel production, genera-*
5 *tion, delivery, and use, to the maximum ex-*
6 *tent practicable;*

7 *“(v) developing carbon utilization tech-*
8 *nologies, products, and methods, including*
9 *carbon use and reuse for commercial appli-*
10 *cation;*

11 *“(vi) developing net-negative carbon*
12 *dioxide emissions technologies; and*

13 *“(vii) developing technologies for the*
14 *capture of carbon dioxide produced during*
15 *the production of hydrogen from natural*
16 *gas.*

17 *“(C) Decreasing the non-carbon dioxide rel-*
18 *evant environmental impacts of coal and natural*
19 *gas production, including by—*

20 *“(i) further reducing non-carbon diox-*
21 *ide air emissions; and*

22 *“(ii) reducing the use, and managing*
23 *the discharge, of water in power plant oper-*
24 *ations.*

1 “(D) Accelerating the development of tech-
2 nologies to significantly decrease emissions from
3 manufacturing and industrial facilities, includ-
4 ing—

5 “(i) nontraditional fuel manufacturing
6 facilities, including ethanol or other biofuel
7 production plants or hydrogen production
8 plants; and

9 “(ii) energy-intensive manufacturing
10 facilities that produce carbon dioxide as a
11 byproduct of operations.

12 “(E) Entering into cooperative agreements
13 to carry out and expedite demonstration projects
14 (including pilot projects) to demonstrate the
15 technical and commercial viability of tech-
16 nologies to reduce carbon dioxide emissions re-
17 leased from coal electric generation facilities and
18 natural gas electric generation facilities for com-
19 mercial deployment.

20 “(F) Identifying any barriers to the com-
21 mercial deployment of any technologies under de-
22 velopment for the capture of carbon dioxide pro-
23 duced by coal electric generation facilities and
24 natural gas electric generation facilities.

25 “(4) DEMONSTRATION PROJECTS.—

1 “(A) *IN GENERAL.*—*In carrying out the*
2 *program, the Secretary shall establish a dem-*
3 *onstration program under which the Secretary,*
4 *through a competitive, merit-reviewed process,*
5 *shall enter into cooperative agreements by not*
6 *later than September 30, 2025, for demonstra-*
7 *tion projects to demonstrate the construction and*
8 *operation of 6 facilities to capture carbon diox-*
9 *ide from coal electric generation facilities, nat-*
10 *ural gas electric generation facilities, and indus-*
11 *trial facilities.*

12 “(B) *TECHNICAL ASSISTANCE.*—*The Sec-*
13 *retary, to the maximum extent practicable, shall*
14 *provide technical assistance to any eligible entity*
15 *seeking to enter into a cooperative agreement de-*
16 *scribed in subparagraph (A) for the purpose of*
17 *obtaining any necessary permits and licenses to*
18 *demonstrate qualifying technologies.*

19 “(C) *ELIGIBLE ENTITIES.*—*The Secretary*
20 *may enter into cooperative agreements under*
21 *subparagraph (A) with industry stakeholders, in-*
22 *cluding any industry stakeholder operating in*
23 *partnership with the National Laboratories, in-*
24 *stitutions of higher education, multiinstitutional*
25 *collaborations, and other appropriate entities.*

1 “(D) *COMMERCIAL-SCALE DEMONSTRATION*
2 *PROJECTS.—*

3 “(i) *IN GENERAL.—In carrying out the*
4 *program, the Secretary shall establish a car-*
5 *bon capture technology commercialization*
6 *program to demonstrate substantial im-*
7 *provements in the efficiency, effectiveness,*
8 *cost, and environmental performance of car-*
9 *bon capture technologies for power, indus-*
10 *trial, and other commercial applications.*

11 “(ii) *REQUIREMENT.—The program es-*
12 *tablished under clause (i) shall include*
13 *funding for commercial-scale carbon capture*
14 *technology demonstrations of projects sup-*
15 *ported by the Department, including*
16 *projects in addition to the projects described*
17 *in subparagraph (A), including funding for*
18 *not more than 2 projects to demonstrate*
19 *substantial improvements in a particular*
20 *technology type beyond the first of a kind*
21 *demonstration and to account for consider-*
22 *ations described in subparagraph (G).*

23 “(E) *REQUIREMENT.—Of the demonstration*
24 *projects carried out under subparagraph (A)—*

1 “(i) 2 shall be designed to capture car-
2 bon dioxide from a natural gas electric gen-
3 eration facility;

4 “(ii) 2 shall be designed to capture car-
5 bon dioxide from a coal electric generation
6 facility; and

7 “(iii) 2 shall be designed to capture
8 carbon dioxide from an industrial facility
9 not purposed for electric generation.

10 “(F) GOALS.—Each demonstration project
11 under the demonstration program under sub-
12 paragraph (A)—

13 “(i) shall be designed to further the de-
14 velopment, deployment, and commercializa-
15 tion of technologies to capture and sequester
16 carbon dioxide emissions from new and ex-
17 isting coal electric generation facilities, nat-
18 ural gas electric generation facilities, and
19 industrial facilities;

20 “(ii) shall be financed in part by the
21 private sector; and

22 “(iii) if necessary, shall secure agree-
23 ments for the offtake of carbon dioxide emis-
24 sions captured by qualifying technologies
25 during the project.

1 “(G) *APPLICATIONS.*—

2 “(i) *IN GENERAL.*—*To be eligible to*
3 *enter into an agreement with the Secretary*
4 *for a demonstration project under subpara-*
5 *graphs (A) and (D), an entity shall submit*
6 *to the Secretary an application at such*
7 *time, in such manner, and containing such*
8 *information as the Secretary may require.*

9 “(ii) *REVIEW OF APPLICATIONS.*—*In*
10 *reviewing applications submitted under*
11 *clause (i), the Secretary, to the maximum*
12 *extent practicable, shall—*

13 “(I) *ensure a broad geographic*
14 *distribution of project sites;*

15 “(II) *ensure that a broad selection*
16 *of electric generation facilities are rep-*
17 *resented;*

18 “(III) *ensure that a broad selec-*
19 *tion of technologies are represented;*
20 *and*

21 “(IV) *leverage existing public-pri-*
22 *vate partnerships and Federal re-*
23 *sources.*

24 “(H) *GAO STUDY AND REPORT.*—

25 “(i) *STUDY AND REPORT.*—

1 “(I) *IN GENERAL.*—Not later than
2 1 year after the date of enactment of
3 the Energy Act of 2020, the Comptroller General of the United States
4 shall conduct, and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives
5 a report on the results of, a study of
6 the successes, failures, practices, and
7 improvements of the Department in
8 carrying out demonstration projects
9 under this paragraph.

15 “(II) *CONSIDERATIONS.*—In conducting the study under subclause (I),
16 the Comptroller General of the United States shall consider—

19 “(aa) applicant and contractor qualifications;

21 “(bb) project management practices at the Department;

23 “(cc) economic or market changes and other factors impacting project viability;

1 “(dd) completion of third-
2 party agreements, including
3 power purchase agreements and
4 carbon dioxide offtake agreements;

5 “(ee) regulatory challenges;
6 and

7 “(ff) construction challenges.

8 “(ii) *RECOMMENDATIONS.*—The Sec-
9 retary shall—

10 “(I) consider any relevant rec-
11 ommendations, as determined by the
12 Secretary, provided in the report re-
13 quired under clause (i)(I); and

14 “(II) adopt such recommendations
15 as the Secretary considers appropriate.

16 “(I) *REPORT.*—

17 “(i) *IN GENERAL.*—Not later than 180
18 days after the date on which the Secretary
19 solicits applications under subparagraph
20 (G), and annually thereafter, the Secretary
21 shall submit to the appropriate committees
22 of jurisdiction of the Senate and the House
23 of Representatives a report that includes a
24 detailed description of how the applications
25 under the demonstration program estab-

1 *lished under subparagraph (A) were or will*
2 *be solicited and how the applications were*
3 *or will be evaluated, including—*

4 *“(I) a list of any activities car-*
5 *ried out by the Secretary to solicit or*
6 *evaluate the applications; and*

7 *“(II) a process for ensuring that*
8 *any projects carried out under a coop-*
9 *erative agreement entered into under*
10 *subparagraph (A) are designed to re-*
11 *sult in the development or demonstra-*
12 *tion of qualifying technologies.*

13 *“(i) INCLUSIONS.—The Secretary*
14 *shall include—*

15 *“(I) in the first report required*
16 *under clause (i), a detailed list of tech-*
17 *anical milestones for the development*
18 *and demonstration of each qualifying*
19 *technology pursued under the dem-*
20 *onstration program established under*
21 *subparagraph (A);*

22 *“(II) in each subsequent report re-*
23 *quired under clause (i), a description*
24 *of the progress made towards achieving*
25 *the technical milestones described in*

1 *subclause (I) during the applicable pe-*
2 *riod covered by the report; and*

3 *“(III) in each report required*
4 *under clause (i)—*

5 *“(aa) an estimate of the cost*
6 *of licensing, permitting, con-*
7 *structing, and operating each car-*
8 *bon capture facility expected to be*
9 *constructed under the demonstra-*
10 *tion program established under*
11 *subparagraph (A);*

12 *“(bb) a schedule for the*
13 *planned construction and oper-*
14 *ation of each demonstration or*
15 *pilot project under the demonstra-*
16 *tion program; and*

17 *“(cc) an estimate of any fi-*
18 *nancial assistance, compensation,*
19 *or incentives proposed to be paid*
20 *by the host State, Indian Tribe, or*
21 *local government with respect to*
22 *each facility described in item*
23 *(aa).*

24 *“(5) INTRAAGENCY COORDINATION FOR CARBON*
25 *CAPTURE, UTILIZATION, AND SEQUESTRATION ACTIVI-*

1 *TIES.—The carbon capture, utilization, and seques-*
2 *tration activities described in paragraph (3)(B) shall*
3 *be carried out by the Assistant Secretary for Fossil*
4 *Energy, in coordination with the heads of other rel-*
5 *evant offices of the Department and the National Lab-*
6 *oratories.*

7 *“(6) CONSULTATIONS REQUIRED.—In carrying*
8 *out the program, the Secretary shall—*

9 *“(A) undertake international collaborations,*
10 *taking into consideration the recommendations*
11 *of the National Coal Council and the National*
12 *Petroleum Council;*

13 *“(B) use existing authorities to encourage*
14 *international cooperation; and*

15 *“(C) consult with interested entities, includ-*
16 *ing—*

17 *“(i) coal and natural gas producers;*

18 *“(ii) industries that use coal and nat-*
19 *ural gas;*

20 *“(iii) organizations that promote coal,*
21 *advanced coal, and natural gas technologies;*

22 *“(iv) environmental organizations;*

23 *“(v) organizations representing work-*
24 *ers; and*

1 “(vi) organizations representing con-
2 sumers.

3 “(c) *REPORT.*—

4 “(1) *IN GENERAL.*—Not later than 18 months
5 after the date of enactment of the Energy Act of 2020,
6 the Secretary shall submit to Congress a report de-
7 scribing the program goals and objectives adopted
8 under subsection (b)(3).

9 “(2) *UPDATE.*—Not less frequently than once
10 every 2 years after the initial report is submitted
11 under paragraph (1), the Secretary shall submit to
12 Congress a report describing the progress made to-
13 wards achieving the program goals and objectives
14 adopted under subsection (b)(3).

15 “(d) *FUNDING.*—

16 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—
17 There are authorized to be appropriated to the Sec-
18 retary to carry out this section, to remain available
19 until expended—

20 “(A) for activities under the research and
21 development program component described in
22 subsection (b)(2)(A)—

23 “(i) \$230,000,000 for each of fiscal
24 years 2021 and 2022; and

1 “(i) \$150,000,000 for each of fiscal
2 years 2023 through 2025;

3 “(B) subject to paragraph (2), for activities
4 under the large-scale pilot projects program com-
5 ponent described in subsection (b)(2)(B)—

6 “(i) \$225,000,000 for each of fiscal
7 years 2021 and 2022;

8 “(ii) \$200,000,000 for each of fiscal
9 years 2023 and 2024; and

10 “(iii) \$150,000,000 for fiscal year
11 2025;

12 “(C) for activities under the demonstration
13 projects program component described in sub-
14 section (b)(2)(C)—

15 “(i) \$500,000,000 for each of fiscal
16 years 2021 through 2024; and

17 “(ii) \$600,000,000 for fiscal year 2025;
18 and

19 “(D) for activities under the front-end engi-
20 neering and design program described in sub-
21 section (b)(2)(D), \$50,000,000 for each of fiscal
22 years 2021 through 2024.

23 “(2) *COST SHARING FOR LARGE-SCALE PILOT*
24 *PROJECTS.*—Activities under subsection (b)(2)(B)

1 *shall be subject to the cost-sharing requirements of sec-*
2 *tion 988(b).*

3 *“(e) CARBON CAPTURE TEST CENTERS.—*

4 *“(1) IN GENERAL.—Not later than 2 years after*
5 *the date of enactment of the Energy Act of 2020, the*
6 *Secretary shall award grants to 1 or more entities for*
7 *the operation of 1 or more test centers (referred to in*
8 *this subsection as a ‘Center’) to provide distinct test-*
9 *ing capabilities for innovative carbon capture tech-*
10 *nologies.*

11 *“(2) PURPOSE.—Each Center shall—*

12 *“(A) advance research, development, dem-*
13 *onstration, and commercial application of car-*
14 *bon capture technologies;*

15 *“(B) support large-scale pilot projects and*
16 *demonstration projects and test carbon capture*
17 *technologies; and*

18 *“(C) develop front-end engineering design*
19 *and economic analysis.*

20 *“(3) SELECTION.—*

21 *“(A) IN GENERAL.—The Secretary shall se-*
22 *lect entities to receive grants under this sub-*
23 *section according to such criteria as the Sec-*
24 *retary may develop.*

1 “(B) *COMPETITIVE BASIS.*—*The Secretary*
2 *shall select entities to receive grants under this*
3 *subsection on a competitive basis.*

4 “(C) *PRIORITY CRITERIA.*—*In selecting en-*
5 *tities to receive grants under this subsection, the*
6 *Secretary shall prioritize consideration of appli-*
7 *cants that—*

8 “(i) *have access to existing or planned*
9 *research facilities for carbon capture tech-*
10 *nologies;*

11 “(ii) *are institutions of higher edu-*
12 *cation with established expertise in engi-*
13 *neering for carbon capture technologies, or*
14 *partnerships with such institutions of high-*
15 *er education; or*

16 “(iii) *have access to existing research*
17 *and test facilities for bulk materials design*
18 *and testing, component design and testing,*
19 *or professional engineering design.*

20 “(D) *EXISTING CENTERS.*—*In selecting en-*
21 *tities to receive grants under this subsection, the*
22 *Secretary shall prioritize carbon capture test*
23 *centers in existence on the date of enactment of*
24 *the Energy Act of 2020.*

1 “(4) *FORMULA FOR AWARDING GRANTS.*—*The*
2 *Secretary may develop a formula for awarding grants*
3 *under this subsection.*

4 “(5) *SCHEDULE.*—

5 “(A) *IN GENERAL.*—*Each grant awarded*
6 *under this subsection shall be for a term of not*
7 *more than 5 years, subject to the availability of*
8 *appropriations.*

9 “(B) *RENEWAL.*—*The Secretary may renew*
10 *a grant for 1 or more additional 5-year terms,*
11 *subject to a competitive merit review and the*
12 *availability of appropriations.*

13 “(6) *TERMINATION.*—*To the extent otherwise au-*
14 *thorized by law, the Secretary may eliminate, and*
15 *terminate grant funding under this subsection for, a*
16 *Center during any 5-year term described in para-*
17 *graph (5) if the Secretary determines that the Center*
18 *is underperforming.*

19 “(7) *AUTHORIZATION OF APPROPRIATIONS.*—
20 *There is authorized to be appropriated to carry out*
21 *this subsection \$25,000,000 for each of fiscal years*
22 *2021 through 2025.”.*

23 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
24 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*

1 *Stat. 600) is amended by striking the item relating to sec-*
2 *tion 962 and inserting the following:*

“Sec. 962. Carbon capture technology program.”.

3 **SEC. 4003. CARBON STORAGE VALIDATION AND TESTING.**

4 (a) *IN GENERAL.*—Section 963 of the Energy Policy
5 Act of 2005 (42 U.S.C. 16293) is amended—

6 (1) *by striking subsection (d) and inserting the*
7 *following:*

8 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—There
9 are authorized to be appropriated to the Secretary to carry
10 out this section—

11 “(1) \$200,000,000 for fiscal year 2021;

12 “(2) \$200,000,000 for fiscal year 2022;

13 “(3) \$150,000,000 for fiscal year 2023;

14 “(4) \$150,000,000 for fiscal year 2024; and

15 “(5) \$100,000,000 for fiscal year 2025.”;

16 (2) *in subsection (c)*—

17 (A) *by striking paragraphs (5) and (6) and*
18 *inserting the following:*

19 “(f) *COST SHARING.*—Activities carried out under this
20 section shall be subject to the cost-sharing requirements of
21 section 988.”; and

22 (B) *by redesignating paragraph (4) as sub-*
23 *section (e) and indenting appropriately;*

24 (3) *in subsection (e) (as so redesignated)*—

1 (A) by redesignating subparagraphs (A)
2 and (B) as paragraphs (1) and (2), respectively,
3 and indenting appropriately; and

4 (B) by striking “subsection” each place it
5 appears and inserting “section”; and

6 (4) by striking the section designation and head-
7 ing and all that follows through the end of subsection
8 (c)(3) and inserting the following:

9 **“SEC. 963. CARBON STORAGE VALIDATION AND TESTING.**

10 “(a) *DEFINITIONS.*—In this section:

11 “(1) *LARGE-SCALE CARBON SEQUESTRATION.*—
12 The term ‘large-scale carbon sequestration’ means a
13 scale that—

14 “(A) demonstrates the ability to inject into
15 geologic formations and sequester carbon dioxide;
16 and

17 “(B) has a goal of sequestering not less than
18 50 million metric tons of carbon dioxide over a
19 10-year period.

20 “(2) *PROGRAM.*—The term ‘program’ means the
21 program established under subsection (b)(1).

22 “(b) *CARBON STORAGE PROGRAM.*—

23 “(1) *IN GENERAL.*—The Secretary shall establish
24 a program of research, development, and demonstra-
25 tion for carbon storage.

1 “(2) *PROGRAM ACTIVITIES.*—*Activities under the*
2 *program shall include—*

3 “(A) *in coordination with relevant Federal*
4 *agencies, developing and maintaining mapping*
5 *tools and resources that assess the capacity of*
6 *geologic storage formation in the United States;*

7 “(B) *developing monitoring tools, modeling*
8 *of geologic formations, and analyses—*

9 “(i) *to predict carbon dioxide contain-*
10 *ment; and*

11 “(ii) *to account for sequestered carbon*
12 *dioxide in geologic storage sites;*

13 “(C) *researching—*

14 “(i) *potential environmental, safety,*
15 *and health impacts in the event of a leak*
16 *into the atmosphere or to an aquifer; and*

17 “(ii) *any corresponding mitigation ac-*
18 *tions or responses to limit harmful con-*
19 *sequences of such a leak;*

20 “(D) *evaluating the interactions of carbon*
21 *dioxide with formation solids and fluids, includ-*
22 *ing the propensity of injections to induce seismic*
23 *activity;*

1 “(E) assessing and ensuring the safety of
2 operations relating to geologic sequestration of
3 carbon dioxide;

4 “(F) determining the fate of carbon dioxide
5 concurrent with and following injection into geo-
6 logic formations;

7 “(G) supporting cost and business model as-
8 sessments to examine the economic viability of
9 technologies and systems developed under the
10 program; and

11 “(H) providing information to the Environ-
12 mental Protection Agency, States, local govern-
13 ments, Tribal governments, and other appro-
14 priate entities, to ensure the protection of human
15 health and the environment.

16 “(3) GEOLOGIC SETTINGS.—In carrying out re-
17 search activities under this subsection, the Secretary
18 shall consider a variety of candidate onshore and off-
19 shore geologic settings, including—

20 “(A) operating oil and gas fields;

21 “(B) depleted oil and gas fields;

22 “(C) residual oil zones;

23 “(D) unconventional reservoirs and rock
24 types;

25 “(E) unmineable coal seams;

1 “(F) saline formations in both sedimentary
2 and basaltic geologies;

3 “(G) geologic systems that may be used as
4 engineered reservoirs to extract economical quan-
5 tities of brine from geothermal resources of low
6 permeability or porosity; and

7 “(H) geologic systems containing in situ
8 carbon dioxide mineralization formations.

9 “(c) *LARGE-SCALE CARBON SEQUESTRATION DEM-*
10 *ONSTRATION PROGRAM.*—

11 “(1) *IN GENERAL.*—*The Secretary shall establish*
12 *a demonstration program under which the Secretary*
13 *shall provide funding for demonstration projects to*
14 *collect and validate information on the cost and feasi-*
15 *bility of commercial deployment of large-scale carbon*
16 *sequestration technologies.*

17 “(2) *EXISTING REGIONAL CARBON SEQUESTRATION*
18 *PARTNERSHIPS.*—*In carrying out paragraph*
19 *(1), the Secretary may provide additional funding to*
20 *regional carbon sequestration partnerships that are*
21 *carrying out or have completed a large-scale carbon*
22 *sequestration demonstration project under this section*
23 *(as in effect on the day before the date of enactment*
24 *of the Energy Act of 2020) for additional work on*
25 *that project.*

1 “(3) *DEMONSTRATION COMPONENTS.*—*Each dem-*
2 *onstration project carried out under this subsection*
3 *shall include longitudinal tests involving carbon diox-*
4 *ide injection and monitoring, mitigation, and*
5 *verification operations.*

6 “(4) *CLEARINGHOUSE.*—*The National Energy*
7 *Technology Laboratory shall act as a clearinghouse of*
8 *shared information and resources for—*

9 “(A) *existing or completed demonstration*
10 *projects receiving additional funding under*
11 *paragraph (2); and*

12 “(B) *any new demonstration projects fund-*
13 *ed under this subsection.*

14 “(5) *REPORT.*—*Not later than 1 year after the*
15 *date of enactment of the Energy Act of 2020, the Sec-*
16 *retary shall submit to the Committee on Energy and*
17 *Natural Resources of the Senate and the Committee*
18 *on Science, Space, and Technology of the House of*
19 *Representatives a report that—*

20 “(A) *assesses the progress of all regional*
21 *carbon sequestration partnerships carrying out a*
22 *demonstration project under this subsection;*

23 “(B) *identifies the remaining challenges in*
24 *achieving large-scale carbon sequestration that is*

1 *reliable and safe for the environment and public*
2 *health; and*

3 “(C) creates a roadmap for carbon storage
4 research and development activities of the De-
5 partment through 2025, with the goal of reduc-
6 ing economic and policy barriers to commercial
7 carbon sequestration.

8 “(d) INTEGRATED STORAGE.—

9 “(1) IN GENERAL.—The Secretary may transi-
10 tion large-scale carbon sequestration demonstration
11 projects under subsection (c) into integrated commer-
12 cial storage complexes.

13 “(2) GOALS AND OBJECTIVES.—The goals and
14 objectives of the Secretary in seeking to transition
15 large-scale carbon sequestration demonstration
16 projects into integrated commercial storage complexes
17 under paragraph (1) shall be—

18 “(A) to identify geologic storage sites that
19 are able to accept large volumes of carbon diox-
20 ide acceptable for commercial contracts;

21 “(B) to understand the technical and com-
22 mercial viability of carbon dioxide geologic stor-
23 age sites; and

24 “(C) to carry out any other activities nec-
25 essary to transition the large-scale carbon seques-

1 *tration demonstration projects under subsection*
2 *(c) into integrated commercial storage com-*
3 *plexes.”.*

4 (b) *TECHNICAL AMENDMENT.—The table of contents*
5 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
6 *Stat. 600; 121 Stat. 1708) is amended by striking the item*
7 *relating to section 963 and inserting the following:*

“Sec. 963. Carbon storage validation and testing.”.

8 (c) *CONFORMING AMENDMENTS.—*

9 (1) *Section 703(a)(3) of the Department of En-*
10 *ergy Carbon Capture and Sequestration Research, De-*
11 *velopment, and Demonstration Act of 2007 (42 U.S.C.*
12 *17251(a)(3)) is amended, in the first sentence of the*
13 *matter preceding subparagraph (A), by—*

14 (A) *striking “section 963(c)(3)” and insert-*
15 *ing “section 963(c)”;* and

16 (B) *striking “16293(c)(3)” and inserting*
17 *“16293(c)”.*

18 (2) *Section 704 of the Department of Energy*
19 *Carbon Capture and Sequestration Research, Develop-*
20 *ment, and Demonstration Act of 2007 (42 U.S.C.*
21 *17252) is amended, in the first sentence, by—*

22 (A) *striking “section 963(c)(3)” and insert-*
23 *ing “section 963(c)”;* and

24 (B) *striking “16293(c)(3)” and inserting*
25 *“16293(c)”.*

1 **SEC. 4004. CARBON UTILIZATION PROGRAM.**

2 (a) *CARBON UTILIZATION PROGRAM.*—

3 (1) *IN GENERAL.*—*Subtitle F of title IX of the*
4 *Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.)*
5 *is amended by adding at the end the following:*

6 **“SEC. 969A. CARBON UTILIZATION PROGRAM.**

7 “(a) *IN GENERAL.*—*The Secretary shall establish a*
8 *program of research, development, and demonstration for*
9 *carbon utilization—*

10 “(1) *to assess and monitor—*

11 “(A) *potential changes in lifecycle carbon*
12 *dioxide and other greenhouse gas emissions; and*

13 “(B) *other environmental safety indicators*
14 *of new technologies, practices, processes, or meth-*
15 *ods used in enhanced hydrocarbon recovery as*
16 *part of the activities authorized under section*
17 *963;*

18 “(2) *to identify and assess novel uses for carbon,*
19 *including the conversion of carbon and carbon oxides*
20 *for commercial and industrial products and other*
21 *products with potential market value;*

22 “(3) *to identify and assess carbon capture tech-*
23 *nologies for industrial systems; and*

24 “(4) *to identify and assess alternative uses for*
25 *raw coal and processed coal products in all phases*
26 *that result in no significant emissions of carbon diox-*

1 *ide or other pollutants, including products derived*
2 *from carbon engineering, carbon fiber, and coal con-*
3 *version methods.*

4 “(b) *DEMONSTRATION PROGRAMS FOR THE PURPOSE*
5 *OF COMMERCIALIZATION.*—

6 “(1) *IN GENERAL.*—*Not later than 180 days*
7 *after the date of enactment of the Energy Act of 2020,*
8 *as part of the program established under subsection*
9 *(a), the Secretary shall establish a 2-year demonstra-*
10 *tion program in each of the 2 major coal-producing*
11 *regions of the United States for the purpose of*
12 *partnering with private institutions in coal mining*
13 *regions to accelerate the commercial deployment of*
14 *coal-carbon products.*

15 “(2) *COST SHARING.*—*Activities under para-*
16 *graph (1) shall be subject to the cost-sharing require-*
17 *ments of section 988.*

18 “(c) *CARBON UTILIZATION RESEARCH CENTER.*—

19 “(1) *IN GENERAL.*—*In carrying out the program*
20 *under subsection (a), the Secretary shall establish and*
21 *operate a national Carbon Utilization Research Cen-*
22 *ter (referred to in this subsection as the ‘Center’),*
23 *which shall focus on early stage research and develop-*
24 *ment activities including—*

1 “(A) *post-combustion and pre-combustion*
2 *capture of carbon dioxide;*

3 “(B) *advanced compression technologies for*
4 *new and existing fossil fuel-fired power plants;*

5 “(C) *technologies to convert carbon dioxide*
6 *to valuable products and commodities; and*

7 “(D) *advanced carbon dioxide storage tech-*
8 *nologies that consider a range of storage regimes.*

9 “(2) *SELECTION.—The Secretary shall—*

10 “(A) *select the Center under this subsection*
11 *on a competitive, merit-reviewed basis; and*

12 “(B) *consider applications from the Na-*
13 *tional Laboratories, institutions of higher edu-*
14 *cation, multiinstitutional collaborations, and*
15 *other appropriate entities.*

16 “(3) *EXISTING CENTERS.—In selecting the Cen-*
17 *ter under this subsection, the Secretary shall*
18 *prioritize carbon utilization research centers in exist-*
19 *ence on the date of enactment of the Energy Act of*
20 *2020.*

21 “(4) *DURATION.—The Center established under*
22 *this subsection shall receive support for a period of*
23 *not more than 5 years, subject to the availability of*
24 *appropriations.*

1 “(5) *RENEWAL*.—On the expiration of any pe-
2 riod of support of the Center, the Secretary may
3 renew support for the Center, on a merit-reviewed
4 basis, for a period of not more than 5 years.

5 “(6) *TERMINATION*.—Consistent with the exist-
6 ing authorities of the Department, the Secretary may
7 terminate the Center for cause during the perform-
8 ance period.

9 “(d) *AUTHORIZATION OF APPROPRIATIONS*.—There
10 are authorized to be appropriated to the Secretary to carry
11 out this section—

12 “(1) \$54,000,000 for fiscal year 2021;

13 “(2) \$55,250,000 for fiscal year 2022;

14 “(3) \$56,562,500 for fiscal year 2023;

15 “(4) \$57,940,625 for fiscal year 2024; and

16 “(5) \$59,387,656 for fiscal year 2025.

17 “(e) *COORDINATION*.—The Secretary shall coordinate
18 the activities authorized in this section with the activities
19 authorized in section 969 as part of one consolidated pro-
20 gram at the Department. Nothing in section 969 shall be
21 construed as limiting the authorities provided in this sec-
22 tion.”.

23 (2) *TECHNICAL AMENDMENT*.—The table of con-
24 tents for the Energy Policy Act of 2005 (Public Law
25 109–58; 119 Stat. 600) is amended by adding at the

1 *end of the items relating to subtitle F of title IX the*
2 *following:*

 “Sec. 969A. Carbon utilization program.”.

3 *(b) STUDY.—*

4 *(1) IN GENERAL.—The Secretary of Energy (in*
5 *this section referred to as the “Secretary”) shall enter*
6 *into an agreement with the National Academies of*
7 *Sciences, Engineering, and Medicine under which the*
8 *National Academies of Sciences, Engineering, and*
9 *Medicine shall conduct a study to assess any barriers*
10 *and opportunities relating to commercializing carbon,*
11 *coal-derived carbon, and carbon dioxide in the United*
12 *States.*

13 *(2) REQUIREMENTS.—The study under para-*
14 *graph (1) shall—*

15 *(A) analyze challenges to commercializing*
16 *carbon dioxide, including—*

17 *(i) expanding carbon dioxide pipeline*
18 *capacity;*

19 *(ii) mitigating environmental impacts;*

20 *(iii) access to capital;*

21 *(iv) geographic barriers; and*

22 *(v) regional economic challenges and*
23 *opportunities;*

1 (B) identify potential markets, industries,
2 or sectors that may benefit from greater access to
3 commercial carbon dioxide;

4 (C) determine the feasibility of, and oppor-
5 tunities for, the commercialization of coal-de-
6 rived carbon products, including for—

7 (i) commercial purposes;

8 (ii) industrial purposes;

9 (iii) defense and military purposes;

10 (iv) agricultural purposes, including
11 soil amendments and fertilizers;

12 (v) medical and pharmaceutical appli-
13 cations;

14 (vi) construction and building applica-
15 tions;

16 (vii) energy applications; and

17 (viii) production of critical minerals;

18 (D) assess—

19 (i) the state of infrastructure as of the
20 date of the study; and

21 (ii) any necessary updates to infra-
22 structure to allow for the integration of safe
23 and reliable carbon dioxide transportation,
24 use, and storage;

1 (E) describe the economic, climate, and en-
2 vironmental impacts of any well-integrated na-
3 tional carbon dioxide pipeline system, including
4 suggestions for policies that could—

5 (i) improve the economic impact of the
6 system; and

7 (ii) mitigate impacts of the system;

8 (F) assess the global status and progress of
9 chemical and biological carbon utilization tech-
10 nologies in practice as of the date of the study
11 that utilize anthropogenic carbon, including car-
12 bon dioxide, carbon monoxide, methane, and
13 biogas, from power generation, biofuels produc-
14 tion, and other industrial processes;

15 (G) identify emerging technologies and ap-
16 proaches for carbon utilization that show prom-
17 ise for scale-up, demonstration, deployment, and
18 commercialization;

19 (H) analyze the factors associated with
20 making carbon utilization technologies viable at
21 a commercial scale, including carbon waste
22 stream availability, economics, market capacity,
23 energy, and lifecycle requirements;

1 *(I)(i) assess the major technical challenges*
2 *associated with increasing the commercial viabil-*
3 *ity of carbon reuse technologies; and*

4 *(ii) identify the research and development*
5 *questions that will address the challenges de-*
6 *scribed in clause (i);*

7 *(J)(i) assess research efforts being carried*
8 *out as of the date of the study, including basic,*
9 *applied, engineering, and computational re-*
10 *search efforts, that are addressing the challenges*
11 *described in subparagraph (I)(i); and*

12 *(ii) identify gaps in the research efforts*
13 *under clause (i);*

14 *(K) develop a comprehensive research agen-*
15 *da that addresses long- and short-term research*
16 *needs and opportunities for technologies that*
17 *may be important to minimizing net greenhouse*
18 *gas emissions from the use of coal and natural*
19 *gas; and*

20 *(L)(i) identify appropriate Federal agencies*
21 *with capabilities to support small business enti-*
22 *ties; and*

23 *(ii) determine what assistance the Federal*
24 *agencies identified under clause (i) could provide*
25 *to small business entities to further the develop-*

1 *ment and commercial deployment of carbon di-*
2 *oxide-based products.*

3 (3) *DEADLINE.*—*Not later than 180 days after*
4 *the date of enactment of this Act, the National Acad-*
5 *emies of Sciences, Engineering, and Medicine shall*
6 *submit to the Secretary a report describing the results*
7 *of the study under paragraph (1).*

8 **SEC. 4005. HIGH EFFICIENCY TURBINES.**

9 (a) *IN GENERAL.*—*Subtitle F of title IX of the Energy*
10 *Policy Act of 2005 (42 U.S.C. 16291 et seq.) is further*
11 *amended by adding at the end the following:*

12 **“SEC. 969B. HIGH EFFICIENCY TURBINES.**

13 “(a) *IN GENERAL.*—*The Secretary, acting through the*
14 *Assistant Secretary for Fossil Energy (referred to in this*
15 *section as the ‘Secretary’), shall establish a multiyear, mul-*
16 *tiphase program (referred to in this section as the ‘pro-*
17 *gram’) of research, development, and technology demonstra-*
18 *tion to improve the efficiency of gas turbines used in power*
19 *generation systems and aviation.*

20 “(b) *PROGRAM ELEMENTS.*—*The program shall—*

21 “(1) *support first-of-a-kind engineering and de-*
22 *tailed gas turbine design for small-scale and utility-*
23 *scale electric power generation, including—*

24 “(A) *high temperature materials, including*
25 *superalloys, coatings, and ceramics;*

1 “(B) improved heat transfer capability;

2 “(C) manufacturing technology required to
3 construct complex 3-dimensional geometry parts
4 with improved aerodynamic capability;

5 “(D) combustion technology to produce
6 higher firing temperature while lowering nitro-
7 gen oxide and carbon monoxide emissions per
8 unit of output;

9 “(E) advanced controls and systems inte-
10 gration;

11 “(F) advanced high performance compressor
12 technology; and

13 “(G) validation facilities for the testing of
14 components and subsystems;

15 “(2) include technology demonstration through
16 component testing, subscale testing, and full-scale test-
17 ing in existing fleets;

18 “(3) include field demonstrations of the developed
19 technology elements to demonstrate technical and eco-
20 nomic feasibility;

21 “(4) assess overall combined cycle and simple
22 cycle system performance;

23 “(5) increase fuel flexibility by enabling gas tur-
24 bines to operate with high proportions of, or pure, hy-
25 drogen or other renewable gas fuels;

1 “(6) *enhance foundational knowledge needed for*
2 *low-emission combustion systems that can work in*
3 *high-pressure, high-temperature environments re-*
4 *quired for high-efficiency cycles;*

5 “(7) *increase operational flexibility by reducing*
6 *turbine start-up times and improving the ability to*
7 *accommodate flexible power demand; and*

8 “(8) *include any other elements necessary to*
9 *achieve the goals described in subsection (c), as deter-*
10 *mined by the Secretary, in consultation with private*
11 *industry.*

12 “(c) *PROGRAM GOALS.—*

13 “(1) *IN GENERAL.—The goals of the program*
14 *shall be—*

15 “(A) *in phase I, to develop a conceptual de-*
16 *sign of, and to develop and demonstrate the tech-*
17 *nology required for—*

18 “(i) *advanced high efficiency gas tur-*
19 *bines to achieve, on a lower heating value*
20 *basis—*

21 “(I) *a combined cycle efficiency of*
22 *not less than 65 percent; or*

23 “(II) *a simple cycle efficiency of*
24 *not less than 47 percent; and*

1 “(ii) aviation gas turbines to achieve a
2 25 percent reduction in fuel burn by im-
3 proving fuel efficiency to existing best-in-
4 class turbo-fan engines; and

5 “(B) in phase II, to develop a conceptual
6 design of advanced high efficiency gas turbines
7 that can achieve, on a lower heating value
8 basis—

9 “(i) a combined cycle efficiency of not
10 less than 67 percent; or

11 “(ii) a simple cycle efficiency of not
12 less than 50 percent.

13 “(2) *ADDITIONAL GOALS.*—If a goal described in
14 paragraph (1) has been achieved, the Secretary, in
15 consultation with private industry and the National
16 Academy of Sciences, may develop additional goals or
17 phases for advanced gas turbine research and develop-
18 ment.

19 “(d) *FINANCIAL ASSISTANCE.*—

20 “(1) *IN GENERAL.*—The Secretary may provide
21 financial assistance, including grants, to carry out
22 the program.

23 “(2) *PROPOSALS.*—Not later than 180 days after
24 the date of enactment of the Energy Act of 2020, the
25 Secretary shall solicit proposals from industry, small

1 *businesses, universities, and other appropriate parties*
2 *for conducting activities under this section.*

3 “(3) *CONSIDERATIONS.*—*In selecting proposed*
4 *projects to receive financial assistance under this sub-*
5 *section, the Secretary shall give special consideration*
6 *to the extent to which the proposed project will—*

7 “(A) *stimulate the creation or increased re-*
8 *tention of jobs in the United States; and*

9 “(B) *promote and enhance technology lead-*
10 *ership in the United States.*

11 “(4) *COMPETITIVE AWARDS.*—*The Secretary*
12 *shall provide financial assistance under this sub-*
13 *section on a competitive basis, with an emphasis on*
14 *technical merit.*

15 “(5) *COST SHARING.*—*Financial assistance pro-*
16 *vided under this subsection shall be subject to the cost*
17 *sharing requirements of section 988.*

18 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated to carry out this section*
20 *\$50,000,000 for each of fiscal years 2021 through 2025.”.*

21 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
22 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
23 *Stat. 600) is further amended by adding at the end of the*
24 *items relating to subtitle F of title IX the following:*

“*Sec. 969B. High efficiency gas turbines.*”.

1 **SEC. 4006. NATIONAL ENERGY TECHNOLOGY LABORATORY**
2 **REFORMS.**

3 (a) *IN GENERAL.*—*Subtitle F of title IX of the Energy*
4 *Policy Act of 2005 (42 U.S.C. 16291 et seq.) is further*
5 *amended by adding at the end the following:*

6 **“SEC. 969C. NATIONAL ENERGY TECHNOLOGY LABORATORY**
7 **REFORMS.**

8 “(a) *SPECIAL HIRING AUTHORITY FOR SCIENTIFIC,*
9 *ENGINEERING, AND PROJECT MANAGEMENT PERSONNEL.*—

10 “(1) *IN GENERAL.*—*The Director of the National*
11 *Energy Technology Laboratory (referred to in this*
12 *section as the ‘Director’) may—*

13 “(A) *make appointments to positions in the*
14 *National Energy Technology Laboratory to assist*
15 *in meeting a specific project or research need,*
16 *without regard to civil service laws, of individ-*
17 *uals who—*

18 “(i) *have an advanced scientific or en-*
19 *gineering background; or*

20 “(ii) *have a business background and*
21 *can assist in specific technology-to-market*
22 *needs;*

23 “(B) *fix the basic pay of any employee ap-*
24 *pointed under subparagraph (A) at a rate not to*
25 *exceed level II of the Executive Schedule under*
26 *section 5313 of title 5, United States Code; and*

1 “(C) *pay any employee appointed under*
2 *subparagraph (A) payments in addition to the*
3 *basic pay fixed under subparagraph (B), subject*
4 *to the condition that the total amount of addi-*
5 *tional payments paid to an employee under this*
6 *subparagraph for any 12-month period shall not*
7 *exceed the least of—*

8 “(i) \$25,000;

9 “(ii) *the amount equal to 25 percent of*
10 *the annual rate of basic pay of that em-*
11 *ployee; and*

12 “(iii) *the amount of the limitation that*
13 *is applicable for a calendar year under sec-*
14 *tion 5307(a)(1) of title 5, United States*
15 *Code.*

16 “(2) *LIMITATIONS.—*

17 “(A) *IN GENERAL.—The term of any em-*
18 *ployee appointed under paragraph (1)(A) shall*
19 *not exceed 3 years.*

20 “(B) *FULL-TIME EMPLOYEES.—Not more*
21 *than 10 full-time employees appointed under*
22 *paragraph (1)(A) may be employed at the Na-*
23 *tional Energy Technology Laboratory at any*
24 *given time.*

1 “(b) *LABORATORY-DIRECTED RESEARCH AND DEVEL-*
2 *OPMENT.—*

3 “(1) *IN GENERAL.—Beginning in fiscal year*
4 *2021, the National Energy Technology Laboratory*
5 *shall be eligible for laboratory-directed research and*
6 *development funding.*

7 “(2) *AUTHORIZATION OF FUNDING.—*

8 “(A) *IN GENERAL.—Each fiscal year, of*
9 *funds made available to the National Energy*
10 *Technology Laboratory, the Secretary may de-*
11 *posit an amount, not to exceed the rate made*
12 *available to the National Laboratories for lab-*
13 *oratory-directed research and development, in a*
14 *special fund account.*

15 “(B) *USE.—Amounts in the account under*
16 *subparagraph (A) shall only be available for lab-*
17 *oratory-directed research and development.*

18 “(C) *REQUIREMENTS.—The account under*
19 *subparagraph (A)—*

20 “(i) *shall be administered by the Sec-*
21 *retary;*

22 “(ii) *shall be available without fiscal*
23 *year limitation; and*

24 “(iii) *shall not be subject to appropria-*
25 *tion.*

1 “(3) *REQUIREMENT.*—*The Director shall carry*
2 *out laboratory-directed research and development ac-*
3 *tivities at the National Energy Technology Labora-*
4 *tory consistent with Department of Energy Order*
5 *413.2C, dated August 2, 2018 (or a successor order).*

6 “(4) *ANNUAL REPORT ON USE OF AUTHORITY.*—
7 *Annually, the Secretary shall submit to the Com-*
8 *mittee on Energy and Natural Resources of the Sen-*
9 *ate and the Committee on Science, Space, and Tech-*
10 *nology of the House of Representatives a report on the*
11 *use of the authority provided under this subsection*
12 *during the preceding fiscal year.*

13 “(c) *LABORATORY OPERATIONS.*—*The Secretary shall*
14 *delegate human resources operations of the National Energy*
15 *Technology Laboratory to the Director to assist in carrying*
16 *out this section.*

17 “(d) *REVIEW.*—*Not later than 2 years after the date*
18 *of enactment of the Energy Act of 2020, the Secretary shall*
19 *submit to the Committee on Energy and Natural Resources*
20 *of the Senate and the Committee on Science, Space, and*
21 *Technology of the House of Representatives a report assess-*
22 *ing the management and research activities of the National*
23 *Energy Technology Laboratory, which shall include—*

24 “(1) *an assessment of the quality of science and*
25 *research at the National Energy Technology Labora-*

1 *tory, relative to similar work at other National Lab-*
2 *oratories;*

3 *“(2) a review of the effectiveness of authorities*
4 *provided in subsections (a) and (b); and*

5 *“(3) recommendations for policy changes within*
6 *the Department and legislative changes to provide the*
7 *National Energy Technology Laboratory with the nec-*
8 *essary tools and resources to advance the research*
9 *mission of the National Energy Technology Labora-*
10 *tory.”.*

11 *(b) TECHNICAL AMENDMENT.—The table of contents*
12 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
13 *Stat. 600) is further amended by adding at the end of the*
14 *items relating to subtitle F of title IX the following:*

“Sec. 969C. National energy technology laboratory reforms.”.

15 **SEC. 4007. STUDY ON BLUE HYDROGEN TECHNOLOGY.**

16 *(a) STUDY.—The Secretary of Energy shall conduct a*
17 *study to examine opportunities for research and develop-*
18 *ment in integrating blue hydrogen technology in the indus-*
19 *trial power sector and how that could enhance the deploy-*
20 *ment and adoption of carbon capture and storage.*

21 *(b) REPORT.—Not later than 1 year after the date of*
22 *enactment of this Act, the Secretary of Energy shall submit*
23 *to the Committee on Energy and Natural Resources of the*
24 *Senate and the Committee on Science, Space, and Tech-*

1 *nology of the House of Representatives a report that de-*
2 *scribes the results of the study under subsection (a).*

3 **SEC. 4008. PRODUCED WATER RESEARCH AND DEVELOP-**
4 **MENT.**

5 (a) *ESTABLISHMENT.*—As soon as possible after the
6 date of enactment of this Act, the Secretary of Energy (in
7 this section referred to as the “Secretary”) shall establish
8 a research and development program on produced water to
9 develop—

10 (1) *new technologies and practices to reduce the*
11 *environmental impact; and*

12 (2) *opportunities for reprocessing of produced*
13 *water at natural gas or oil development sites.*

14 (b) *PRIORITIZATION.*—In carrying out the program es-
15 tablished under subsection (a), the Secretary shall give pri-
16 ority to projects that develop and bring to market—

17 (1) *effective systems for on-site management or*
18 *repurposing of produced water; and*

19 (2) *new technologies or approaches to reduce the*
20 *environmental impact of produced water on local*
21 *water sources and the environment.*

22 (c) *CONDUCT OF PROGRAM.*—In carrying out the pro-
23 gram established under subsection (a), the Secretary shall
24 carry out science-based research and development activities
25 to pursue—

1 (1) *improved efficiency, technologies, and tech-*
2 *niques for produced water recycling stations; and*

3 (2) *alternative approaches to treating, reusing,*
4 *storing, or decontaminating produced water.*

5 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
6 *authorized to be appropriated to carry out this section*
7 *\$10,000,000 for each of fiscal years 2021 through 2025.*

8 ***TITLE V—CARBON REMOVAL***

9 ***SEC. 5001. CARBON REMOVAL.***

10 (a) *IN GENERAL.—Subtitle F of title IX of the Energy*
11 *Policy Act of 2005 (42 U.S.C. 16291 et seq.) is further*
12 *amended by adding at the end the following:*

13 ***“SEC. 969D. CARBON REMOVAL.***

14 “(a) *ESTABLISHMENT.—The Secretary, in coordina-*
15 *tion with the heads of appropriate Federal agencies, includ-*
16 *ing the Secretary of Agriculture, shall establish a research,*
17 *development, and demonstration program (referred to in*
18 *this section as the ‘program’) to test, validate, or improve*
19 *technologies and strategies to remove carbon dioxide from*
20 *the atmosphere on a large scale.*

21 “(b) *INTRAGENCY COORDINATION.—The Secretary*
22 *shall ensure that the program includes the coordinated par-*
23 *ticipation of the Office of Fossil Energy, the Office of*
24 *Science, and the Office of Energy Efficiency and Renewable*
25 *Energy.*

1 “(c) *PROGRAM ACTIVITIES.*—*The program may in-*
2 *clude research, development, and demonstration activities*
3 *relating to—*

4 “(1) *direct air capture and storage technologies;*

5 “(2) *bioenergy with carbon capture and seques-*
6 *tration;*

7 “(3) *enhanced geological weathering;*

8 “(4) *agricultural practices;*

9 “(5) *forest management and afforestation; and*

10 “(6) *planned or managed carbon sinks, includ-*
11 *ing natural and artificial.*

12 “(d) *REQUIREMENTS.*—*In developing and identifying*
13 *carbon removal technologies and strategies under the pro-*
14 *gram, the Secretary shall consider—*

15 “(1) *land use changes, including impacts on nat-*
16 *ural and managed ecosystems;*

17 “(2) *ocean acidification;*

18 “(3) *net greenhouse gas emissions;*

19 “(4) *commercial viability;*

20 “(5) *potential for near-term impact;*

21 “(6) *potential for carbon reductions on a gigaton*
22 *scale; and*

23 “(7) *economic cobenefits.*

24 “(e) *AIR CAPTURE PRIZE COMPETITIONS.*—

25 “(1) *DEFINITIONS.*—*In this subsection:*

1 “(A) *DILUTE MEDIA*.—The term ‘dilute
2 *media*’ means media in which the concentration
3 of carbon dioxide is less than 1 percent by vol-
4 ume.

5 “(B) *PRIZE COMPETITION*.—The term ‘prize
6 *competition*’ means the competitive technology
7 prize competition established under paragraph
8 (2).

9 “(C) *QUALIFIED CARBON DIOXIDE*.—

10 “(i) *IN GENERAL*.—The term ‘qualified
11 carbon dioxide’ means any carbon dioxide
12 that—

13 “(I) is captured directly from the
14 ambient air; and

15 “(II) is measured at the source of
16 capture and verified at the point of
17 disposal, injection, or utilization.

18 “(ii) *INCLUSION*.—The term ‘qualified
19 carbon dioxide’ includes the initial deposit
20 of captured carbon dioxide used as a ter-
21 tiary injectant.

22 “(iii) *EXCLUSION*.—The term ‘quali-
23 fied carbon dioxide’ does not include carbon
24 dioxide that is recaptured, recycled, and re-

1 *injected as part of the enhanced oil and*
2 *natural gas recovery process.*

3 “(D) *QUALIFIED DIRECT AIR CAPTURE FA-*
4 *CILITY.—*

5 “(i) *IN GENERAL.—The term ‘qualified*
6 *direct air capture facility’ means any facil-*
7 *ity that—*

8 “(I) *uses carbon capture equip-*
9 *ment to capture carbon dioxide di-*
10 *rectly from the ambient air; and*

11 “(II) *captures more than 50,000*
12 *metric tons of qualified carbon dioxide*
13 *annually.*

14 “(ii) *EXCLUSION.—The term ‘qualified*
15 *direct air capture facility’ does not include*
16 *any facility that captures carbon dioxide—*

17 “(I) *that is deliberately released*
18 *from naturally occurring subsurface*
19 *springs; or*

20 “(II) *using natural photosyn-*
21 *thesis.*

22 “(2) *ESTABLISHMENT.—Not later than 2 years*
23 *after the date of enactment of the Energy Act of 2020,*
24 *the Secretary, in consultation with the Administrator*
25 *of the Environmental Protection Agency, shall estab-*

1 *lish as part of the program a competitive technology*
2 *prize competition to award prizes for—*

3 *“(A) precommercial carbon dioxide capture*
4 *from dilute media; and*

5 *“(B) commercial applications of direct air*
6 *capture technologies.*

7 *“(3) REQUIREMENTS.—In carrying out this sub-*
8 *section, the Secretary, in accordance with section 24*
9 *of the Stevenson-Wydler Technology Innovation Act of*
10 *1980 (15 U.S.C. 3719), shall develop requirements*
11 *for—*

12 *“(A) the prize competition process; and*

13 *“(B) monitoring and verification proce-*
14 *dures for projects selected to receive a prize*
15 *under the prize competition.*

16 *“(4) ELIGIBLE PROJECTS.—*

17 *“(A) PRECOMMERCIAL AIR CAPTURE*
18 *PROJECTS.—With respect to projects described in*
19 *paragraph (2)(A), to be eligible to be awarded a*
20 *prize under the prize competition, a project*
21 *shall—*

22 *“(i) meet minimum performance*
23 *standards set by the Secretary;*

1 “(ii) meet minimum levels set by the
2 Secretary for the capture of carbon dioxide
3 from dilute media; and

4 “(iii) demonstrate in the application of
5 the project for a prize—

6 “(I) a design for a promising car-
7 bon capture technology that will—

8 “(aa) be operated on a dem-
9 onstration scale; and

10 “(bb) have the potential to
11 achieve significant reduction in
12 the level of carbon dioxide in the
13 atmosphere;

14 “(II) a successful bench-scale dem-
15 onstration of a carbon capture tech-
16 nology; or

17 “(III) an operational carbon cap-
18 ture technology on a commercial scale.

19 “(B) *COMMERCIAL DIRECT AIR CAPTURE*
20 *PROJECTS.*—

21 “(i) *IN GENERAL.*—With respect to
22 projects described in paragraph (2)(B), the
23 Secretary shall award prizes under the
24 prize competition to qualified direct air
25 capture facilities for metric tons of qualified

1 *carbon dioxide captured and verified at the*
2 *point of disposal, injection, or utilization.*

3 “(ii) *AMOUNT OF AWARD.—The*
4 *amount of the award per metric ton under*
5 *clause (i)—*

6 “(I) *shall be equal for each quali-*
7 *fied direct air capture facility selected*
8 *for a prize under the prize competition;*
9 *and*

10 “(II) *shall be determined by the*
11 *Secretary and in any case shall not ex-*
12 *ceed—*

13 “(aa) *\$180 for qualified car-*
14 *bon dioxide captured and stored*
15 *in saline storage formations;*

16 “(bb) *a lesser amount, as de-*
17 *termined by the Secretary, for*
18 *qualified carbon dioxide captured*
19 *and stored in conjunction with*
20 *enhanced oil recovery operations;*
21 *or*

22 “(cc) *a lesser amount, as de-*
23 *termined by the Secretary, for*
24 *qualified carbon dioxide captured*
25 *and utilized in any activity con-*

1 *sistent with section 45Q(f)(5) of*
2 *the Internal Revenue Code of*
3 *1986.*

4 *“(iii) REQUIREMENT.—The Secretary*
5 *shall make awards under this subparagraph*
6 *until appropriated funds are expended.*

7 *“(f) DIRECT AIR CAPTURE TEST CENTER.—*

8 *“(1) IN GENERAL.—Not later than 2 years after*
9 *the date of enactment of the Energy Act of 2020, the*
10 *Secretary shall award grants to 1 or more entities for*
11 *the operation of 1 or more test centers (referred to in*
12 *this subsection as a ‘Center’) to provide distinct test-*
13 *ing capabilities for innovative direct air capture and*
14 *storage technologies.*

15 *“(2) PURPOSE.—Each Center shall—*

16 *“(A) advance research, development, dem-*
17 *onstration, and commercial application of direct*
18 *air capture and storage technologies;*

19 *“(B) support large-scale pilot and dem-*
20 *onstration projects and test direct air capture*
21 *and storage technologies; and*

22 *“(C) develop front-end engineering design*
23 *and economic analysis.*

24 *“(3) SELECTION.—*

1 “(A) *IN GENERAL.*—*The Secretary shall se-*
2 *lect entities to receive grants under this sub-*
3 *section according to such criteria as the Sec-*
4 *retary may develop.*

5 “(B) *COMPETITIVE BASIS.*—*The Secretary*
6 *shall select entities to receive grants under this*
7 *subsection on a competitive basis.*

8 “(C) *PRIORITY CRITERIA.*—*In selecting en-*
9 *tities to receive grants under this subsection, the*
10 *Secretary shall prioritize consideration of appli-*
11 *cants that—*

12 “(i) *have access to existing or planned*
13 *research facilities for direct air capture and*
14 *storage technologies;*

15 “(ii) *are institutions of higher edu-*
16 *cation with established expertise in engi-*
17 *neering for direct air capture and storage*
18 *technologies, or partnerships with such in-*
19 *stitutions of higher education; or*

20 “(iii) *have access to existing research*
21 *and test facilities for bulk materials design*
22 *and testing, component design and testing,*
23 *or professional engineering design.*

1 “(4) *FORMULA FOR AWARDING GRANTS.*—*The*
2 *Secretary may develop a formula for awarding grants*
3 *under this subsection.*

4 “(5) *SCHEDULE.*—

5 “(A) *IN GENERAL.*—*Each grant awarded*
6 *under this subsection shall be for a term of not*
7 *more than 5 years, subject to the availability of*
8 *appropriations.*

9 “(B) *RENEWAL.*—*The Secretary may renew*
10 *a grant for 1 or more additional 5-year terms,*
11 *subject to a competitive merit review and the*
12 *availability of appropriations.*

13 “(6) *TERMINATION.*—*To the extent otherwise au-*
14 *thorized by law, the Secretary may eliminate, and*
15 *terminate grant funding under this subsection for, a*
16 *Center during any 5-year term described in para-*
17 *graph (5) if the Secretary determines that the Center*
18 *is underperforming.*

19 “(g) *PILOT AND DEMONSTRATION PROJECTS.*—*In sup-*
20 *porting the technology development activities under this sec-*
21 *tion, the Secretary is encouraged to support carbon removal*
22 *pilot and demonstration projects, including—*

23 “(1) *pilot projects that test direct air capture*
24 *systems capable of capturing 10 to 100 tonnes of car-*

1 *bon oxides per year to provide data for demonstra-*
2 *tion-scale projects; and*

3 “(2) *direct air capture demonstration projects*
4 *capable of capturing greater than 1,000 tonnes of car-*
5 *bon oxides per year.*

6 “(h) *INTRAAGENCY COLLABORATION.—In carrying out*
7 *the program, the Secretary shall encourage and promote col-*
8 *laborations among relevant offices and agencies within the*
9 *Department.*

10 “(i) *ACCOUNTING.—The Secretary shall collaborate*
11 *with the Administrator of the Environmental Protection*
12 *Agency and the heads of other relevant Federal agencies to*
13 *develop and improve accounting frameworks and tools to*
14 *accurately measure carbon removal and sequestration meth-*
15 *ods and technologies.*

16 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*
17 *authorized to be appropriated to the Secretary to carry out*
18 *this section—*

19 “(1) *\$175,000,000 for fiscal year 2021, of*
20 *which—*

21 “(A) *\$15,000,000 shall be used to carry out*
22 *subsection (e)(2)(A), to remain available until*
23 *expended; and*

1 “(B) \$100,000,000 shall be used to carry
2 out subsection (e)(2)(B), to remain available
3 until expended;

4 “(2) \$63,500,000 for fiscal year 2022;

5 “(3) \$66,150,000 for fiscal year 2023;

6 “(4) \$69,458,000 for fiscal year 2024; and

7 “(5) \$72,930,000 for fiscal year 2025.”.

8 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
9 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
10 *Stat. 600) is further amended by adding at the end of the*
11 *items relating to subtitle F of title IX the following:*

 “*Sec. 969D. Carbon removal.*”.

12 **SEC. 5002. CARBON DIOXIDE REMOVAL TASK FORCE AND**
13 **REPORT.**

14 (a) *DEFINITION OF CARBON DIOXIDE REMOVAL.*—*In*
15 *this section, the term “carbon dioxide removal” means the*
16 *capture of carbon dioxide directly from ambient air or, in*
17 *dissolved form, from seawater, combined with the sequestra-*
18 *tion of that carbon dioxide, including through—*

19 (1) *direct air capture and sequestration;*

20 (2) *enhanced carbon mineralization;*

21 (3) *bioenergy with carbon capture and sequestra-*
22 *tion;*

23 (4) *forest restoration;*

24 (5) *soil carbon management; and*

25 (6) *direct ocean capture.*

1 (b) *REPORT.*—Not later than 180 days after the date
2 of enactment of this Act, the Secretary of Energy (in this
3 section referred to as the “Secretary”), in consultation with
4 the heads of any other relevant Federal agencies, shall pre-
5 pare a report that—

6 (1) estimates the magnitude of excess carbon di-
7 oxide in the atmosphere that will need to be removed
8 by 2050 to achieve net-zero emissions and stabilize the
9 climate;

10 (2) inventories current and emerging approaches
11 of carbon dioxide removal and evaluates the advan-
12 tages and disadvantages of each of the approaches;
13 and

14 (3) identifies recommendations for legislation,
15 funding, rules, revisions to rules, financing mecha-
16 nisms, or other policy tools that the Federal Govern-
17 ment can use to sufficiently advance the deployment
18 of carbon dioxide removal projects in order to meet,
19 in the aggregate, the magnitude of needed removals es-
20 timated under paragraph (1), including policy tools,
21 such as—

22 (A) grants;

23 (B) loans or loan guarantees;

24 (C) public-private partnerships;

25 (D) direct procurement;

1 (E) incentives, including subsidized Federal
2 financing mechanisms available to project devel-
3 opers;

4 (F) advance market commitments;

5 (G) regulations; and

6 (H) any other policy mechanism determined
7 by the Secretary to be beneficial for advancing
8 carbon dioxide removal methods and the deploy-
9 ment of carbon dioxide removal projects.

10 (c) *SUBMISSION; PUBLICATION.*—The Secretary
11 *shall—*

12 (1) submit the report prepared under subsection
13 (b) to the Committee on Energy and Natural Re-
14 sources of the Senate and the Committees on Energy
15 and Commerce and Science, Space, and Technology of
16 the House of Representatives; and

17 (2) as soon as practicable after completion of the
18 report, make the report publicly available.

19 (d) *EVALUATION; REVISION.*—

20 (1) *IN GENERAL.*—Not later than 2 years after
21 the date on which the Secretary publishes the report
22 under subsection (c)(2), and every 2 years thereafter,
23 the Secretary shall evaluate the findings and rec-
24 ommendations of the report, or the most recent up-
25 dated report submitted under paragraph (2)(B), as

1 *applicable, taking into consideration any issues and*
2 *recommendations identified by the task force estab-*
3 *lished under subsection (e)(1).*

4 (2) *REVISION.*—*After completing each evaluation*
5 *under paragraph (1), the Secretary shall—*

6 (A) *revise the report as necessary; and*

7 (B) *if the Secretary revises the report under*
8 *subparagraph (A), submit and publish the up-*
9 *dated report in accordance with subsection (c).*

10 (e) *TASK FORCE.*—

11 (1) *ESTABLISHMENT AND DUTIES.*—*Not later*
12 *than 60 days after the date of enactment of this Act,*
13 *the Secretary shall establish a task force—*

14 (A) *to identify barriers to advancement of*
15 *carbon dioxide removal methods and the deploy-*
16 *ment of carbon dioxide removal projects;*

17 (B) *to inventory existing or potential Fed-*
18 *eral legislation, rules, revisions to rules, financ-*
19 *ing mechanisms, or other policy tools that are*
20 *capable of advancing carbon dioxide removal*
21 *methods and the deployment of carbon dioxide*
22 *removal projects;*

23 (C) *to assist in preparing the report de-*
24 *scribed in subsection (b) and any updates to the*
25 *report under subsection (d); and*

1 (D) to advise the Secretary on matters per-
2 taining to carbon dioxide removal.

3 (2) *MEMBERS AND SELECTION.*—The Secretary
4 shall—

5 (A) develop criteria for the selection of
6 members to the task force established under para-
7 graph (1); and

8 (B) select members for the task force in ac-
9 cordance with the criteria developed under sub-
10 paragraph (A).

11 (3) *MEETINGS.*—The task force shall meet not
12 less frequently than once each year.

13 (4) *EVALUATION.*—Not later than 7 years after
14 the date of enactment of this Act, the Secretary
15 shall—

16 (A) reevaluate the need for the task force es-
17 tablished under paragraph (1); and

18 (B) submit to Congress a recommendation
19 as to whether the task force should continue.

1 **TITLE VI—INDUSTRIAL AND**
2 **MANUFACTURING TECH-**
3 **NOLOGIES**

4 **SEC. 6001. PURPOSE.**

5 *The purpose of this title and the amendments made*
6 *by this title is to encourage the development and evaluation*
7 *of innovative technologies aimed at increasing—*

8 *(1) the technological and economic competitive-*
9 *ness of industry and manufacturing in the United*
10 *States; and*

11 *(2) the emissions reduction of nonpower indus-*
12 *trial sectors.*

13 **SEC. 6002. COORDINATION OF RESEARCH AND DEVELOP-**
14 **MENT OF ENERGY EFFICIENT TECHNOLOGIES**
15 **FOR INDUSTRY.**

16 *Section 6(a) of the American Energy Manufacturing*
17 *Technical Corrections Act (42 U.S.C. 6351(a)) is amend-*
18 *ed—*

19 *(1) by striking “Industrial Technologies Pro-*
20 *gram” each place it appears and inserting “Advanced*
21 *Manufacturing Office”; and*

22 *(2) in the matter preceding paragraph (1), by*
23 *striking “Office of Energy” and all that follows*
24 *through “Office of Science” and inserting “Depart-*
25 *ment of Energy”.*

1 **SEC. 6003. INDUSTRIAL EMISSIONS REDUCTION TECH-**
2 **NOLOGY DEVELOPMENT PROGRAM.**

3 *(a) IN GENERAL.—Subtitle D of title IV of the Energy*
4 *Independence and Security Act of 2007 is amended by add-*
5 *ing at the end the following:*

6 **“SEC. 454. INDUSTRIAL EMISSIONS REDUCTION TECH-**
7 **NOLOGY DEVELOPMENT PROGRAM.**

8 *“(a) DEFINITIONS.—In this section:*

9 *“(1) DIRECTOR.—The term ‘Director’ means the*
10 *Director of the Office of Science and Technology Pol-*
11 *icy.*

12 *“(2) ELIGIBLE ENTITY.—The term ‘eligible enti-*
13 *ty’ means—*

14 *“(A) a scientist or other individual with*
15 *knowledge and expertise in emissions reduction;*

16 *“(B) an institution of higher education;*

17 *“(C) a nongovernmental organization;*

18 *“(D) a National Laboratory;*

19 *“(E) a private entity; and*

20 *“(F) a partnership or consortium of 2 or*
21 *more entities described in subparagraphs (B)*
22 *through (E).*

23 *“(3) EMISSIONS REDUCTION.—*

24 *“(A) IN GENERAL.—The term ‘emissions re-*
25 *duction’ means the reduction, to the maximum*
26 *extent practicable, of net nonwater greenhouse*

1 *gas emissions to the atmosphere by energy serv-*
2 *ices and industrial processes.*

3 “(B) *EXCLUSION.*—*The term ‘emissions re-*
4 *duction’ does not include the elimination of car-*
5 *bon embodied in the principal products of indus-*
6 *trial manufacturing.*

7 “(4) *PROGRAM.*—*The term ‘program’ means the*
8 *program established under subsection (b)(1).*

9 “(5) *CRITICAL MATERIAL OR MINERAL.*—*The*
10 *term ‘critical material or mineral’ means a material*
11 *or mineral that serves an essential function in the*
12 *manufacturing of a product and has a high risk of*
13 *a supply disruption, such that a shortage of such a*
14 *material or mineral would have significant con-*
15 *sequences for United States economic or national se-*
16 *curity.*

17 “(b) *INDUSTRIAL EMISSIONS REDUCTION TECH-*
18 *NOLOGY DEVELOPMENT PROGRAM.*—

19 “(1) *IN GENERAL.*—*Not later than 1 year after*
20 *the date of enactment of the Energy Act of 2020, the*
21 *Secretary, in consultation with the Director, the*
22 *heads of relevant Federal agencies, National Labora-*
23 *tories, industry, and institutions of higher education,*
24 *shall establish a crosscutting industrial emissions re-*
25 *duction technology development program of research,*

1 *development, demonstration, and commercial applica-*
2 *tion to advance innovative technologies that—*

3 *“(A) increase the technological and eco-*
4 *nomics competitiveness of industry and manufac-*
5 *turing in the United States;*

6 *“(B) increase the viability and competitive-*
7 *ness of United States industrial technology ex-*
8 *ports; and*

9 *“(C) achieve emissions reduction in*
10 *nonpower industrial sectors.*

11 *“(2) COORDINATION.—In carrying out the pro-*
12 *gram, the Secretary shall—*

13 *“(A) coordinate with each relevant office in*
14 *the Department and any other Federal agency;*

15 *“(B) coordinate and collaborate with the In-*
16 *dustrial Technology Innovation Advisory Com-*
17 *mittee established under section 456; and*

18 *“(C) coordinate and seek to avoid duplica-*
19 *tion with the energy-intensive industries pro-*
20 *gram established under section 452.*

21 *“(3) LEVERAGE OF EXISTING RESOURCES.—In*
22 *carrying out the program, the Secretary shall lever-*
23 *age, to the maximum extent practicable—*

1 “(A) existing resources and programs of the
2 Department and other relevant Federal agencies;
3 and

4 “(B) public-private partnerships.

5 “(c) FOCUS AREAS.—The program shall focus on—

6 “(1) industrial production processes, including
7 technologies and processes that—

8 “(A) achieve emissions reduction in high
9 emissions industrial materials production proc-
10 esses, including production processes for iron,
11 steel, steel mill products, aluminum, cement, con-
12 crete, glass, pulp, paper, and industrial ceram-
13 ics;

14 “(B) achieve emissions reduction in
15 medium- and high-temperature heat generation,
16 including—

17 “(i) through electrification of heating
18 processes;

19 “(ii) through renewable heat generation
20 technology;

21 “(iii) through combined heat and
22 power; and

23 “(iv) by switching to alternative fuels,
24 including hydrogen and nuclear energy;

1 “(C) achieve emissions reduction in chem-
2 ical production processes, including by incor-
3 porating, if appropriate and practicable, prin-
4 ciples, practices, and methodologies of sustain-
5 able chemistry and engineering;

6 “(D) leverage smart manufacturing tech-
7 nologies and principles, digital manufacturing
8 technologies, and advanced data analytics to de-
9 velop advanced technologies and practices in in-
10 formation, automation, monitoring, computa-
11 tion, sensing, modeling, and networking to—

12 “(i) model and simulate manufac-
13 turing production lines;

14 “(ii) monitor and communicate pro-
15 duction line status;

16 “(iii) manage and optimize energy
17 productivity and cost throughout produc-
18 tion; and

19 “(iv) model, simulate, and optimize the
20 energy efficiency of manufacturing proc-
21 esses;

22 “(E) leverage the principles of sustainable
23 manufacturing to minimize the potential nega-
24 tive environmental impacts of manufacturing

1 *while conserving energy and resources, includ-*
2 *ing—*

3 “(i) *by designing products that enable*
4 *reuse, refurbishment, remanufacturing, and*
5 *recycling;*

6 “(ii) *by minimizing waste from indus-*
7 *trial processes, including through the reuse*
8 *of waste as other resources in other indus-*
9 *trial processes for mutual benefit; and*

10 “(iii) *by increasing resource efficiency;*
11 *and*

12 “(F) *increase the energy efficiency of indus-*
13 *trial processes;*

14 “(2) *alternative materials that produce fewer*
15 *emissions during production and result in fewer emis-*
16 *sions during use, including—*

17 “(A) *high-performance lightweight mate-*
18 *rials; and*

19 “(B) *substitutions for critical materials and*
20 *minerals;*

21 “(3) *development of net-zero emissions liquid*
22 *and gaseous fuels;*

23 “(4) *emissions reduction in shipping, aviation,*
24 *and long distance transportation;*

1 “(5) carbon capture technologies for industrial
2 processes;

3 “(6) other technologies that achieve net-zero
4 emissions in nonpower industrial sectors, as deter-
5 mined by the Secretary, in consultation with the Di-
6 rector; and

7 “(7) high-performance computing to develop ad-
8 vanced materials and manufacturing processes con-
9 tributing to the focus areas described in paragraphs
10 (1) through (6), including—

11 “(A) modeling, simulation, and optimiza-
12 tion of the design of energy efficient and sustain-
13 able products; and

14 “(B) the use of digital prototyping and ad-
15 ditive manufacturing to enhance product design.

16 “(8) incorporation of sustainable chemistry and
17 engineering principles, practices, and methodologies,
18 as the Secretary determines appropriate; and

19 “(9) other research or technology areas identified
20 in the Strategic Plan authorized in section 455.

21 “(d) GRANTS, CONTRACTS, COOPERATIVE AGREE-
22 MENTS, AND DEMONSTRATION PROJECTS.—

23 “(1) GRANTS.—In carrying out the program, the
24 Secretary shall award grants on a competitive basis

1 *to eligible entities for projects that the Secretary de-*
2 *termines would best achieve the goals of the program.*

3 “(2) *CONTRACTS AND COOPERATIVE AGREE-*
4 *MENTS.—In carrying out the program, the Secretary*
5 *may enter into contracts and cooperative agreements*
6 *with eligible entities and Federal agencies for projects*
7 *that the Secretary determines would further the pur-*
8 *poses of the program.*

9 “(3) *DEMONSTRATION PROJECTS.—In sup-*
10 *porting technologies developed under this section, the*
11 *Secretary shall fund demonstration projects that test*
12 *and validate technologies described in subsection (c).*

13 “(4) *APPLICATION.—An entity seeking funding*
14 *or a contract or agreement under this subsection shall*
15 *submit to the Secretary an application at such time,*
16 *in such manner, and containing such information as*
17 *the Secretary may require.*

18 “(5) *COST SHARING.—In awarding funds under*
19 *this section, the Secretary shall require cost sharing*
20 *in accordance with section 988 of the Energy Policy*
21 *Act of 2005 (42 U.S.C. 16352).*

22 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated to the Secretary to carry out*
24 *the demonstration projects authorized in subsection*
25 *(d)(3)—*

1 “(2) *DIRECTOR*.—The term ‘Director’ means the
2 *Director of the Office of Science and Technology Pol-*
3 *icy.*

4 “(3) *EMISSIONS REDUCTION*.—The term ‘emis-
5 *sions reduction’ has the meaning given the term in*
6 *section 454(a).*

7 “(4) *PROGRAM*.—The term ‘program’ means the
8 *industrial emissions reduction technology development*
9 *program established under section 454(b)(1).*

10 “(b) *ESTABLISHMENT*.—Not later than 180 days after
11 *the date of enactment of the Energy Act of 2020, the Sec-*
12 *retary, in consultation with the Director, shall establish an*
13 *advisory committee, to be known as the ‘Industrial Tech-*
14 *nology Innovation Advisory Committee’.*

15 “(c) *MEMBERSHIP*.—

16 “(1) *APPOINTMENT*.—The Committee shall be
17 *comprised of not fewer than 16 members and not*
18 *more than 20 members, who shall be appointed by the*
19 *Secretary, in consultation with the Director.*

20 “(2) *REPRESENTATION*.—Members appointed
21 *pursuant to paragraph (1) shall include—*

22 “(A) *not less than 1 representative of each*
23 *relevant Federal agency, as determined by the*
24 *Secretary;*

1 “(B) *the Chair of the Secretary of Energy*
2 *Advisory Board, if that position is filled;*

3 “(C) *not less than 2 representatives of labor*
4 *groups;*

5 “(D) *not less than 3 representatives of the*
6 *research community, which shall include aca-*
7 *demia and National Laboratories;*

8 “(E) *not less than 2 representatives of non-*
9 *governmental organizations;*

10 “(F) *not less than 6 representatives of*
11 *small- and large-scale industry, the collective ex-*
12 *pertise of which shall cover every focus area de-*
13 *scribed in section 454(c); and*

14 “(F) *not less than 1 representative of a*
15 *State government; and*

16 “(G) *any other individuals the Secretary,*
17 *in coordination with the Director, determines to*
18 *be necessary to ensure that the Committee is*
19 *comprised of a diverse group of representatives of*
20 *industry, academia, independent researchers,*
21 *and public and private entities.*

22 “(3) *CHAIR.—The Secretary shall designate a*
23 *member of the Committee to serve as Chair.*

24 “(d) *DUTIES.—*

25 “(1) *IN GENERAL.—The Committee shall—*

1 “(A) in consultation with the Secretary and
2 the Director, propose missions and goals for the
3 program, which shall be consistent with the pur-
4 poses of the program described in section
5 454(b)(1); and

6 “(B) advise the Secretary with respect to
7 the program—

8 “(i) by identifying and evaluating any
9 technologies being developed by the private
10 sector relating to the focus areas described
11 in section 454(c);

12 “(ii) by identifying technology gaps in
13 the private sector or other Federal agencies
14 in those focus areas, and making rec-
15 ommendations to address those gaps;

16 “(iii) by surveying and analyzing fac-
17 tors that prevent the adoption of emissions
18 reduction technologies by the private sector;
19 and

20 “(iv) by recommending technology
21 screening criteria for technology developed
22 under the program to encourage adoption of
23 the technology by the private sector; and

24 “(C) develop the strategic plan described in
25 paragraph (2).

1 “(2) *STRATEGIC PLAN.*—

2 “(A) *PURPOSE.*—*The purpose of the stra-*
3 *tegic plan developed under paragraph (1)(C) is*
4 *to set forth a plan for achieving the goals of the*
5 *program established in section 454(b)(1), includ-*
6 *ing for the focus areas described in section*
7 *454(c).*

8 “(B) *CONTENTS.*—*The strategic plan devel-*
9 *oped under paragraph (1)(C) shall—*

10 “(i) *specify near-term and long-term*
11 *qualitative and quantitative objectives relat-*
12 *ing to each focus area described in section*
13 *454(c), including research, development,*
14 *demonstration, and commercial application*
15 *objectives;*

16 “(ii) *leverage existing roadmaps rel-*
17 *evant to the program in section 454(b)(1)*
18 *and the focus areas in section 454(c);*

19 “(iii) *specify the anticipated time-*
20 *frame for achieving the objectives specified*
21 *under clause (i);*

22 “(iv) *include plans for developing*
23 *emissions reduction technologies that are*
24 *globally cost-competitive, including, as ap-*
25 *plicable, in developing economies;*

1 “(v) identify the appropriate role for
2 investment by the Federal Government, in
3 coordination with the private sector, to
4 achieve the objectives specified under clause
5 (i);

6 “(vi) identify the public and private
7 costs of achieving the objectives specified
8 under clause (i); and

9 “(vii) estimate the economic and em-
10 ployment impact in the United States of
11 achieving those objectives.

12 “(e) MEETINGS.—

13 “(1) FREQUENCY.—The Committee shall meet
14 not less frequently than 2 times per year, at the call
15 of the Chair.

16 “(2) INITIAL MEETING.—Not later than 30 days
17 after the date on which the members are appointed
18 under subsection (b), the Committee shall hold its first
19 meeting.

20 “(f) COMMITTEE REPORT.—

21 “(1) IN GENERAL.—Not later than 2 years after
22 the date of enactment of the Energy Act of 2020, and
23 not less frequently than once every 3 years thereafter,
24 the Committee shall submit to the Secretary a report

1 *on the progress of achieving the purposes of the pro-*
2 *gram.*

3 “(2) *CONTENTS.*—*The report under paragraph*
4 *(1) shall include—*

5 “(A) *a description of any technology inno-*
6 *vation opportunities identified by the Committee;*

7 “(B) *a description of any technology gaps*
8 *identified by the Committee under subsection*
9 *(d)(1)(B)(ii);*

10 “(C) *recommendations for improving tech-*
11 *nology screening criteria and management of the*
12 *program;*

13 “(D) *an evaluation of the progress of the*
14 *program and the research, development, and*
15 *demonstration activities funded under the pro-*
16 *gram;*

17 “(E) *any recommended changes to the focus*
18 *areas of the program described in section 454(c);*

19 “(F) *a description of the manner in which*
20 *the Committee has carried out the duties de-*
21 *scribed in subsection (d)(1) and any relevant*
22 *findings as a result of carrying out those duties;*

23 “(G) *if necessary, an update to the strategic*
24 *plan developed by the Committee under sub-*
25 *section (d)(1)(C);*

1 “(H) the progress made in achieving the
2 goals set out in that strategic plan;

3 “(I) a review of the management, coordina-
4 tion, and industry utility of the program;

5 “(J) an assessment of the extent to which
6 progress has been made under the program in
7 developing commercial, cost-competitive tech-
8 nologies in each focus area described in section
9 454(c); and

10 “(K) an assessment of the effectiveness of the
11 program in coordinating efforts within the De-
12 partment and with other Federal agencies to
13 achieve the purposes of the program.

14 “(g) REPORT TO CONGRESS.—Not later than 60 days
15 after receiving a report from the Committee under sub-
16 section (f), the Secretary shall submit a copy of that report
17 to the Committees on Appropriations and Science, Space,
18 and Technology of the House of Representatives, the Com-
19 mittees on Appropriations and Energy and Natural Re-
20 sources of the Senate, and any other relevant Committee
21 of Congress.

22 “(h) APPLICABILITY OF FEDERAL ADVISORY COM-
23 MITTEE ACT.—Except as otherwise provided in this section,
24 the Federal Advisory Committee Act (5 U.S.C. App.) shall
25 apply to the Committee.”.

1 (b) *TECHNICAL AMENDMENT.*—*The table of contents of*
 2 *the Energy Independence and Security Act of 2007 (Public*
 3 *Law 110–140; 121 Stat. 1494) (as amended by section*
 4 *6003(b)) is amended by inserting after the item relating*
 5 *to section 454 the following:*

“*Sec. 455. Industrial Technology Innovation Advisory Committee.*”.

6 **SEC. 6005. TECHNICAL ASSISTANCE PROGRAM TO IMPLE-**
 7 **MENT INDUSTRIAL EMISSIONS REDUCTION.**

8 (a) *IN GENERAL.*—*Subtitle D of title IV of the Energy*
 9 *Independence and Security Act of 2007, as amended by sec-*
 10 *tion 6004, is amended by adding at the end the following:*

11 **“SEC. 456. TECHNICAL ASSISTANCE PROGRAM TO IMPLE-**
 12 **MENT INDUSTRIAL EMISSIONS REDUCTION.**

13 “(a) *DEFINITIONS.*—*In this section:*

14 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
 15 *ty’ means—*

16 “(A) *a State;*

17 “(B) *a unit of local government;*

18 “(C) *a territory or possession of the United*
 19 *States;*

20 “(D) *a relevant State or local office, includ-*
 21 *ing an energy office;*

22 “(E) *a tribal organization (as defined in*
 23 *section 3765 of title 38, United States Code);*

24 “(F) *an institution of higher education; and*

25 “(G) *a private entity; and*

1 “(H) a trade association or technical soci-
2 ety.

3 “(2) EMISSIONS REDUCTION.—The term ‘emis-
4 sions reduction’ has the meaning given the term in
5 section 454(a).

6 “(3) PROGRAM.—The term ‘program’ means the
7 program established under subsection (b).

8 “(b) ESTABLISHMENT.—Not later than 1 year after the
9 date of enactment of the Energy Act of 2020, the Secretary
10 shall establish a program to provide technical assistance to
11 eligible entities to promote the commercial application of
12 emission reduction technologies developed through the pro-
13 gram established in section 454(b).

14 “(c) APPLICATIONS.—

15 “(1) IN GENERAL.—An eligible entity desiring
16 technical assistance under the program shall submit
17 to the Secretary an application at such time, in such
18 manner, and containing such information as the Sec-
19 retary may require.

20 “(2) APPLICATION PROCESS.—The Secretary
21 shall seek applications for technical assistance under
22 the program on a periodic basis, but not less fre-
23 quently than once every 12 months.

24 “(3) FACTORS FOR CONSIDERATION.—In select-
25 ing eligible entities for technical assistance under the

1 *program, the Secretary shall, to the maximum extent*
2 *practicable—*

3 *“(A) give priority to—*

4 *“(i) activities carried out with tech-*
5 *anical assistance under the program that*
6 *have the greatest potential for achieving*
7 *emissions reduction in nonpower industrial*
8 *sectors;*

9 *“(ii) activities carried out in a State*
10 *in which there are active or inactive indus-*
11 *trial facilities that may be used or retro-*
12 *fitted to carry out activities under the focus*
13 *areas described in section 454(c); and*

14 *“(iii) activities carried out in an eco-*
15 *nomically distressed area (as described in*
16 *section 301(a) of the Public Works and Eco-*
17 *nomical Development Act of 1965 (42 U.S.C.*
18 *3161(a)); and*

19 *“(B) ensure that—*

20 *“(i) there is geographic diversity*
21 *among the eligible entities selected; and*

22 *“(ii) the activities carried out with*
23 *technical assistance under the program re-*
24 *fect a majority of the focus areas described*
25 *in section 454(c).”.*

1 (b) *TECHNICAL AMENDMENT.*—*The table of contents of*
2 *the Energy Independence and Security Act of 2007 (Public*
3 *Law 110–140; 121 Stat. 1494) (as amended by section*
4 *6004(b)) is amended by inserting after the item relating*
5 *to section 455 the following:*

 “Sec. 456. *Technical assistance program to implement industrial emissions reduction.*”.

6 **SEC. 6006. DEVELOPMENT OF NATIONAL SMART MANUFACTURING PLAN.**
7

8 (a) *IN GENERAL.*—*Not later than 3 years after the*
9 *date of enactment of this Act, the Secretary of Energy (in*
10 *this section referred to as the “Secretary”), in consultation*
11 *with the National Academies, shall develop and complete*
12 *a national plan for smart manufacturing technology devel-*
13 *opment and deployment to improve the productivity and*
14 *energy efficiency of the manufacturing sector of the United*
15 *States.*

16 (b) *CONTENT.*—

17 (1) *IN GENERAL.*—*The plan developed under*
18 *subsection (a) shall identify areas in which agency*
19 *actions by the Secretary and other heads of relevant*
20 *Federal agencies would—*

21 (A) *facilitate quicker development, deploy-*
22 *ment, and adoption of smart manufacturing*
23 *technologies and processes;*

1 (B) result in greater energy efficiency and
2 lower environmental impacts for all American
3 manufacturers; and

4 (C) enhance competitiveness and strengthen
5 the manufacturing sectors of the United States.

6 (2) *INCLUSIONS.*—Agency actions identified
7 under paragraph (1) shall include—

8 (A) an assessment of previous and current
9 actions of the Department relating to smart
10 manufacturing;

11 (B) the establishment of voluntary inter-
12 connection protocols and performance standards;

13 (C) the use of smart manufacturing to im-
14 prove energy efficiency and reduce emissions in
15 supply chains across multiple companies;

16 (D) actions to increase cybersecurity in
17 smart manufacturing infrastructure;

18 (E) deployment of existing research results;

19 (F) the leveraging of existing high-perform-
20 ance computing infrastructure; and

21 (G) consideration of the impact of smart
22 manufacturing on existing manufacturing jobs
23 and future manufacturing jobs.

24 (c) *BIENNIAL REVISIONS.*—Not later than 2 years
25 after the date on which the Secretary completes the plan

1 *under subsection (a), and not less frequently than once*
2 *every 2 years thereafter, the Secretary shall revise the plan*
3 *to account for advancements in information and commu-*
4 *nication technology and manufacturing needs.*

5 (d) *REPORT.*—*Annually until the completion of the*
6 *plan under subsection (a), the Secretary shall submit to*
7 *Congress a report on the progress made in developing the*
8 *plan.*

9 (e) *DEFINITION.*—*In this section, the term “smart*
10 *manufacturing” means advanced technologies in informa-*
11 *tion, automation, monitoring, computation, sensing, mod-*
12 *eling, artificial intelligence, analytics, and networking*
13 *that—*

14 (1) *digitally—*

15 (A) *simulate manufacturing production*
16 *lines;*

17 (B) *operate computer-controlled manufac-*
18 *turing equipment;*

19 (C) *monitor and communicate production*
20 *line status; and*

21 (D) *manage and optimize energy produc-*
22 *tivity and cost throughout production;*

23 (2) *model, simulate, and optimize the energy effi-*
24 *ciency of a factory building;*

1 (3) *monitor and optimize building energy per-*
2 *formance;*

3 (4) *model, simulate, and optimize the design of*
4 *energy efficient and sustainable products, including*
5 *the use of digital prototyping and additive manufac-*
6 *turing to enhance product design;*

7 (5) *connect manufactured products in networks*
8 *to monitor and optimize the performance of the net-*
9 *works, including automated network operations; and*

10 (6) *digitally connect the supply chain network.*

11 **TITLE VII—CRITICAL MINERALS**

12 **SEC. 7001. RARE EARTH ELEMENTS.**

13 (a) *RESEARCH PROGRAM.—*

14 (1) *IN GENERAL.—The Secretary of Energy, act-*
15 *ing through the Assistant Secretary for Fossil Energy*
16 *(referred to in this section as the “Secretary”), shall*
17 *conduct a program of research and development—*

18 (A) *to develop and assess advanced separa-*
19 *tion technologies for the extraction and recovery*
20 *of rare earth elements and other critical mate-*
21 *rials from coal and coal byproducts; and*

22 (B) *to determine if there are, and mitigate,*
23 *any potential environmental or public health im-*
24 *pacts that could arise from the recovery of rare*
25 *earth elements from coal-based resources.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.*—

2 *There is authorized to be appropriated to the Sec-*
3 *retary to carry out the program described in para-*
4 *graph (1)—*

5 (A) \$23,000,000 for each of fiscal years
6 2021 and 2022;

7 (B) \$24,200,000 for fiscal year 2023;

8 (C) \$25,400,000 for fiscal year 2024;

9 (D) \$26,600,000 for fiscal year 2025; and

10 (E) \$27,800,000 for fiscal year 2026.

11 (b) *REPORT.*—*Not later than 1 year after the date of*
12 *enactment of this Act, the Secretary shall submit to the*
13 *Committee on Energy and Natural Resources of the Senate*
14 *and the Committees on Science, Space, and Technology and*
15 *Energy and Commerce of the House of Representatives a*
16 *report evaluating the development of advanced separation*
17 *technologies for the extraction and recovery of rare earth*
18 *elements and other critical materials from coal and coal*
19 *byproducts, including acid mine drainage from coal mines.*

20 (c) *CRITICAL MATERIAL.*—*In this section, the term*
21 *“critical material” has the meaning given the term in sec-*
22 *tion 7002 of this Act.*

23 **SEC. 7002. MINERAL SECURITY.**

24 (a) *DEFINITIONS.*—*In this section:*

1 (1) *BYPRODUCT*.—*The term “byproduct” means*
2 *a critical mineral—*

3 (A) *the recovery of which depends on the*
4 *production of a host mineral that is not des-*
5 *ignated as a critical mineral; and*

6 (B) *that exists in sufficient quantities to be*
7 *recovered during processing or refining.*

8 (2) *CRITICAL MATERIAL*.—*The term “critical*
9 *material” means—*

10 (A) *any non-fuel mineral, element, sub-*
11 *stance, or material that the Secretary of Energy*
12 *determines—*

13 (i) *has a high risk of a supply chain*
14 *disruption; and*

15 (ii) *serves an essential function in 1 or*
16 *more energy technologies, including tech-*
17 *nologies that produce, transmit, store, and*
18 *conserve energy; or*

19 (B) *a critical mineral.*

20 (3) *CRITICAL MINERAL*.—

21 (A) *IN GENERAL*.—*The term “critical min-*
22 *eral” means any mineral, element, substance, or*
23 *material designated as critical by the Secretary*
24 *under subsection (c).*

1 (B) *EXCLUSIONS.*—*The term “critical mineral” does not include—*

2
3 (i) *fuel minerals;*

4 (ii) *water, ice, or snow;*

5 (iii) *common varieties of sand, gravel,*
6 *stone, pumice, cinders, and clay.*

7 (4) *INDIAN TRIBE.*—*The term “Indian Tribe”*
8 *has the meaning given the term in section 4 of the In-*
9 *Indian Self-Determination and Education Assistance*
10 *Act (25 U.S.C. 5304).*

11 (5) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of the Interior.*

13 (6) *STATE.*—*The term “State” means—*

14 (A) *a State;*

15 (B) *the District of Columbia;*

16 (C) *the Commonwealth of Puerto Rico;*

17 (D) *Guam;*

18 (E) *American Samoa;*

19 (F) *the Commonwealth of the Northern*
20 *Mariana Islands; and*

21 (G) *the United States Virgin Islands.*

22 (7) *INSTITUTION OF HIGHER EDUCATION.*—*The*
23 *term “institution of higher education” means—*

1 (A) *an institution of higher education (as*
2 *defined in section 101(a) of the Higher Edu-*
3 *cation Act of 1965 (20 U.S.C. 1001(a)); or*

4 (B) *a postsecondary vocational institution*
5 *(as defined in section 102(c) of the Higher Edu-*
6 *cation Act of 1965 (20 U.S.C. 1002(c)).*

7 (b) *POLICY.—*

8 (1) *IN GENERAL.—Section 3 of the National Ma-*
9 *terials and Minerals Policy, Research and Develop-*
10 *ment Act of 1980 (30 U.S.C. 1602) is amended—*

11 (A) *by striking paragraph (3) and inserting*
12 *the following:*

13 “*(3) establish an analytical and forecasting ca-*
14 *pability for identifying critical mineral demand, sup-*
15 *ply, and other factors to allow informed actions to be*
16 *taken to avoid supply shortages, mitigate price vola-*
17 *tility, and prepare for demand growth and other*
18 *market shifts;”;*

19 (B) *in paragraph (6), by striking “and”*
20 *after the semicolon at the end; and*

21 (C) *by striking paragraph (7) and inserting*
22 *the following:*

23 “*(7) facilitate the availability, development, and*
24 *environmentally responsible production of domestic*

1 *resources to meet national material or critical min-*
2 *eral needs;*

3 “(8) *avoid duplication of effort, prevent unneces-*
4 *sary paperwork, and minimize delays in the adminis-*
5 *tration of applicable laws (including regulations) and*
6 *the issuance of permits and authorizations necessary*
7 *to explore for, develop, and produce critical minerals*
8 *and to construct critical mineral manufacturing fa-*
9 *cilities in accordance with applicable environmental*
10 *and land management laws;*

11 “(9) *strengthen—*

12 “(A) *educational and research capabilities*
13 *at not lower than the secondary school level; and*

14 “(B) *workforce training for exploration and*
15 *development of critical minerals and critical*
16 *mineral manufacturing;*

17 “(10) *bolster international cooperation through*
18 *technology transfer, information sharing, and other*
19 *means;*

20 “(11) *promote the efficient production, use, and*
21 *recycling of critical minerals;*

22 “(12) *develop alternatives to critical minerals;*
23 *and*

1 “(13) establish contingencies for the production
2 of, or access to, critical minerals for which viable
3 sources do not exist within the United States.”.

4 (2) *CONFORMING AMENDMENT.*—Section 2(b) of
5 the National Materials and Minerals Policy, Research
6 and Development Act of 1980 (30 U.S.C. 1601(b)) is
7 amended by striking “(b) As used in this Act, the
8 term” and inserting the following:

9 “(b) *DEFINITIONS.*—In this Act:

10 “(1) *CRITICAL MINERAL.*—The term ‘critical
11 mineral’ means any mineral, element, substance, or
12 material designated as critical by the Secretary under
13 section 7002(c) of the Energy Act of 2020.

14 “(2) *MATERIALS.*—The term”.

15 (c) *CRITICAL MINERAL DESIGNATIONS.*—

16 (1) *DRAFT METHODOLOGY AND LIST.*—The Sec-
17 retary, acting through the Director of the United
18 States Geological Survey (referred to in this sub-
19 section as the “Secretary”), shall publish in the Fed-
20 eral Register for public comment—

21 (A) a description of the draft methodology
22 used to identify a draft list of critical minerals;

23 (B) a draft list of minerals, elements, sub-
24 stances, and materials that qualify as critical
25 minerals; and

1 (C) a draft list of critical minerals recov-
2 ered as byproducts and their host minerals.

3 (2) *AVAILABILITY OF DATA.*—If available data is
4 insufficient to provide a quantitative basis for the
5 methodology developed under this subsection, quali-
6 tative evidence may be used to the extent necessary.

7 (3) *FINAL METHODOLOGY AND LIST.*—After re-
8 viewing public comments on the draft methodology
9 and the draft lists published under paragraph (1) and
10 updating the methodology and lists as appropriate,
11 not later than 45 days after the date on which the
12 public comment period with respect to the draft meth-
13 odology and draft lists closes, the Secretary shall pub-
14 lish in the *Federal Register*—

15 (A) a description of the final methodology
16 for determining which minerals, elements, sub-
17 stances, and materials qualify as critical min-
18 erals;

19 (B) the final list of critical minerals; and

20 (C) the final list of critical minerals recov-
21 ered as byproducts and their host minerals.

22 (4) *DESIGNATIONS.*—

23 (A) *IN GENERAL.*—For purposes of carrying
24 out this subsection, the Secretary shall maintain
25 a list of minerals, elements, substances, and ma-

1 *terials designated as critical, pursuant to the*
2 *final methodology published under paragraph*
3 *(3), that the Secretary determines—*

4 *(i) are essential to the economic or na-*
5 *tional security of the United States;*

6 *(ii) the supply chain of which is vul-*
7 *nerable to disruption (including restrictions*
8 *associated with foreign political risk, abrupt*
9 *demand growth, military conflict, violent*
10 *unrest, anti-competitive or protectionist be-*
11 *haviors, and other risks throughout the sup-*
12 *ply chain); and*

13 *(iii) serve an essential function in the*
14 *manufacturing of a product (including en-*
15 *ergy technology-, defense-, currency-, agri-*
16 *culture-, consumer electronics-, and health*
17 *care-related applications), the absence of*
18 *which would have significant consequences*
19 *for the economic or national security of the*
20 *United States.*

21 *(B) INCLUSIONS.—Notwithstanding the cri-*
22 *teria under paragraph (3), the Secretary may*
23 *designate and include on the list any mineral,*
24 *element, substance, or material determined by*
25 *another Federal agency to be strategic and crit-*

1 *ical to the defense or national security of the*
2 *United States.*

3 (C) *REQUIRED CONSULTATION.*—*The Sec-*
4 *retary shall consult with the Secretaries of De-*
5 *fense, Commerce, Agriculture, and Energy and*
6 *the United States Trade Representative in desig-*
7 *nating minerals, elements, substances, and mate-*
8 *rials as critical under this paragraph.*

9 (5) *SUBSEQUENT REVIEW.*—

10 (A) *IN GENERAL.*—*The Secretary, in con-*
11 *sultation with the Secretaries of Defense, Com-*
12 *merce, Agriculture, and Energy and the United*
13 *States Trade Representative, shall review the*
14 *methodology and list under paragraph (3) and*
15 *the designations under paragraph (4) at least*
16 *every 3 years, or more frequently as the Sec-*
17 *retary considers to be appropriate.*

18 (B) *REVISIONS.*—*Subject to paragraph*
19 *(4)(A), the Secretary may—*

20 (i) *revise the methodology described in*
21 *this subsection;*

22 (ii) *determine that minerals, elements,*
23 *substances, and materials previously deter-*
24 *mined to be critical minerals are no longer*
25 *critical minerals; and*

1 (iii) designate additional minerals, ele-
2 ments, substances, or materials as critical
3 minerals.

4 (6) NOTICE.—On finalization of the methodology
5 and the list under paragraph (3), or any revision to
6 the methodology or list under paragraph (5), the Sec-
7 retary shall submit to Congress written notice of the
8 action.

9 (d) RESOURCE ASSESSMENT.—

10 (1) IN GENERAL.—Not later than 4 years after
11 the date of enactment of this Act, in consultation with
12 applicable State (including geological surveys), local,
13 academic, industry, and other entities, the Secretary
14 (acting through the Director of the United States Geo-
15 logical Survey) or a designee of the Secretary, shall
16 complete a comprehensive national assessment of each
17 critical mineral that—

18 (A) identifies and quantifies known critical
19 mineral resources, using all available public and
20 private information and datasets, including ex-
21 ploration histories; and

22 (B) provides a quantitative and qualitative
23 assessment of undiscovered critical mineral re-
24 sources throughout the United States, including
25 probability estimates of tonnage and grade,

1 *using all available public and private informa-*
2 *tion and datasets, including exploration his-*
3 *tories.*

4 (2) *SUPPLEMENTARY INFORMATION.*—*In car-*
5 *rying out this subsection, the Secretary may carry*
6 *out surveys and field work (including drilling, remote*
7 *sensing, geophysical surveys, topographical and geo-*
8 *logical mapping, and geochemical sampling and*
9 *analysis) to supplement existing information and*
10 *datasets available for determining the existence of*
11 *critical minerals in the United States.*

12 (3) *PUBLIC ACCESS.*—*Subject to applicable law,*
13 *to the maximum extent practicable, the Secretary*
14 *shall make all data and metadata collected from the*
15 *comprehensive national assessment carried out under*
16 *paragraph (1) publically and electronically accessible.*

17 (4) *TECHNICAL ASSISTANCE.*—*At the request of*
18 *the Governor of a State or the head of an Indian*
19 *Tribe, the Secretary may provide technical assistance*
20 *to State governments and Indian Tribes conducting*
21 *critical mineral resource assessments on non-Federal*
22 *land.*

23 (5) *PRIORITIZATION.*—

24 (A) *IN GENERAL.*—*The Secretary may se-*
25 *quence the completion of resource assessments for*

1 *each critical mineral such that critical minerals*
2 *considered to be most critical under the method-*
3 *ology established under subsection (c) are com-*
4 *pleted first.*

5 *(B) REPORTING.—During the period begin-*
6 *ning not later than 1 year after the date of en-*
7 *actment of this Act and ending on the date of*
8 *completion of all of the assessments required*
9 *under this subsection, the Secretary shall submit*
10 *to Congress on an annual basis an interim re-*
11 *port that—*

12 *(i) identifies the sequence and schedule*
13 *for completion of the assessments if the Sec-*
14 *retary sequences the assessments; or*

15 *(ii) describes the progress of the assess-*
16 *ments if the Secretary does not sequence the*
17 *assessments.*

18 *(6) UPDATES.—The Secretary may periodically*
19 *update the assessments conducted under this sub-*
20 *section based on—*

21 *(A) the generation of new information or*
22 *datasets by the Federal Government; or*

23 *(B) the receipt of new information or*
24 *datasets from critical mineral producers, State*

1 *geological surveys, academic institutions, trade*
2 *associations, or other persons.*

3 (7) *ADDITIONAL SURVEYS.*—*The Secretary shall*
4 *complete a resource assessment for each additional*
5 *mineral or element subsequently designated as a crit-*
6 *ical mineral under subsection (c)(5)(B) not later than*
7 *2 years after the designation of the mineral or ele-*
8 *ment.*

9 (8) *REPORT.*—*Not later than 2 years after the*
10 *date of enactment of this Act, the Secretary shall sub-*
11 *mit to Congress a report describing the status of geo-*
12 *logical surveying of Federal land for any mineral*
13 *commodity—*

14 (A) *for which the United States was de-*
15 *pendent on a foreign country for more than 25*
16 *percent of the United States supply, as depicted*
17 *in the report issued by the United States Geo-*
18 *logical Survey entitled “Mineral Commodity*
19 *Summaries 2021”;* but

20 (B) *that is not designated as a critical min-*
21 *eral under subsection (c).*

22 (e) *REPORT OF SMALL BUSINESS ADMINISTRATION.*—
23 *Not later than 1 year and 300 days after the date of enact-*
24 *ment of this Act, the Administrator of the Small Business*
25 *Administration shall submit to the applicable committees*

1 *of Congress a report that assesses the performance of Federal*
2 *agencies with respect to—*

3 (1) *complying with chapter 6 of title 5, United*
4 *States Code (commonly known as the “Regulatory*
5 *Flexibility Act”), in promulgating regulations appli-*
6 *cable to the critical minerals industry; and*

7 (2) *performing an analysis of the efficiency of*
8 *regulations applicable to the critical minerals indus-*
9 *try, including those that are disproportionately bur-*
10 *densome to small businesses.*

11 *(f) FEDERAL REGISTER PROCESS.—*

12 (1) *DEPARTMENTAL REVIEW.—Absent any ex-*
13 *traordinary circumstance, and except as otherwise re-*
14 *quired by law, the Secretary and the Secretary of Ag-*
15 *riculture shall ensure that each Federal Register no-*
16 *tice described in paragraph (2) shall be—*

17 (A) *subject to any required reviews within*
18 *the Department of the Interior or the Depart-*
19 *ment of Agriculture; and*

20 (B) *published in final form in the Federal*
21 *Register not later than 45 days after the date of*
22 *initial preparation of the notice.*

23 (2) *PREPARATION.—The preparation of Federal*
24 *Register notices required by law associated with the*
25 *issuance of a critical mineral exploration or mine*

1 *permit shall be delegated to the organizational level*
2 *within the agency responsible for issuing the critical*
3 *mineral exploration or mine permit.*

4 (3) *TRANSMISSION.—All Federal Register notices*
5 *regarding official document availability, announce-*
6 *ments of meetings, or notices of intent to undertake*
7 *an action shall be originated in, and transmitted to*
8 *the Federal Register from, the office in which, as ap-*
9 *plicable—*

10 (A) *the documents or meetings are held; or*

11 (B) *the activity is initiated.*

12 (4) *APPLICATION OF CERTAIN PROVISIONS.—*

13 (A) *IN GENERAL.—Subsection (f) shall also*
14 *apply to—*

15 (i) *an exploration project in which the*
16 *presence of a byproduct is reasonably ex-*
17 *pected, based on known mineral*
18 *companionality, geologic formation, min-*
19 *eralogy, or other factors; and*

20 (ii) *a project that demonstrates that a*
21 *byproduct is of sufficient grade that, when*
22 *combined with the production of a host*
23 *mineral, the byproduct is economic to re-*
24 *cover, as determined by the applicable Sec-*
25 *retary in accordance with subparagraph*

1 (B), and that the byproduct will be recov-
2 ered in commercial quantities.

3 (B) REQUIREMENT.—In making the deter-
4 mination under subparagraph (A)(ii), the appli-
5 cable Secretary shall consider the cost effective-
6 ness of the byproducts recovery.

7 (g) RECYCLING, INNOVATION, EFFICIENCY, AND AL-
8 TERNATIVES.—

9 (1) ESTABLISHMENT.—The Secretary of Energy
10 (referred to in this subsection as the “Secretary”)
11 shall conduct a program (referred to in this sub-
12 section as the “program”) of research, development,
13 demonstration, and commercialization—

14 (A) to develop alternatives to critical mate-
15 rials that do not occur in significant abundance
16 in the United States;

17 (B) to promote the efficient production, use,
18 and recycling of critical materials, with special
19 consideration for domestic critical materials,
20 throughout the supply chain;

21 (C) to ensure the long-term, secure, and sus-
22 tainable supply of critical materials; and

23 (D) to prioritize work in areas that the pri-
24 vate sector by itself is not likely to undertake due
25 to financial or technical limitations.

1 (2) *COOPERATION.*—*In carrying out the pro-*
2 *gram, the Secretary shall cooperate with appro-*
3 *priate—*

4 (A) *Federal agencies, including the Depart-*
5 *ment of the Interior;*

6 (B) *the National Laboratories;*

7 (C) *critical material producers, processors,*
8 *and manufacturers;*

9 (D) *trade associations;*

10 (E) *academic institutions (including stu-*
11 *dents and postdoctoral staff at institutions of*
12 *higher education);*

13 (F) *small businesses;*

14 (G) *nongovernmental organizations; and*

15 (H) *other relevant entities or individuals.*

16 (3) *ENERGY INNOVATION HUB.*—*In carrying out*
17 *the program, the Secretary may use an Energy Inno-*
18 *vation Hub authorized under section 206 of the De-*
19 *partment of Energy Research Coordination Act (42*
20 *U.S.C. 18632).*

21 (4) *ACTIVITIES.*—*Under the program, the Sec-*
22 *retary shall carry out activities that include the iden-*
23 *tification and development of—*

24 (A) *alternative materials, particularly ma-*
25 *terials available in abundance within the United*

1 *States and not subject to potential supply re-*
2 *strictions, that lessen the need for critical mate-*
3 *rials;*

4 *(B) alternative energy technologies or alter-*
5 *native designs of existing energy technologies,*
6 *particularly technologies or designs that use ma-*
7 *terials that—*

8 *(i) occur in abundance in the United*
9 *States; and*

10 *(ii) are not subject to potential supply*
11 *restrictions;*

12 *(C) technologies or process improvements*
13 *that minimize the use and content, or lead to*
14 *more efficient use, of critical materials across the*
15 *full supply chain;*

16 *(D) innovative technologies and practices to*
17 *diversify commercially viable and sustainable*
18 *domestic sources of critical materials, including*
19 *technologies for recovery from waste streams;*

20 *(E) technologies, process improvements, or*
21 *design optimizations that facilitate the recycling*
22 *of critical materials, and options for improving*
23 *the rates of collection of products and scrap con-*
24 *taining critical materials from post-consumer,*
25 *industrial, or other waste streams;*

1 (F) *advanced critical material extraction,*
2 *production, separation, alloying, or processing*
3 *technologies that decrease the energy consump-*
4 *tion, environmental impact, and costs of those*
5 *activities, including—*

6 (i) *efficient water and wastewater*
7 *management strategies;*

8 (ii) *technologies and management*
9 *strategies to control the environmental im-*
10 *pacts of radionuclides in ore tailings;*

11 (iii) *technologies for separation and*
12 *processing; and*

13 (iv) *technologies for increasing the re-*
14 *covery rates of coproducts and byproducts*
15 *from host metal ores;*

16 (G) *commercial markets, advanced storage*
17 *methods, energy applications, and other bene-*
18 *ficial uses of critical materials; and*

19 (H) *advanced theoretical, computational,*
20 *and experimental tools necessary to support the*
21 *crosscutting research and development needs of*
22 *diverse critical minerals stakeholders.*

23 (5) *PLAN.—*

24 (A) *IN GENERAL.—Not later than 1 year*
25 *after the date of enactment of this Act, the Sec-*

1 *retary shall submit to Congress a plan to carry*
2 *out the program.*

3 *(B) INCLUSIONS.—The plan under subpara-*
4 *graph (A) shall include a description of—*

5 *(i) the research and development ac-*
6 *tivities to be carried out under the program*
7 *during the subsequent 2 years;*

8 *(ii) the expected contributions under*
9 *the program to the creation of innovative*
10 *methods and technologies for the efficient*
11 *and sustainable provision of critical mate-*
12 *rials to the domestic economy;*

13 *(iii) the expected activities under the*
14 *program to mitigate the environmental and*
15 *health impacts of the extraction, processing,*
16 *manufacturing, use, recovery, and recycling*
17 *of critical materials; and*

18 *(iv) how the program will promote the*
19 *broadest possible participation by academic,*
20 *industrial, and other contributors and the*
21 *public.*

22 *(6) COORDINATION AND NONDUPLICATION.—To*
23 *the maximum extent practicable, the Secretary shall*
24 *ensure that the activities carried out under this sub-*
25 *section are coordinated with, and do not duplicate the*

1 *efforts of, other programs within the Federal Govern-*
2 *ment, including the work underway by the Critical*
3 *Materials Institute and the National Minerals Infor-*
4 *mation Center.*

5 (7) *STANDARD OF REVIEW.*—*Not later than 2*
6 *years after the date of enactment of this Act, the Sec-*
7 *retary shall conduct a review of activities carried out*
8 *under the program to determine the achievement of*
9 *the technical milestones identified under paragraph*
10 *(8)(D)(i)(I).*

11 (8) *CRITICAL MATERIALS CONSORTIUM.*—

12 (A) *IN GENERAL.*—*Not later than 1 year*
13 *after the date of enactment of this Act, the Sec-*
14 *retary shall establish and operate a Critical Ma-*
15 *terials Consortium (referred to in this paragraph*
16 *as the “Consortium”) for the purpose of sup-*
17 *porting the program by providing, to the max-*
18 *imum extent practicable, a centralized entity for*
19 *multidisciplinary, collaborative, critical mate-*
20 *rials research and development.*

21 (B) *LEADERSHIP.*—*If an Energy Innova-*
22 *tion Hub authorized under section 206 of the De-*
23 *partment of Energy Research Coordination Act*
24 *(42 U.S.C. 18632) that is focused on critical ma-*
25 *terials exists on the date of enactment of this Act,*

1 *the Secretary shall leverage the personnel and ex-*
2 *pertise of the Energy Innovation Hub to manage*
3 *the Consortium for not less than 3 years fol-*
4 *lowing the date on which the Consortium is es-*
5 *tablished.*

6 (C) *MEMBERSHIP.*—*The members of the*
7 *Consortium shall be representatives from relevant*
8 *Federal agencies, the National Laboratories, the*
9 *National Minerals Information Center, institu-*
10 *tions of higher education, private sector entities,*
11 *multiinstitutional collaborations, and other ap-*
12 *propriate entities.*

13 (D) *RESPONSIBILITIES.*—*The Consortium*
14 *shall—*

15 (i) *develop and implement a multiyear*
16 *plan that—*

17 (I) *identifies technical goals and*
18 *milestones for the program;*

19 (II) *utilizes the high performance*
20 *computing capabilities of the Depart-*
21 *ment; and*

22 (III) *leverages the expertise of the*
23 *National Laboratories and the United*
24 *States Geological Survey; and*

1 (ii) submit an annual report to the
2 Secretary summarizing the activities of the
3 Consortium, including an evaluation of the
4 role of the Consortium in the achievement of
5 the technical milestones identified under
6 clause (i)(I).

7 (E) SUNSET; TERMINATION.—

8 (i) IN GENERAL.—The Secretary may
9 provide support to the Consortium for a pe-
10 riod of not more than 10 years, subject to
11 the availability of appropriations.

12 (ii) MERIT REVIEW.—Not later than 5
13 years after the date on which the Consor-
14 tium is established, the Secretary shall con-
15 duct a rigorous merit review to determine
16 whether the Consortium helped the program
17 achieve the technical milestones identified
18 under subparagraph (D)(i)(I).

19 (iii) TERMINATION.—If the Secretary
20 determines that the Consortium has not
21 helped the program achieve the technical
22 milestones identified under subparagraph
23 (D)(i)(I), the Secretary may terminate any
24 financial or technical support that the De-
25 partment provides to the Consortium.

1 (9) *REPORTS.*—Not later than 2 years after the
2 date of enactment of this Act, and annually there-
3 after, the Secretary shall submit to Congress a report
4 summarizing the activities, findings, and progress of
5 the program.

6 (10) *AUTHORIZATION OF APPROPRIATIONS.*—
7 There are authorized to be appropriated to the Sec-
8 retary to carry out this subsection—

9 (A) \$125,000,000 for fiscal year 2021;

10 (B) \$105,000,000 for fiscal year 2022;

11 (C) \$100,000,000 for fiscal year 2023;

12 (D) \$135,000,000 for fiscal year 2024; and

13 (E) \$135,000,000 for fiscal year 2025.

14 (h) *CRITICAL MATERIALS SUPPLY CHAIN RESEARCH*
15 *FACILITY.*—

16 (1) *IN GENERAL.*—The Secretary of Energy (re-
17 ferred to in this subsection as the “Secretary”) shall
18 support construction of a Critical Materials Supply
19 Chain Research Facility (referred to in this sub-
20 section as the “facility”).

21 (2) *REQUIREMENTS.*—The facility—

22 (A) shall be used to further enable research,
23 development, demonstration, and commercializa-
24 tion activities throughout the supply chain for
25 critical materials; and

1 (B) shall provide an integrated, rapidly
2 reconfigurable research platform.

3 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
4 There are authorized to be appropriated to the Sec-
5 retary to fund the design and construction of the fa-
6 cility, to remain available until expended—

7 (A) \$10,000,000 for fiscal year 2021;

8 (B) \$30,000,000 for fiscal year 2022; and

9 (C) \$35,000,000 for fiscal year 2023.

10 (i) *CRITICAL MATERIALS RESEARCH DATABASE AND*
11 *INFORMATION PORTAL.*—

12 (1) *IN GENERAL.*—In carrying out the program
13 established under subsection (g)(1), the Secretary and
14 the Secretary of Energy (referred to in this subsection
15 as the “Secretaries”), in consultation with the Direc-
16 tor of the National Science Foundation, shall establish
17 and operate a Critical Materials Information Portal
18 (referred to in this subsection as the “Portal”) to col-
19 lect, catalogue, disseminate, and archive information
20 on critical materials.

21 (2) *COOPERATION.*—In carrying out paragraph
22 (1), the Secretaries shall leverage the expertise of the
23 National Minerals Information Center, the Office of
24 Scientific and Technical Information, and the Crit-

1 *ical Materials Consortium established under sub-*
2 *section (g)(8)(A).*

3 (3) *PURPOSE.*—*The purpose of the Portal is to*
4 *support the development of a web-based platform to*
5 *provide public access to a database of computed infor-*
6 *mation on known and predicted critical materials*
7 *and related material properties and computational*
8 *tools in order—*

9 (A) *to accelerate breakthroughs in critical*
10 *materials identification and design;*

11 (B) *to strengthen the foundation for tech-*
12 *nologies that will enable more sustainable recy-*
13 *cling, substitution, use, and recovery and mini-*
14 *mize the environmental impacts of methods for*
15 *extraction, processing, and manufacturing of*
16 *critical materials; and*

17 (C) *to drive the development of advanced*
18 *materials for applications that span the missions*
19 *of the Department of Energy and the Depart-*
20 *ment of the Interior (referred to in this sub-*
21 *section as the “Departments”) in energy, envi-*
22 *ronment, and national security.*

23 (4) *ACTIVITIES.*—*In carrying out this subsection,*
24 *the Secretaries shall—*

1 (A) conduct cooperative research with in-
2 dustry, academia, and other research institutions
3 to facilitate the design of novel materials, includ-
4 ing critical materials and substitutes for critical
5 materials;

6 (B) leverage existing high-performance com-
7 puting systems to conduct high throughput cal-
8 culations and develop computing and data min-
9 ing algorithms for the prediction of material
10 properties, including a focus on critical mate-
11 rials;

12 (C) leverage and support research in min-
13 eralogy and mineral chemistry to enhance the
14 understanding, prediction, and manipulation of
15 critical materials;

16 (D) assist scientists and engineers in mak-
17 ing the fullest possible use of the relevant data
18 holdings of the Departments, including the sci-
19 entific and technical data generated by the re-
20 search and development activities funded under
21 subsection (g);

22 (E) seek and incorporate other information
23 on critical materials to enhance the Depart-
24 ments' utility for program participants and
25 other users; and

1 (F) manage and make available to research-
2 ers and the public accessible, curated, standard-
3 ized, secure, and privacy-protected data sets from
4 the public and private sectors for the purposes of
5 critical materials research and development ac-
6 tivities.

7 (5) *PROPRIETARY INFORMATION*.—In carrying
8 out this subsection, the Secretaries shall ensure, con-
9 sistent with section 5(f) of the National Materials and
10 Minerals Policy, Research and Development Act of
11 1980 (30 U.S.C. 1604(f)), that—

12 (A) no person uses the information and
13 data collected for the Portal for a purpose other
14 than the development of, or reporting of, aggre-
15 gate data in a manner such that the identity of
16 the person or firm who supplied the information
17 is not discernible and is not material to the in-
18 tended uses of the information;

19 (B) no person discloses any information or
20 data collected for the Portal unless the informa-
21 tion or data has been transformed into a statis-
22 tical or aggregate form that does not allow the
23 identification of the person or firm who supplied
24 particular information; and

1 (C) procedures are established to require the
2 withholding of any information or data collected
3 for the Portal if at least 1 of the Secretaries de-
4 termines that the withholding is necessary to
5 protect proprietary information, including any
6 trade secrets or other confidential information.

7 (j) ANALYSIS AND FORECASTING.—

8 (1) CAPABILITIES.—In order to evaluate existing
9 critical mineral policies and inform future actions
10 that may be taken to avoid supply shortages, mitigate
11 price volatility, and prepare for demand growth and
12 other market shifts, the Secretary (acting through the
13 Director of the United States Geological Survey) or a
14 designee of the Secretary, in consultation with the
15 Energy Information Administration, academic insti-
16 tutions, and others in order to maximize the applica-
17 tion of existing competencies related to developing
18 and maintaining computer-models and similar ana-
19 lytical tools, shall conduct and publish the results of
20 an annual report that includes—

21 (A) as part of the annually published Min-
22 eral Commodity Summaries from the United
23 States Geological Survey, a comprehensive re-
24 view of critical mineral production, consump-
25 tion, and recycling patterns, including—

1 (i) the quantity of each critical min-
2 eral domestically produced during the pre-
3 ceding year;

4 (ii) the quantity of each critical min-
5 eral domestically consumed during the pre-
6 ceding year;

7 (iii) market price data or other price
8 data for each critical mineral;

9 (iv) an assessment of—

10 (I) critical mineral requirements
11 to meet the national security, energy,
12 economic, industrial, technological,
13 and other needs of the United States
14 during the preceding year;

15 (II) the reliance of the United
16 States on foreign sources to meet those
17 needs during the preceding year; and

18 (III) the implications of any sup-
19 ply shortages, restrictions, or disrup-
20 tions during the preceding year;

21 (v) the quantity of each critical min-
22 eral domestically recycled during the pre-
23 ceding year;

1 (vi) the market penetration during the
2 preceding year of alternatives to each crit-
3 ical mineral;

4 (vii) a discussion of international
5 trends associated with the discovery, pro-
6 duction, consumption, use, costs of produc-
7 tion, prices, and recycling of each critical
8 mineral as well as the development of alter-
9 natives to critical minerals; and

10 (viii) such other data, analyses, and
11 evaluations as the Secretary finds are nec-
12 essary to achieve the purposes of this sub-
13 section; and

14 (B) a comprehensive forecast, entitled the
15 “Annual Critical Minerals Outlook”, of projected
16 critical mineral production, consumption, and
17 recycling patterns, including—

18 (i) the quantity of each critical min-
19 eral projected to be domestically produced
20 over the subsequent 1-year, 5-year, and 10-
21 year periods;

22 (ii) the quantity of each critical min-
23 eral projected to be domestically consumed
24 over the subsequent 1-year, 5-year, and 10-
25 year periods;

1 (iii) an assessment of—

2 (I) critical mineral requirements
3 to meet projected national security, en-
4 ergy, economic, industrial, techno-
5 logical, and other needs of the United
6 States;

7 (II) the projected reliance of the
8 United States on foreign sources to
9 meet those needs; and

10 (III) the projected implications of
11 potential supply shortages, restrictions,
12 or disruptions;

13 (iv) the quantity of each critical min-
14 eral projected to be domestically recycled
15 over the subsequent 1-year, 5-year, and 10-
16 year periods;

17 (v) the market penetration of alter-
18 natives to each critical mineral projected to
19 take place over the subsequent 1-year, 5-
20 year, and 10-year periods;

21 (vi) a discussion of reasonably foresee-
22 able international trends associated with the
23 discovery, production, consumption, use,
24 costs of production, and recycling of each

1 *critical mineral as well as the development*
2 *of alternatives to critical minerals; and*

3 *(vii) such other projections relating to*
4 *each critical mineral as the Secretary deter-*
5 *mines to be necessary to achieve the pur-*
6 *poses of this subsection.*

7 (2) *PROPRIETARY INFORMATION.*—*In preparing*
8 *a report described in paragraph (1), the Secretary*
9 *shall ensure, consistent with section 5(f) of the Na-*
10 *tional Materials and Minerals Policy, Research and*
11 *Development Act of 1980 (30 U.S.C. 1604(f)), that—*

12 *(A) no person uses the information and*
13 *data collected for the report for a purpose other*
14 *than the development of or reporting of aggregate*
15 *data in a manner such that the identity of the*
16 *person or firm who supplied the information is*
17 *not discernible and is not material to the in-*
18 *tended uses of the information;*

19 *(B) no person discloses any information or*
20 *data collected for the report unless the informa-*
21 *tion or data has been transformed into a statis-*
22 *tical or aggregate form that does not allow the*
23 *identification of the person or firm who supplied*
24 *particular information; and*

1 (C) procedures are established to require the
2 withholding of any information or data collected
3 for the report if the Secretary determines that
4 withholding is necessary to protect proprietary
5 information, including any trade secrets or other
6 confidential information.

7 (k) *EDUCATION AND WORKFORCE*.—

8 (1) *WORKFORCE ASSESSMENT*.—Not later than 1
9 year and 300 days after the date of enactment of this
10 Act, the Secretary of Labor (in consultation with the
11 Secretary, the Director of the National Science Foun-
12 dation, institutions of higher education with substan-
13 tial expertise in mining, institutions of higher edu-
14 cation with significant expertise in minerals research,
15 including fundamental research into alternatives, and
16 employers in the critical minerals sector) shall submit
17 to Congress an assessment of the domestic availability
18 of technically trained personnel necessary for critical
19 mineral exploration, development, assessment, produc-
20 tion, manufacturing, recycling, analysis, forecasting,
21 education, and research, including an analysis of—

22 (A) skills that are in the shortest supply as
23 of the date of the assessment;

24 (B) skills that are projected to be in short
25 supply in the future;

1 (C) *the demographics of the critical min-*
2 *erals industry and how the demographics will*
3 *evolve under the influence of factors such as an*
4 *aging workforce;*

5 (D) *the effectiveness of training and edu-*
6 *cation programs in addressing skills shortages;*

7 (E) *opportunities to hire locally for new*
8 *and existing critical mineral activities;*

9 (F) *the sufficiency of personnel within rel-*
10 *evant areas of the Federal Government for*
11 *achieving the policies described in section 3 of*
12 *the National Materials and Minerals Policy, Re-*
13 *search and Development Act of 1980 (30 U.S.C.*
14 *1602); and*

15 (G) *the potential need for new training pro-*
16 *grams to have a measurable effect on the supply*
17 *of trained workers in the critical minerals indus-*
18 *try.*

19 (2) *CURRICULUM STUDY.—*

20 (A) *IN GENERAL.—The Secretary and the*
21 *Secretary of Labor shall jointly enter into an ar-*
22 *rangement with the National Academy of*
23 *Sciences and the National Academy of Engineer-*
24 *ing under which the Academies shall coordinate*

1 *with the National Science Foundation on con-*
2 *ducting a study—*

3 *(i) to design an interdisciplinary pro-*
4 *gram on critical minerals that will support*
5 *the critical mineral supply chain and im-*
6 *prove the ability of the United States to in-*
7 *crease domestic, critical mineral explo-*
8 *ration, development, production, manufac-*
9 *turing, research, including fundamental re-*
10 *search into alternatives, and recycling;*

11 *(ii) to address undergraduate and*
12 *graduate education, especially to assist in*
13 *the development of graduate level programs*
14 *of research and instruction that lead to ad-*
15 *vanced degrees with an emphasis on the*
16 *critical mineral supply chain or other posi-*
17 *tions that will increase domestic, critical*
18 *mineral exploration, development, produc-*
19 *tion, manufacturing, research, including*
20 *fundamental research into alternatives, and*
21 *recycling;*

22 *(iii) to develop guidelines for proposals*
23 *from institutions of higher education with*
24 *substantial capabilities in the required dis-*
25 *ciplines for activities to improve the critical*

1 *mineral supply chain and advance the ca-*
2 *capacity of the United States to increase do-*
3 *mestic, critical mineral exploration, re-*
4 *search, development, production, manufac-*
5 *turing, and recycling; and*

6 *(iv) to outline criteria for evaluating*
7 *performance and recommendations for the*
8 *amount of funding that will be necessary to*
9 *establish and carry out the program de-*
10 *scribed in paragraph (3).*

11 *(B) REPORT.—Not later than 2 years after*
12 *the date of enactment of this Act, the Secretary*
13 *shall submit to Congress a description of the re-*
14 *sults of the study required under subparagraph*
15 *(A).*

16 *(3) PROGRAM.—*

17 *(A) ESTABLISHMENT.—The Secretary and*
18 *the Secretary of Labor shall jointly conduct a*
19 *competitive grant program under which institu-*
20 *tions of higher education may apply for and re-*
21 *ceive 4-year grants for—*

22 *(i) startup costs for newly designated*
23 *faculty positions in integrated critical min-*
24 *eral education, research, innovation, train-*

1 *ing, and workforce development programs*
2 *consistent with paragraph (2);*

3 *(ii) internships, scholarships, and fel-*
4 *lowships for students enrolled in programs*
5 *related to critical minerals;*

6 *(iii) equipment necessary for inte-*
7 *grated critical mineral innovation, train-*
8 *ing, and workforce development programs;*
9 *and*

10 *(iv) research of critical minerals and*
11 *their applications, particularly concerning*
12 *the manufacture of critical components vital*
13 *to national security.*

14 *(B) RENEWAL.—A grant under this para-*
15 *graph shall be renewable for up to 2 additional*
16 *3-year terms based on performance criteria out-*
17 *lined under paragraph (2)(A)(iv).*

18 *(l) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA*
19 *PRESERVATION PROGRAM.—Section 351(k) of the Energy*
20 *Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by*
21 *striking “ \$30,000,000 for each of fiscal years 2006 through*
22 *2010” and inserting “ \$5,000,000 for each of fiscal years*
23 *2021 through 2029, to remain available until expended”.*

1 (m) *AMENDMENTS TO THE NATIONAL MATERIALS AND*
2 *MINERALS, POLICY, RESEARCH AND DEVELOPMENT ACT OF*
3 *1980.*—

4 (1) *PROGRAM PLAN.*—*Section 5 of the National*
5 *Materials and Minerals Policy, Research and Devel-*
6 *opment Act of 1980 (30 U.S.C. 1604) is amended—*

7 (A) *by striking “date of enactment of this*
8 *Act” each place it appears and inserting “date*
9 *of enactment of the Energy Act of 2020”;*

10 (B) *in subsection (b)(1), by striking “Fed-*
11 *eral Coordinating Council for Science, Engineer-*
12 *ing, and Technology” and inserting “National*
13 *Science and Technology Council”;*

14 (C) *in subsection (c)—*

15 (i) *in the matter preceding paragraph*

16 (1)—

17 (I) *by striking “the Federal Emer-*
18 *gency” and all that follows through*
19 *“Agency, and”;* and

20 (II) *by striking “appropriate*
21 *shall” and inserting “appropriate,*
22 *shall”;*

23 (ii) *by striking paragraphs (1) and*
24 (3);

1 (iii) by redesignating paragraph (2) as
2 paragraph (1);

3 (iv) in paragraph (1) (as so redesign-
4 ated)—

5 (I) by striking “within 1 year
6 after October 21, 1980” and inserting
7 “not later than 1 year after the date of
8 the enactment of the Energy Act of
9 2020”;

10 (II) by striking “which assesses”
11 and inserting “that assesses”; and

12 (III) by striking “in the case”
13 and all that follows through “sub-
14 section, and which” and inserting
15 “and that”; and

16 (v) by adding at the end the following:

17 “(2) assess the adequacy and stability of the sup-
18 ply of materials necessary to maintain national secu-
19 rity, economic well-being, public health, and indus-
20 trial production.”; and

21 (D) in subsection (e), by striking “Bureau
22 of Mines” each place it appears and inserting
23 “United States Geological Survey”.

24 (2) *POLICY*.—Section 3 of the National Materials
25 and Minerals Policy, Research and Development Act

1 of 1980 (30 U.S.C. 1602) is amended, in the matter
2 preceding paragraph (1)—

3 (A) in the first sentence, by striking “The
4 Congress declares that it” and inserting “It”;
5 and

6 (B) in the second sentence, by striking “The
7 Congress further declares that implementation”
8 and inserting “Implementation”.

9 (3) *IMPLEMENTATION*.—Section 4 of the Na-
10 tional Materials and Minerals Policy, Research and
11 Development Act of 1980 (30 U.S.C. 1603) is amend-
12 ed, in the matter preceding paragraph (1)—

13 (A) by striking “For the purpose” and all
14 that follows through “declares that the” and in-
15 serting “The”; and

16 (B) by striking “departments and agen-
17 cies,” and inserting “departments and agencies
18 to implement the policy described in section 3”.

19 (n) *ADMINISTRATION*.—

20 (1) *IN GENERAL*.—The National Critical Mate-
21 rials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

22 (2) *CONFORMING AMENDMENT*.—Section 3(d) of
23 the National Superconductivity and Competitiveness
24 Act of 1988 (15 U.S.C. 5202(d)) is amended in the
25 first sentence by striking “, with the assistance of the

1 *National Critical Materials Council as specified in*
2 *the National Critical Materials Act of 1984 (30*
3 *U.S.C. 1801 et seq.),”.*

4 (3) *SAVINGS CLAUSES.*—

5 (A) *IN GENERAL.*—*Nothing in this section*
6 *or an amendment made by this section modifies*
7 *any requirement or authority provided by—*

8 (i) *the matter under the heading “**GE-***
9 ***OLOGICAL SURVEY**” of the first section of*
10 *the Act of March 3, 1879 (43 U.S.C. 31(a));*

11 *or*

12 (ii) *the first section of Public Law 87-*
13 *626 (43 U.S.C. 31(b)).*

14 (B) *EFFECT ON DEPARTMENT OF DE-*
15 *FENSE.*—*Nothing in this section or an amend-*
16 *ment made by this section affects the authority*
17 *of the Secretary of Defense with respect to the*
18 *work of the Department of Defense on critical*
19 *material supplies in furtherance of the national*
20 *defense mission of the Department of Defense.*

21 (C) *SECRETARIAL ORDER NOT AFFECTED.*—
22 *This section shall not apply to any mineral de-*
23 *scribed in Secretarial Order No. 3324, issued by*
24 *the Secretary on December 3, 2012, in any area*
25 *to which the order applies.*

1 (o) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary to carry out*
3 *this section \$50,000,000 for each of fiscal years 2021*
4 *through 2029.*

5 **SEC. 7003. MONITORING MINERAL INVESTMENTS UNDER**
6 **BELT AND ROAD INITIATIVE OF PEOPLE’S RE-**
7 **PUBLIC OF CHINA.**

8 (a) *REPORT REQUIRED.*—*Not later than 1 year after*
9 *the date of the enactment of this Act, the Director of Na-*
10 *tional Intelligence (referred to in this section as the “Direc-*
11 *tor”), in consultation with the Secretary of the Interior, the*
12 *Secretary of Energy, the Secretary of Commerce, the Sec-*
13 *retary of State, the Secretary of Defense, and the United*
14 *States Trade Representative, shall submit to the appro-*
15 *priate congressional committees a report on investments in*
16 *minerals under the Belt and Road Initiative of the People’s*
17 *Republic of China that includes an assessment of—*

18 (1) *notable past mineral investments;*

19 (2) *whether and how such investments have in-*
20 *creased the extent of control of minerals by the Peo-*
21 *ple’s Republic of China;*

22 (3) *any efforts by the People’s Republic of China*
23 *to counter or interfere with the goals of the Energy*
24 *Resource Governance Initiative of the Department of*
25 *State; and*

1 (4) *the strategy of the People’s Republic of China*
2 *with respect to mineral investments.*

3 (b) *MONITORING MECHANISM.—In conjunction with*
4 *each report required by subsection (a), the Director shall*
5 *submit to the appropriate congressional committees a list*
6 *of any minerals with respect to which—*

7 (1) *the People’s Republic of China, directly or*
8 *through the Belt and Road Initiative—*

9 (A) *is increasing its concentration of extrac-*
10 *tion and processing;*

11 (B) *is acquiring significant mining and*
12 *processing facilities;*

13 (C) *is maintaining or increasing export re-*
14 *strictions; or*

15 (D) *has achieved substantial control of the*
16 *supply of minerals used within an industry or*
17 *related minerals;*

18 (2) *there is a significant difference between do-*
19 *mestic prices in the People’s Republic of China as*
20 *compared to prices on international markets; or*

21 (3) *there is a significant increase or volatility in*
22 *price as a result of the Belt and Road Initiative of*
23 *the People’s Republic of China.*

24 (c) *CRITICAL MINERAL EVALUATION.—For any min-*
25 *eral included on the list required by subsection (b) that is*

1 *not already designated as critical by the Secretary of the*
2 *Interior pursuant to section 7002(c), the Director shall—*

3 (1) *determine, in consultation with the Secretary*
4 *of the Interior, the Secretary of Energy, the Secretary*
5 *of Commerce, the Secretary of State, the Secretary of*
6 *Defense, and the United States Trade Representative,*
7 *whether the mineral is strategic and critical to the de-*
8 *fense or national security of the United States; and*

9 (2) *make a recommendation to the Secretary of*
10 *the Interior regarding the designation of the mineral*
11 *under section 7002(c).*

12 (d) *ANNUAL UPDATES.—The Director shall update the*
13 *report required by subsection (a) and list required by sub-*
14 *section (b) not less frequently than annually.*

15 (e) *FORM.—Each report or list required by this section*
16 *shall be submitted in unclassified form but may include a*
17 *classified annex.*

18 (f) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
19 *FINED.—In this section, the term “appropriate congres-*
20 *sional committees” means—*

21 (1) *the Committee on Energy and Natural Re-*
22 *sources, the Committee on Foreign Relations, the*
23 *Committee on Armed Services, the Committee on Fi-*
24 *nance, the Committee on Homeland Security and*
25 *Governmental Affairs, the Committee on Commerce,*

1 *Science, and Transportation, and the Committee on*
2 *Appropriations of the Senate; and*

3 *(2) the Committee on Energy and Commerce, the*
4 *Committee on Foreign Affairs, the Committee on*
5 *Armed Services, the Committee on Ways and Means,*
6 *the Committee on Homeland Security, and the Com-*
7 *mittee on Appropriations of the House of Representa-*
8 *tives.*

9 **TITLE VIII—GRID**
10 **MODERNIZATION**

11 **SEC. 8001. SMART GRID REGIONAL DEMONSTRATION INI-**
12 **TIATIVE.**

13 *Section 1304 of the Energy Independence and Security*
14 *Act of 2007 (42 U.S.C. 17384) is amended—*

15 *(1) in subsection (a), by inserting “research, de-*
16 *velopment, and demonstration” before “program”;*

17 *(2) in subsection (b)—*

18 *(A) by amending paragraph (1) to read as*
19 *follows:*

20 *“(1) IN GENERAL.—The Secretary shall establish*
21 *a smart grid regional demonstration initiative (re-*
22 *ferred to in this subsection as the ‘Initiative’) com-*
23 *posed of demonstration projects focused on cost-effec-*
24 *tive, advanced technologies for use in power grid sens-*
25 *ing, communications, analysis, power flow control,*

1 *visualization, distribution automation, industrial*
2 *control systems, dynamic line rating systems, grid re-*
3 *design, and the integration of distributed energy re-*
4 *sources.”; and*

5 *(B) in paragraph (2)—*

6 *(i) in subparagraph (D), by striking*
7 *“and” at the end;*

8 *(ii) in subparagraph (E), by striking*
9 *the period and inserting “; and”; and*

10 *(iii) by inserting at the end the fol-*
11 *lowing:*

12 *“(F) to encourage the commercial applica-*
13 *tion of advanced distribution automation tech-*
14 *nologies that exert intelligent control over elec-*
15 *trical grid functions at the distribution level to*
16 *improve system resilience.”.*

17 **SEC. 8002. SMART GRID MODELING, VISUALIZATION, ARCHI-**
18 **TECTURE, AND CONTROLS.**

19 *Title XIII of the Energy Independence and Security*
20 *Act of 2007 (42 U.S.C. 17381 et seq.) is amended by insert-*
21 *ing after section 1304 the following:*

22 **“SEC. 1304A. SMART GRID MODELING, VISUALIZATION, AR-**
23 **CHITECTURE, AND CONTROLS.**

24 *“(a) IN GENERAL.—Not later than 180 days after the*
25 *enactment of this section, the Secretary shall establish a*

1 *program of research, development, demonstration, and com-*
2 *mercial application on electric grid modeling, sensing, vis-*
3 *ualization, architecture development, and advanced oper-*
4 *ation and controls.*

5 “(b) *MODELING RESEARCH AND DEVELOPMENT.*—*The*
6 *Secretary shall support development of models of emerging*
7 *technologies and systems to facilitate the secure and reliable*
8 *design, planning, and operation of the electric grid for use*
9 *by industry stakeholders. In particular, the Secretary shall*
10 *support development of—*

11 “(1) *models to analyze and predict the effects of*
12 *adverse physical and cyber events on the electric grid;*

13 “(2) *coupled models of electrical, physical, and*
14 *cyber systems;*

15 “(3) *models of existing and emerging technologies*
16 *being deployed on the electric grid due to projected*
17 *changes in the electric generation mix and loads, for*
18 *a variety of regional characteristics; and*

19 “(4) *integrated models of the communications,*
20 *transmission, distribution, and other interdependent*
21 *systems for existing, new, and emerging technologies.*

22 “(c) *SITUATIONAL AWARENESS RESEARCH AND DE-*
23 *VELOPMENT.*—

24 “(1) *IN GENERAL.*—*The Secretary shall support*
25 *development of computational tools and technologies*

1 *to improve sensing, monitoring, and visualization of*
2 *the electric grid for real-time situational awareness*
3 *and decision support tools that enable improved oper-*
4 *ation of the power system, including utility, non-util-*
5 *ity, and customer grid-connected assets, for use by in-*
6 *dustry partners.*

7 “(2) *DATA USE.*—*In developing visualization ca-*
8 *pabilities under this section, the Secretary shall de-*
9 *velop tools for industry stakeholders to use to analyze*
10 *data collected from advanced measurement and moni-*
11 *toring technologies, including data from phasor meas-*
12 *urement units and advanced metering units.*

13 “(3) *SEVERE EVENTS.*—*The Secretary shall*
14 *prioritize enhancing cyber and physical situational*
15 *awareness of the electric grid during adverse man-*
16 *made and naturally-occurring events.*

17 “(d) *OPERATION AND CONTROLS RESEARCH AND DE-*
18 *VELOPMENT.*—*The Secretary shall conduct research to de-*
19 *velop improvements to the operation and controls of the*
20 *electric grid, in coordination with industry partners. Such*
21 *activities shall include—*

22 “(1) *a training facility or facilities to allow grid*
23 *operators to gain operational experience with ad-*
24 *vanced grid control concepts and technologies;*

1 “(2) *development of cost-effective advanced oper-*
2 *ation and control concepts and technologies, such as*
3 *adaptive islanding, dynamic line rating systems,*
4 *power flow controllers, network topology optimization,*
5 *smart circuit breakers, intelligent load shedding, and*
6 *fault-tolerant control system architectures;*

7 “(3) *development of real-time control concepts*
8 *using artificial intelligence and machine learning for*
9 *improved electric grid resilience; and*

10 “(4) *utilization of advanced data analytics in-*
11 *cluding load forecasting, power flow modeling, equip-*
12 *ment failure prediction, resource optimization, risk*
13 *analysis, and decision analysis.*

14 “(e) *INTEROPERABILITY RESEARCH AND DEVELOP-*
15 *MENT.—The Secretary shall conduct research and develop-*
16 *ment on tools and technologies that improve the interoper-*
17 *ability and compatibility of new and emerging components,*
18 *technologies, and systems with existing electric grid infra-*
19 *structure.*

20 “(f) *UNDERGROUND TRANSMISSION AND DISTRIBUTION*
21 *LINES.—In carrying out the program under sub-*
22 *section (a), the Secretary shall support research and devel-*
23 *opment on underground transmission and distribution*
24 *lines. This shall include research on—*

1 “(1) *methods for lowering the costs of under-*
2 *ground transmission and distribution lines, including*
3 *through novel installation techniques and materials*
4 *considerations;*

5 “(2) *techniques to improve the lifespan of under-*
6 *ground transmission and distribution lines;*

7 “(3) *wireless sensors to improve safety of under-*
8 *ground transmission and distribution lines and to*
9 *predict, identify, detect, and transmit information*
10 *about degradation and faults; and*

11 “(4) *methods for improving the resilience and re-*
12 *liability of underground transmission and distribu-*
13 *tion lines, including technologies and techniques that*
14 *can mitigate the impact of flooding, storm surge, and*
15 *seasonal climate cycles on degradation of and damage*
16 *to underground transmission and distribution lines.*

17 “(g) *GRID ARCHITECTURE AND SCENARIO DEVELOP-*
18 *MENT.—*

19 “(1) *IN GENERAL.—Subject to paragraph (3), the*
20 *Secretary shall establish and facilitate a collaborative*
21 *process to develop model grid architecture and a set*
22 *of future scenarios for the electric grid to examine the*
23 *impacts of different combinations of resources (includ-*
24 *ing different quantities of distributed energy resources*

1 *and large-scale, central generation) on the electric*
2 *grid.*

3 “(2) *ARCHITECTURE.*—*In supporting the devel-*
4 *opment of model grid architectures, the Secretary*
5 *shall—*

6 “(A) *analyze a variety of grid architecture*
7 *scenarios that range from minor upgrades to ex-*
8 *isting transmission grid infrastructure to sce-*
9 *narios that involve the replacement of significant*
10 *portions of existing transmission grid infrastruc-*
11 *ture;*

12 “(B) *analyze the effects of the increasing*
13 *proliferation of renewable and other zero emis-*
14 *sions energy generation sources, increasing use of*
15 *distributed resources owned by non-utility enti-*
16 *ties, and the use of digital and automated con-*
17 *trols not managed by grid operators;*

18 “(C) *include a variety of new and emerging*
19 *distribution grid technologies, including distrib-*
20 *uted energy resources, electric vehicle charging*
21 *stations, distribution automation technologies,*
22 *energy storage, and renewable energy sources;*

23 “(D) *analyze the effects of local load bal-*
24 *ancing and other forms of decentralized control;*

1 “(E) analyze the effects of changes to grid
2 architectures resulting from modernizing electric
3 grid systems, including communications, con-
4 trols, markets, consumer choice, emergency re-
5 sponse, electrification, and cybersecurity con-
6 cerns; and

7 “(F) develop integrated grid architectures
8 that incorporate system resilience for cyber,
9 physical, and communications systems.

10 “(3) MARKET STRUCTURE.—The grid architec-
11 ture and scenarios developed under paragraph (1)
12 shall, to the extent practicable, account for differences
13 in market structure, including an examination of the
14 potential for stranded costs in each type of market
15 structure.

16 “(h) COMPUTING RESOURCES AND DATA COORDINA-
17 TION RESEARCH AND DEVELOPMENT.—In carrying out this
18 section, the Secretary shall—

19 “(1) leverage existing computing resources at the
20 National Laboratories; and

21 “(2) develop voluntary standards for data
22 taxonomies and communication protocols in coordi-
23 nation with public and private sector stakeholders.

1 “(i) *INFORMATION SHARING.*—None of the activities
2 authorized in this section shall require private entities to
3 share information or data with the Secretary.

4 “(j) *RESILIENCE.*—In this section, the term ‘resilience’
5 means the ability to withstand and reduce the magnitude
6 or duration of disruptive events, which includes the capa-
7 bility to anticipate, absorb, adapt to, or rapidly recover
8 from such an event, including from deliberate attacks, acci-
9 dents, and naturally occurring threats or incidents.”.

10 **SEC. 8003. INTEGRATED ENERGY SYSTEMS.**

11 *Title XIII of the Energy Independence and Security*
12 *Act of 2007 (42 U.S.C. 17381 et seq.) is amended by adding*
13 *after section 1309 the following:*

14 **“SEC. 1310. INTEGRATED ENERGY SYSTEMS.**

15 “(a) *IN GENERAL.*—Not later than 180 days after the
16 enactment of this section, the Secretary shall establish a re-
17 search, development, and demonstration program to develop
18 cost-effective integrated energy systems, including—

19 “(1) *development of computer modeling to design*
20 *different configurations of integrated energy systems*
21 *and to optimize system operation;*

22 “(2) *research on system integration needed to*
23 *plan, design, build, and operate integrated energy*
24 *systems, including interconnection requirements with*
25 *the electric grid;*

1 “(3) *development of integrated energy systems for*
2 *various applications, including—*

3 “(A) *thermal energy generation and storage*
4 *for buildings and manufacturing;*

5 “(B) *electricity storage coupled with energy*
6 *generation;*

7 “(C) *desalination;*

8 “(D) *production of liquid and gaseous fuels;*

9 *and*

10 “(E) *production of chemicals such as am-*
11 *monia and ethylene;*

12 “(4) *development of testing facilities for inte-*
13 *grated energy systems; and*

14 “(5) *research on incorporation of various tech-*
15 *nologies for integrated energy systems, including nu-*
16 *clear energy, renewable energy, storage, and carbon*
17 *capture, utilization, and sequestration technologies.*

18 “(b) *STRATEGIC PLAN.—*

19 “(1) *IN GENERAL.—Not later than 1 year after*
20 *the date of the enactment of this section, the Secretary*
21 *shall submit to the Committee on Science, Space, and*
22 *Technology of the House of Representatives and the*
23 *Committee on Energy and Natural Resources of the*
24 *Senate a strategic plan that identifies opportunities,*
25 *challenges, and standards needed for the development*

1 *and commercial application of integrated energy sys-*
2 *tems. The strategic plan shall include—*

3 *“(A) analysis of the potential benefits of de-*
4 *velopment of integrated electric systems on the*
5 *electric grid;*

6 *“(B) analysis of the potential contributions*
7 *of integrated energy systems to different grid ar-*
8 *chitecture scenarios;*

9 *“(C) research and development goals for*
10 *various integrated energy systems, including*
11 *those identified in subsection (a);*

12 *“(D) assessment of policy and market bar-*
13 *riers to the adoption of integrated energy sys-*
14 *tems;*

15 *“(E) analysis of the technical and economic*
16 *feasibility of adoption of different integrated en-*
17 *ergy systems; and*

18 *“(F) a 10-year roadmap to guide the pro-*
19 *gram established under subsection (a).*

20 *“(2) UPDATES.—Not less than once every 3 years*
21 *for the duration of this research program, the Sec-*
22 *retary shall submit an updated version of the stra-*
23 *tegic plan to the Committee on Science, Space, and*
24 *Technology of the House of Representatives and the*

1 *Committee on Energy and Natural Resources of the*
2 *Senate.*

3 “(c) *PROGRAM IMPLEMENTATION.*—*In carrying out*
4 *the research, development, demonstration, and commercial*
5 *application aims of subsection (a), the Secretary shall—*

6 “(1) *implement the recommendations set forth in*
7 *the strategic plan in subsection (b);*

8 “(2) *coordinate across all relevant program of-*
9 *fices at the Department, including—*

10 “(A) *the Office of Energy Efficiency and*
11 *Renewable Energy;*

12 “(B) *the Office of Nuclear Energy; and*

13 “(C) *the Office of Fossil Energy;*

14 “(3) *leverage existing programs and resources of*
15 *the Department; and*

16 “(4) *prioritize activities that accelerate the devel-*
17 *opment of integrated electricity generation, storage,*
18 *and distribution systems with net zero greenhouse gas*
19 *emissions.*

20 “(d) *INTEGRATED ENERGY SYSTEM DEFINED.*—*The*
21 *term ‘integrated energy system’ means a system composed*
22 *of 2 or more co-located or jointly operated sub-systems of*
23 *energy generation, energy storage, or other energy tech-*
24 *nologies.’”.*

1 **SEC. 8004. GRID INTEGRATION RESEARCH AND DEVELOP-**
2 **MENT.**

3 (a) *INTEGRATING DISTRIBUTED ENERGY RESOURCES*
4 *ONTO THE ELECTRIC GRID.*—Section 925(a) of the Energy
5 Policy Act of 2005 (42 U.S.C. 16215) is amended—

6 (1) by redesignating paragraphs (10) and (11)
7 as paragraphs (12) and (13), respectively; and

8 (2) by inserting after paragraph (9) the fol-
9 lowing:

10 “(10) the development of cost-effective tech-
11 nologies that enable two-way information and power
12 flow between distributed energy resources and the elec-
13 tric grid;

14 “(11) the development of technologies and con-
15 cepts that enable interoperability between distributed
16 energy resources and other behind-the-meter devices
17 and the electric grid;”.

18 (b) *INTEGRATING RENEWABLE ENERGY ONTO THE*
19 *ELECTRIC GRID.*—Subtitle C of title IX of the Energy Pol-
20 icy Act of 2005 (42 U.S.C. 16231 et seq.) is amended by
21 adding at the end the following:

22 **“SEC. 936. RESEARCH AND DEVELOPMENT INTO INTE-**
23 **GRATING RENEWABLE ENERGY ONTO THE**
24 **ELECTRIC GRID.**

25 “(a) *IN GENERAL.*—Not later than 180 days after the
26 enactment of this section, the Secretary shall establish a re-

1 *search, development, and demonstration program on tech-*
2 *nologies that enable integration of renewable energy genera-*
3 *tion sources onto the electric grid across multiple program*
4 *offices of the Department. The program shall include—*

5 “(1) *forecasting for predicting generation from*
6 *variable renewable energy sources;*

7 “(2) *development of cost-effective low-loss, long-*
8 *distance transmission lines; and*

9 “(3) *development of cost-effective advanced tech-*
10 *nologies for variable renewable generation sources to*
11 *provide grid services.*

12 “(b) *COORDINATION.—In carrying out this program,*
13 *the Secretary shall coordinate across all relevant program*
14 *offices at the Department to achieve the goals established*
15 *in this section, including the Office of Electricity.*

16 “(c) *ADOPTION OF TECHNOLOGIES.—In carrying out*
17 *this section, the Secretary shall consider barriers to adop-*
18 *tion and commercial application of technologies that enable*
19 *integration of renewable energy sources onto the electric*
20 *grid, including cost and other economic barriers, and shall*
21 *coordinate with relevant entities to reduce these barriers.”.*

22 “(c) *INTEGRATING ELECTRIC VEHICLES ONTO THE*
23 *ELECTRIC GRID.—Subtitle B of title I of the Energy Inde-*
24 *pendence and Security Act of 2007 (42 U.S.C. 17011 et seq.)*
25 *is amended by adding at the end the following:*

1 **“SEC. 137. RESEARCH AND DEVELOPMENT INTO INTE-**
2 **GRATING ELECTRIC VEHICLES ONTO THE**
3 **ELECTRIC GRID.**

4 *“(a) IN GENERAL.—The Secretary shall establish a re-*
5 *search, development, and demonstration program to ad-*
6 *vance the integration of electric vehicles, including plug-in*
7 *hybrid electric vehicles, onto the electric grid.*

8 *“(b) VEHICLES-TO-GRID INTEGRATION ASSESSMENT*
9 *REPORT.—Not later than 1 year after the enactment of this*
10 *section, the Secretary shall submit to the Committee on*
11 *Science, Space, and Technology of the House of Representa-*
12 *tives and the Committee on Energy and Natural Resources*
13 *of the Senate a report on the results of a study that exam-*
14 *ines the research, development, and demonstration opportu-*
15 *nities, challenges, and standards needed for integrating elec-*
16 *tric vehicles onto the electric grid.*

17 *“(1) REPORT REQUIREMENTS.—The report shall*
18 *include—*

19 *“(A) an evaluation of the use of electric ve-*
20 *hicles to maintain the reliability of the electric*
21 *grid, including—*

22 *“(i) the use of electric vehicles for de-*
23 *mand response, load shaping, emergency*
24 *power, and frequency regulation; and*

1 “(ii) the potential for the reuse of spent
2 electric vehicle batteries for stationary grid
3 storage;

4 “(B) the impact of grid integration on elec-
5 tric vehicles, including—

6 “(i) the impact of bi-directional elec-
7 tricity flow on battery degradation; and

8 “(ii) the implications of the use of elec-
9 tric vehicles for grid services on original
10 equipment manufacturer warranties;

11 “(C) the impacts to the electric grid of in-
12 creased penetration of electric vehicles, includ-
13 ing—

14 “(i) the distribution grid infrastruc-
15 ture needed to support an increase in charg-
16 ing capacity;

17 “(ii) strategies for integrating electric
18 vehicles onto the distribution grid while
19 limiting infrastructure upgrades;

20 “(iii) the changes in electricity demand
21 over a 24-hour cycle due to electric vehicle
22 charging behavior;

23 “(iv) the load increases expected from
24 electrifying the transportation sector;

1 “(v) the potential for customer incen-
2 tives and other managed charging stations
3 strategies to shift charging off-peak;

4 “(vi) the technology needed to achieve
5 bi-directional power flow on the distribution
6 grid; and

7 “(vii) the implementation of smart
8 charging techniques;

9 “(D) research on the standards needed to
10 integrate electric vehicles with the grid, includ-
11 ing communications systems, protocols, and
12 charging stations, in collaboration with the Na-
13 tional Institute for Standards and Technology;

14 “(E) the cybersecurity challenges and needs
15 associated with electrifying the transportation
16 sector; and

17 “(F) an assessment of the feasibility of
18 adopting technologies developed under the pro-
19 gram established under subsection (a) at Depart-
20 ment facilities.

21 “(2) *RECOMMENDATIONS.*—As part of the *Vehi-*
22 cles-to-Grid Integration Assessment Report, the *Sec-*
23 retary shall develop a 10-year roadmap to guide the
24 research, development, and demonstration program to
25 integrate electric vehicles onto the electric grid.

1 “(3) *CONSULTATION.*—*In developing this report,*
2 *the Secretary shall consult with relevant stakeholders,*
3 *including—*

4 “(A) *electric vehicle manufacturers;*

5 “(B) *electric utilities;*

6 “(C) *public utility commissions;*

7 “(D) *vehicle battery manufacturers;*

8 “(E) *electric vehicle supply equipment man-*
9 *ufacturers;*

10 “(F) *charging infrastructure manufacturers;*

11 “(G) *the National Laboratories; and*

12 “(H) *other Federal agencies, as the Sec-*
13 *retary determines appropriate.*

14 “(4) *UPDATES.*—*The Secretary shall update the*
15 *report required under this section every 3 years for*
16 *the duration of the program under section (a) and*
17 *shall submit the updated report to the Committee on*
18 *Science, Space, and Technology of the House of Rep-*
19 *resentatives and the Committee on Energy and Nat-*
20 *ural Resources of the Senate.*

21 “(c) *PROGRAM IMPLEMENTATION.*—*In carrying out*
22 *the research, development, demonstration, and commercial*
23 *application aims of section, the Secretary shall—*

24 “(1) *implement the recommendations set forth in*
25 *the report in subsection (b); and*

1 “(2) coordinate across all relevant program of-
2 fices at the Department to achieve the goals estab-
3 lished in this section, including the Office of Elec-
4 tricity.

5 “(d) *TESTING CAPABILITIES.*—The Secretary shall co-
6 ordinate with the National Laboratories to develop testing
7 capabilities for the evaluation, rapid prototyping, and opti-
8 mization of technologies enabling integration of electric ve-
9 hicles onto the electric grid.”.

10 **SEC. 8005. ADVISORY COMMITTEE.**

11 *Title XIII of the Energy Independence and Security*
12 *Act of 2007 (42 U.S.C. 17381 et seq.) is amended by adding*
13 *after section 1310 (as added by section 8003 of this Act)*
14 *the following:*

15 **“SEC. 1311. ADVISORY COMMITTEE.**

16 “(a) *IN GENERAL.*—Not later than 180 days after the
17 *enactment of this section, the Secretary shall designate an*
18 *existing advisory committee to advise the Secretary on the*
19 *authorization of research, development, and demonstration*
20 *projects under sections 1304 and 1304A.*

21 “(b) *RESPONSIBILITY.*—The Secretary shall annually
22 *solicit from the advisory committee—*

23 “(1) *comments to identify grid modernization*
24 *technology needs;*

1 “(2) *an assessment of the progress of the research*
2 *activities on grid modernization; and*

3 “(3) *assistance in annually updating grid mod-*
4 *ernization technology roadmaps.*”.

5 **SEC. 8006. COORDINATION OF EFFORTS.**

6 *In carrying out the amendments made by this title,*
7 *the Secretary shall coordinate with relevant entities to the*
8 *maximum extent practicable, including—*

9 (1) *electric utilities;*

10 (2) *private sector entities;*

11 (3) *representatives of all sectors of the electric*
12 *power industry;*

13 (4) *transmission organizations;*

14 (5) *transmission owners and operators;*

15 (6) *distribution organizations;*

16 (7) *distribution asset owners and operators;*

17 (8) *State, Tribal, local, and territorial govern-*
18 *ments and regulatory authorities;*

19 (9) *academic institutions;*

20 (10) *the National Laboratories;*

21 (11) *other Federal agencies;*

22 (12) *nonprofit organizations;*

23 (13) *the Federal Energy Regulatory Commission;*

24 (14) *the North American Reliability Corpora-*
25 *tion;*

1 (15) *independent system operators; and*

2 (16) *programs and program offices at the De-*
3 *partment.*

4 **SEC. 8007. TECHNOLOGY DEMONSTRATION ON THE DIS-**
5 **TRIBUTION GRID.**

6 (a) *IN GENERAL.*—*The Secretary shall establish a*
7 *grant program to carry out eligible projects related to the*
8 *modernization of the electric grid, including the application*
9 *of technologies to improve observability, advanced controls,*
10 *and prediction of system performance on the distribution*
11 *system.*

12 (b) *ELIGIBLE PROJECTS.*—*To be eligible for a grant*
13 *under subsection (a), a project shall—*

14 (1) *be designed to improve the performance and*
15 *efficiency of the future electric grid, while ensuring*
16 *the continued provision of safe, secure, reliable, and*
17 *affordable power; and*

18 (2) *demonstrate—*

19 (A) *secure integration and management of*
20 *two or more energy resources, including distrib-*
21 *uted energy generation, combined heat and*
22 *power, micro-grids, energy storage, electric vehi-*
23 *cles, energy efficiency, demand response, and in-*
24 *telligent loads; and*

1 (B) *secure integration and interoperability*
2 of *communications and information technologies.*

3 **SEC. 8008. VOLUNTARY MODEL PATHWAYS.**

4 (a) *ESTABLISHMENT OF VOLUNTARY MODEL PATH-*
5 *WAYS.—*

6 (1) *ESTABLISHMENT.—Not later than 90 days*
7 *after the date of enactment of this Act, the Secretary*
8 *of Energy (in this section referred to as the “Sec-*
9 *retary”), in consultation with the steering committee*
10 *established under paragraph (3), shall initiate the de-*
11 *velopment of voluntary model pathways for modern-*
12 *izing the electric grid through a collaborative, public-*
13 *private effort that—*

14 (A) *produces illustrative policy pathways*
15 *encompassing a diverse range of technologies that*
16 *can be adapted for State and regional applica-*
17 *tions by regulators and policymakers;*

18 (B) *facilitates the modernization of the elec-*
19 *tric grid and associated communications net-*
20 *works to achieve the objectives described in para-*
21 *graph (2);*

22 (C) *ensures a reliable, resilient, affordable,*
23 *safe, and secure electric grid; and*

1 (D) acknowledges and accounts for different
2 priorities, electric systems, and rate structures
3 across States and regions.

4 (2) *OBJECTIVES.*—The pathways established
5 under paragraph (1) shall facilitate achievement of as
6 many of the following objectives as practicable:

7 (A) Near real-time situational awareness of
8 the electric system.

9 (B) Data visualization.

10 (C) Advanced monitoring and control of the
11 advanced electric grid.

12 (D) Enhanced certainty of policies for in-
13 vestment in the electric grid.

14 (E) Increased innovation.

15 (F) Greater consumer empowerment.

16 (G) Enhanced grid resilience, reliability,
17 and robustness.

18 (H) Improved—

19 (i) integration of distributed energy re-
20 sources;

21 (ii) interoperability of the electric sys-
22 tem; and

23 (iii) predictive modeling and capacity
24 forecasting.

25 (I) Reduced cost of service for consumers.

1 *(J) Diversification of generation sources.*

2 *(3) STEERING COMMITTEE.—Not later than 90*
3 *days after the date of enactment of this Act, the Sec-*
4 *retary shall establish a steering committee to help de-*
5 *velop the pathways under paragraph (1), to be com-*
6 *posed of members appointed by the Secretary, con-*
7 *sisting of persons with appropriate expertise rep-*
8 *resenting a diverse range of interests in the public,*
9 *private, and academic sectors, including representa-*
10 *tives of—*

11 *(A) the Federal Energy Regulatory Com-*
12 *mission;*

13 *(B) the National Laboratories;*

14 *(C) States;*

15 *(D) State regulatory authorities;*

16 *(E) transmission organizations;*

17 *(F) representatives of all sectors of the elec-*
18 *tric power industry;*

19 *(G) institutions of higher education;*

20 *(H) independent research institutes; and*

21 *(I) other entities.*

22 *(b) TECHNICAL ASSISTANCE.—The Secretary may pro-*
23 *vide technical assistance to States, Indian Tribes, or units*
24 *of local government to adopt or implement one or more ele-*

1 *ments of the pathways developed under subsection (a)(1),*
2 *including on a pilot basis.*

3 **SEC. 8009. PERFORMANCE METRICS FOR ELECTRICITY IN-**
4 **FRASTRUCTURE PROVIDERS.**

5 *(a) IN GENERAL.—Not later than 2 years after the*
6 *date of enactment of this Act, the Secretary of Energy, in*
7 *consultation with the steering committee established under*
8 *section 8008(a)(3), shall submit to the Committee on En-*
9 *ergy and Natural Resources of the Senate and the Com-*
10 *mittee on Energy and Commerce of the House of Represent-*
11 *atives a report that includes—*

12 *(1) an evaluation of the performance of the elec-*
13 *tric grid as of the date of the report; and*

14 *(2) a description of the projected range of meas-*
15 *urable costs and benefits associated with the changes*
16 *evaluated under the scenarios developed under section*
17 *1304A of the Energy Independence and Security Act*
18 *of 2007.*

19 *(b) CONSIDERATIONS FOR DEVELOPMENT OF*
20 *METRICS.—In developing metrics for the evaluation and*
21 *projections under subsection (a), the Secretary of Energy*
22 *shall consider—*

23 *(1) standard methodologies for calculating im-*
24 *provements or deteriorations in the performance*
25 *metrics, such as reliability, grid efficiency, power*

1 *quality, consumer satisfaction, sustainability, and fi-*
2 *nancial incentives;*

3 (2) *standard methodologies for calculating poten-*
4 *tial costs and measurable benefits value to ratepayers,*
5 *applying the performance metrics developed under*
6 *paragraph (1);*

7 (3) *identification of tools, resources, and deploy-*
8 *ment models that may enable improved performance*
9 *through the adoption of emerging, commercially*
10 *available or advanced grid technologies or solutions,*
11 *including—*

12 (A) *multicustomer micro-grids;*

13 (B) *distributed energy resources;*

14 (C) *energy storage;*

15 (D) *electric vehicles;*

16 (E) *electric vehicle charging infrastructure;*

17 (F) *integrated information and communica-*
18 *tions systems;*

19 (G) *transactive energy systems; and*

20 (H) *advanced demand management sys-*
21 *tems; and*

22 (4) *the role of States and local regulatory au-*
23 *thorities in enabling a robust future electric grid to*
24 *ensure that—*

1 (A) *electric utilities remain financially via-*
2 *ble;*

3 (B) *electric utilities make the needed invest-*
4 *ments that ensure a reliable, secure, and resilient*
5 *grid; and*

6 (C) *costs incurred to transform to an inte-*
7 *grated grid are allocated and recovered respon-*
8 *sibly, efficiently, and equitably.*

9 **SEC. 8010. VOLUNTARY STATE, REGIONAL, AND LOCAL**
10 ***ELECTRICITY DISTRIBUTION PLANNING.***

11 (a) *IN GENERAL.*—*On the request of a State, regional*
12 *organization, or electric utility, the Secretary of Energy*
13 *shall provide assistance to States, regional organizations,*
14 *and electric utilities to facilitate the development of State,*
15 *regional, and local electricity distribution plans by—*

16 (1) *conducting a resource assessment and anal-*
17 *ysis of future demand and distribution requirements;*
18 *and*

19 (2) *developing open source tools for State, re-*
20 *gional, and local planning and operations.*

21 (b) *RISK AND SECURITY ANALYSIS.*—*The assessment*
22 *under subsection (a)(1) shall include—*

23 (1) *the evaluation of the physical security, cyber-*
24 *security, and associated communications needs of an*

1 *advanced distribution management system and the*
2 *integration of distributed energy resources; and*

3 (2) *advanced use of grid architecture to analyze*
4 *risks in an all-hazards approach that includes com-*
5 *munications infrastructure, control systems architec-*
6 *ture, and power systems architecture.*

7 (c) *DESIGNATION.*—*The information collected for the*
8 *assessment and analysis under subsection (a)(1)—*

9 (1) *shall be considered to be critical electric in-*
10 *frastructure information under section 215A of the*
11 *Federal Power Act (16 U.S.C. 824o–1); and*

12 (2) *shall only be released in compliance with reg-*
13 *ulations implementing that section.*

14 (d) *TECHNICAL ASSISTANCE.*—*For the purpose of as-*
15 *sisting in the development of State and regional electricity*
16 *distribution plans, the Secretary shall provide technical as-*
17 *sistance to—*

18 (1) *States;*

19 (2) *regional reliability entities; and*

20 (3) *other distribution asset owners and opera-*
21 *tors.*

22 (e) *WITHDRAWAL.*—*A State or any entity that has re-*
23 *quested technical assistance under this section may with-*
24 *draw the request for technical assistance at any time, and*

1 *on such withdrawal, the Secretary shall terminate all as-*
2 *sistance efforts.*

3 (f) *EFFECT.*—*Nothing in this section authorizes the*
4 *Secretary to require any State, regional organization, re-*
5 *gional reliability entity, asset owner, or asset operator to*
6 *adopt any model, tool, plan, analysis, or assessment.*

7 **SEC. 8011. MICRO-GRID AND INTEGRATED MICRO-GRID SYS-**
8 **TEMS PROGRAM.**

9 (a) *DEFINITIONS.*—*In this section:*

10 (1) *INTEGRATED MICRO-GRID SYSTEM.*—*The*
11 *term “integrated micro-grid system” means a micro-*
12 *grid system that—*

13 (A) *comprises generation from both conven-*
14 *tional and renewable energy resources; and*

15 (B) *may use grid-scale energy storage.*

16 (2) *ISOLATED COMMUNITY.*—*The term “isolated*
17 *community” means a community that is powered by*
18 *a stand-alone electric generation and distribution sys-*
19 *tem without the economic and reliability benefits of*
20 *connection to a regional electric grid.*

21 (3) *MICRO-GRID SYSTEM.*—*The term “micro-grid*
22 *system” means a localized grid that operates autono-*
23 *mously, regardless of whether the grid can operate in*
24 *connection with another grid.*

1 (4) *RURAL ELECTRIC COOPERATIVE.*—The term
2 “rural electric cooperative” means an electric coopera-
3 tive (as defined in section 3 of the Federal Power Act
4 (16 U.S.C. 796)) that sells electric energy to persons
5 in rural areas.

6 (5) *STRATEGY.*—The term “strategy” means the
7 strategy developed pursuant to subsection (b)(2)(B).

8 (b) *PROGRAM.*—

9 (1) *ESTABLISHMENT.*—The Secretary of Energy
10 (in this section referred to as the “Secretary”) shall
11 establish a program to promote the development of—

12 (A) *integrated micro-grid systems for iso-*
13 *lated communities; and*

14 (B) *micro-grid systems to increase the resil-*
15 *ience of critical infrastructure.*

16 (2) *REQUIREMENTS.*—The program established
17 under paragraph (1) shall—

18 (A) *develop a feasibility assessment for—*

19 (i) *integrated micro-grid systems in*
20 *isolated communities; and*

21 (ii) *micro-grid systems to enhance the*
22 *resilience of critical infrastructure;*

23 (B) *develop an implementation strategy, in*
24 *accordance with paragraph (3), to promote the*
25 *development of integrated micro-grid systems for*

1 *isolated communities, particularly for those com-*
2 *munities exposed to extreme weather conditions*
3 *and high energy costs, including electricity,*
4 *space heating and cooling, and transportation;*

5 *(C) develop an implementation strategy to*
6 *promote the development of micro-grid systems*
7 *that increase the resilience of critical infrastruc-*
8 *ture; and*

9 *(D) carry out cost-shared demonstration*
10 *projects, based upon the strategies developed*
11 *under subparagraph (B) that include the devel-*
12 *opment of physical and cybersecurity plans to*
13 *take appropriate measures to protect and secure*
14 *the electric grid.*

15 (3) *REQUIREMENTS FOR STRATEGY.*—*In devel-*
16 *oping the strategy under paragraph (2)(B), the Sec-*
17 *retary shall consider—*

18 *(A) opportunities for improving the effi-*
19 *ciency of existing integrated micro-grid systems;*

20 *(B) the capacity of the local workforce to*
21 *operate, maintain, and repair a integrated*
22 *micro-grid system as well as opportunities to im-*
23 *prove that capacity;*

24 *(C) leveraging existing capacity within*
25 *local or regional research organizations, such as*

1 *organizations based at institutions of higher edu-*
2 *cation, to support development of integrated*
3 *micro-grid systems, including by testing novel*
4 *components and systems prior to field deploy-*
5 *ment;*

6 *(D) the need for basic infrastructure to de-*
7 *velop, deploy, and sustain a integrated micro-*
8 *grid system;*

9 *(E) input of traditional knowledge from*
10 *local leaders of isolated communities in the de-*
11 *velopment of a integrated micro-grid system;*

12 *(F) the impact of integrated micro-grid sys-*
13 *tems on defense, homeland security, economic de-*
14 *velopment, and environmental interests;*

15 *(G) opportunities to leverage existing inter-*
16 *agency coordination efforts and recommenda-*
17 *tions for new interagency coordination efforts to*
18 *minimize unnecessary overhead, mobilization,*
19 *and other project costs; and*

20 *(H) any other criteria the Secretary deter-*
21 *mines appropriate.*

22 *(c) COLLABORATION.—The program established under*
23 *subsection (b)(1) shall be carried out in collaboration with*
24 *relevant stakeholders, including, as appropriate—*

25 *(1) States;*

- 1 (2) *Indian Tribes;*
- 2 (3) *regional entities and regulators;*
- 3 (4) *units of local government;*
- 4 (5) *institutions of higher education; and*
- 5 (6) *private sector entities.*

6 (d) *REPORT.*—*Not later than 180 days after the date*
7 *of enactment of this Act, and annually thereafter until cal-*
8 *endar year 2029, the Secretary shall submit to the Com-*
9 *mittee on Energy and Natural Resources of the Senate and*
10 *the Committee on Energy and Commerce of the House of*
11 *Representatives a report on the efforts to implement the pro-*
12 *gram established under subsection (b)(1) and the status of*
13 *the strategy developed under subsection (b)(2)(B).*

14 (e) *BARRIERS AND BENEFITS TO MICRO-GRID SYS-*
15 *TEMS.*—

16 (1) *REPORT.*—*Not later than 270 days after the*
17 *date of enactment of this Act, the Secretary shall sub-*
18 *mit to the Committee on Energy and Natural Re-*
19 *sources of the Senate and the Committee on Energy*
20 *and Commerce of the House of Representatives a re-*
21 *port on the benefits of, and barriers to, implementing*
22 *resilient micro-grid systems that are—*

23 (A)(i) *owned or operated by an isolated*
24 *community, rural electric cooperative, or munic-*
25 *ipal government; or*

1 (ii) operated on behalf of a municipal gov-
2 ernment or rural electric cooperative; and

3 (B) designed to maximize the use of—

4 (i) energy-generation facilities owned
5 or operated by isolated communities; or

6 (ii) a municipal or rural electric coop-
7 erative energy-generation facility.

8 (2) *GRANTS TO OVERCOME BARRIERS.*—*The Sec-*
9 *retary shall award grants of not more than \$500,000*
10 *to not fewer than 20 municipal governments, rural*
11 *electric cooperatives, or isolated communities, up to a*
12 *total of \$15,000,000, each year to assist those munic-*
13 *ipal governments, rural electric cooperatives, and iso-*
14 *lated communities in overcoming the barriers identi-*
15 *fied in the report under paragraph (1).*

16 **SEC. 8012. TECHNICAL AMENDMENTS; AUTHORIZATION OF**
17 **APPROPRIATIONS.**

18 (a) *TECHNICAL AMENDMENTS.*—

19 (1) *ENERGY INDEPENDENCE AND SECURITY ACT*
20 *OF 2007.*—*Section 1(b) of the Energy Independence*
21 *and Security Act of 2007 is amended in the table of*
22 *contents—*

23 (A) *by inserting the following after the item*
24 *related to section 136:*

 “*Sec. 137. Research and development into integrating electric vehicles onto the
 electric grid.*”;

1 (B) by inserting the following after the item
2 related to section 1304:

“Sec. 1304A. Smart grid modeling, visualization, architecture, and controls.”;
and

3 (C) by inserting the following after the item
4 related to section 1309:

“Sec. 1310. Integrated energy systems.
“Sec. 1311. Advisory committee.”.

5 (2) *ENERGY POLICY ACT OF 2005*.—Section 1(b)
6 of the *Energy Policy Act of 2005* is amended in the
7 table of contents by inserting the following after the
8 item related to section 935:

“Sec. 936. Research and development into integrating renewable energy onto the
electric grid.”.

9 (b) *AUTHORIZATION OF APPROPRIATIONS*.—There are
10 authorized to be appropriated—

11 (1) to carry out section 8006 and the amend-
12 ments made by sections 8001, 8002, and 8005 of this
13 title—

14 (A) \$175,000,000 for fiscal year 2021;

15 (B) \$180,000,000 for fiscal year 2022;

16 (C) \$185,000,000 for fiscal year 2023;

17 (D) \$190,000,000 for fiscal year 2024; and

18 (E) \$199,500,000 for fiscal year 2025;

19 (2) to carry out sections 8007, 8008, 8009, 8010,
20 and 8011 of this title \$175,000,000 for each of fiscal
21 years 2021 through 2025;

22 (3) to carry out section 8003 of this title—

- 1 (A) \$21,000,000 for fiscal year 2021;
- 2 (B) \$22,050,000 for fiscal year 2022;
- 3 (C) \$23,153,000 for fiscal year 2023;
- 4 (D) \$24,310,000 for fiscal year 2024; and
- 5 (E) \$25,525,000 for fiscal year 2025; and
- 6 (4) to carry out section 8004 of this title—
- 7 (A) \$52,500,000 for fiscal year 2021;
- 8 (B) \$55,152,000 for fiscal year 2022;
- 9 (C) \$57,882,000 for fiscal year 2023;
- 10 (D) \$60,775,000 for fiscal year 2024; and
- 11 (E) \$63,814,000 for fiscal year 2025.

12 **SEC. 8013. INDIAN ENERGY.**

13 (a) *DEFINITION OF INDIAN LAND.*—Section 2601(2) of

14 *the Energy Policy Act of 1992 (25 U.S.C. 3501(2)) is*

15 *amended—*

- 16 (1) *in subparagraph (B)(iii), by striking “and”;*
- 17 (2) *in subparagraph (C), by striking “land.”*
- 18 *and inserting “land;”;* and
- 19 (3) *by adding at the end the following subpara-*
- 20 *graphs:*

21 “(D) *any land located in a census tract in*

22 *which the majority of residents are Natives (as*

23 *defined in section 3(b) of the Alaska Native*

24 *Claims Settlement Act (43 U.S.C. 1602(b))*); and

1 “(E) any land located in a census tract in
2 which the majority of residents are persons who
3 are enrolled members of a federally recognized
4 Tribe or village.”.

5 (b) *REDUCTION OF COST SHARE.*—Section 2602(b)(5)
6 of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(5))
7 is amended by adding at the end the following subpara-
8 graphs:

9 “(D) The Secretary of Energy may reduce any
10 applicable cost share required of an Indian tribe,
11 intertribal organization, or tribal energy development
12 organization in order to receive a grant under this
13 subsection to not less than 10 percent if the Indian
14 tribe, intertribal organization, or tribal energy devel-
15 opment organization meets criteria developed by the
16 Secretary of Energy, including financial need.

17 “(E) Section 988 of the Energy Policy Act of
18 2005 (42 U.S.C. 16352) shall not apply to assistance
19 provided under this subsection.”.

20 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
21 2602(b)(7) of the Energy Policy Act of 1992 (25 U.S.C.
22 3502(b)(7)) is amended by striking “ \$20,000,000 for each
23 of fiscal years 2006 through 2016” and inserting “
24 \$30,000,000 for each of fiscal years 2021 through 2025”.

1 **SEC. 8014. REPORT ON ELECTRICITY ACCESS AND RELI-**
2 **ABILITY.**

3 (a) *ASSESSMENT.*—*The Secretary of Energy shall con-*
4 *duct an assessment of the status of access to electricity by*
5 *households residing in Tribal communities or on Indian*
6 *land, and the reliability of electric service available to*
7 *households residing in Tribal communities or on Indian*
8 *land, as compared to the status of access to and reliability*
9 *of electricity within neighboring States or within the State*
10 *in which Indian land is located.*

11 (b) *CONSULTATION.*—*The Secretary of Energy shall*
12 *consult with Indian Tribes, Tribal organizations, the North*
13 *American Electricity Reliability Corporation, and the Fed-*
14 *eral Energy Regulatory Commission in the development*
15 *and conduct of the assessment under subsection (a). Indian*
16 *Tribes and Tribal organizations shall have the opportunity*
17 *to review and make recommendations regarding the devel-*
18 *opment of the assessment and the findings of the assessment,*
19 *prior to the submission of the report under subsection (c).*

20 (c) *REPORT.*—*Not later than 18 months after the date*
21 *of enactment of this Act, the Secretary of Energy shall sub-*
22 *mit to the Committee on Energy and Commerce of the*
23 *House of Representatives and the Committee on Energy and*
24 *Natural Resources of the Senate a report on the results of*
25 *the assessment conducted under subsection (a), which shall*
26 *include—*

1 (1) a description of generation, transmission,
2 and distribution assets available to provide electricity
3 to households residing in Tribal communities or on
4 Indian land;

5 (2) a survey of the retail and wholesale prices of
6 electricity available to households residing in Tribal
7 communities or on Indian land;

8 (3) a description of participation of Tribal mem-
9 bers in the electric utility workforce, including the
10 workforce for construction and maintenance of renew-
11 able energy resources and distributed energy re-
12 sources;

13 (4) the percentage of households residing in Trib-
14 al communities or on Indian land that do not have
15 access to electricity;

16 (5) the potential of distributed energy resources
17 to provide electricity to households residing in Tribal
18 communities or on Indian land;

19 (6) the potential for tribally-owned electric utili-
20 ties or electric utility assets to participate in or ben-
21 efit from regional electricity markets;

22 (7) a description of the barriers to providing ac-
23 cess to electric service to households residing in Tribal
24 communities or on Indian land; and

1 (8) *recommendations to improve access to and*
2 *reliability of electric service for households residing in*
3 *Tribal communities or on Indian land.*

4 (d) *DEFINITIONS.—In this section:*

5 (1) *TRIBAL MEMBER.—The term “Tribal mem-*
6 *ber” means a person who is an enrolled member of a*
7 *federally recognized Tribe or village.*

8 (2) *TRIBAL COMMUNITY.—The term “Tribal com-*
9 *munity” means a community in a United States cen-*
10 *sus tract in which the majority of residents are per-*
11 *sons who are enrolled members of a federally recog-*
12 *nized Tribe or village.*

13 **SEC. 8015. NET METERING STUDY AND EVALUATION.**

14 (a) *IN GENERAL.—Not later than 180 days after the*
15 *date of enactment of this Act, the Secretary of Energy shall*
16 *seek to enter into an agreement with the National Acad-*
17 *emies of Sciences, Engineering, and Medicine (referred to*
18 *in this section as the “National Academies”) under which*
19 *the National Academies shall—*

20 (1) *study the opportunities and challenges associ-*
21 *ated with net metering; and*

22 (2) *evaluate the expected medium- and long-term*
23 *impacts of net metering.*

1 **(b) ELEMENTS.**—*The study and evaluation conducted*
2 *pursuant to the agreement entered into under subsection (a)*
3 *shall address—*

4 (1) *developments in net metering, including the*
5 *emergence of new technologies;*

6 (2) *alternatives to existing metering systems*
7 *that—*

8 (A) *provide for transactions that—*

9 (i) *measure electric energy consump-*
10 *tion by an electric consumer at the home or*
11 *facility of that electric consumer; and*

12 (ii) *are capable of sending electric en-*
13 *ergy usage information through a commu-*
14 *nications network to an electric utility;*

15 (B) *promote equitable distribution of re-*
16 *sources and costs; and*

17 (C) *provide incentives for the use of distrib-*
18 *uted renewable generation;*

19 (3) *net metering planning and operating tech-*
20 *niques;*

21 (4) *effective architecture for net metering;*

22 (5) *successful net metering business models;*

23 (6) *consumer and industry incentives for net me-*
24 *tering;*

1 (7) *the role of renewable resources in the electric*
2 *grid;*

3 (8) *the role of net metering in developing future*
4 *models for renewable infrastructure; and*

5 (9) *the use of battery storage with net metering.*

6 (c) *REPORT.—*

7 (1) *IN GENERAL.—The agreement entered into*
8 *under subsection (a) shall require the National Acad-*
9 *emies to submit to the Secretary of Energy, not later*
10 *than 2 years after entering into the agreement, a re-*
11 *port that describes the results of the study and evalua-*
12 *tion conducted pursuant to the agreement.*

13 (2) *PUBLIC AVAILABILITY.—The report submitted*
14 *under paragraph (1) shall be made available to the*
15 *public through electronic means, including the inter-*
16 *net.*

17 ***TITLE IX—DEPARTMENT OF***
18 ***ENERGY INNOVATION***

19 ***SEC. 9001. OFFICE OF TECHNOLOGY TRANSITIONS.***

20 *Section 1001 of the Energy Policy Act of 2005 (42*
21 *U.S.C. 16391) is amended—*

22 (1) *by striking subsection (a) and all that follows*
23 *through “The Coordinator” in subsection (b) and in-*
24 *serting the following:*

25 “*(a) OFFICE OF TECHNOLOGY TRANSITIONS.—*

1 “(1) *ESTABLISHMENT.*—*There is established*
2 *within the Department an Office of Technology Tran-*
3 *sitions (referred to in this section as the ‘Office’).*”

4 “(2) *MISSION.*—*The mission of the Office shall*
5 *be—*

6 “(A) *to expand the commercial impact of*
7 *the research investments of the Department; and*

8 “(B) *to focus on commercializing tech-*
9 *nologies that support the missions of the Depart-*
10 *ment, including reducing greenhouse gas emis-*
11 *sions and other pollutants.*”

12 “(3) *GOALS.*—

13 “(A) *IN GENERAL.*—*In carrying out the*
14 *mission and activities of the Office, the Chief*
15 *Commercialization Officer appointed under*
16 *paragraph (4) shall, with respect to commer-*
17 *cialization activities, meet all of the goals de-*
18 *scribed in subparagraph (B).*”

19 “(B) *GOALS DESCRIBED.*—*The goals re-*
20 *ferred to in subparagraph (A) are the following:*

21 “(i) *Reduction of greenhouse gas emis-*
22 *sions and other pollutants.*”

23 “(ii) *Ensuring economic competitive-*
24 *ness.*”

1 “(iii) *Enhancement of domestic energy*
2 *security and national security.*

3 “(iv) *Enhancement of domestic jobs.*

4 “(v) *Improvement of energy efficiency.*

5 “(vi) *Any other goals to support the*
6 *transfer of technology developed by Depart-*
7 *ment-funded programs to the private sector,*
8 *as consistent with missions of the Depart-*
9 *ment.*

10 “(4) *CHIEF COMMERCIALIZATION OFFICER.—*

11 “(A) *IN GENERAL.—The Office shall be*
12 *headed by an officer, who shall be known as the*
13 *‘Chief Commercialization Officer’, and who shall*
14 *report directly to, and be appointed by, the Sec-*
15 *retary.*

16 “(B) *PRINCIPAL ADVISOR.—The Chief Com-*
17 *mmercialization Officer shall be the principal ad-*
18 *visor to the Secretary on all matters relating to*
19 *technology transfer and commercialization.*

20 “(C) *QUALIFICATIONS.—The Chief Commer-*
21 *cialization Officer”;*

22 (2) *in subsection (c)—*

23 (A) *in paragraph (1), by striking “sub-*
24 *section (d)” and inserting “subsection (b)”;*

1 (B) by redesignating paragraphs (1)
2 through (4) as clauses (i) through (iv), respec-
3 tively, and indenting appropriately; and

4 (C) by striking the subsection designation
5 and heading and all that follows through “The
6 Coordinator” in the matter preceding clause (i)
7 (as so redesignated) and inserting the following:

8 “(D) DUTIES.—The Chief Commercializa-
9 tion Officer”;

10 (3) by adding at the end of subsection (a) (as
11 amended by paragraph (2)(C)) the following:

12 “(5) COORDINATION.—In carrying out the mis-
13 sion and activities of the Office, the Chief Commer-
14 cialization Officer shall coordinate with the senior
15 leadership of the Department, other relevant program
16 offices of the Department, National Laboratories, the
17 Technology Transfer Working Group established
18 under subsection (b), the Technology Transfer Policy
19 Board, and other stakeholders (including private in-
20 dustry).”;

21 (4) by redesignating subsections (d) through (h)
22 as subsections (b) through (f), respectively;

23 (5) in subsection (f) (as so redesignated), by
24 striking “subsection (e)” and inserting “subsection
25 (c)”; and

1 (6) *by adding at the end the following:*

2 “(g) *ADDITIONAL TECHNOLOGY TRANSFER PRO-*
3 *GRAMS.—The Secretary may develop additional programs*
4 *to—*

5 “(1) *support regional energy innovation systems;*

6 “(2) *support clean energy incubators;*

7 “(3) *provide small business vouchers;*

8 “(4) *provide financial and technical assistance*
9 *for entrepreneurial fellowships at national labora-*
10 *tories;*

11 “(5) *encourage students, energy researchers, and*
12 *national laboratory employees to develop entrepre-*
13 *neurial skillsets and engage in entrepreneurial oppor-*
14 *tunities;*

15 “(6) *support private companies and individuals*
16 *in partnering with National Laboratories; and*

17 “(7) *further support the mission and goals of the*
18 *Office.”.*

19 **SEC. 9002. LAB PARTNERING SERVICE PILOT PROGRAM.**

20 (a) *PILOT PROGRAM.—*

21 (1) *IN GENERAL.—The Secretary of Energy (in*
22 *this section referred to as the “Secretary”), acting*
23 *through the Chief Commercialization Officer estab-*
24 *lished in section 1001(a) of the Energy Policy Act of*
25 *2005 (42 U.S.C. 16391(a)), shall establish a Lab*

1 *Partnering Service Pilot Program (hereinafter in this*
2 *section referred to as the “pilot program”).*

3 (2) *PURPOSES.—The purposes of the pilot pro-*
4 *gram are to provide services that encourage and sup-*
5 *port partnerships between the National Laboratories*
6 *and public and private sector entities, and to improve*
7 *communication of research, development, demonstra-*
8 *tion, and commercial application projects and oppor-*
9 *tunities at the National Laboratories to potential*
10 *partners through the development of a website and the*
11 *provision of services, in collaboration with relevant*
12 *external entities, and to identify and develop metrics*
13 *regarding the effectiveness of such partnerships.*

14 (3) *ACTIVITIES.—In carrying out this pilot pro-*
15 *gram, the Secretary shall—*

16 (A) *conduct outreach to and engage with*
17 *relevant public and private entities;*

18 (B) *identify and disseminate best practices*
19 *for strengthening connections between the Na-*
20 *tional Laboratories and public and private sec-*
21 *tor entities; and*

22 (C) *develop a website to disseminate infor-*
23 *mation on—*

24 (i) *different partnering mechanisms for*
25 *working with the National Laboratories;*

1 (ii) *National Laboratory experts and*
2 *research areas; and*

3 (iii) *National Laboratory facilities and*
4 *user facilities.*

5 (b) *METRICS.—The Secretary shall support the devel-*
6 *opment of metrics, including conversion metrics, to deter-*
7 *mine the effectiveness of the pilot program in achieving the*
8 *purposes in subsection (a) and the number and types of*
9 *partnerships established between public and private sector*
10 *entities and the National Laboratories compared to baseline*
11 *data.*

12 (c) *COORDINATION.—In carrying out the activities au-*
13 *thorized in this section, the Secretary shall coordinate with*
14 *the Directors of (and dedicated technology transfer staff at)*
15 *the National Laboratories, in particular for matchmaking*
16 *services for individual projects, which should be led by the*
17 *National Laboratories.*

18 (d) *FUNDING EMPLOYEE PARTNERING ACTIVITIES.—*
19 *The Secretary shall delegate to the Directors of each Na-*
20 *tional Laboratory and single-purpose research facility of*
21 *the Department the authority to compensate National Lab-*
22 *oratory employees providing services under this section.*

23 (e) *DURATION.—Subject to the availability of appro-*
24 *priations, the pilot program established in this section shall*

1 *operate for not less than 3 years and may be built off an*
2 *existing program.*

3 (f) *EVALUATION.*—*Not later than 6 months after the*
4 *completion of this pilot program, the Secretary shall sup-*
5 *port the evaluation of the success of the pilot program in*
6 *achieving the purposes in subsection (a) and shall submit*
7 *the evaluation to the Committee on Science, Space, and*
8 *Technology of the House of Representatives and the Com-*
9 *mittee on Energy and Natural Resources of the Senate. The*
10 *assessment shall include analyses of the performance of the*
11 *pilot program based on the metrics developed under sub-*
12 *section (b).*

13 (g) *DEFINITION.*—*In this section, the term “National*
14 *Laboratory” has the meaning given such term in section*
15 *2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).*

16 **SEC. 9003. TECHNOLOGY COMMERCIALIZATION FUND.**

17 *Section 1001(e) of the Energy Policy Act of 2005 (42*
18 *U.S.C. 16391(e)) is amended to read as follows:*

19 “(e) *TECHNOLOGY COMMERCIALIZATION FUND.*—

20 “(1) *ESTABLISHMENT.*—*The Secretary, acting*
21 *through the Chief Commercialization Officer estab-*
22 *lished in section 1001(a) of the Energy Policy Act of*
23 *2005 (42 U.S.C. 16391(a)), shall establish a Tech-*
24 *nology Commercialization Fund (hereafter referred to*
25 *as the ‘Fund’), using nine-tenths of one percent of the*

1 *amount of appropriations made available to the De-*
2 *partment for applied energy research, development,*
3 *demonstration, and commercial application for each*
4 *fiscal year, to be used to provide, in accordance with*
5 *the cost-sharing requirements under section 988,*
6 *funds to private partners, including national labora-*
7 *tories, to promote promising energy technologies for*
8 *commercial purposes.*

9 “(2) *APPLICATIONS.—*

10 “(A) *CONSIDERATIONS.—The Secretary*
11 *shall develop criteria for evaluating applications*
12 *for funding under this section, which may in-*
13 *clude—*

14 “(i) *the potential that a proposed tech-*
15 *nology will result in a commercially suc-*
16 *cessful product within a reasonable time-*
17 *frame; and*

18 “(ii) *the relative maturity of a pro-*
19 *posed technology for commercial applica-*
20 *tion.*

21 “(B) *SELECTIONS.—In awarding funds*
22 *under this section, the Secretary may give spe-*
23 *cial consideration to applications that involve at*
24 *least one applicant that has participated in an*

1 *entrepreneurial or commercialization training*
2 *program, such as Energy Innovation Corps.*

3 “(f) *ANNUAL REPORT.*—*The Secretary shall include in*
4 *the annual report required under section 9007(a) of the En-*
5 *ergy Act of 2020—*

6 “(1) *description of the projects carried out with*
7 *awards from the Fund for that fiscal year;*

8 “(2) *each project’s cost-share for that fiscal year;*
9 *and*

10 “(3) *each project’s partners for that fiscal year.*

11 “(g) *TECHNOLOGY COMMERCIALIZATION FUND RE-*
12 *PORT.*—

13 “(1) *IN GENERAL.*—*Not later than 1 year after*
14 *the date of enactment of the Energy Act of 2020, the*
15 *Secretary shall submit to the Committee on Science,*
16 *Space, and Technology and Committee on Appropria-*
17 *tions of the House of Representatives and the Com-*
18 *mittee on Energy and Natural Resources and Com-*
19 *mittee on Appropriations of the Senate a report on*
20 *the current and recommended implementation of the*
21 *Fund.*

22 “(2) *CONTENTS.*—*The report under subpara-*
23 *graph (A) shall include—*

24 “(A) *a summary, with supporting data, of*
25 *how much Department program offices con-*

1 *tribute to and use the Fund each year, including*
2 *a list of current funding restrictions;*

3 “(B) *recommendations on how to improve*
4 *implementation and administration of the Fund;*
5 *and*

6 “(C) *an analysis on how to spend funds op-*
7 *timally on technology areas that have the great-*
8 *est need and opportunity for commercial appli-*
9 *cation, rather than spending funds at the pro-*
10 *grammatic level or under current funding re-*
11 *strictions.”.*

12 **SEC. 9004. STREAMLINING PRIZE COMPETITIONS.**

13 *Section 1008 of the Energy Policy Act of 2005 (42*
14 *U.S.C. 16396) is amended by inserting after subsection (d)*
15 *the following (and redesignating subsections (f) and (g) as*
16 *subsections (g) and (h), respectively):*

17 “(e) *COORDINATION.—In carrying out subsection (a),*
18 *and for any prize competitions under section 105 of the*
19 *America Creating Opportunities to Meaningfully Promote*
20 *Excellence in Technology, Education, and Science Reau-*
21 *thorization Act of 2010, the Secretary shall—*

22 “(1) *issue Department-wide guidance on the de-*
23 *sign, development, and implementation of prize com-*
24 *petitions;*

1 “(2) collect and disseminate best practices on the
2 design and administration of prize competitions;

3 “(3) streamline contracting mechanisms for the
4 implementation of prize competitions; and

5 “(4) provide training and prize competition de-
6 sign support, as necessary, to Department staff to de-
7 velop prize competitions and challenges.”.

8 **SEC. 9005. MILESTONE-BASED DEMONSTRATION PROJECTS.**

9 (a) *IN GENERAL.*—Acting under section 646(g) of the
10 *Department of Energy Organization Act* (42 U.S.C.
11 7256(g)), notwithstanding paragraph (10) of such section,
12 *the Secretary of Energy* (in this section referred to as the
13 “Secretary”) may carry out demonstration projects as a
14 *milestone-based demonstration project* that requires par-
15 *ticular technical and financial milestones to be met before*
16 *a participant is awarded grants by the Department through*
17 *a competitive award process.*

18 (b) *REQUIREMENTS.*—In carrying out milestone-based
19 *demonstration projects under the authority in paragraph*
20 *(1), the Secretary shall, for each relevant project—*

21 (1) *request proposals from eligible entities, as de-*
22 *termined by the Secretary, including—*

23 (A) *a business plan, that may include a*
24 *plan for scalable manufacturing and a plan for*
25 *addressing supply chain gaps;*

1 (B) a plan for raising private sector invest-
2 ment; and

3 (C) proposed technical and financial mile-
4 stones, including estimated project timelines and
5 total costs; and

6 (2) award funding of a predetermined amount to
7 projects that successfully meet proposed milestones
8 under paragraph (1)(C) or for expenses deemed reim-
9 bursable by the Secretary, in accordance with terms
10 negotiated for an individual award;

11 (3) require cost sharing in accordance with sec-
12 tion 988 of the Energy Policy Act of 2005; and

13 (4) communicate regularly with selected eligible
14 entities and, if the Secretary deems appropriate, exer-
15 cise small amounts of flexibility for technical and fi-
16 nancial milestones as projects mature.

17 (c) AWARDS.—For the program established under sub-
18 section (a)—

19 (1) an award recipient shall be responsible for
20 all costs until milestones are achieved, or reimburs-
21 able expenses are reviewed and verified by the Depart-
22 ment; and

23 (2) should an awardee not meet the milestones
24 described in subsection (a), the Secretary or their des-
25 ignee may end the partnership with an award recipi-

1 *ent and use the remaining funds in the ended agree-*
2 *ment for new or existing projects carried out under*
3 *this section.*

4 *(d) PROJECT MANAGEMENT.—In carrying out projects*
5 *under this program and assessing the completion of their*
6 *milestones in accordance with subsection (b), the Secretary*
7 *shall consult with experts that represent diverse perspectives*
8 *and professional experiences, including those from the pri-*
9 *vate sector, to ensure a complete and thorough review.*

10 *(e) REPORT.—In accordance with section 9007(a), the*
11 *Secretary shall report annually on any demonstration*
12 *projects carried out using the authorities under this section.*

13 **SEC. 9006. OTHER TRANSACTION AUTHORITY EXTENSION.**

14 *(a) Subsection 646(g)(10) of the Department of Energy*
15 *Organization Act (42 U.S.C. 7256(g)(10)) is amended by*
16 *striking “September 30, 2020” and inserting “September*
17 *30, 2030”.*

18 *(b) The provisions of section 602 of the Public Works*
19 *and Economic Development Act of 1965 (42 U.S.C. 3212)*
20 *shall apply with respect to construction, alteration, or re-*
21 *pair work of demonstration projects funded by grants or*
22 *contracts authorized under sections 3001, 3003, 3004, 5001,*
23 *and 8007 and the amendments made by such sections.*

1 **SEC. 9007. TECHNOLOGY TRANSFER REPORTS AND EVALUA-**
2 **TION.**

3 (a) *ANNUAL REPORT.*—As part of the updated tech-
4 nology transfer execution plan required each year under sec-
5 tion 1001(h)(2) of the Energy Policy Act of 2005 (42 U.S.C.
6 16391(g)(2)), the Secretary of Energy (in this section re-
7 ferred to as the “Secretary”) shall submit to the Committee
8 on Science, Space, and Technology of the House of Rep-
9 resentatives and the Committee on Energy and Natural Re-
10 sources of the Senate a report on the progress and imple-
11 mentation of programs established under sections 9001,
12 9002, 9003, 9004, and 9005 of this Act.

13 (b) *EVALUATION.*—Not later than 3 years after the en-
14 actment of this Act and every 3 years thereafter the Sec-
15 retary shall submit to the Committee on Science, Space, and
16 Technology of the House of Representatives and the Com-
17 mittee on Energy and Natural Resources of the Senate an
18 evaluation on the extent to which programs established
19 under sections 9001, 9002, 9003, 9004, and 9005 of this
20 Act are achieving success based on relevant short-term and
21 long-term metrics.

22 (c) *REPORT ON TECHNOLOGY TRANSFER GAPS.*—Not
23 later than 3 years after the enactment of this Act, the Sec-
24 retary shall enter into an agreement with the National
25 Academies of Science, Engineering, and Medicine to submit
26 to the Committee on Science, Space, and Technology of the

1 *House of Representatives and the Committee on Energy and*
2 *Natural Resources of the Senate a report on programmatic*
3 *gaps that exist to advance the commercial application of*
4 *technologies developed at the National Laboratories (as de-*
5 *finied in section 2(3) of the Energy Policy Act of 2005 (42*
6 *U.S.C. 15801(3))).*

7 **SEC. 9008. VETERANS' HEALTH INITIATIVE.**

8 (a) *PURPOSES.*—*The purposes of this section are to ad-*
9 *vance Department of Energy expertise in artificial intel-*
10 *ligence and high-performance computing in order to im-*
11 *prove health outcomes for veteran populations by—*

12 (1) *supporting basic research through the appli-*
13 *cation of artificial intelligence, high-performance*
14 *computing, modeling and simulation, machine learn-*
15 *ing, and large-scale data analytics to identify and*
16 *solve outcome-defined challenges in the health sciences;*

17 (2) *maximizing the impact of the Department of*
18 *Veterans Affairs' health and genomics data housed at*
19 *the National Laboratories, as well as data from other*
20 *sources, on science, innovation, and health care out-*
21 *comes through the use and advancement of artificial*
22 *intelligence and high-performance computing capa-*
23 *bilities of the Department;*

24 (3) *promoting collaborative research through the*
25 *establishment of partnerships to improve data sharing*

1 *between Federal agencies, National Laboratories, in-*
2 *stitutions of higher education, and nonprofit institu-*
3 *tions;*

4 (4) *establishing multiple scientific computing*
5 *user facilities to house and provision available data*
6 *to foster transformational outcomes; and*

7 (5) *driving the development of technology to im-*
8 *prove artificial intelligence, high-performance com-*
9 *puting, and networking relevant to mission applica-*
10 *tions of the Department, including modeling, simula-*
11 *tion, machine learning, and advanced data analytics.*

12 (b) *VETERANS HEALTH RESEARCH AND DEVELOP-*
13 *MENT.—*

14 (1) *IN GENERAL.—The Secretary of Energy (in*
15 *this section referred to as the “Secretary”) shall estab-*
16 *lish and carry out a research program in artificial*
17 *intelligence and high-performance computing, focused*
18 *on the development of tools to solve large-scale data*
19 *analytics and management challenges associated with*
20 *veteran’s healthcare, and to support the efforts of the*
21 *Department of Veterans Affairs to identify potential*
22 *health risks and challenges utilizing data on long-*
23 *term healthcare, health risks, and genomic data col-*
24 *lected from veteran populations. The Secretary shall*
25 *carry out this program through a competitive, merit-*

1 *reviewed process, and consider applications from Na-*
2 *tional Laboratories, institutions of higher education,*
3 *multi-institutional collaborations, and other appro-*
4 *prate entities.*

5 (2) *PROGRAM COMPONENTS.—In carrying out*
6 *the program established under paragraph (1), the Sec-*
7 *retary may—*

8 (A) *conduct basic research in modeling and*
9 *simulation, machine learning, large-scale data*
10 *analytics, and predictive analysis in order to de-*
11 *velop novel or optimized algorithms for pre-*
12 *dition of disease treatment and recovery;*

13 (B) *develop methods to accommodate large*
14 *data sets with variable quality and scale, and to*
15 *provide insight and models for complex systems;*

16 (C) *develop new approaches and maximize*
17 *the use of algorithms developed through artificial*
18 *intelligence, machine learning, data analytics,*
19 *natural language processing, modeling and sim-*
20 *ulation, and develop new algorithms suitable for*
21 *high-performance computing systems and large*
22 *biomedical data sets;*

23 (D) *advance existing and construct new*
24 *data enclaves capable of securely storing data*
25 *sets provided by the Department of Veterans Af-*

1 *fairs, Department of Defense, and other sources;*
2 *and*

3 *(E) promote collaboration and data sharing*
4 *between National Laboratories, research entities,*
5 *and user facilities of the Department by pro-*
6 *viding the necessary access and secure data*
7 *transfer capabilities.*

8 *(3) COORDINATION.—In carrying out the pro-*
9 *gram established under paragraph (1), the Secretary*
10 *is authorized—*

11 *(A) to enter into memoranda of under-*
12 *standing in order to carry out reimbursable*
13 *agreements with the Department of Veterans Af-*
14 *fairs and other entities in order to maximize the*
15 *effectiveness of Department research and develop-*
16 *ment to improve veterans' healthcare;*

17 *(B) to consult with the Department of Vet-*
18 *erans Affairs and other Federal agencies as ap-*
19 *propriate; and*

20 *(C) to ensure that data storage meets all*
21 *privacy and security requirements established by*
22 *the Department of Veterans Affairs, and that ac-*
23 *cess to data is provided in accordance with rel-*
24 *evant Department of Veterans Affairs data access*
25 *policies, including informed consent.*

1 (4) *REPORT.*—Not later than 2 years after the
2 date of enactment of this Act, the Secretary shall sub-
3 mit to the Committee on Energy and Natural Re-
4 sources and the Committee on Veterans' Affairs of the
5 Senate, and the Committee on Science, Space, and
6 Technology and the Committee on Veterans' Affairs of
7 the House of Representatives, a report detailing the
8 effectiveness of—

9 (A) the interagency coordination between
10 each Federal agency involved in the research pro-
11 gram carried out under this subsection;

12 (B) collaborative research achievements of
13 the program; and

14 (C) potential opportunities to expand the
15 technical capabilities of the Department.

16 (5) *FUNDING.*—There is authorized to be appro-
17 priated to the Secretary of Veterans Affairs to carry
18 out this subsection \$27,000,000 for fiscal year 2021.

19 (c) *INTERAGENCY COLLABORATION.*—

20 (1) *IN GENERAL.*—The Secretary is authorized to
21 carry out research, development, and demonstration
22 activities to develop tools to apply to big data that
23 enable Federal agencies, institutions of higher edu-
24 cation, nonprofit research organizations, and indus-
25 try to better leverage the capabilities of the Depart-

1 *ment to solve complex, big data challenges. The Sec-*
2 *retary shall carry out these activities through a com-*
3 *petitive, merit-reviewed process, and consider applica-*
4 *tions from National Laboratories, institutions of*
5 *higher education, multi-institutional collaborations,*
6 *and other appropriate entities.*

7 (2) *ACTIVITIES.—In carrying out the research,*
8 *development, and demonstration activities authorized*
9 *under paragraph (1), the Secretary may—*

10 (A) *utilize all available mechanisms to pre-*
11 *vent duplication and coordinate research efforts*
12 *across the Department;*

13 (B) *establish multiple user facilities to serve*
14 *as data enclaves capable of securely storing data*
15 *sets created by Federal agencies, institutions of*
16 *higher education, nonprofit organizations, or in-*
17 *dustry at National Laboratories; and*

18 (C) *promote collaboration and data sharing*
19 *between National Laboratories, research entities,*
20 *and user facilities of the Department by pro-*
21 *viding the necessary access and secure data*
22 *transfer capabilities.*

23 (3) *REPORT.—Not later than 2 years after the*
24 *date of enactment of this Act, the Secretary shall sub-*
25 *mit to the Committee on Energy and Natural Re-*

1 *sources of the Senate and the Committee on Science,*
2 *Space, and Technology of the House of Representa-*
3 *tives a report evaluating the effectiveness of the activi-*
4 *ties authorized under paragraph (1).*

5 (4) *FUNDING.*—*There are authorized to be ap-*
6 *propriated to the Secretary to carry out this sub-*
7 *section \$15,000,000 for each of fiscal years 2021*
8 *through 2025.*

9 (d) *DEFINITION.*—*In this section, the term “National*
10 *Laboratory” has the meaning given such term in section*
11 *2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).*

12 **SEC. 9009. SUSTAINABLE TRANSPORTATION RESEARCH**
13 **AND DEVELOPMENT.**

14 *There are authorized to be appropriated to carry out*
15 *research, development, demonstration, and commercial ap-*
16 *plication activities within the Department of Energy’s Of-*
17 *fices of Hydrogen and Fuel Cell Technologies, Vehicle Tech-*
18 *nologies, and Bioenergy Technologies—*

19 (1) *\$830,000,000 for fiscal year 2021;*

20 (2) *\$855,000,000 for fiscal year 2022; and*

21 (3) *\$880,000,000 for fiscal year 2023.*

22 **SEC. 9010. LOAN PROGRAM OFFICE TITLE XVII REFORM.**

23 (a) *TERMS AND CONDITIONS.*—*Section 1702 of the En-*
24 *ergy Policy Act of 2005 (42 U.S.C. 16512) is amended—*

1 (1) *by amending subsection (b) to read as fol-*
2 *lows:*

3 “(b) *SPECIFIC APPROPRIATION OR CONTRIBUTION.—*

4 “(1) *IN GENERAL.—Except as provided in para-*
5 *graph (2), the cost of a guarantee shall be paid by the*
6 *Secretary using an appropriation made for the cost*
7 *of the guarantee, subject to the availability of such an*
8 *appropriation.*

9 “(2) *INSUFFICIENT APPROPRIATIONS.—If suffi-*
10 *cient appropriated funds to pay the cost of a guar-*
11 *antee are not available, then the guarantee shall not*
12 *be made unless—*

13 “(A) *the Secretary has received from the*
14 *borrower a payment in full for the cost of the*
15 *guarantee and deposited the payment into the*
16 *Treasury; or*

17 “(B) *a combination of one or more appro-*
18 *priations and one or more payments from the*
19 *borrower under this subsection has been made*
20 *that is sufficient to cover the cost of the guar-*
21 *antee.”;*

22 “(2) *in subsection (d)(3), by striking “is not sub-*
23 *ordinate” and inserting “, including any reorganiza-*
24 *tion, restructuring, or termination thereof, shall not*
25 *at any time be subordinate”;*

1 (3) *in subsection (h)—*

2 (A) *by amending paragraph (1) to read as*
3 *follows:*

4 “(1) *IN GENERAL.—The Secretary shall charge,*
5 *and collect on or after the date of the financial close*
6 *of an obligation, a fee for a guarantee in an amount*
7 *that the Secretary determines is sufficient to cover ap-*
8 *plicable administrative expenses (including any costs*
9 *associated with third-party consultants engaged by*
10 *the Secretary).”; and*

11 (B) *by adding at the following:*

12 “(3) *REDUCTION IN FEE AMOUNT.—Notwith-*
13 *standing paragraph (1) and subject to the avail-*
14 *ability of appropriations, the Secretary may reduce*
15 *the amount of a fee for a guarantee under this sub-*
16 *section.”; and*

17 (4) *by adding at the end the following:*

18 “(l) *RESTRUCTURING OF LOAN GUARANTEES.—The*
19 *Secretary shall consult with the Secretary of the Treasury*
20 *regarding any restructuring of the terms or conditions of*
21 *a guarantee issued pursuant to this title, including with*
22 *respect to any deviations from the financial terms of the*
23 *guarantee.*

24 “(m) *WRITTEN ANALYSIS.—*

1 “(1) *REQUIREMENT.*—*The Secretary may not*
2 *make a guarantee under this title until the Secretary*
3 *of the Treasury has transmitted to the Secretary, and*
4 *the Secretary has taken into consideration, a written*
5 *analysis of the financial terms and conditions of the*
6 *proposed guarantee.*

7 “(2) *TRANSMISSION.*—*Not later than 30 days*
8 *after receiving information on a proposed guarantee*
9 *from the Secretary, the Secretary of the Treasury*
10 *shall transmit the written analysis of the financial*
11 *terms and conditions of the proposed guarantee re-*
12 *quired under paragraph (1) to the Secretary.*

13 “(3) *EXPLANATION.*—*If the Secretary makes a*
14 *guarantee the financial terms and conditions of which*
15 *are not consistent with the written analysis required*
16 *under this subsection, not later than 30 days after*
17 *making such guarantee, the Secretary shall submit to*
18 *the Committee on Energy and Commerce and the*
19 *Committee on Science, Space, and Technology of the*
20 *House of Representatives, and the Committee on En-*
21 *ergy and Natural Resources of the Senate, a written*
22 *explanation of any material inconsistencies.*

23 “(n) *APPLICATION STATUS.*—

24 “(1) *REQUEST.*—*If the Secretary does not make*
25 *a final decision on an application for a guarantee*

1 *under this title by the date that is 180 days after re-*
2 *ceipt of the application by the Secretary, the appli-*
3 *cant may request, on or after that date and not more*
4 *than once every 60 days thereafter until a final deci-*
5 *sion is made, that the Secretary provide to the appli-*
6 *cant a response described in paragraph (2).*

7 “(2) *RESPONSE.*—*Not later than 10 days after*
8 *receiving a request from an applicant under para-*
9 *graph (1), the Secretary shall provide to the applicant*
10 *a response that includes—*

11 “(A) *a description of the current status of*
12 *review of the application;*

13 “(B) *a summary of any factors that are de-*
14 *laying a final decision on the application, a list*
15 *of what items are required in order to reach a*
16 *final decision, citations to authorities stating the*
17 *reasons why such items are required, and a list*
18 *of actions the applicant can take to expedite the*
19 *process; and*

20 “(C) *an estimate of when a final decision*
21 *on the application will be made.*

22 “(o) *OUTREACH.*—*In carrying out this title, the Sec-*
23 *retary shall—*

24 “(1) *provide assistance with the completion of*
25 *applications for a guarantee under this title;*

1 “(2) *conduct outreach, including through con-*
2 *ferences and online programs, to disseminate infor-*
3 *mation to potential applicants;*

4 “(3) *conduct outreach to encourage participation*
5 *of supporting finance institutions and private lenders*
6 *in eligible projects.*

7 “(p) *COORDINATION.—In carrying out this title, the*
8 *Secretary shall coordinate activities under this title with*
9 *activities of other relevant offices with the Department.*

10 “(q) *REPORT.—Not later than 2 years after the date*
11 *of the enactment of this subsection and every 3 years there-*
12 *after, the Secretary shall submit to Congress a report on*
13 *the status of applications for, and projects receiving, guar-*
14 *antees under this title, including—*

15 “(1) *a list of such projects, including the guar-*
16 *antee amount, construction status, and financing*
17 *partners of each such project;*

18 “(2) *the status of each such project’s loan repay-*
19 *ment, including interest paid and future repayment*
20 *projections;*

21 “(3) *an estimate of the air pollutant or green-*
22 *house gas emissions avoided or reduced from each*
23 *such project;*

1 “(4) data regarding the number of direct and in-
2 direct jobs retained, restored, or created by such
3 projects;

4 “(5) identification of—

5 “(A) technologies deployed by projects that
6 have received guarantees that have subsequently
7 been deployed commercially without guarantees;
8 and

9 “(B) novel technologies that have been de-
10 ployed by such projects and deployed in the com-
11 mercial energy market;

12 “(6) the number of new projects projected to re-
13 ceive a guarantee under this title during the next 2
14 years and the aggregate guarantee amount;

15 “(7) the number of outreach engagements con-
16 ducted with potential applicants;

17 “(8) the number of applications received and
18 currently pending for each open solicitation; and

19 “(9) any other metrics the Secretary finds ap-
20 propriate.”.

21 (b) *PROJECT ELIGIBILITY EXPANSION*.—Section 1703
22 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is
23 amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting “, uti-
2 lize” after “reduce”; and

3 (B) in paragraph (2), by striking “.” and
4 inserting “, including projects that employ ele-
5 ments of commercial technologies in combination
6 with new or significantly improved tech-
7 nologies.”;

8 (2) in subsection (b)—

9 (A) in paragraph (4), by inserting “, in-
10 cluding manufacturing of nuclear supply compo-
11 nents for advanced nuclear reactors” after “fa-
12 cilities”;

13 (B) by amending paragraph (5) to read as
14 follows:

15 “(5) Carbon capture, utilization, and sequestra-
16 tion practices and technologies, including—

17 “(A) agricultural and forestry practices
18 that store and sequester carbon; and

19 “(B) synthetic technologies to remove carbon
20 from the air and oceans.”; and

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

22 “(11) Energy storage technologies for residential,
23 industrial, transportation, and power generation ap-
24 plications.

1 “(12) *Technologies or processes for reducing*
2 *greenhouse gas emissions from industrial applica-*
3 *tions, including iron, steel, cement, and ammonia*
4 *production, hydrogen production, and the generation*
5 *of high-temperature heat.”; and*

6 (3) *by adding at the end the following new sub-*
7 *section:*

8 “(f) *REGIONAL VARIATION.—Notwithstanding sub-*
9 *section (a)(2), the Secretary may, if regional variation sig-*
10 *nificantly affects the deployment of a technology, make*
11 *guarantees under this title for up to 6 projects that employ*
12 *the same or similar technology as another project, provided*
13 *no more than 2 projects that use the same or a similar tech-*
14 *nology are located in the same region of the United States.”.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*
16 *1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514)*
17 *is amended by adding at the end the following:*

18 “(c) *ADMINISTRATIVE AND OTHER EXPENSES.—There*
19 *are authorized to be appropriated—*

20 “(1) *\$32,000,000 for each of fiscal years 2021*
21 *through 2025 to carry out this title; and*

22 “(2) *for fiscal year 2021, in addition to amounts*
23 *authorized under paragraph (1), \$25,000,000, to re-*
24 *main available until expended, for administrative ex-*

1 *cation programs at institutions of*
2 *higher education in the State; and*

3 “(II) *is an eligible jurisdiction*
4 *under the criteria used by the Sec-*
5 *retary to make awards under this*
6 *paragraph on the day before the date of*
7 *enactment of the Energy Act of 2020.*

8 “(iii) *EPSCoR.—The term ‘EPSCoR’*
9 *means the Established Program to Stimu-*
10 *late Competitive Research operated under*
11 *subparagraph (B).*

12 “(iv) *NATIONAL LABORATORY.—The*
13 *term ‘National Laboratory’ has the meaning*
14 *given the term in section 2 of the Energy*
15 *Policy Act of 2005 (42 U.S.C. 15801).*

16 “(v) *STATE.—The term ‘State’*
17 *means—*

18 “(I) *a State;*

19 “(II) *the District of Columbia;*

20 “(III) *the Commonwealth of Puer-*
21 *to Rico;*

22 “(IV) *Guam;*

23 “(V) *the United States Virgin Is-*
24 *lands;*

25 “(VI) *American Samoa; and*

1 “(VII) *the Commonwealth of the*
2 *Northern Mariana Islands.*

3 “(B) *PROGRAM OPERATION.*—*The Secretary*
4 *shall operate an Established Program to Stimu-*
5 *late Competitive Research.*

6 “(C) *OBJECTIVES.*—*The objectives of*
7 *EPSCoR shall be—*

8 “(i) *to increase the number of research-*
9 *ers at institutions of higher education in el-*
10 *igible jurisdictions capable of performing*
11 *nationally competitive science and engineer-*
12 *ing research in support of the mission of the*
13 *Department of Energy in the areas of ap-*
14 *plied energy research, environmental man-*
15 *agement, and basic science;*

16 “(ii) *to enhance the capabilities of in-*
17 *stitutions of higher education in eligible ju-*
18 *risdictions to develop, plan, and execute re-*
19 *search that is competitive in the peer-review*
20 *process; and*

21 “(iii) *to increase the probability of*
22 *long-term growth of competitive funding to*
23 *institutions of higher education in eligible*
24 *jurisdictions.*

1 “(D) GRANTS IN AREAS OF APPLIED EN-
2 ERGY RESEARCH, ENVIRONMENTAL MANAGE-
3 MENT, AND BASIC SCIENCE.—

4 “(i) IN GENERAL.—EPSCoR shall
5 make grants to eligible entities to carry out
6 and support applied energy research and
7 research in all areas of environmental man-
8 agement and basic science sponsored by the
9 Department of Energy, including—

10 “(I) energy efficiency, fossil en-
11 ergy, renewable energy, and other ap-
12 plied energy research;

13 “(II) electricity delivery research;

14 “(III) cybersecurity, energy secu-
15 rity, and emergency response;

16 “(IV) environmental management;

17 and

18 “(V) basic science research.

19 “(ii) ACTIVITIES.—EPSCoR may
20 make grants under this subparagraph for
21 any activities consistent with the objectives
22 described in subparagraph (C) in the areas
23 of applied energy research, environmental
24 management, and basic science described in
25 clause (i), including—

1 “(I) to support research at eligible
2 entities that is carried out in partner-
3 ship with the National Laboratories;

4 “(II) to provide for graduate
5 traineeships;

6 “(III) to support research by
7 early career faculty; and

8 “(IV) to improve research capa-
9 bilities at eligible entities through bien-
10 nial implementation grants.

11 “(iii) NO COST SHARING.—EPSCoR
12 shall not impose any cost-sharing require-
13 ment with respect to a grant made under
14 this subparagraph.

15 “(E) OTHER ACTIVITIES.—EPSCoR may
16 carry out such activities as may be necessary to
17 meet the objectives described in subparagraph (C)
18 in the areas of applied energy research, environ-
19 mental management, and basic science described
20 in subparagraph (D)(i).

21 “(F) PROGRAM IMPLEMENTATION.—

22 “(i) IN GENERAL.—Not later than 270
23 days after the date of enactment of the En-
24 ergy Act of 2020, the Secretary shall submit
25 to the Committees on Energy and Natural

1 *Resources and Appropriations of the Senate*
2 *and the Committees on Energy and Com-*
3 *merce and Appropriations of the House of*
4 *Representatives a plan describing how the*
5 *Secretary shall implement EPSCoR.*

6 “(ii) *CONTENTS OF PLAN.—The plan*
7 *described in clause (i) shall include a de-*
8 *scription of—*

9 “(I) *the management structure of*
10 *EPSCoR, which shall ensure that all*
11 *research areas and activities described*
12 *in this paragraph are incorporated*
13 *into EPSCoR;*

14 “(II) *efforts to conduct outreach to*
15 *inform eligible entities and faculty of*
16 *changes to, and opportunities under,*
17 *EPSCoR;*

18 “(III) *how EPSCoR plans to in-*
19 *crease engagement with eligible enti-*
20 *ties, faculty, and State committees, in-*
21 *cluding by holding regular workshops,*
22 *to increase participation in EPSCoR;*
23 *and*

1 “(IV) any other issues relating to
2 *EPSCoR* that the Secretary determines
3 appropriate.

4 “(G) *PROGRAM EVALUATION*.—

5 “(i) *IN GENERAL*.—Not later than 5
6 years after the date of enactment of the *En-*
7 *ergy Act of 2020*, the Secretary shall con-
8 tract with a federally funded research and
9 development center, the National Academy
10 of Sciences, or a similar organization to
11 carry out an assessment of the effectiveness
12 of *EPSCoR*, including an assessment of—

13 “(I) the tangible progress made
14 towards achieving the objectives de-
15 scribed in subparagraph (C);

16 “(II) the impact of research sup-
17 ported by *EPSCoR* on the mission of
18 the Department of Energy; and

19 “(III) any other issues relating to
20 *EPSCoR* that the Secretary determines
21 appropriate.

22 “(ii) *LIMITATION*.—The organization
23 with which the Secretary contracts under
24 clause (i) shall not be a National Labora-
25 tory.

1 “(iii) *REPORT*.—Not later than 6
2 years after the date of enactment of the *En-*
3 *ergy Act of 2020*, the Secretary shall submit
4 to the Committees on Energy and Natural
5 Resources and Appropriations of the Senate
6 and the Committees on Energy and Com-
7 merce and Appropriations of the House of
8 Representatives a report describing the re-
9 sults of the assessment carried out under
10 clause (i), including recommendations for
11 improvements that would enable the Sec-
12 retary to achieve the objectives described in
13 subparagraph (C).”

14 **TITLE X—ARPA-E AMENDMENTS**

15 **SEC. 10001. ARPA-E AMENDMENTS.**

16 (a) *ESTABLISHMENT*.—Section 5012(b) of the *America*
17 *COMPETES Act (42 U.S.C. 16538(b))* is amended by strik-
18 ing “development of energy technologies” and inserting “de-
19 velopment of transformative science and technology solu-
20 tions to address the energy and environmental missions of
21 the Department”.

22 (b) *GOALS*.—Section 5012(c) of the *America COM-*
23 *PETES Act (42 U.S.C. 16538(c))* is amended—

24 (1) by striking paragraph (1)(A) and inserting
25 the following:

1 “(A) to enhance the economic and energy se-
2 curity of the United States through the develop-
3 ment of energy technologies that—

4 “(i) reduce imports of energy from for-
5 eign sources;

6 “(ii) reduce energy-related emissions,
7 including greenhouse gases;

8 “(iii) improve the energy efficiency of
9 all economic sectors;

10 “(iv) provide transformative solutions
11 to improve the management, clean-up, and
12 disposal of radioactive waste and spent nu-
13 clear fuel; and

14 “(v) improve the resilience, reliability,
15 and security of infrastructure to produce,
16 deliver, and store energy; and”;

17 (2) in paragraph (2), in the matter preceding
18 subparagraph (A), by striking “energy technology
19 projects” and inserting “advanced technology
20 projects”.

21 (c) *RESPONSIBILITIES*.—Section 5012(e)(3)(A) of the
22 *America COMPETES Act* (42 U.S.C. 16538(e)(3)(A)) is
23 amended by striking “energy”.

1 (d) *REPORTS AND ROADMAPS*.—Section 5012(h) of the
2 *America COMPETES Act* (42 U.S.C. 16538(h)) is amended
3 to read as follows:

4 “(h) *REPORTS AND ROADMAPS*.—

5 “(1) *ANNUAL REPORT*.—As part of the annual
6 budget request submitted for each fiscal year, the Di-
7 rector shall provide to the relevant authorizing and
8 appropriations committees of Congress a report
9 that—

10 “(A) describes projects supported by ARPA-
11 E during the previous fiscal year;

12 “(B) describes projects supported by ARPA-
13 E during the previous fiscal year that examine
14 topics and technologies closely related to other
15 activities funded by the Department, and in-
16 cludes an analysis of whether in supporting such
17 projects, the Director is in compliance with sub-
18 section (i)(1); and

19 “(C) describes current, proposed, and
20 planned projects to be carried out pursuant to
21 subsection (e)(3)(D).

22 “(2) *STRATEGIC VISION ROADMAP*.—Not later
23 than October 1, 2021, and every four years thereafter,
24 the Director shall provide to the relevant authorizing
25 and appropriations committees of Congress a road-

1 *map describing the strategic vision that ARPA-E*
2 *will use to guide the choices of ARPA-E for future*
3 *technology investments over the following 4 fiscal*
4 *years.”.*

5 *(e) COORDINATION AND NONDUPLICATION.—Section*
6 *5012(i)(1) of the America COMPETES Act (42 U.S.C.*
7 *16538(i)(1)) is amended to read as follows:*

8 *“(1) IN GENERAL.—To the maximum extent*
9 *practicable, the Director shall ensure that—*

10 *“(A) the activities of ARPA-E are coordi-*
11 *nated with, and do not duplicate the efforts of,*
12 *programs and laboratories within the Depart-*
13 *ment and other relevant research agencies; and*

14 *“(B) ARPA-E does not provide funding for*
15 *a project unless the prospective grantee dem-*
16 *onstrates sufficient attempts to secure private fi-*
17 *nancing or indicates that the project is not inde-*
18 *pendently commercially viable.”.*

19 *(f) EVALUATION.—Section 5012(l) of the America*
20 *COMPETES Act (42 U.S.C. 16538(l)) is amended—*

21 *(1) by striking paragraph (1) and inserting the*
22 *following:*

23 *“(1) IN GENERAL.—Not later than 3 years after*
24 *the date of enactment of this paragraph, the Secretary*
25 *is authorized to enter into a contract with the Na-*

1 *tional Academy of Sciences under which the National*
2 *Academy shall conduct an evaluation of how well*
3 *ARPA-E is achieving the goals and mission of*
4 *ARPA-E.”; and*

5 *(2) in paragraph (2)—*

6 *(A) in the matter preceding subparagraph*
7 *(A), by striking “shall” and inserting “may”;*
8 *and*

9 *(B) in subparagraph (A), by striking “the*
10 *recommendation of the National Academy of*
11 *Sciences” and inserting “a recommendation”.*

12 *(g) AUTHORIZATION OF APPROPRIATIONS.—Para-*
13 *graph (2) of section 5012(o) of the America COMPETES*
14 *Act (42 U.S.C. 16538(o)) is amended to read as follows:*

15 *“(2) AUTHORIZATION OF APPROPRIATIONS.—*
16 *Subject to paragraph (4), there are authorized to be*
17 *appropriated to the Director for deposit in the Fund,*
18 *without fiscal year limitation—*

19 *“(A) \$435,000,000 for fiscal year 2021;*

20 *“(B) \$500,000,000 for fiscal year 2022;*

21 *“(C) \$575,000,000 for fiscal year 2023;*

22 *“(D) \$662,000,000 for fiscal year 2024; and*

23 *“(E) \$761,000,000 for fiscal year 2025.”.*

24 *(h) TECHNICAL AMENDMENTS.—Section 5012 of the*
25 *America COMPETES Act (42 U.S.C. 16538) is amended—*

1 (1) in subsection (g)(3)(A)(iii), by striking “sub-
2 part” each place it appears and inserting “subpara-
3 graph”; and

4 (2) in subsection (o)(4)(B), by striking
5 “(c)(2)(D)” and inserting “(c)(2)(C)”.

6 **TITLE XI—OTHER MATTERS**

7 **SEC. 11001. LOW-DOSE RADIATION RESEARCH.**

8 (a) *LOW-DOSE RADIATION RESEARCH PROGRAM.*—
9 Section 306(c) of the Department of Energy Research and
10 Innovation Act (42 U.S.C. 18644(c)) is amended to read
11 as follows:

12 “(c) *LOW-DOSE RADIATION RESEARCH PROGRAM.*—

13 “(1) *IN GENERAL.*—The Secretary shall carry
14 out a research program on low-dose and low dose-rate
15 radiation to—

16 “(A) enhance the scientific understanding
17 of, and reduce uncertainties associated with, the
18 effects of exposure to low-dose and low dose-rate
19 radiation; and

20 “(B) inform improved risk-assessment and
21 risk-management methods with respect to such
22 radiation.

23 “(2) *PROGRAM COMPONENTS.*—In carrying out
24 the program required under paragraph (1), the Sec-
25 retary shall—

1 “(A) support and carry out the directives
2 under section 106(b) of the American Innovation
3 and Competitiveness Act (42 U.S.C. 6601 note),
4 except that such section shall be treated for pur-
5 poses of this subsection as applying to low dose
6 and low-dose rate radiation research, in coordi-
7 nation with the Physical Science Subcommittee
8 of the National Science and Technology Council;

9 “(B) identify and, to the extent possible,
10 quantify, potential monetary and health-related
11 impacts to Federal agencies, the general public,
12 industry, research communities, and other users
13 of information produced by such research pro-
14 gram;

15 “(C) leverage the collective body of knowl-
16 edge from existing low-dose and low dose-rate ra-
17 diation research;

18 “(D) engage with other Federal agencies, re-
19 search communities, and potential users of infor-
20 mation produced under this section, including
21 institutions performing or utilizing radiation re-
22 search, medical physics, radiology, health phys-
23 ics, and emergency response measures; and

24 “(E) support education and outreach activi-
25 ties to disseminate information and promote

1 *public understanding of low-dose radiation, with*
2 *a focus on non-emergency situations such as*
3 *medical physics, space exploration, and natu-*
4 *rally occurring radiation.*

5 “(3) *RESEARCH PLAN.*—

6 “(A) *Not later than 90 days after the date*
7 *of enactment of the Energy Act of 2020, the Sec-*
8 *retary shall enter into an agreement with the*
9 *National Academy of Sciences to develop a long-*
10 *term strategic and prioritized research agenda*
11 *for the program described in paragraph (2);*

12 “(B) *Not later than one year after the date*
13 *of enactment of the Energy Act of 2020, the Sec-*
14 *retary shall transmit this research plan devel-*
15 *oped in subparagraph (A) to the Committee on*
16 *Science, Space, and Technology of the House of*
17 *Representatives and the Committee on Energy*
18 *and Natural Resources of the Senate.*

19 “(4) *GAO STUDY.*—*Not later than 3 years after*
20 *the date of enactment of the Energy Act of 2020, the*
21 *Comptroller General shall transmit to the Committee*
22 *on Science, Space, and Technology of the House of*
23 *Representatives and the Committee on Energy and*
24 *Natural Resources of the Senate, a report on:*

1 “(A) *an evaluation of the program activities*
2 *carried out under this section;*

3 “(B) *the effectiveness of the coordination*
4 *and management of the program; and*

5 “(C) *the implementation of the research*
6 *plan outlined in paragraph (3).*

7 “(6) *DEFINITIONS.—In this subsection:*

8 “(A) *LOW-DOSE RADIATION.—The term*
9 *‘low-dose radiation’ means a radiation dose of*
10 *less than 100 millisieverts.*

11 “(B) *LOW DOSE-RATE RADIATION.—The*
12 *term ‘low dose-rate radiation’ means a radiation*
13 *dose rate of less than 5 millisieverts per hour.*

14 “(7) *RULE OF CONSTRUCTION.—Nothing in this*
15 *subsection shall be construed to subject any research*
16 *carried out by the Secretary for the program under*
17 *this subsection to any limitations described in section*
18 *977(e) of the Energy Policy Act of 2005 (42 U.S.C.*
19 *16317(e)).*

20 “(8) *FUNDING.—For purposes of carrying out*
21 *this subsection, the Secretary is authorized to make*
22 *available from funds provided to the Biological and*
23 *Environmental Research Program—*

24 “(A) *\$20,000,000 for fiscal year 2021;*

25 “(B) *\$20,000,000 for fiscal year 2022;*

1 “(C) \$30,000,000 for fiscal year 2023; and
2 “(D) \$40,000,000 for fiscal year 2024.”.

3 (b) *SPACE RADIATION RESEARCH*.—Section 306 of the
4 *Department of Energy Research and Innovation Act* (42
5 *U.S.C. 18644*) is amended by adding at the end the fol-
6 *lowing*:

7 “(d) *SPACE RADIATION RESEARCH*.—The Secretary of
8 *Energy*, shall continue and strengthen collaboration with
9 *the Administrator of the National Aeronautics and Space*
10 *Administration on basic research to understand the effects*
11 *and risks of human exposure to ionizing radiation in low*
12 *Earth orbit, and in the space environment.”.*

13 **SEC. 11002. AUTHORIZATION.**

14 Section 112(a)(1)(B) of the *Uranium Mill Tailings*
15 *Radiation Control Act of 1978* (42 *U.S.C. 7922(a)(1)(B)*)
16 is amended by striking “September 30, 2023” and inserting
17 “September 30, 2031”.

18 **SEC. 11003. SENSE OF CONGRESS.**

19 *It is the sense of Congress that in order to reduce emis-*
20 *sions and meet 100 percent of the power demand in the*
21 *United States through clean, renewable, or zero emission*
22 *energy sources while maintaining United States leadership*
23 *in science and technology, the Secretary of Energy must*
24 *prioritize funding for critical fundamental research infra-*

1 *structure and for basic research and development activities*
2 *carried out through the Office of Science.*

3 **SEC. 11004. ADDRESSING INSUFFICIENT COMPENSATION OF**
4 **EMPLOYEES AND OTHER PERSONNEL OF THE**
5 **FEDERAL ENERGY REGULATORY COMMIS-**
6 **SION.**

7 *(a) IN GENERAL.—Section 401 of the Department of*
8 *Energy Organization Act (42 U.S.C. 7171) is amended by*
9 *adding at the end the following:*

10 *“(k) ADDRESSING INSUFFICIENT COMPENSATION OF*
11 *EMPLOYEES AND OTHER PERSONNEL OF THE COMMIS-*
12 *SION.—*

13 *“(1) IN GENERAL.—Notwithstanding any other*
14 *provision of law, if the Chairman of the Commission*
15 *publicly certifies that compensation for a category of*
16 *employees or other personnel of the Commission is in-*
17 *sufficient to retain or attract employees and other*
18 *personnel to allow the Commission to carry out the*
19 *functions of the Commission in a timely, efficient,*
20 *and effective manner, the Chairman may fix the com-*
21 *ensation for the category of employees or other per-*
22 *sonnel without regard to chapter 51 and subchapter*
23 *III of chapter 53 of title 5, United States Code, or*
24 *any other civil service law.*

1 “(2) *CERTIFICATION REQUIREMENTS.*—A certifi-
2 *cation issued under paragraph (1) shall—*

3 “(A) *apply with respect to a category of em-*
4 *ployees or other personnel responsible for con-*
5 *ducting work of a scientific, technological, engi-*
6 *neering, or mathematical nature;*

7 “(B) *specify a maximum amount of reason-*
8 *able compensation for the category of employees*
9 *or other personnel;*

10 “(C) *be valid for a 5-year period beginning*
11 *on the date on which the certification is issued;*

12 “(D) *be no broader than necessary to*
13 *achieve the objective of retaining or attracting*
14 *employees and other personnel to allow the Com-*
15 *mission to carry out the functions of the Com-*
16 *mission in a timely, efficient, and effective man-*
17 *ner; and*

18 “(E) *include an explanation for why the*
19 *other approaches available to the Chairman for*
20 *retaining and attracting employees and other*
21 *personnel are inadequate.*

22 “(3) *RENEWAL.*—

23 “(A) *IN GENERAL.*—*Not later than 90 days*
24 *before the date of expiration of a certification*
25 *issued under paragraph (1), the Chairman shall*

1 *determine whether the certification should be re-*
2 *newed for a subsequent 5-year period.*

3 “(B) *REQUIREMENT.*—*If the Chairman de-*
4 *termines that a certification should be renewed*
5 *under subparagraph (A), the Chairman may*
6 *renew the certification, subject to the certifi-*
7 *cation requirements under paragraph (2) that*
8 *were applicable to the initial certification.*

9 “(4) *NEW HIRES.*—

10 “(A) *IN GENERAL.*—*An employee or other*
11 *personnel that is a member of a category of em-*
12 *ployees or other personnel that would have been*
13 *covered by a certification issued under para-*
14 *graph (1), but was hired during a period in*
15 *which the certification has expired and has not*
16 *been renewed under paragraph (3) shall not be*
17 *eligible for compensation at the level that would*
18 *have applied to the employee or other personnel*
19 *if the certification had been in effect on the date*
20 *on which the employee or other personnel was*
21 *hired.*

22 “(B) *COMPENSATION OF NEW HIRES ON RE-*
23 *NEWAL.*—*On renewal of a certification under*
24 *paragraph (3), the Chairman may fix the com-*
25 *penetration of the employees or other personnel de-*

1 *scribed in subparagraph (A) at the level estab-*
2 *lished for the category of employees or other per-*
3 *sonnel in the certification.*

4 “(5) *RETENTION OF LEVEL OF FIXED COMPENSA-*
5 *TION.—A category of employees or other personnel,*
6 *the compensation of which was fixed by the Chairman*
7 *in accordance with paragraph (1), may, at the discre-*
8 *tion of the Chairman, have the level of fixed com-*
9 *penetration for the category of employees or other per-*
10 *sonnel retained, regardless of whether a certification*
11 *described under that paragraph is in effect with re-*
12 *spect to the compensation of the category of employees*
13 *or other personnel.*

14 “(6) *CONSULTATION REQUIRED.—The Chairman*
15 *shall consult with the Director of the Office of Per-*
16 *sonnel Management in implementing this subsection,*
17 *including in the determination of the amount of com-*
18 *penetration with respect to each category of employees*
19 *or other personnel.*

20 “(7) *EXPERTS AND CONSULTANTS.—*

21 “(A) *IN GENERAL.—Subject to subpara-*
22 *graph (B), the Chairman may—*

23 “(i) *obtain the services of experts and*
24 *consultants in accordance with section 3109*
25 *of title 5, United States Code;*

1 “(ii) *compensate those experts and con-*
2 *sultants for each day (including travel*
3 *time) at rates not in excess of the rate of*
4 *pay for level IV of the Executive Schedule*
5 *under section 5315 of that title; and*

6 “(iii) *pay to the experts and consult-*
7 *ants serving away from the homes or reg-*
8 *ular places of business of the experts and*
9 *consultants travel expenses and per diem in*
10 *lieu of subsistence at rates authorized by*
11 *sections 5702 and 5703 of that title for per-*
12 *sons in Government service employed inter-*
13 *mittently.*

14 “(B) *LIMITATIONS.—The Chairman shall—*

15 “(i) *to the maximum extent prac-*
16 *ticable, limit the use of experts and consult-*
17 *ants pursuant to subparagraph (A); and*

18 “(ii) *ensure that the employment con-*
19 *tract of each expert and consultant em-*
20 *ployed pursuant to subparagraph (A) is*
21 *subject to renewal not less frequently than*
22 *annually.”.*

23 (b) *REPORTS.—*

24 (1) *IN GENERAL.—Not later than 1 year after*
25 *the date of enactment of this Act, and every 2 years*

1 *thereafter for 10 years, the Chairman of the Federal*
2 *Energy Regulatory Commission shall submit to the*
3 *Committee on Energy and Commerce of the House of*
4 *Representatives and the Committee on Energy and*
5 *Natural Resources of the Senate a report on informa-*
6 *tion relating to hiring, vacancies, and compensation*
7 *at the Federal Energy Regulatory Commission.*

8 (2) *INCLUSIONS.—Each report under paragraph*
9 (1) *shall include—*

10 (A) *an analysis of any trends with respect*
11 *to hiring, vacancies, and compensation at the*
12 *Federal Energy Regulatory Commission; and*

13 (B) *a description of the efforts to retain and*
14 *attract employees or other personnel responsible*
15 *for conducting work of a scientific, technological,*
16 *engineering, or mathematical nature at the Fed-*
17 *eral Energy Regulatory Commission.*

18 (c) *APPLICABILITY.—The amendment made by sub-*
19 *section (a) shall apply beginning on the date that is 30*
20 *days after the date of enactment of this Act.*

21 **SEC. 11005. REPORT ON THE AUTHORITY OF THE SEC-**
22 **RETARY OF ENERGY TO IMPLEMENT FLEXI-**
23 **BLE COMPENSATION MODELS.**

24 *Not later than 180 days after the date of enactment*
25 *of this Act, the Secretary of Energy shall submit to Congress*

1 *a report examining the full scope of the hiring authority*
 2 *made available to the Secretary of Energy by the Office of*
 3 *Personnel Management to implement flexible compensation*
 4 *models, including pay for performance and pay banding,*
 5 *throughout the Department of Energy, including at the Na-*
 6 *tional Laboratories, for the purposes of hiring, recruiting,*
 7 *and retaining employees responsible for conducting work of*
 8 *a scientific, technological, engineering, or mathematical na-*
 9 *ture.*

10 ***DIVISION AA—WATER RE-***
 11 ***SOURCES DEVELOPMENT ACT***
 12 ***OF 2020***

13 ***SEC. 1. SHORT TITLE; TABLE OF CONTENTS.***

14 (a) *SHORT TITLE.*—*This division may be cited as the*
 15 *“Water Resources Development Act of 2020”.*

16 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 17 *this Act is as follows:*

DIVISION AA—WATER RESOURCES DEVELOPMENT ACT OF 2020

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I—GENERAL PROVISIONS

Sec. 101. Budgetary treatment expansion and adjustment for the Harbor Maintenance Trust Fund.

Sec. 102. Authorization of appropriations for navigation.

Sec. 103. Annual report to Congress on the Harbor Maintenance Trust Fund.

Sec. 104. Additional measures at donor ports and energy transfer ports.

Sec. 105. Construction of water resources development projects by non-Federal interests.

Sec. 106. Coast Guard anchorages.

Sec. 107. State contribution of funds for certain operation and maintenance costs.

Sec. 108. Great Lakes confined disposal facilities.

Sec. 109. Inland waterway projects.

Sec. 110. Implementation of water resources principles and requirements.

- Sec. 111. Resiliency planning assistance.*
- Sec. 112. Project consultation.*
- Sec. 113. Review of resiliency assessments.*
- Sec. 114. Small flood control projects.*
- Sec. 115. Flood Protection Projects.*
- Sec. 116. Feasibility studies; review of natural and nature-based features.*
- Sec. 117. Federal interest determination.*
- Sec. 118. Pilot programs on the formulation of Corps of Engineers projects in rural communities and economically disadvantaged communities.*
- Sec. 119. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding.*
- Sec. 120. Emergency response to natural disasters.*
- Sec. 121. Cost and benefit feasibility assessment.*
- Sec. 122. Expediting repairs and recovery from flooding.*
- Sec. 123. Review of Corps of Engineers assets.*
- Sec. 124. Sense of Congress on multipurpose projects.*
- Sec. 125. Beneficial use of dredged material; dredged material management plans.*
- Sec. 126. Aquatic ecosystem restoration for anadromous fish.*
- Sec. 127. Annual report to Congress on water resources infrastructure.*
- Sec. 128. Harmful algal bloom demonstration program.*
- Sec. 129. Missouri River interception-rearing complex construction.*
- Sec. 130. Materials, services, and funds for repair, restoration, or rehabilitation of projects.*
- Sec. 131. Levee safety.*
- Sec. 132. National Dam Safety Program.*
- Sec. 133. Rehabilitation of Corps of Engineers constructed pump stations.*
- Sec. 134. Non-Federal Project Implementation Pilot Program.*
- Sec. 135. Cost sharing provisions for territories and Indian Tribes.*
- Sec. 136. Review of contracting policies.*
- Sec. 137. Criteria for funding environmental infrastructure projects.*
- Sec. 138. Aging infrastructure.*
- Sec. 139. Uniformity of notification systems.*
- Sec. 140. Coastal storm damage reduction contracts.*
- Sec. 141. Dam remediation for ecosystem restoration.*
- Sec. 142. Levee accreditation process; levee certifications.*
- Sec. 143. Project partnership agreement.*
- Sec. 144. Acceptance of funds for harbor dredging.*
- Sec. 145. Replacement capacity.*
- Sec. 146. Reviewing hydropower at Corps of Engineers facilities.*
- Sec. 147. Repair and restoration of embankments.*
- Sec. 148. Coastal mapping.*
- Sec. 149. Interim risk reduction measures.*
- Sec. 150. Maintenance dredging permits.*
- Sec. 151. High water-low water preparedness.*
- Sec. 152. Treatment of certain benefits and costs.*
- Sec. 153. Lease deviations.*
- Sec. 154. Sense of Congress on Arctic deep draft port development.*
- Sec. 155. Small water storage projects.*
- Sec. 156. Planning Assistance to States.*
- Sec. 157. Forecast-informed reservoir operations.*
- Sec. 158. Data for water allocation, supply, and demand.*
- Sec. 159. Inland waterways pilot program.*
- Sec. 160. Definition of economically disadvantaged community.*
- Sec. 161. Studies of water resources development projects by non-Federal interests.*

- Sec. 162. *Leveraging Federal infrastructure for increased water supply.*
 Sec. 163. *Sense of Congress on removal of unauthorized, manmade, flammable materials on Corps property.*
 Sec. 164. *Enhanced development program.*
 Sec. 165. *Continuing authority programs.*

TITLE II—STUDIES AND REPORTS

- Sec. 201. *Authorization of proposed feasibility studies.*
 Sec. 202. *Expedited completions.*
 Sec. 203. *Expedited modifications of existing feasibility studies.*
 Sec. 204. *Assistance to non-Federal sponsors; feasibility analysis.*
 Sec. 205. *Selma, Alabama.*
 Sec. 206. *Report on Corps of Engineers facilities in Appalachia.*
 Sec. 207. *Additional studies under North Atlantic Coast Comprehensive Study.*
 Sec. 208. *South Atlantic coastal study.*
 Sec. 209. *Comprehensive study of the Sacramento River, Yolo Bypass, California.*
 Sec. 210. *Lake Okeechobee regulation schedule, Florida.*
 Sec. 211. *Great Lakes coastal resiliency study.*
 Sec. 212. *Report on the status of restoration in the Louisiana coastal area.*
 Sec. 213. *Lower Mississippi River comprehensive management study.*
 Sec. 214. *Upper Mississippi River Comprehensive Plan.*
 Sec. 215. *Upper Missouri River Basin mainstem dam fish loss research.*
 Sec. 216. *Lower and Upper Missouri River Comprehensive Flood Protection.*
 Sec. 217. *Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire.*
 Sec. 218. *Cougar and Detroit Dams, Willamette River Basin, Oregon.*
 Sec. 219. *Port Orford, Oregon.*
 Sec. 220. *Wilson Creek and Sloan Creek, Fairview, Texas.*
 Sec. 221. *Study on water supply and water conservation at water resources development projects.*
 Sec. 222. *Report to Congress on authorized studies and projects.*
 Sec. 223. *Completion of reports and materials.*
 Sec. 224. *Emergency flooding protection for lakes.*
 Sec. 225. *Report on debris removal.*
 Sec. 226. *Report on antecedent hydrologic conditions.*
 Sec. 227. *Subsurface drain systems research and development.*
 Sec. 228. *Report on corrosion prevention activities.*
 Sec. 229. *Annual reporting on dissemination of information.*
 Sec. 230. *Report on benefits calculation for flood control structures.*

TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

- Sec. 301. *Deauthorization of inactive projects.*
 Sec. 302. *Abandoned and inactive noncoal mine restoration.*
 Sec. 303. *Tribal partnership program.*
 Sec. 304. *Lakes program.*
 Sec. 305. *Rehabilitation of Corps of Engineers constructed dams.*
 Sec. 306. *Chesapeake Bay Environmental Restoration and Protection Program.*
 Sec. 307. *Upper Mississippi River System Environmental Management Program.*
 Sec. 308. *Upper Mississippi River protection.*
 Sec. 309. *Theodore Ship Channel, Mobile, Alabama.*
 Sec. 310. *McClellan-Kerr Arkansas River Navigation System.*
 Sec. 311. *Ouachita and Black Rivers, Arkansas and Louisiana.*
 Sec. 312. *Lake Isabella, California.*
 Sec. 313. *Lower San Joaquin River flood control project.*

- Sec. 314. Sacramento River, Glenn-Colusa, California.*
- Sec. 315. San Diego River and Mission Bay, San Diego County, California.*
- Sec. 316. San Francisco, California, Waterfront Area.*
- Sec. 317. Western Pacific Interceptor Canal, Sacramento River, California.*
- Sec. 318. Rio Grande Environmental Management Program, Colorado, New Mexico, and Texas.*
- Sec. 319. New London Harbor Waterfront Channel, Connecticut.*
- Sec. 320. Wilmington Harbor, Delaware.*
- Sec. 321. Wilmington Harbor South Disposal Area, Delaware.*
- Sec. 322. Washington Harbor, District of Columbia.*
- Sec. 323. Big Cypress Seminole Indian Reservation Water Conservation Plan, Florida.*
- Sec. 324. Central Everglades, Florida.*
- Sec. 325. Miami River, Florida.*
- Sec. 326. Julian Keen, Jr. Lock and Dam, Moore Haven, Florida.*
- Sec. 327. Taylor Creek Reservoir and Levee L-73 (Section 1), Upper St. Johns River Basin, Florida.*
- Sec. 328. Extinguishment of flowage easements, Rough River Lake, Kentucky.*
- Sec. 329. Calcasieu River and Pass, Louisiana.*
- Sec. 330. Camden Harbor, Maine.*
- Sec. 331. Cape Porpoise Harbor, Maine, anchorage area designation.*
- Sec. 332. Baltimore, Maryland.*
- Sec. 333. Thad Cochran Lock and Dam, Amory, Mississippi.*
- Sec. 334. Missouri river reservoir sediment management.*
- Sec. 335. Portsmouth, New Hampshire.*
- Sec. 336. Rahway flood risk management feasibility study, New Jersey.*
- Sec. 337. San Juan-Chama project; Abiquiu Dam, New Mexico.*
- Sec. 338. Flushing Bay and Creek Federal Navigation Channel, New York.*
- Sec. 339. Rush River and Lower Branch Rush River, North Dakota.*
- Sec. 340. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut.*
- Sec. 341. Harris County, Texas.*
- Sec. 342. Cap Sante Waterway, Washington.*
- Sec. 343. Local government reservoir permit review.*
- Sec. 344. Project modifications for improvement of environment.*
- Sec. 345. Aquatic ecosystem restoration.*
- Sec. 346. Surplus water contracts and water storage agreements.*
- Sec. 347. No wake zones in navigation channels.*
- Sec. 348. Limitation on contract execution in the Arkansas River Basin.*
- Sec. 349. Waiver of non-Federal share of damages related to certain contract claims.*
- Sec. 350. Reduced pricing for certain water supply storage.*
- Sec. 351. Flood control and other purposes.*
- Sec. 352. Additional assistance for critical projects.*
- Sec. 353. Project modification authorizations.*
- Sec. 354. Completion of maintenance and repair activities.*
- Sec. 355. Project reauthorizations.*
- Sec. 356. Conveyances.*
- Sec. 357. Lake Eufaula advisory committee.*
- Sec. 358. Repeal of Missouri River Task Force, North Dakota.*
- Sec. 359. Repeal of Missouri River Task Force, South Dakota.*
- Sec. 360. Conforming amendments.*

TITLE IV—WATER RESOURCES INFRASTRUCTURE

Sec. 401. *Project authorizations.*

Sec. 402. *Special rules.*

Sec. 403. *Authorization of projects based on feasibility studies prepared by non-Federal interests.*

TITLE V—OTHER MATTERS

Sec. 501. *Update on Invasive Species Policy Guidance.*

Sec. 502. *Aquatic invasive species research.*

Sec. 503. *Terrestrial noxious weed control pilot program.*

Sec. 504. *Invasive species risk assessment, prioritization, and management.*

Sec. 505. *Invasive species mitigation and reduction.*

Sec. 506. *Aquatic invasive species prevention.*

Sec. 507. *Invasive species in alpine lakes pilot program.*

Sec. 508. *Murder hornet eradication pilot program.*

Sec. 509. *Asian carp prevention and control pilot program.*

Sec. 510. *Invasive species in noncontiguous States and territories pilot program.*

Sec. 511. *Soil moisture and snowpack monitoring.*

Sec. 512. *Great Lakes St. Lawrence Seaway Development Corporation.*

1 **SEC. 2. SECRETARY DEFINED.**

2 *In this Act, the term “Secretary” means the Secretary*
 3 *of the Army.*

4 **TITLE I—GENERAL PROVISIONS**5 **SEC. 101. BUDGETARY TREATMENT EXPANSION AND AD-**6 **JUSTMENT FOR THE HARBOR MAINTENANCE**7 **TRUST FUND.**

8 *Section 14003 of division B of the CARES Act (Public*
 9 *Law 116–136) is amended to read as follows:*

10 *“SEC. 14003. Any discretionary appropriation for the*
 11 *Corps of Engineers—*

12 *“(1) derived from the Harbor Maintenance Trust*
 13 *Fund, in this fiscal year and thereafter, not to exceed*
 14 *the sum of—*

15 *“(A) the total amount deposited in the Har-*
 16 *bor Maintenance Trust Fund in the fiscal year*

1 *that is two years prior to the fiscal year for*
2 *which the appropriation is being made; and*

3 “(B)(i) \$500,000,000 for fiscal year 2021;

4 “(ii) \$600,000,000 for fiscal year 2022;

5 “(iii) \$700,000,000 for fiscal year 2023;

6 “(iv) \$800,000,000 for fiscal year 2024;

7 “(v) \$900,000,000 for fiscal year 2025;

8 “(vi) \$1,000,000,000 for fiscal year 2026;

9 “(vii) \$1,200,000,000 for fiscal year 2027;

10 “(viii) \$1,300,000,000 for fiscal year 2028;

11 “(ix) \$1,400,000,000 for fiscal year 2029;

12 *and*

13 “(x) \$1,500,000,000 for fiscal year 2030

14 *and thereafter; and*

15 “(2) for the Operation and Maintenance account
16 *of the Corps of Engineers which is designated in stat-*
17 *ute as being to carry out subsection (c) of section*
18 *2106 of the Water Resources Reform and Development*
19 *Act of 2014 (33 U.S.C. 2238c), not to exceed—*

20 “(A) \$50,000,000 for fiscal year 2021;

21 “(B) \$50,000,000 for fiscal year 2022;

22 “(C) \$56,000,000 for fiscal year 2023;

23 “(D) \$58,000,000 for fiscal year 2024;

24 “(E) \$60,000,000 for fiscal year 2025;

25 “(F) \$62,000,000 for fiscal year 2026;

1 “(G) \$64,000,000 for fiscal year 2027;
2 “(H) \$66,000,000 for fiscal year 2028;
3 “(I) \$68,000,000 for fiscal year 2029; and
4 “(J) \$70,000,000 for fiscal year 2030;
5 shall be subtracted from the estimate of discretionary budget
6 authority and outlays for any estimate of an appropria-
7 tions Act under the Congressional Budget and Impound-
8 ment Control Act of 1974 or the Balanced Budget and
9 Emergency Deficit Control Act of 1985.”.

10 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR NAVI-**
11 **GATION.**

12 (a) *AUTHORIZATION.*—

13 (1) *IN GENERAL.*—*In carrying out subsection (c)*
14 *of section 210 of the Water Resources Development*
15 *Act of 1986 (33 U.S.C. 2238), for each fiscal year, of*
16 *the funds made available under such section (includ-*
17 *ing funds appropriated from the Harbor Maintenance*
18 *Trust Fund), the Secretary shall, to the extent prac-*
19 *ticable, unless otherwise directed in an Act making*
20 *appropriations for the Corps of Engineers, make ex-*
21 *penditures to pay for operation and maintenance*
22 *costs of the harbors and inland harbors referred to in*
23 *subsection (a)(2) of such section, to the extent there*
24 *are identifiable operations and maintenance needs,*
25 *of—*

1 (A) *not less than 15 percent of such funds*
2 *for emerging harbor projects, including eligible*
3 *breakwater and jetty needs at such harbor*
4 *projects;*

5 (B) *not less than 13 percent of such funds*
6 *for projects that are located within the Great*
7 *Lakes Navigation System;*

8 (C) *12 percent of such funds for expanded*
9 *uses carried out at donor ports and energy*
10 *transfer ports, of which—*

11 (i) *$\frac{1}{3}$ shall be provided to energy*
12 *transfer ports; and*

13 (ii) *$\frac{2}{3}$ shall be provided to donor ports;*

14 (D) *not less than 17 percent of such funds*
15 *for projects that are assigned to commercial stra-*
16 *tegic seaports; and*

17 (E) *any remaining funds for operation and*
18 *maintenance costs of any harbor or inland har-*
19 *bor referred to in such subsection (a)(2) based on*
20 *an equitable allocation of such funds among such*
21 *harbors and inland harbors, in accordance with*
22 *subsection (c)(1) of such section 210.*

23 (2) *DEFINITIONS.—In this subsection:*

24 (A) *COMMERCIAL STRATEGIC SEAPORT.—*

25 *The term “commercial strategic seaport” means*

1 *a commercial harbor supporting the coordination*
2 *of efficient port operations during peacetime and*
3 *national defense emergencies that is designated*
4 *as strategic through the National Port Readiness*
5 *Network.*

6 (B) *DONOR PORT; ENERGY TRANSFER*
7 *PORT.—The terms “donor port” and “energy*
8 *transfer port” have the meanings given those*
9 *terms in section 2106 of the Water Resources Re-*
10 *form and Development Act of 2014 (33 U.S.C.*
11 *2238c).*

12 (C) *EMERGING HARBOR PROJECT; GREAT*
13 *LAKES NAVIGATION SYSTEM.—The terms “emerg-*
14 *ing harbor project” and “Great Lakes Naviga-*
15 *tion System” have the meanings given those*
16 *terms in section 210 of the Water Resources De-*
17 *velopment Act of 1986 (33 U.S.C. 2238).*

18 (3) *EFFECTIVE DATE.—This subsection shall take*
19 *effect on October 1, 2022.*

20 (b) *ADDITIONAL USES.—*

21 (1) *OPERATION AND MAINTENANCE OF HARBOR*
22 *PROJECTS.—Section 210(c)(3) of the Water Resources*
23 *Development Act of 1986 (33 U.S.C. 2238(c)(3)) is*
24 *amended—*

1 (A) by striking “Notwithstanding” and in-
2 serting the following:

3 “(A) ALLOCATION.—Notwithstanding”; and

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

5 “(B) ADDITIONAL USES AT EMERGING HAR-
6 BORS.—

7 “(i) USES.—In each fiscal year, the
8 Secretary may use not more than
9 \$5,000,000 of funds allocated for emerging
10 harbor projects under paragraph (1) to pay
11 for the costs of up to 10 projects for mainte-
12 nance dredging of a marina or berthing
13 area, in an emerging harbor, that includes
14 an area that is located adjacent to, or is ac-
15 cessible by, a Federal navigation project,
16 subject to clauses (ii) and (iii) of this sub-
17 paragraph.

18 “(ii) ELIGIBLE EMERGING HARBORS.—
19 The Secretary may use funds as authorized
20 under clause (i) at an emerging harbor
21 that—

22 “(I) supports commercial activi-
23 ties, including commercial fishing op-
24 erations, commercial fish processing

1 *operations, recreational and sport fish-*
2 *ing, and commercial boat yards; or*

3 *“(II) supports activities of the*
4 *Secretary of the department in which*
5 *the Coast Guard is operating.*

6 *“(iii) COST-SHARING REQUIRE-*
7 *MENTS.—The Secretary shall require a non-*
8 *Federal interest to contribute not less than*
9 *25 percent of the costs for maintenance*
10 *dredging of that portion of a maintenance*
11 *dredging project described in clause (i) that*
12 *is located outside of the Federal navigation*
13 *project, which may be provided as an in-*
14 *kind contribution, including through the use*
15 *of dredge equipment owned by non-Federal*
16 *interest to carry out such activities.”.*

17 *(2) ASSESSMENT OF HARBORS AND INLAND HAR-*
18 *BORS.—Section 210(e)(2)(A)(ii) of the Water Re-*
19 *sources Development Act of 1986 (33 U.S.C.*
20 *2238(e)(2)(A)(ii)) is amended by inserting “uses de-*
21 *scribed in subsection (c)(3)(B) and” after “costs for”.*

22 *(3) DEFINITIONS.—Section 210(f) of the Water*
23 *Resources Development Act of 1986 (33 U.S.C.*
24 *2238(f)) is amended—*

25 *(A) by striking paragraph (6);*

1 (B) by redesignating paragraphs (3)
2 through (5) as paragraphs (4) through (6), re-
3 spectively;

4 (C) by striking paragraph (2) and inserting
5 the following:

6 “(2) *EMERGING HARBOR*.—The term ‘emerging
7 harbor’ means a harbor or inland harbor referred to
8 in subsection (a)(2) that transits less than 1,000,000
9 tons of cargo annually.

10 “(3) *EMERGING HARBOR PROJECT*.—The term
11 ‘emerging harbor project’ means a project that is as-
12 signed to an emerging harbor.”; and

13 (D) in paragraph (4) (as so redesignated),
14 by adding at the end the following:

15 “(C) An in-water improvement, if the im-
16 provement—

17 “(i) is for the seismic reinforcement of
18 a wharf or other berthing structure, or the
19 repair or replacement of a deteriorating
20 wharf or other berthing structure, at a port
21 facility;

22 “(ii) benefits commercial navigation at
23 the harbor; and

1 “(iii) is located in, or adjacent to, a
2 berth that is accessible to a Federal naviga-
3 tion project.

4 “(D) An activity to maintain slope stability
5 at a berth in a harbor that is accessible to a Fed-
6 eral navigation project if such activity benefits
7 commercial navigation at the harbor.”.

8 **SEC. 103. ANNUAL REPORT TO CONGRESS ON THE HARBOR**
9 **MAINTENANCE TRUST FUND.**

10 Section 330 of the Water Resources Development Act
11 of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amended—

12 (1) in subsection (a)—

13 (A) by striking “and annually thereafter,”
14 and inserting “and annually thereafter concur-
15 rent with the submission of the President’s an-
16 nual budget request to Congress,”; and

17 (B) by striking “Public Works and Trans-
18 portation” and inserting “Transportation and
19 Infrastructure”; and

20 (2) in subsection (b)(1) by adding at the end the
21 following:

22 “(D) A description of the expected expendi-
23 tures from the trust fund to meet the needs of
24 navigation for the fiscal year of the budget re-
25 quest.”.

1 **SEC. 104. ADDITIONAL MEASURES AT DONOR PORTS AND**
2 **ENERGY TRANSFER PORTS.**

3 (a) *INTERIM AUTHORIZATION.*—Section 2106(f) of the
4 *Water Resources Reform and Development Act of 2014* (33
5 *U.S.C. 2238c(f)*) is amended—

6 (1) in paragraph (1), by striking “2020” and in-
7 serting “2022”; and

8 (2) by striking paragraph (3).

9 (b) *IN GENERAL.*—

10 (1) *DEFINITIONS.*—Section 2106(a) of the *Water*
11 *Resources Reform and Development Act of 2014* (33
12 *U.S.C. 2238c(a)*) is amended—

13 (A) in paragraph (3)(A)—

14 (i) by amending clause (ii) to read as
15 follows:

16 “(ii) at which the total amount of har-
17 bor maintenance taxes collected (including
18 the estimated taxes related to domestic cargo
19 and cruise passengers) comprise not less
20 than \$15,000,000 annually of the total
21 funding of the Harbor Maintenance Trust
22 Fund on an average annual basis for the
23 previous 3 fiscal years;”;

24 (ii) in clause (iii)—

25 (I) by inserting “(including the
26 estimated taxes related to domestic

1 *cargo and cruise passengers)” after*
2 *“taxes collected”; and*

3 *(II) by striking “5 fiscal years”*
4 *and inserting “3 fiscal years”; and*

5 *(iii) in clause (iv), by striking “in fis-*
6 *cal year 2012” and inserting “on an aver-*
7 *age annual basis for the previous 3 fiscal*
8 *years”;*

9 *(B) in paragraph (5)(B), by striking “in*
10 *fiscal year 2012” each place it appears and in-*
11 *serting “on an average annual basis for the pre-*
12 *vious 3 fiscal years”;*

13 *(C) by redesignating paragraph (8) as*
14 *paragraph (9) and inserting after paragraph (7)*
15 *the following:*

16 *“(8) HARBOR MAINTENANCE TRUST FUND.—The*
17 *term ‘Harbor Maintenance Trust Fund’ means the*
18 *Harbor Maintenance Trust Fund established by sec-*
19 *tion 9505 of the Internal Revenue Code of 1986.”; and*

20 *(D) in paragraph (9), as so redesignated—*

21 *(i) by amending subparagraph (B) to*
22 *read as follows:*

23 *“(B) at which the total amount of harbor*
24 *maintenance taxes collected (including the esti-*
25 *mated taxes related to domestic cargo and cruise*

1 *passengers) comprise annually more than*
2 *\$5,000,000 but less than \$15,000,000 of the total*
3 *funding of the Harbor Maintenance Trust Fund*
4 *on an average annual basis for the previous 3*
5 *fiscal years;”;*

6 *(ii) in subparagraph (C)—*

7 *(I) by inserting “(including the*
8 *estimated taxes related to domestic*
9 *cargo and cruise passengers)” after*
10 *“taxes collected”; and*

11 *(II) by striking “5 fiscal years”*
12 *and inserting “3 fiscal years”; and*

13 *(iii) in subparagraph (D), by striking*
14 *“in fiscal year 2012” and inserting “on an*
15 *average annual basis for the previous 3 fis-*
16 *cal years”.*

17 (2) *REPORT TO CONGRESS; AUTHORIZATION OF*
18 *APPROPRIATIONS.—Section 2106 of the Water Re-*
19 *sources Reform and Development Act of 2014 (33*
20 *U.S.C. 2238c) is amended—*

21 *(A) by striking subsection (e) and redesign-*
22 *ating subsections (f) and (g) as subsections (e)*
23 *and (f), respectively; and*

24 *(B) in subsection (e), as so redesignated, by*
25 *amending paragraph (1) to read as follows:*

1 “(1) *IN GENERAL.*—*There are authorized to be*
2 *appropriated to carry out this section—*

3 “(A) \$56,000,000 for fiscal year 2023;

4 “(B) \$58,000,000 for fiscal year 2024;

5 “(C) \$60,000,000 for fiscal year 2025;

6 “(D) \$62,000,000 for fiscal year 2026;

7 “(E) \$64,000,000 for fiscal year 2027;

8 “(F) \$66,000,000 for fiscal year 2028;

9 “(G) \$68,000,000 for fiscal year 2029; and

10 “(H) \$70,000,000 for fiscal year 2030.”.

11 (3) *EFFECTIVE DATE.*—*The amendments made*
12 *by this subsection shall take effect on October 1, 2022.*

13 **SEC. 105. CONSTRUCTION OF WATER RESOURCES DEVELOP-**
14 **MENT PROJECTS BY NON-FEDERAL INTER-**
15 **ESTS.**

16 (a) *STUDIES AND ENGINEERING.*—*Section 204(c)(1) of*
17 *the Water Resources Development Act of 1986 (33 U.S.C.*
18 *2232(c)(1)) is amended by striking “under subsection (b)”*
19 *and inserting “under this section”.*

20 (b) *ASSUMPTION OF MAINTENANCE OF A LOCALLY*
21 *PREFERRED PLAN.*—*Section 204(f) of the Water Resources*
22 *Development Act of 1986 (33 U.S.C. 2232(f)) is amended*
23 *to read as follows:*

24 “(f) *OPERATION AND MAINTENANCE.*—

1 “(1) *ASSUMPTION OF MAINTENANCE.*—Whenever
2 a non-Federal interest carries out improvements to a
3 federally authorized harbor or inland harbor, the Sec-
4 retary shall be responsible for operation and mainte-
5 nance in accordance with section 101(b) if—

6 “(A) before construction of the improve-
7 ments—

8 “(i) the Secretary determines that the
9 improvements are feasible and consistent
10 with the purposes of this title; and

11 “(ii) the Secretary and the non-Federal
12 interest execute a written agreement relat-
13 ing to operation and maintenance of the
14 improvements;

15 “(B) the Secretary certifies that the project
16 or separable element of the project is constructed
17 in accordance with applicable permits and ap-
18 propriate engineering and design standards; and

19 “(C) the Secretary does not find that the
20 project or separable element is no longer feasible.

21 “(2) *FEDERAL FINANCIAL PARTICIPATION IN THE*
22 *COSTS OF A LOCALLY PREFERRED PLAN.*—In the case
23 of improvements determined by the Secretary pursu-
24 ant to paragraph (1)(A)(i) to deviate from the na-
25 tional economic development plan, the Secretary shall

1 *be responsible for all operation and maintenance costs*
2 *of such improvements, as described in section 101(b),*
3 *including costs in excess of the costs of the national*
4 *economic development plan, if the Secretary deter-*
5 *mines that the improvements satisfy the requirements*
6 *of paragraph (1).”.*

7 *(c) REPORT.—A non-Federal interest may submit to*
8 *the Secretary a report on improvements to a federally au-*
9 *thorized harbor or inland harbor to be carried out by the*
10 *non-Federal interest, containing any information necessary*
11 *for the Secretary determine whether the improvements sat-*
12 *isfy the requirements of section 204(f)(1) of the Water Re-*
13 *sources Development Act of 1986 (33 U.S.C. 2232), includ-*
14 *ing—*

15 *(1) the economic justification for the improve-*
16 *ments;*

17 *(2) details of the project improvement plan and*
18 *design;*

19 *(3) proposed arrangements for the work to be*
20 *performed; and*

21 *(4) documents relating to any applicable permits*
22 *required for the project improvements.*

23 *(d) PROJECT STUDIES SUBJECT TO INDEPENDENT*
24 *PEER REVIEW.—The Secretary shall not be required to sub-*
25 *ject a project study for a project with a cost of less than*

1 \$200,000,000, which the Secretary determines satisfies the
2 requirements of section 204(f)(1) of the Water Resources De-
3 velopment Act of 1986 (33 U.S.C. 2232), to independent
4 peer review under section 2034(a)(3)(A)(i) of the Water Re-
5 sources Development Act of 2007 (33 U.S.C.
6 2343(a)(3)(A)(i)).

7 **SEC. 106. COAST GUARD ANCHORAGES.**

8 *The Secretary may perform dredging at Federal ex-*
9 *pense within and adjacent to anchorages established by the*
10 *Coast Guard pursuant to existing authorities.*

11 **SEC. 107. STATE CONTRIBUTION OF FUNDS FOR CERTAIN**
12 **OPERATION AND MAINTENANCE COSTS.**

13 *In carrying out eligible operations and maintenance*
14 *activities within the Great Lakes Navigation System pursu-*
15 *ant to section 210 of the Water Resources Development Act*
16 *of 1986 (33 U.S.C. 2238) in a State that has implemented*
17 *any additional State limitation on the disposal of dredged*
18 *material in the open waters of such State, the Secretary*
19 *may, pursuant to section 5 of the Act of June 22, 1936*
20 *(33 U.S.C. 701h), receive from such State, and expend, such*
21 *funds as may be contributed by the State to cover the addi-*
22 *tional costs for operations and maintenance activities for*
23 *a harbor or inland harbor within such State that result*
24 *from such limitation.*

1 **SEC. 108. GREAT LAKES CONFINED DISPOSAL FACILITIES.**

2 (a) *MITIGATION.*—*The Secretary may relocate access*
3 *to the Port of Cleveland confined disposal facility, owned*
4 *or operated by a non-Federal interest, in which material*
5 *dredged by the Corps of Engineers is placed.*

6 (b) *COST-SHARE.*—*The cost to relocate access to the*
7 *confined disposal facility described in subsection (a) shall*
8 *be shared in accordance with the cost share applicable to*
9 *operation and maintenance of the Federal navigation*
10 *project from which material placed in the confined disposal*
11 *facility is dredged.*

12 (c) *TERMINATION.*—*The authority provided under this*
13 *section shall terminate on December 31, 2024.*

14 **SEC. 109. INLAND WATERWAY PROJECTS.**

15 *Notwithstanding section 102 of the Water Resources*
16 *Development Act of 1986 (33 U.S.C. 2212), for a project*
17 *for navigation on the inland waterways receiving a con-*
18 *struction appropriation during any of fiscal years 2021*
19 *through 2031, 35 percent of the costs of construction of the*
20 *project shall be paid from amounts appropriated from the*
21 *Inland Waterways Trust Fund until such construction of*
22 *the project is complete.*

23 **SEC. 110. IMPLEMENTATION OF WATER RESOURCES PRIN-**
24 **CIPLES AND REQUIREMENTS.**

25 (a) *IN GENERAL.*—*Not later than 180 days after the*
26 *date of enactment of this Act, the Secretary shall issue final*

1 *agency-specific procedures necessary to implement the prin-*
2 *ciples and requirements and the interagency guidelines.*

3 **(b) DEVELOPMENT OF FUTURE WATER RESOURCES**
4 **DEVELOPMENT PROJECTS.**—*The procedures required by*
5 *subsection (a) shall ensure that the Secretary, in the formu-*
6 *lation of future water resources development projects—*

7 (1) *develops such projects in accordance with—*

8 (A) *the guiding principles established by the*
9 *principles and requirements; and*

10 (B) *the national water resources planning*
11 *policy established by section 2031(a) of the*
12 *Water Resources Development Act of 2007 (42*
13 *U.S.C. 1962–3(a)); and*

14 (2) *fully identifies and analyzes national eco-*
15 *nomical development benefits, regional economic devel-*
16 *opment benefits, environmental quality benefits, and*
17 *other societal effects.*

18 **(c) REVIEW AND UPDATE.**—*Every 5 years, the Sec-*
19 *retary shall review and, where appropriate, revise the pro-*
20 *cedures required by subsection (a).*

21 **(d) PUBLIC REVIEW, NOTICE, AND COMMENT.**—*In*
22 *issuing, reviewing, and revising the procedures required by*
23 *this section, the Secretary shall—*

1 (1) *provide notice to interested non-Federal*
2 *stakeholders of the Secretary’s intent to revise the pro-*
3 *cedures;*

4 (2) *provide opportunities for interested non-Fed-*
5 *eral stakeholders to engage with, and provide input*
6 *and recommendations to, the Secretary on the revi-*
7 *sion of the procedures; and*

8 (3) *solicit and consider public and expert com-*
9 *ments.*

10 (e) *DEFINITIONS.—In this section:*

11 (1) *INTERAGENCY GUIDELINES.—The term*
12 *“interagency guidelines” means the interagency*
13 *guidelines contained in the document finalized by the*
14 *Council on Environmental Quality pursuant to sec-*
15 *tion 2031 of the Water Resources Development Act of*
16 *2007 (42 U.S.C. 1962–3) in December 2014, to imple-*
17 *ment the principles and requirements.*

18 (2) *PRINCIPLES AND REQUIREMENTS.—The term*
19 *“principles and requirements” means the principles*
20 *and requirements contained in the document prepared*
21 *by the Council on Environmental Quality pursuant*
22 *to section 2031 of the Water Resources Development*
23 *Act of 2007 (42 U.S.C. 1962–3), entitled “Principles*
24 *and Requirements for Federal Investments in Water*
25 *Resources”, and dated March 2013.*

1 **SEC. 111. RESILIENCY PLANNING ASSISTANCE.**

2 (a) *IN GENERAL.*—Section 206(a) of the Flood Control
3 Act of 1960 (33 U.S.C. 709a(a)) is amended by inserting
4 “, to avoid repetitive flooding impacts, to anticipate, pre-
5 pare, and adapt to changing climatic conditions and ex-
6 treme weather events, and to withstand, respond to, and re-
7 cover rapidly from disruption due to the flood hazards”
8 after “in planning to ameliorate the flood hazard”.

9 (b) *PRIORITIZING FLOOD RISK RESILIENCY TECH-*
10 *NICAL ASSISTANCE.*—In carrying out section 206 of the
11 Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary
12 shall prioritize the provision of technical assistance to sup-
13 port flood risk resiliency planning efforts of economically
14 disadvantaged communities or communities subject to re-
15 petitive flooding.

16 **SEC. 112. PROJECT CONSULTATION.**

17 (a) *REPORTS REQUIRED.*—Not later than 180 days
18 after the date of enactment of this Act, the Secretary shall
19 submit the following reports:

20 (1) The report required under section 1214 of the
21 Water Resources Development Act of 2018 (132 Stat.
22 3809).

23 (2) The report required under section 1120(a)(3)
24 of the Water Resources Development Act of 2016 (130
25 Stat. 1643).

26 (b) *ENVIRONMENTAL JUSTICE UPDATES.*—

1 (1) *IN GENERAL.*—*In the formulation of water*
2 *development resources projects, the Secretary shall*
3 *comply with any existing Executive order regarding*
4 *environmental justice in effect as of the date of enact-*
5 *ment of this Act to address any disproportionate and*
6 *adverse human health or environmental effects on mi-*
7 *nority communities, low-income communities, and*
8 *Indian Tribes.*

9 (2) *UPDATE.*—*Not later than 1 year after the*
10 *date of enactment of this Act, the Secretary shall re-*
11 *view, and shall update, where appropriate, any poli-*
12 *cies, regulations, and guidance of the Corps of Engi-*
13 *neers necessary to implement any Executive order de-*
14 *scribed in paragraph (1) with respect to water re-*
15 *sources development projects.*

16 (3) *REQUIREMENTS.*—*In updating the policies,*
17 *regulations, or guidance under paragraph (2), the*
18 *Secretary shall—*

19 (A) *provide notice to interested non-Federal*
20 *stakeholders, including representatives of minor-*
21 *ity communities, low-income communities, and*
22 *Indian Tribes;*

23 (B) *provide opportunities for interested*
24 *stakeholders to comment on potential updates of*
25 *policies, regulations, or guidance;*

1 (C) consider the recommendations from the
2 reports submitted under subsection (a); and

3 (D) promote the meaningful involvement of
4 minority communities, low-income communities,
5 and Indian Tribes.

6 (c) *COMMUNITY ENGAGEMENT.*—In carrying out a
7 water resources development project, the Secretary shall, to
8 the extent practicable—

9 (1) promote the meaningful involvement of mi-
10 nority communities, low-income communities, and
11 Indian Tribes;

12 (2) provide guidance and technical assistance to
13 such communities or Tribes to increase understanding
14 of the project development and implementation activi-
15 ties, regulations, and policies of the Corps of Engi-
16 neers; and

17 (3) cooperate with State, Tribal, and local gov-
18 ernments with respect to activities carried out pursu-
19 ant to this subsection.

20 (d) *TRIBAL LANDS AND CONSULTATION.*—In carrying
21 out water resources development projects, the Secretary
22 shall, to the extent practicable and in accordance with the
23 Tribal Consultation Policy affirmed and formalized by the
24 Secretary on November 1, 2012 (or a successor policy)—

1 (1) *promote meaningful involvement with Indian*
2 *Tribes specifically on any Tribal lands near or adja-*
3 *cent to any water resources development projects, for*
4 *purposes of identifying lands of ancestral, cultural, or*
5 *religious importance;*

6 (2) *consult with Indian Tribes specifically on*
7 *any Tribal areas near or adjacent to any water re-*
8 *sources development projects, for purposes of identi-*
9 *fying lands, waters, and other resources critical to the*
10 *livelihood of the Indian Tribes; and*

11 (3) *cooperate with Indian Tribes to avoid, or*
12 *otherwise find alternate solutions with respect to, such*
13 *areas.*

14 **SEC. 113. REVIEW OF RESILIENCY ASSESSMENTS.**

15 (a) *RESILIENCY ASSESSMENT.—*

16 (1) *IN GENERAL.—Not later than 180 days after*
17 *the date of enactment of this section, and in conjunc-*
18 *tion with the development of procedures under section*
19 *110 of this Act, the Secretary is directed to review,*
20 *and where appropriate, revise the existing planning*
21 *guidance documents and regulations of the Corps of*
22 *Engineers on the assessment of the effects of sea level*
23 *rise or inland flooding on future water resources de-*
24 *velopment projects to ensure that such guidance docu-*
25 *ments and regulations are based on the best available,*

1 *peer-reviewed science and data on the current and fu-*
2 *ture effects of sea level rise or inland flooding on rel-*
3 *evant communities.*

4 (2) *COORDINATION.*—*In carrying out this sub-*
5 *section, the Secretary shall—*

6 (A) *coordinate the review with the Engineer*
7 *Research and Development Center, other Federal*
8 *and State agencies, and other relevant entities;*
9 *and*

10 (B) *to the maximum extent practicable and*
11 *where appropriate, utilize data provided to the*
12 *Secretary by such agencies.*

13 (b) *ASSESSMENT OF BENEFITS FROM ADDRESSING*
14 *SEA LEVEL RISE AND INLAND FLOODING RESILIENCY IN*
15 *FEASIBILITY REPORTS.*—

16 (1) *IN GENERAL.*—*Upon the request of a non-*
17 *Federal interest, in carrying out a feasibility study*
18 *for a project for flood risk mitigation, hurricane and*
19 *storm damage risk reduction, or ecosystem restoration*
20 *under section 905 of the Water Resources Development*
21 *Act of 1986 (33 U.S.C. 2282), the Secretary shall con-*
22 *sider whether the need for the project is predicated*
23 *upon or exacerbated by conditions related to sea level*
24 *rise or inland flooding.*

1 (2) *ADDRESSING SEA LEVEL RISE AND INLAND*
2 *FLOODING RESILIENCY BENEFITS.*—*To the maximum*
3 *extent practicable, in carrying out a study pursuant*
4 *to paragraph (1), the Secretary shall document the*
5 *potential effects of sea level rise or inland flooding on*
6 *the project, and the expected benefits of the project re-*
7 *lating to sea level rise or inland flooding, during the*
8 *50-year period after the date of completion of the*
9 *project.*

10 **SEC. 114. SMALL FLOOD CONTROL PROJECTS.**

11 *Section 205 of the Flood Control Act of 1948 (33*
12 *U.S.C. 701s) is amended by inserting “, and projects that*
13 *use natural features or nature-based features (as those terms*
14 *are defined in section 1184(a) of the Water Resources Devel-*
15 *opment Act of 2016 (33 U.S.C. 2289a(a)),” after “non-*
16 *structural projects”.*

17 **SEC. 115. FLOOD PROTECTION PROJECTS.**

18 (a) *GENERAL CONSIDERATIONS.*—*Section 73(a) of the*
19 *Water Resources Development Act of 1974 (33 U.S.C. 701b–*
20 *11(a)) is amended by striking “including” and all that fol-*
21 *lows through the period at the end and inserting the fol-*
22 *lowing: “, with a view toward formulating the most eco-*
23 *nomically, socially, and environmentally acceptable means*
24 *of reducing or preventing flood damage, including—*

1 “(1) floodproofing of structures, including
2 through elevation;

3 “(2) floodplain regulation;

4 “(3) acquisition of floodplain land for rec-
5 reational, fish and wildlife, and other public pur-
6 poses;

7 “(4) relocation; and

8 “(5) the use of a feature described in section
9 1184(a) of the Water Infrastructure Improvements for
10 the Nation Act (33 U.S.C. 2289a(a)).”.

11 (b) *CONFORMING AMENDMENT*.—Section 103(b) of the
12 Water Resources Development Act of 1986 (33 U.S.C. 2213)
13 is amended—

14 (1) in the subsection heading, by striking “NON-
15 STRUCTURAL FLOOD CONTROL PROJECTS” and in-
16 serting “PROJECTS USING NONSTRUCTURAL, NAT-
17 URAL, OR NATURE-BASED FEATURES”; and

18 (2) in paragraph (1)—

19 (A) by striking “nonstructural flood control
20 measures” and inserting “a flood risk manage-
21 ment or hurricane and storm damage risk reduc-
22 tion measure using a nonstructural feature, or a
23 natural feature or nature-based feature (as those
24 terms are defined in section 1184(a) of the Water

1 *Resources Development Act of 2016 (33 U.S.C.*
2 *2289a(a))*,”; and

3 *(B) by striking “cash during construction of*
4 *the project” and inserting “cash during construc-*
5 *tion for a nonstructural feature if the costs of*
6 *land, easements, rights-of-way, dredged material*
7 *disposal areas, and relocations for such feature*
8 *are estimated to exceed 35 percent”.*

9 **SEC. 116. FEASIBILITY STUDIES; REVIEW OF NATURAL AND**
10 **NATURE-BASED FEATURES.**

11 *(a) TECHNICAL CORRECTION.—Section 1149(c) of the*
12 *Water Resources Development Act of 2018 (33 U.S.C. 2282*
13 *note; 132 Stat. 3787) is amended by striking “natural in-*
14 *frastructure alternatives” and inserting “natural feature or*
15 *nature-based feature alternatives (as such terms are defined*
16 *in section 1184 of the Water Resources Development Act of*
17 *2016 (32 U.S.C. 2289a))”.*

18 *(b) SUMMARY OF ANALYSIS.—To the maximum extent*
19 *practicable, the Secretary shall include in each feasibility*
20 *report developed under section 905 of the Water Resources*
21 *Development Act of 1986 (33 U.S.C. 2282) for a project that*
22 *contains a flood risk management or hurricane and storm*
23 *damage risk reduction element, a summary of the natural*
24 *feature or nature-based feature alternatives, along with*
25 *their long-term costs and benefits, that were evaluated in*

1 *the development of the feasibility report, and, if such alter-*
2 *natives were not included in the recommended plan, an ex-*
3 *planation of why such alternatives were not included in the*
4 *recommended plan.*

5 **SEC. 117. FEDERAL INTEREST DETERMINATION.**

6 *Section 905 of the Water Resources Development Act*
7 *of 1986 (33 U.S.C. 2282) is amended by inserting after sub-*
8 *section (a) the following:*

9 *“(b) FEDERAL INTEREST DETERMINATION.—*

10 *“(1) IN GENERAL.—*

11 *“(A) ECONOMICALLY DISADVANTAGED COM-*
12 *MUNITIES.—In preparing a feasibility report*
13 *under subsection (a) for a study that will benefit*
14 *an economically disadvantaged community,*
15 *upon request by the non-Federal interest for the*
16 *study, the Secretary shall first determine the*
17 *Federal interest in carrying out the study and*
18 *the projects that may be proposed in the study.*

19 *“(B) OTHER COMMUNITIES.—*

20 *“(i) AUTHORIZATION.—In preparing a*
21 *feasibility report under subsection (a) for a*
22 *study that will benefit a covered commu-*
23 *nity, upon request by the non-Federal inter-*
24 *est for the study, the Secretary may, with*
25 *respect to not more than 3 studies in each*

1 *fiscal year, first determine the Federal in-*
2 *terest in carrying out the study and the*
3 *projects that may be proposed in the study.*

4 “(ii) *COVERED COMMUNITIES.*—*In this*
5 *subparagraph, the term ‘covered commu-*
6 *nity’ means a community that—*

7 “(I) *is not an economically dis-*
8 *advantaged community; and*

9 “(II) *the Secretary finds has a*
10 *compelling need for the Secretary to*
11 *make a determination under clause (i).*

12 “(2) *COST SHARE.*—*The costs of a determination*
13 *under paragraph (1)—*

14 “(A) *shall be at Federal expense; and*

15 “(B) *shall not exceed \$200,000.*

16 “(3) *DEADLINE.*—*A determination under para-*
17 *graph (1) shall be completed by not later than 120*
18 *days after the date on which funds are made available*
19 *to the Secretary to carry out the determination.*

20 “(4) *TREATMENT.*—

21 “(A) *TIMING.*—*The period during which a*
22 *determination is being completed under para-*
23 *graph (1) for a study shall not be included for*
24 *purposes of the deadline to complete a final fea-*
25 *sibility report under section 1001(a)(1) of the*

1 *Water Resources Reform and Development Act of*
2 *2014 (33 U.S.C. 2282c(a)(1)).*

3 “(B) *COST.*—*The cost of a determination*
4 *under paragraph (1) shall not be included for*
5 *purposes of the maximum Federal cost under sec-*
6 *tion 1001(a)(2) of the Water Resources Reform*
7 *and Development Act of 2014 (33 U.S.C.*
8 *2282c(a)(2)).*

9 “(5) *REPORT TO NON-FEDERAL INTEREST.*—*If,*
10 *based on a determination under paragraph (1), the*
11 *Secretary determines that a study or project is not in*
12 *the Federal interest because the project will not result,*
13 *or is unlikely to result, in a recommended plan that*
14 *will produce national economic development benefits*
15 *greater than cost, but may result in a technically*
16 *sound and environmentally acceptable plan that is*
17 *otherwise consistent with section 904 of the Water Re-*
18 *sources Development Act of 1986 (33 U.S.C. 2281),*
19 *the Secretary shall issue a report to the non-Federal*
20 *interest with recommendations on how the non-Fed-*
21 *eral interest might modify the proposal such that the*
22 *project could be in the Federal interest and feasible.”.*

1 **SEC. 118. PILOT PROGRAMS ON THE FORMULATION OF**
2 **CORPS OF ENGINEERS PROJECTS IN RURAL**
3 **COMMUNITIES AND ECONOMICALLY DIS-**
4 **ADVANTAGED COMMUNITIES.**

5 (a) *IN GENERAL.*—*The Secretary shall establish and*
6 *implement pilot programs, in accordance with this section,*
7 *to evaluate opportunities to address the flood risk manage-*
8 *ment and hurricane and storm damage risk reduction needs*
9 *of rural communities and economically disadvantaged com-*
10 *munities.*

11 (b) *ECONOMICALLY DISADVANTAGED COMMUNITY*
12 *FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE*
13 *REDUCTION STUDY PILOT PROGRAM.*—

14 (1) *IN GENERAL.*—*Not later than 180 days after*
15 *the date of enactment of this Act, the Secretary shall*
16 *establish and implement a pilot program to carry out*
17 *feasibility studies, in accordance with this subsection,*
18 *for flood risk management and hurricane and storm*
19 *damage risk reduction projects for economically dis-*
20 *advantaged communities, in coordination with non-*
21 *Federal interests.*

22 (2) *PARTICIPATION IN PILOT PROGRAM.*—*In car-*
23 *rying out paragraph (1), the Secretary shall—*

24 (A) *publish a notice in the Federal Register*
25 *that requests from non-Federal interests pro-*
26 *posals for the potential feasibility study of a*

1 *flood risk management project or hurricane and*
2 *storm damage risk reduction project for an eco-*
3 *nomically disadvantaged community;*

4 *(B) upon request of a non-Federal interest*
5 *for such a project, provide technical assistance to*
6 *such non-Federal interest in the formulation of a*
7 *proposal for a potential feasibility study to be*
8 *submitted to the Secretary under the pilot pro-*
9 *gram; and*

10 *(C) review such proposals and select 10 fea-*
11 *sibility studies for such projects to be carried out*
12 *by the Secretary, in coordination with the non-*
13 *Federal interest, under this pilot program.*

14 *(3) SELECTION CRITERIA.—In selecting a feasi-*
15 *bility study under paragraph (2)(C), the Secretary*
16 *shall consider whether—*

17 *(A) the percentage of people living in pov-*
18 *erty in the county or counties (or county-equiva-*
19 *lent entity or entities) in which the project is lo-*
20 *cated is greater than the percentage of people liv-*
21 *ing in poverty in the State, based on census bu-*
22 *reau data;*

23 *(B) the percentage of families with income*
24 *above the poverty threshold but below the average*
25 *household income in the county or counties (or*

1 *county-equivalent entity or entities) in which the*
2 *project is located is greater than such percentage*
3 *for the State, based on census bureau data;*

4 *(C) the percentage of the population that*
5 *identifies as belonging to a minority or indige-*
6 *nous group in the county or counties (or county-*
7 *equivalent entity or entities) in which the project*
8 *is located is greater than the average such per-*
9 *centage in the State, based on census bureau*
10 *data; and*

11 *(D) the project is addressing flooding or*
12 *hurricane or storm damage effects that have a*
13 *disproportionate impact on a rural community,*
14 *a minority community, or an Indian Tribe.*

15 (4) *ADMINISTRATION.*—*Notwithstanding the re-*
16 *quirements of section 105(a)(1)(A) of the Water Re-*
17 *sources Development Act of 1986 (33 U.S.C. 2215),*
18 *the Federal share of the cost of a feasibility study car-*
19 *ried out under the pilot program shall be 100 percent.*

20 (5) *STUDY REQUIREMENTS.*—*Feasibility studies*
21 *carried out under this subsection shall, to the max-*
22 *imum extent practicable, incorporate natural features*
23 *or nature-based features (as such terms are defined in*
24 *section 1184 of the Water Resources Development Act*
25 *of 2016 (33 U.S.C. 2289a)), or a combination of such*

1 *features and nonstructural features, that avoid or re-*
2 *duce at least 50 percent of flood or storm damages in*
3 *one or more of the alternatives included in the final*
4 *alternatives evaluated.*

5 (6) *NOTIFICATION.*—*The Secretary shall notify*
6 *the Committee on Transportation and Infrastructure*
7 *of the House of Representatives and the Committee on*
8 *Environment and Public Works of the Senate of the*
9 *selection of each feasibility study under the pilot pro-*
10 *gram.*

11 (7) *COMPLETION.*—*Upon completion of a feasi-*
12 *bility report for a feasibility study selected to be car-*
13 *ried out under this subsection, the Secretary shall*
14 *transmit the report to Congress for authorization, and*
15 *shall include the report in the next annual report sub-*
16 *mitted under section 7001 of the Water Resources Re-*
17 *form and Development Act of 2014 (33 U.S.C.*
18 *2282d).*

19 (c) *PILOT PROGRAM FOR THE RECOMMENDATION OF*
20 *FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE*
21 *REDUCTION PROJECTS IN RURAL COMMUNITIES AND ECO-*
22 *NOMICALLY DISADVANTAGED COMMUNITIES.*—

23 (1) *IN GENERAL.*—*Not later than 180 days after*
24 *the date of enactment of this Act, the Secretary shall*
25 *establish and implement a pilot program to evaluate,*

1 *and make recommendations to Congress on, flood risk*
2 *management projects and hurricane and storm dam-*
3 *age risk reduction projects in rural communities or*
4 *economically disadvantaged communities, without*
5 *demonstrating that each project is justified solely by*
6 *national economic development benefits.*

7 (2) *CONSIDERATIONS.—In carrying out this sub-*
8 *section, the Secretary may make a recommendation to*
9 *Congress on up to 10 projects, without demonstrating*
10 *that the project is justified solely by national eco-*
11 *nomical development benefits, if the Secretary deter-*
12 *mines that—*

13 (A) *the community to be served by the*
14 *project is an economically disadvantaged com-*
15 *munity or a rural community;*

16 (B) *the long-term life safety, economic via-*
17 *bility, and environmental sustainability of the*
18 *community would be threatened without the*
19 *project; and*

20 (C) *the project is consistent with the re-*
21 *quirements of section 1 of the Flood Control Act*
22 *of 1936 (33 U.S.C. 701a).*

23 (3) *CONSISTENCY.—In carrying out this sub-*
24 *section, the Secretary shall ensure that project rec-*
25 *ommendations are consistent with the principles and*

1 *requirements and the interagency guidelines, as such*
2 *terms are defined in section 110 of this Act, including*
3 *the consideration of quantifiable monetary and non-*
4 *monetary benefits of the project.*

5 (4) *PRIORITIZATION.*—*The Secretary may give*
6 *equivalent budgetary consideration and priority to*
7 *projects recommended under this subsection.*

8 (d) *GEOGRAPHIC DIVERSITY.*—*In selecting feasibility*
9 *studies under subsection (b)(2)(C) or in making project rec-*
10 *ommendations under subsection (c), the Secretary shall con-*
11 *sider the geographic diversity among proposed projects.*

12 (e) *REPORT.*—*Not later than 5 years and 10 years*
13 *after the date of enactment of this Act, the Secretary shall*
14 *submit to the Committee on Transportation and Infrastruc-*
15 *ture of the House of Representatives and the Committee on*
16 *Environment and Public Works of the Senate, and make*
17 *publicly available, a report detailing the results of the pilot*
18 *programs carried out under this section, including—*

19 (1) *a description of proposals received from non-*
20 *Federal interests pursuant to subsection (b)(2)(A);*

21 (2) *a description of technical assistance provided*
22 *to non-Federal interests under subsection (b)(2)(B);*

23 (3) *a description of proposals selected under sub-*
24 *section (b)(2)(C) and criteria used to select such pro-*
25 *posals;*

1 *(as that term is used in section 221(b) of the Flood*
2 *Control Act of 1970 (42 U.S.C. 1962d–5b(b))—*

3 *(A) with jurisdiction over an area that has*
4 *been subject to flooding in two or more events in*
5 *any 10-year period; and*

6 *(B) that has received emergency flood-fight-*
7 *ing assistance, including construction of tem-*
8 *porary barriers by the Secretary, under section*
9 *5 of the Act of August 18, 1941 (33 U.S.C. 701n)*
10 *with respect to such flood events.*

11 *(2) NATURAL FEATURE; NATURE-BASED FEA-*
12 *TURE.—The terms “natural feature” and “nature-*
13 *based feature” have the meanings given those terms in*
14 *section 1184 of the Water Resources Development Act*
15 *of 2016 (33 U.S.C. 2289a).*

16 *(b) PROGRAM.—*

17 *(1) IN GENERAL.—The Secretary is authorized to*
18 *carry out a program to study, design, and construct*
19 *water resources development projects through meas-*
20 *ures involving, among other things, strengthening,*
21 *raising, extending, realigning, or otherwise modifying*
22 *existing flood control works, designing new works,*
23 *and incorporating natural features, nature-based fea-*
24 *tures, or nonstructural features, as appropriate to*

1 *provide flood and coastal storm risk management to*
2 *affected communities.*

3 (2) *CONSIDERATIONS.*—*In carrying out para-*
4 *graph (1), the Secretary shall, to the maximum extent*
5 *practical, review and, where appropriate, incorporate*
6 *natural features or nature-based features, or a com-*
7 *bination of such features and nonstructural features,*
8 *that avoid or reduce at least 50 percent of flood or*
9 *storm damages in one or more of the alternatives in-*
10 *cluded in the final alternatives evaluated.*

11 (3) *CONSTRUCTION.*—

12 (A) *IN GENERAL.*—*The Secretary may*
13 *carry out a project described in paragraph (1)*
14 *without further congressional authorization if—*

15 (i) *the Secretary determines that the*
16 *project—*

17 (I) *is advisable to reduce the risk*
18 *of flooding for an affected community;*
19 *and*

20 (II) *produces benefits that are in*
21 *excess of the estimated costs; and*

22 (ii) *the Federal share of the cost of the*
23 *construction does not exceed \$17,500,000.*

24 (B) *SPECIFIC AUTHORIZATION.*—*If the Fed-*
25 *eral share of the cost of a project described in*

1 *paragraph (1) exceeds \$17,500,000, the Secretary*
2 *shall submit the project recommendation to Con-*
3 *gress for authorization prior to construction, and*
4 *shall include the project recommendation in the*
5 *next annual report submitted under section 7001*
6 *of the Water Resources Reform and Development*
7 *Act of 2014.*

8 (C) *FINANCING.—*

9 (i) *CONTRIBUTIONS.—If, based on a*
10 *study carried out pursuant to paragraph*
11 *(1), the Secretary determines that a project*
12 *described in paragraph (1) will not produce*
13 *benefits greater than cost, the Secretary*
14 *shall allow the affected community to pay,*
15 *or provide contributions equal to, an*
16 *amount sufficient to make the remaining*
17 *costs of design and construction of the*
18 *project equal to the estimated value of the*
19 *benefits of the project.*

20 (ii) *EFFECT ON NON-FEDERAL*
21 *SHARE.—Amounts provided by an affected*
22 *community under clause (i) shall be in ad-*
23 *dition to any payments or contributions the*
24 *affected community is required to provide*
25 *toward the remaining costs of design and*

1 *construction of the project under section 103*
2 *of the Water Resources Development Act of*
3 *1986 (33 U.S.C. 2213).*

4 (4) *ABILITY TO PAY.*—

5 (A) *IN GENERAL.*—*Any cost-sharing agree-*
6 *ment for a project entered into pursuant to this*
7 *section shall be subject to the ability of the af-*
8 *ected community to pay.*

9 (B) *DETERMINATION.*—*The ability of any*
10 *affected community to pay shall be determined*
11 *by the Secretary in accordance with procedures*
12 *established by the Secretary.*

13 (C) *EFFECT OF REDUCTION.*—*Any reduc-*
14 *tion in the non-Federal share of the cost of a*
15 *project described in paragraph (1) as a result of*
16 *a determination under this paragraph shall not*
17 *be included in the Federal share for purposes of*
18 *subparagraphs (A) and (B) of paragraph (3).*

19 **SEC. 120. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

20 *Section 5 of the Act of August 18, 1941 (33 U.S.C.*
21 *701n) is amended—*

22 (1) *in subsection (a)—*

23 (A) *in paragraph (2)(B)—*

1 *(i) in clause (i)(I), by inserting “, or*
2 *provide contributions equal to,” after*
3 *“pay”; and*

4 *(ii) in clause (ii)—*

5 *(I) in the heading, by inserting*
6 *“AND CONTRIBUTIONS” after “OF PAY-*
7 *MENTS”;*

8 *(II) by inserting “or contribu-*
9 *tions” after “Non-Federal payments”;*
10 *and*

11 *(III) by inserting “or contribu-*
12 *tions” after “non-Federal payments”;*
13 *and*

14 *(B) by adding at the end the following:*

15 *“(5) FEASIBILITY STUDY.—*

16 *“(A) DETERMINATION.—Not later than 180*
17 *days after receiving, from a non-Federal sponsor*
18 *of a project to repair or rehabilitate a flood con-*
19 *trol work described in paragraph (1), a request*
20 *to initiate a feasibility study to further modify*
21 *the relevant flood control work to provide for an*
22 *increased level of protection, the Secretary shall*
23 *provide to the non-Federal sponsor a written de-*
24 *cision on whether the Secretary has the authority*
25 *under section 216 of the Flood Control Act of*

1 1970 (33 U.S.C. 549a) to undertake the requested
2 feasibility study.

3 “(B) *RECOMMENDATION.*—If the Secretary
4 determines under subparagraph (B) that the Sec-
5 retary does not have the authority to undertake
6 the requested feasibility study, the Secretary
7 shall include the request for a feasibility study in
8 the annual report submitted under section 7001
9 of the Water Resources Reform and Development
10 Act of 2014.”; and

11 (2) in subsection (c)—

12 (A) in the subsection heading, by striking
13 “LEVEE OWNERS MANUAL” and inserting “ELI-
14 GIBILITY”;

15 (B) in paragraph (1), in the heading, by
16 striking “IN GENERAL” and inserting “LEVEE
17 OWNER’S MANUAL”;

18 (C) by redesignating paragraphs (2) and
19 (3) as paragraphs (3) and (4), respectively, and
20 inserting after paragraph (1) the following:

21 “(2) *COMPLIANCE.*—

22 (A) *IN GENERAL.*—Notwithstanding the
23 status of compliance of a non-Federal interest
24 with the requirements of a levee owner’s manual
25 described in paragraph (1), or with any other

1 *eligibility requirement established by the Sec-*
2 *retary related to the maintenance and upkeep re-*
3 *sponsibilities of the non-Federal interest, the Sec-*
4 *retary shall consider the non-Federal interest to*
5 *be eligible for repair and rehabilitation assist-*
6 *ance under this section if the non-Federal inter-*
7 *est—*

8 *“(i) enters into a written agreement*
9 *with the Secretary that identifies any items*
10 *of deferred or inadequate maintenance and*
11 *upkeep identified by the Secretary prior to*
12 *the natural disaster; and*

13 *“(ii) pays, during performance of the*
14 *repair and rehabilitation work, all costs to*
15 *address—*

16 *“(I) any items of deferred or in-*
17 *adequate maintenance and upkeep*
18 *identified by the Secretary; and*

19 *“(II) any repair or rehabilitation*
20 *work necessary to address damage the*
21 *Secretary attributes to such deferred or*
22 *inadequate maintenance or upkeep.*

23 *“(B) ELIGIBILITY.—The Secretary may*
24 *only enter into one agreement under subpara-*
25 *graph (A) with any non-Federal interest.*

1 “(C) *SUNSET.*—*The authority of the Sec-*
2 *retary to enter into agreements under paragraph*
3 *(2) shall terminate on the date that is 5 years*
4 *after the date of enactment of this paragraph.*”;
5 *and*

6 *(D) in paragraph (3) (as so redesignated),*
7 *by striking “this subsection” and inserting*
8 *“paragraph (1)”.*

9 **SEC. 121. COST AND BENEFIT FEASIBILITY ASSESSMENT.**

10 *Section 1161(b) of the Water Resources Development*
11 *Act of 2018 (33 U.S.C. 701n note) is amended—*

12 *(1) in the matter preceding paragraph (1)—*

13 *(A) by striking the “three fiscal years pre-*
14 *ceding” and inserting “five fiscal years pre-*
15 *ceding”; and*

16 *(B) by striking “last day of the third fiscal*
17 *year” and inserting “last day of the fifth fiscal*
18 *year”;*

19 *(2) in paragraph (1), by inserting “, or provide*
20 *contributions equal to,” before “an amount suffi-*
21 *cient”; and*

22 *(3) by striking paragraph (2) and inserting the*
23 *following:*

1 “(2) the Secretary determines that the damage to
2 the structure was not as a result of negligent oper-
3 ation or maintenance.”.

4 **SEC. 122. EXPEDITING REPAIRS AND RECOVERY FROM**
5 **FLOODING.**

6 (a) *IN GENERAL.*—To the maximum extent prac-
7 ticable, during the 5-year period beginning on the date of
8 enactment of this Act, the Secretary shall prioritize and ex-
9 pedite the processing of applications for permits under sec-
10 tion 10 of the Act of March 3, 1899 (33 U.S.C. 403), and
11 section 404 of the Federal Water Pollution Control Act (33
12 U.S.C. 1344), and permissions under section 14 of the Act
13 of March 3, 1899 (33 U.S.C. 408), to complete repairs, re-
14 construction (including improvements), and upgrades to
15 flood control infrastructure damaged by flooding events dur-
16 ing calendar years 2017 through 2020, including flooding
17 events caused by ice jams.

18 (b) *SAVINGS PROVISION.*—Nothing in this section af-
19 fects any obligation to comply with the requirements of any
20 Federal law, including—

21 (1) the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.);

23 (2) the Federal Water Pollution Control Act (33
24 U.S.C. 1251 et seq.); and

1 (3) *the Endangered Species Act of 1973 (16*
2 *U.S.C. 1531 et seq.)*.

3 **SEC. 123. REVIEW OF CORPS OF ENGINEERS ASSETS.**

4 *Section 6002 of the Water Resources Reform and De-*
5 *velopment Act of 2014 (128 Stat. 1349) is amended to read*
6 *as follows:*

7 **“SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.**

8 “(a) *ASSESSMENT.—The Secretary shall conduct an*
9 *assessment of projects constructed by the Secretary for*
10 *which the Secretary continues to have financial or oper-*
11 *ational responsibility.*

12 “(b) *INVENTORY.—Not later than 18 months after the*
13 *date of enactment of the Water Resources Development Act*
14 *of 2020, the Secretary shall, based on the assessment carried*
15 *out under subsection (a), develop an inventory of projects*
16 *or portions of projects—*

17 “(1) *that are not needed for the missions of the*
18 *Corps of Engineers;*

19 “(2) *the modification of which, including though*
20 *the use of structural features, nonstructural features,*
21 *or natural features or nature-based features (as those*
22 *terms are defined in section 1184(a) of the Water Re-*
23 *sources Development Act of 2016 (33 U.S.C.*
24 *2289a(a)), could improve the sustainable operations*

1 *of the project, or reduce operation and maintenance*
2 *costs for the project; or*

3 *“(3) that are no longer having project purposes*
4 *adequately met by the Corps of Engineers, because of*
5 *deferment of maintenance or other challenges, and the*
6 *divestment of which to a non-Federal entity could bet-*
7 *ter meet the local and regional needs for operation*
8 *and maintenance.*

9 *“(c) CRITERIA.—In conducting the assessment under*
10 *subsection (a) and developing the inventory under sub-*
11 *section (b), the Secretary shall use the following criteria:*

12 *“(1) The extent to which the project aligns with*
13 *the current missions of the Corps of Engineers.*

14 *“(2) The economic and environmental impacts of*
15 *the project on existing communities in the vicinity of*
16 *the project.*

17 *“(3) The extent to which the divestment or modi-*
18 *fication of the project could reduce operation and*
19 *maintenance costs of the Corps of Engineers.*

20 *“(4) The extent to which the divestment or modi-*
21 *fication of the project is in the public interest.*

22 *“(5) The extent to which investment of addi-*
23 *tional Federal resources in the project proposed for*
24 *divestment or modification, including investment*

1 *needed to bring the project to a good state of repair,*
2 *is in the public interest.*

3 “(6) *The extent to which the authorized purpose*
4 *of the project is no longer being met.*

5 “(d) *RECOMMENDATIONS OF NON-FEDERAL INTER-*
6 *ESTS.—A non-Federal interest for a project may rec-*
7 *ommend that the Secretary include such project in the as-*
8 *essment or inventory required under this section.*

9 “(e) *REPORT TO CONGRESS.—*

10 “(1) *IN GENERAL.—Upon completion of the in-*
11 *ventory required by subsection (b), the Secretary shall*
12 *submit to the Committee on Environment and Public*
13 *Works of the Senate and the Committee on Transpor-*
14 *tation and Infrastructure of the House of Representa-*
15 *tives, and make publicly available, a report con-*
16 *taining the findings of the Secretary with respect to*
17 *the assessment and inventory required under this sec-*
18 *tion.*

19 “(2) *INCLUSION.—The Secretary shall list in an*
20 *appendix any recommendation of a non-Federal in-*
21 *terest made with respect to a project under subsection*
22 *(d) that the Secretary determines not to include in the*
23 *inventory developed under subsection (b), based on the*
24 *criteria in subsection (c), including information*

1 *about the request and the reasons for the Secretary's*
2 *determination."*

3 **SEC. 124. SENSE OF CONGRESS ON MULTIPURPOSE**
4 **PROJECTS.**

5 *It is the sense of Congress that the Secretary, in coordi-*
6 *nation with non-Federal interests, should maximize the de-*
7 *velopment, evaluation, and recommendation of project al-*
8 *ternatives for future water resources development projects*
9 *that produce multiple project benefits, such as navigation,*
10 *flood risk management, and ecosystem restoration benefits,*
11 *including through the use of natural or nature-based fea-*
12 *tures and the beneficial use of dredged material.*

13 **SEC. 125. BENEFICIAL USE OF DREDGED MATERIAL;**
14 **DREDGED MATERIAL MANAGEMENT PLANS.**

15 *(a) NATIONAL POLICY ON THE BENEFICIAL USE OF*
16 *DREDGED MATERIAL.—*

17 *(1) IN GENERAL.—It is the policy of the United*
18 *States for the Corps of Engineers to maximize the*
19 *beneficial use, in an environmentally acceptable man-*
20 *ner, of suitable dredged material obtained from the*
21 *construction or operation and maintenance of water*
22 *resources development projects.*

23 *(2) PLACEMENT OF DREDGED MATERIALS.—*

24 *(A) IN GENERAL.—In evaluating the place-*
25 *ment of dredged material obtained from the con-*

1 *struction or operation and maintenance of water*
2 *resources development projects, the Secretary*
3 *shall consider—*

4 *(i) the suitability of the dredged mate-*
5 *rial for a full range of beneficial uses; and*

6 *(ii) the economic and environmental*
7 *benefits, efficiencies, and impacts (including*
8 *the effects on living coral) of using the*
9 *dredged material for beneficial uses, includ-*
10 *ing, in the case of beneficial use activities*
11 *that involve more than one water resources*
12 *development project, the benefits, effi-*
13 *ciencies, and impacts that result from the*
14 *combined activities.*

15 *(B) CALCULATION OF FEDERAL STAND-*
16 *ARD.—*

17 *(i) DETERMINATION.—The economic*
18 *benefits and efficiencies from the beneficial*
19 *use of dredged material considered by the*
20 *Secretary under subparagraph (A) shall be*
21 *included in any determination relating to*
22 *the “Federal standard” by the Secretary*
23 *under section 335.7 of title 33, Code of Fed-*
24 *eral Regulations, for the placement or dis-*
25 *posal of such material.*

1 (ii) *REPORTS.*—*The Secretary shall*
2 *submit to Congress—*

3 (I) *a report detailing the method*
4 *and all of the factors utilized by the*
5 *Corps of Engineers to determine the*
6 *Federal standard referred to in clause*
7 *(i); and*

8 (II) *for each evaluation under*
9 *subparagraph (A), a report displaying*
10 *the calculations for economic and envi-*
11 *ronmental benefits and efficiencies*
12 *from the beneficial use of dredged ma-*
13 *terial (including, where appropriate,*
14 *the utilization of alternative dredging*
15 *equipment and dredging disposal*
16 *methods) considered by the Secretary*
17 *under such subparagraph for the place-*
18 *ment or disposal of such material.*

19 (C) *SELECTION OF DREDGED MATERIAL*
20 *DISPOSAL METHOD FOR CERTAIN PURPOSES.—*
21 *Section 204(d) of the Water Resources Develop-*
22 *ment Act of 1992 (33 U.S.C. 2326(d)) is amend-*
23 *ed—*

24 (i) *in paragraph (1)—*

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “In devel-
3 oping” and all that follows through
4 “the non-Federal interest,” and insert-
5 ing “At the request of the non-Federal
6 interest for a water resources develop-
7 ment project involving the disposal of
8 dredged material, the Secretary, using
9 funds appropriated for construction or
10 operation and maintenance of the
11 project, may select”; and

12 (II) in subparagraph (B), by
13 striking “flood and storm damage and
14 flood reduction benefits” and inserting
15 “hurricane and storm or flood risk re-
16 duction benefits”; and

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

18 “(5) SELECTION OF DREDGED MATERIAL DIS-
19 POSAL METHOD FOR CERTAIN PURPOSES.—Activities
20 carried out under this subsection—

21 “(A) shall be carried out using amounts ap-
22 propriated for construction or operation and
23 maintenance of the project involving the disposal
24 of the dredged material; and

1 “(B) shall not carried out using amounts
2 made available under subsection (g).”.

3 (b) *BENEFICIAL USE OF DREDGED MATERIAL.*—

4 (1) *PILOT PROGRAM PROJECTS.*—Section 1122 of
5 the Water Resources Development Act of 2016 (33
6 U.S.C. 2326 note) is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (6), by striking “;
9 and” and inserting a semicolon;

10 (ii) in paragraph (7)(C), by striking
11 the period at the end and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(8) recovering lost storage capacity in reservoirs
16 due to sediment accumulation, if the project also has
17 a purpose described in any of paragraphs (1) through
18 (7).”;

19 (B) in subsection (b)(1), by striking “20”
20 and inserting “35”; and

21 (C) in subsection (g), by striking “20” and
22 inserting “35”.

23 (2) *SENSE OF CONGRESS.*—It is the sense of
24 Congress that the Secretary, in selecting projects for
25 the beneficial use of dredged materials under section

1 *1122 of the Water Resources Development Act of 2016*
2 *(33 U.S.C. 2326 note), should ensure the thorough*
3 *evaluation of project submissions from rural, small,*
4 *and economically disadvantaged communities.*

5 (3) *PROJECT SELECTION.*—*In selecting projects*
6 *for the beneficial use of dredged materials under sec-*
7 *tion 1122 of the Water Resources Development Act of*
8 *2016 (33 U.S.C. 2326 note), the Secretary shall*
9 *prioritize the selection of at least one project for the*
10 *utilization of thin layer placement of dredged fine*
11 *and coarse grain sediment and at least one project for*
12 *recovering lost storage capacity in reservoirs due to*
13 *sediment accumulation authorized by subsection*
14 *(a)(8) of such section, to the extent that a non-Federal*
15 *interest has submitted an application for such project*
16 *purposes that otherwise meets the requirements of*
17 *such section.*

18 (4) *TEMPORARY EASEMENTS.*—*Section 1148 of*
19 *the Water Resources Development Act of 2018 (33*
20 *U.S.C. 2326 note) is amended—*

21 (A) *in subsection (a)—*

22 (i) *by striking “grant” and inserting*
23 *“approve”; and*

24 (ii) *by striking “granting” and insert-*
25 *ing “approving”; and*

1 (B) in subsection (b), by striking “grants”
2 and inserting “approves”.

3 (c) *FIVE-YEAR REGIONAL DREDGED MATERIAL MAN-*
4 *AGEMENT PLANS.*—

5 (1) *IN GENERAL.*—Not later than 1 year after
6 the date of enactment of this Act, and annually there-
7 after, the District Commander of each district of the
8 Corps of Engineers that obtains dredged material
9 through the construction or operation and mainte-
10 nance of a water resources development project shall,
11 at Federal expense, develop and submit to the Sec-
12 retary a 5-year dredged material management plan
13 in coordination with relevant State agencies and
14 stakeholders.

15 (2) *SCOPE.*—Each plan developed under this
16 subsection shall include—

17 (A) a dredged material budget for each wa-
18 tershed or littoral system within the district;

19 (B) an estimate of the amount of dredged
20 material likely to be obtained through the con-
21 struction or operation and maintenance of all
22 water resources development projects projected to
23 be carried out within the district during the 5-
24 year period following submission of the plan,

1 *and the estimated timing for obtaining such*
2 *dredged material;*

3 *(C) an identification of potential water re-*
4 *sources development projects projected to be car-*
5 *ried out within the district during such 5-year*
6 *period that are suitable for, or that require, the*
7 *placement of dredged material, and an estimate*
8 *of the amount of dredged material placement ca-*
9 *capacity of such projects;*

10 *(D) an evaluation of—*

11 *(i) the suitability of the dredged mate-*
12 *rial for a full range of beneficial uses; and*

13 *(ii) the economic and environmental*
14 *benefits, efficiencies, and impacts (including*
15 *the effects on living coral) of using the*
16 *dredged material for beneficial uses, includ-*
17 *ing, in the case of beneficial use activities*
18 *that involve more than one water resources*
19 *development project, the benefits, effi-*
20 *ciencies, and impacts that result from the*
21 *combined activities;*

22 *(E) the district-wide goals for beneficial use*
23 *of the dredged material, including any expected*
24 *cost savings from aligning and coordinating*

1 *multiple projects (including projects across Corps*
2 *districts) in the use of the dredged material; and*

3 *(F) a description of potential beneficial use*
4 *projects identified through stakeholder solicita-*
5 *tion and coordination.*

6 (3) *PUBLIC COMMENT.*—*In developing each plan*
7 *under this subsection, each District Commander shall*
8 *provide notice and an opportunity for public com-*
9 *ment, including a solicitation for stakeholders to iden-*
10 *tify beneficial use projects, in order to ensure, to the*
11 *extent practicable, that beneficial use of dredged mate-*
12 *rial is not foregone in a particular fiscal year or*
13 *dredging cycle.*

14 (4) *PUBLIC AVAILABILITY.*—*Upon submission of*
15 *each plan to the Secretary under this subsection, each*
16 *District Commander shall make the plan publicly*
17 *available, including on a publicly available website.*

18 (5) *TRANSMISSION TO CONGRESS.*—*As soon as*
19 *practicable after receiving a plan under subsection*
20 *(a), the Secretary shall transmit the plan to Congress.*

21 (6) *REGIONAL SEDIMENT MANAGEMENT PLANS.*—
22 *A plan developed under this section—*

23 *(A) shall be in addition to regional sedi-*
24 *ment management plans prepared under section*

1 204(a) of the Water Resources Development Act
2 of 1992 (33 U.S.C. 2326(a)); and

3 (B) shall not be subject to the limitations in
4 section 204(g) of the Water Resources Develop-
5 ment Act of 1992 (33 U.S.C. 2326(g)).

6 (d) DREDGE PILOT PROGRAM.—

7 (1) REVISIONS.—Section 1111 of the Water Re-
8 sources Development Act of 2018 (33 U.S.C. 2326
9 note) is amended—

10 (A) in subsection (a), by striking “for the
11 operation and maintenance of harbors and in-
12 land harbors” and all that follows through the
13 period at the end and inserting the following:

14 “for the operation and maintenance of—

15 “(1) harbors and inland harbors referred to in
16 section 210(a)(2) of the Water Resources Development
17 Act of 1986 (33 U.S.C. 2238(a)(2)); or

18 “(2) inland and intracoastal waterways of the
19 United States described in section 206 of the Inland
20 Waterways Revenue Act of 1978 (33 U.S.C. 1804).”;
21 and

22 (B) in subsection (b), by striking “or inland
23 harbors” and inserting “, inland harbors, or in-
24 land or intracoastal waterways”.

1 (2) *COORDINATION WITH EXISTING AUTHORI-*
2 *TIES.—The Secretary may carry out the dredge pilot*
3 *program authorized by section 1111 of the Water Re-*
4 *sources Development Act of 2018 (33 U.S.C. 2326*
5 *note) in coordination with Federal regional dredge*
6 *demonstration programs in effect on the date of enact-*
7 *ment of this Act.*

8 **SEC. 126. AQUATIC ECOSYSTEM RESTORATION FOR ANAD-**
9 **ROMOUS FISH.**

10 (a) *ANADROMOUS FISH HABITAT AND PASSAGE.—Sec-*
11 *tion 206 of the Water Resources Development Act of 1996*
12 *(33 U.S.C. 2330) is amended—*

13 (1) *in subsection (a), by adding at the end the*
14 *following:*

15 “(3) *ANADROMOUS FISH HABITAT AND PAS-*
16 *SAGE.—*

17 “(A) *MEASURES.—A project under this sec-*
18 *tion may include measures to improve habitat or*
19 *passage for anadromous fish, including—*

20 “(i) *installing fish bypass structures on*
21 *small water diversions;*

22 “(ii) *modifying tide gates; and*

23 “(iii) *restoring or reconnecting*
24 *floodplains and wetlands that are impor-*

1 *tant for anadromous fish habitat or pas-*
 2 *sage.*

3 “(B) *BENEFITS.*—*A project that includes*
 4 *measures under this paragraph shall be formu-*
 5 *lated to maximize benefits for the anadromous*
 6 *fish species benefitted by the project.”; and*

7 *(2) by adding at the end the following:*

8 “(g) *PRIORITIZATION.*—*The Secretary shall give*
 9 *projects that include measures described in subsection (a)(3)*
 10 *equal priority for implementation as other projects under*
 11 *this section.”.*

12 **SEC. 127. ANNUAL REPORT TO CONGRESS ON WATER RE-**
 13 **SOURCES INFRASTRUCTURE.**

14 (a) *IN GENERAL.*—*Section 7001 of the Water Re-*
 15 *sources Reform and Development Act of 2014 (33 U.S.C.*
 16 *2282d) is amended—*

17 (1) *in subsection (c)—*

18 (A) *in paragraph (1)—*

19 (i) *in subparagraph (B)(ii)(III), by*
 20 *inserting “, regional, or local” after “na-*
 21 *tional”; and*

22 (ii) *by adding at the end the following:*

23 “(D) *MODIFICATIONS OF PROJECTS CAR-*
 24 *RIED OUT PURSUANT TO CONTINUING AUTHORITY*
 25 *PROGRAMS.—*

1 “(i) *IN GENERAL.*—*With respect to a*
2 *project being carried out pursuant to a con-*
3 *tinuing authority program for which a pro-*
4 *posed modification is necessary because the*
5 *project is projected to exceed, in the coming*
6 *fiscal year, the maximum Federal cost of*
7 *the project, the Secretary shall include a*
8 *proposed modification in the annual report*
9 *if the proposed modification will result in*
10 *completion of construction the project and*
11 *the justification for the modification is not*
12 *the result of a change in the scope of the*
13 *project.*

14 “(ii) *INCLUSION.*—*For each proposed*
15 *modification included in an annual report*
16 *under clause (i), the Secretary shall include*
17 *in the annual report—*

18 “(I) *a justification of why the*
19 *modification is necessary;*

20 “(II) *an estimate of the total cost*
21 *and timeline required to complete con-*
22 *struction of the project; and*

23 “(III) *an indication of continued*
24 *support by the non-Federal interest*
25 *and the financial ability of the non-*

1 *Federal interest to provide the required*
2 *cost-share.*

3 “(iii) *DEFINITION.—For the purposes*
4 *of this subparagraph, the term ‘continuing*
5 *authority program’ means any of—*

6 “(I) *section 14 of the Flood Con-*
7 *trol Act of 1946 (33 U.S.C. 701r);*

8 “(II) *section 3 of the Act of Au-*
9 *gust 13, 1946 (33 U.S.C. 426g);*

10 “(III) *section 107 of the River*
11 *and Harbor Act of 1960 (33 U.S.C.*
12 *577);*

13 “(IV) *section 111 of the River and*
14 *Harbor Act of 1968 (33 U.S.C. 426i);*

15 “(V) *section 204 of the Water Re-*
16 *sources Development Act of 1992 (33*
17 *U.S.C. 2326);*

18 “(VI) *section 205 of the Flood*
19 *Control Act of 1948 (33 U.S.C. 701s);*

20 “(VII) *section 206 of the Water*
21 *Resources Development Act of 1996 (33*
22 *U.S.C. 2330);*

23 “(VIII) *section 2 of the Act of Au-*
24 *gust 28, 1937 (33 U.S.C. 701g); and*

1 “(IX) section 1135 of the Water
2 Resources Development Act of 1986 (33
3 U.S.C. 2309a).”; and

4 (B) in paragraph (4)(B)—

5 (i) in clause (i), by striking “and” at
6 the end;

7 (ii) by redesignating clause (ii) as
8 clause (iii); and

9 (iii) by inserting after clause (i) the
10 following:

11 “(ii) the Secretary shall not include
12 proposals in the appendix of the annual re-
13 port that otherwise meet the criteria for in-
14 clusion in the annual report solely on the
15 basis that the proposals are for the purposes
16 of navigation, flood risk management, eco-
17 system restoration, or municipal or agricul-
18 tural water supply; and”; and

19 (2) in subsection (g)(5), by striking “if author-
20 ized” and all that follows through “2016”.

21 (b) OVER-BUDGET CAP PROGRAMS.—For any project
22 carried out under a continuing authority program, as such
23 term is defined in section 7001(c)(1)(D) of the Water Re-
24 sources Reform and Development Act of 2014 (33 U.S.C.
25 2282d)), for which the Secretary is required to include a

1 *proposed modification in an annual report under such sec-*
2 *tion 7001(c)(1)(D), the Secretary shall, to the extent prac-*
3 *ticable, inform the non-Federal interest of the process for*
4 *carrying out the project pursuant to section 105 of the*
5 *Water Resources Development Act of 1986 (33 U.S.C. 2215)*
6 *and whether the Secretary has the authority to complete a*
7 *feasibility study for the project.*

8 (c) *ANNUAL REPORT ON STATUS OF FEASIBILITY*
9 *STUDIES.—Concurrent with each report submitted under*
10 *section 7001 of the Water Resources Reform and Develop-*
11 *ment Act of 2014 (33 U.S.C. 2282d), the Secretary shall*
12 *submit to the Committee on Transportation and Infrastruc-*
13 *ture of the House of Representatives and the Committee on*
14 *Environment and Public Works of the Senate a report that*
15 *provides for an accounting of all outstanding feasibility*
16 *studies being conducted by the Secretary, including, for*
17 *each such study, its length, cost, and expected completion*
18 *date.*

19 **SEC. 128. HARMFUL ALGAL BLOOM DEMONSTRATION PRO-**
20 **GRAM.**

21 (a) *IN GENERAL.—The Secretary shall carry out a*
22 *demonstration program to determine the causes of, and im-*
23 *plement measures to effectively detect, prevent, treat, and*
24 *eliminate, harmful algal blooms associated with water re-*
25 *sources development projects.*

1 **(b) CONSULTATION; USE OF EXISTING DATA AND PRO-**
2 **GRAM AUTHORITIES.**—*In carrying out the demonstration*
3 *program under subsection (a), the Secretary shall—*

4 (1) *consult with the heads of appropriate Federal*
5 *and State agencies; and*

6 (2) *make maximum use of existing Federal and*
7 *State data and ongoing programs and activities of*
8 *Federal and State agencies, including the activities of*
9 *the Secretary carried out through the Engineer Re-*
10 *search and Development Center pursuant to section*
11 *1109 of the Water Resources Development Act of 2018*
12 *(33 U.S.C. 610 note).*

13 **(c) FOCUS AREAS.**—*In carrying out the demonstration*
14 *program under subsection (a), the Secretary shall undertake*
15 *program activities related to harmful algal blooms in the*
16 *Great Lakes, the tidal and inland waters of the State of*
17 *New Jersey, the coastal and tidal waters of the State of Lou-*
18 *isiana, the waterways of the counties that comprise the Sac-*
19 *ramento-San Joaquin Delta, California, the Allegheny Res-*
20 *ervoir Watershed, New York, and Lake Okeechobee, Florida.*

21 **(d) ADDITIONAL FOCUS AREAS.**—*In addition to the*
22 *areas described in subsection (c), in carrying out the dem-*
23 *onstration program under subsection (a), the Secretary*
24 *shall undertake program activities related to harmful algal*
25 *blooms at any Federal reservoir located in the Upper Mis-*

1 *souri River Basin or the North Platte River Basin, at the*
2 *request and expense of another Federal agency.*

3 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to the Secretary \$25,000,000*
5 *to carry out this section. Such sums shall remain available*
6 *until expended.*

7 **SEC. 129. MISSOURI RIVER INTERCEPTION-REARING COM-**
8 **PLEX CONSTRUCTION.**

9 (a) *REPORT.—Not later than 1 year after the date of*
10 *enactment of this Act, and annually thereafter, the Sec-*
11 *retary shall submit to the Committee on Transportation*
12 *and Infrastructure of the House of Representatives and the*
13 *Committee on Environment and Public Works of the Senate*
14 *a report on the effects of any interception-rearing complex*
15 *constructed on the Missouri River on—*

16 (1) *flood risk management and navigation; and*
17 (2) *the population recovery of the pallid stur-*
18 *geon, including baseline population counts.*

19 (b) *NO ADDITIONAL IRC CONSTRUCTION.—The Sec-*
20 *retary may not authorize construction of an interception-*
21 *rearing complex on the Missouri River until the Sec-*
22 *retary—*

23 (1) *submits the report required by subsection (a);*
24 (2) *acting through the Engineer Research and*
25 *Development Center, conducts further research on*

1 *interception-rearing complex design, including any*
2 *effects on existing flows, flood risk management, and*
3 *navigation; and*

4 (3) *develops a plan—*

5 (A) *to repair dikes and revetments that are*
6 *affecting flood risk and bank erosion; and*

7 (B) *to establish, repair, or improve water*
8 *control structures at the headworks of constructed*
9 *shallow water habitat side-channels.*

10 (c) *FUTURE IRC CONSTRUCTION.—*

11 (1) *PUBLIC COMMENT.—The Secretary shall pro-*
12 *vide an opportunity for comment from the public and*
13 *the Governor of each affected State on any proposals*
14 *to construct an interception-rearing complex after the*
15 *date of enactment of this Act.*

16 (2) *PERIOD.—The public comment period re-*
17 *quired by paragraph (1) shall be not less than 90*
18 *days for each proposal to construct an interception-*
19 *rearing complex on the Missouri River.*

20 **SEC. 130. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**
21 **RESTORATION, OR REHABILITATION OF**
22 **PROJECTS.**

23 (a) *DEFINITIONS.—In this section:*

24 (1) *COVERED AREA.—The term “covered area”*
25 *means an area—*

1 (A) for which the Governor of a State has
2 requested a determination that an emergency ex-
3 ists; or

4 (B) covered by an emergency or major dis-
5 aster declaration declared under the Robert T.
6 Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5121 et seq.).

8 (2) *EMERGENCY PERIOD.*—The term “emergency
9 period” means—

10 (A) with respect to a covered area described
11 in paragraph (1)(A), the period during which
12 the Secretary determines an emergency exists;
13 and

14 (B) with respect to a covered area described
15 in paragraph (1)(B), the period during which
16 the applicable declaration is in effect.

17 (b) *IN GENERAL.*—In any covered area, the Secretary
18 is authorized to accept and use materials, services, and
19 funds, during the emergency period, from a non-Federal in-
20 terest or private entity to repair, restore, or rehabilitate a
21 federally authorized water resources development project,
22 and to provide reimbursement to such non-Federal interest
23 or private entity for such materials, services, and funds,
24 in the Secretary’s sole discretion, and subject to the avail-

1 *ability of appropriations, if the Secretary determines that*
2 *reimbursement is in the public interest.*

3 (c) *ADDITIONAL REQUIREMENT.*—*The Secretary may*
4 *only reimburse for the use of materials or services accepted*
5 *under this section if such materials or services meet the Sec-*
6 *retary’s specifications and comply with all applicable laws*
7 *and regulations that would apply if such materials and*
8 *services were acquired by the Secretary, including sections*
9 *3141 through 3148 and 3701 through 3708 of title 40,*
10 *United States Code, section 8302 of title 41, United States*
11 *Code, and the National Environmental Policy Act of 1969.*

12 (d) *AGREEMENTS.*—

13 (1) *IN GENERAL.*—*Prior to the acceptance of ma-*
14 *terials, services, or funds under this section, the Sec-*
15 *retary and the non-Federal interest or private entity*
16 *shall enter into an agreement that specifies—*

17 (A) *the non-Federal interest or private enti-*
18 *ty shall hold and save the United States free*
19 *from any and all damages that arise from use of*
20 *materials or services of the non-Federal interest*
21 *or private entity, except for damages due to the*
22 *fault or negligence of the United States or its*
23 *contractors;*

24 (B) *the non-Federal interest or private enti-*
25 *ty shall certify that the materials or services*

1 *comply with all applicable laws and regulations*
2 *under subsection (c); and*

3 *(C) any other term or condition required by*
4 *the Secretary.*

5 (2) *EXCEPTION.—If an agreement under para-*
6 *graph (1) was not entered prior to materials or serv-*
7 *ices being contributed, a non-Federal interest or pri-*
8 *vate entity shall enter into an agreement with the*
9 *Secretary that—*

10 *(A) specifies the value, as determined by the*
11 *Secretary, of those materials or services contrib-*
12 *uted and eligible for reimbursement; and*

13 *(B) ensures that the materials or services*
14 *comply with subsection (c) and paragraph (1).*

15 **SEC. 131. LEVEE SAFETY.**

16 *Section 9004 of the Water Resources Development Act*
17 *of 2007 (33 U.S.C. 3303) is amended by adding at the end*
18 *the following:*

19 “(d) *IDENTIFICATION OF DEFICIENCIES.—*

20 “(1) *IN GENERAL.—For each levee included in*
21 *an inventory established under subsection (b) or for*
22 *which the Secretary has conducted a review under*
23 *subsection (c), the Secretary shall—*

24 “(A) *identify the specific engineering and*
25 *maintenance deficiencies, if any; and*

1 “(B) describe the recommended remedies to
2 correct each deficiency identified under subpara-
3 graph (A), and, if requested by owner of a non-
4 Federal levee, the associated costs of those rem-
5 edies.

6 “(2) CONSULTATION.—In identifying deficiencies
7 and describing remedies for a levee under paragraph
8 (1), the Secretary shall consult with relevant non-Fed-
9 eral interests, including by providing an opportunity
10 for comment by those non-Federal interests.”.

11 **SEC. 132. NATIONAL DAM SAFETY PROGRAM.**

12 (a) DEFINITIONS.—Section 2 of the National Dam
13 Safety Program Act (33 U.S.C. 467) is amended—

14 (1) in paragraph (4)—

15 (A) in subparagraph (A)—

16 (i) by striking clause (iii) and insert-
17 ing the following:

18 “(iii) has an emergency action plan
19 that—

20 “(I) is approved by the relevant
21 State dam safety agency; or

22 “(II) is in conformance with
23 State law and pending approval by the
24 relevant State dam safety agency;”;
25 and

1 *(ii) by striking clause (iv) and insert-*
2 *ing the following:*

3 *“(iv) fails to meet minimum dam safe-*
4 *ty standards of the State in which the dam*
5 *is located, as determined by the State; and*

6 *“(v) poses an unacceptable risk to the*
7 *public, as determined by the Administrator,*
8 *in consultation with the Board.”; and*

9 *(B) in subparagraph (B)(i), by inserting*
10 *“under a hydropower project with an authorized*
11 *installed capacity of greater than 1.5*
12 *megawatts” after “dam”; and*

13 *(2) in paragraph (10)—*

14 *(A) in the heading, by striking “NON-FED-*
15 *ERAL SPONSOR” and inserting “ELIGIBLE SUB-*
16 *RECIPIENT”; and*

17 *(B) by striking “The term ‘non-Federal*
18 *sponsor’” and inserting “The term ‘eligible sub-*
19 *recipient’”.*

20 ***(b) REHABILITATION OF HIGH HAZARD POTENTIAL***
21 ***DAMS.—***

22 ***(1) ESTABLISHMENT OF PROGRAM.—Section***
23 ***8A(a) of the National Dam Safety Program Act (33***
24 ***U.S.C. 467f-2(a)) is amended by striking “to non-***

1 *Federal sponsors” and inserting “to States with dam*
2 *safety programs”.*

3 (2) *ELIGIBLE ACTIVITIES.*—Section 8A(b) of the
4 *National Dam Safety Program Act (33 U.S.C. 467f–*
5 *2(b)) is amended, in the matter preceding paragraph*
6 *(1), by striking “for a project may be used for” and*
7 *inserting “to a State may be used by the State to*
8 *award grants to eligible subrecipients for”.*

9 (3) *AWARD OF GRANTS.*—Section 8A(c) of the
10 *National Dam Safety Program Act (33 U.S.C. 467f–*
11 *2(c)) is amended—*

12 (A) *in paragraph (1)(A), by striking “non-*
13 *Federal sponsor” and inserting “State”; and*

14 (B) *in paragraph (2)—*

15 (i) *in subparagraph (A), by striking*
16 *“an eligible high hazard potential dam to a*
17 *non-Federal sponsor” and inserting “eligi-*
18 *ble high hazard potential dams to a State”;*

19 (ii) *in subparagraph (B)—*

20 (I) *in the subparagraph heading,*
21 *by striking “PROJECT GRANT” and in-*
22 *serting “GRANT”;*

23 (II) *by striking “project grant*
24 *agreement with the non-Federal spon-*

1 sor” and inserting “grant agreement
2 with the State”; and

3 (III) by striking “project,” and
4 inserting “projects for which the grant
5 is awarded,”;

6 (iii) by amending subparagraph (C) to
7 read as follows:

8 “(C) GRANT ASSURANCE.—As part of a
9 grant agreement under subparagraph (B), the
10 Administrator shall require that each eligible
11 subrecipient to which the State awards a grant
12 under this section provides an assurance, with
13 respect to the dam to be rehabilitated by the eli-
14 gible subrecipient, that the dam owner will carry
15 out a plan for maintenance of the dam during
16 the expected life of the dam.”; and

17 (iv) in subparagraph (D), by striking
18 “A grant provided under this section shall
19 not exceed” and inserting “A State may not
20 award a grant to an eligible subrecipient
21 under this section that exceeds, for any 1
22 dam,”.

23 (4) REQUIREMENTS.—Section 8A(d) of the Na-
24 tional Dam Safety Program Act (33 U.S.C. 467f-
25 2(d)) is amended—

1 (A) in paragraph (1), by inserting “to an
2 eligible subrecipient” after “this section”;

3 (B) in paragraph (2)—

4 (i) in the paragraph heading, by strik-
5 ing “NON-FEDERAL SPONSOR” and insert-
6 ing “ELIGIBLE SUBRECIPIENT”;

7 (ii) in the matter preceding subpara-
8 graph (A), by striking “the non-Federal
9 sponsor shall” and inserting “an eligible
10 subrecipient shall, with respect to the dam
11 to be rehabilitated by the eligible sub-
12 recipient”;

13 (iii) by amending subparagraph (A) to
14 read as follows:

15 “(A) demonstrate that the community in
16 which the dam is located participates in, and
17 complies with, all applicable Federal flood insur-
18 ance programs, including demonstrating that
19 such community is participating in the National
20 Flood Insurance Program, and is not on proba-
21 tion, suspended, or withdrawn from such Pro-
22 gram;”;

23 (iv) in subparagraph (B), by striking
24 “have” and inserting “beginning not later
25 than 2 years after the date on which the Ad-

1 *ministrator publishes criteria for hazard*
2 *mitigation plans under paragraph (3),*
3 *demonstrate that the Tribal or local govern-*
4 *ment with jurisdiction over the area in*
5 *which the dam is located has”; and*

6 *(v) in subparagraph (C), by striking*
7 *“50-year period” and inserting “expected*
8 *life of the dam”; and*

9 *(C) by adding at the end the following:*

10 *“(3) HAZARD MITIGATION PLAN CRITERIA.—Not*
11 *later than 1 year after the date of enactment of this*
12 *paragraph, the Administrator, in consultation with*
13 *the Board, shall publish criteria for hazard mitiga-*
14 *tion plans required under paragraph (2)(B).”.*

15 *(5) FLOODPLAIN MANAGEMENT PLANS.—Section*
16 *8A(e) of the National Dam Safety Program Act (33*
17 *U.S.C. 467f–2(e)) is amended—*

18 *(A) in paragraph (1)—*

19 *(i) in the matter preceding subpara-*
20 *graph (A), by striking “the non-Federal*
21 *sponsor” and inserting “an eligible sub-*
22 *recipient”; and*

23 *(ii) in subparagraph (B), by striking*
24 *“1 year” and inserting “2 years” each place*
25 *it appears; and*

1 (B) by striking paragraph (3) and inserting
2 the following:

3 “(3) *PLAN CRITERIA AND TECHNICAL SUP-*
4 *PORT.—The Administrator, in consultation with the*
5 *Board, shall provide criteria, and may provide tech-*
6 *nical support, for the development and implementa-*
7 *tion of floodplain management plans prepared under*
8 *this subsection.”.*

9 (6) *CONTRACTUAL REQUIREMENTS.—Section*
10 *8A(i)(1) of the National Dam Safety Program Act*
11 *(33 U.S.C. 467f-2(i)(1)) is amended by striking “a*
12 *non-Federal sponsor” and inserting “an eligible sub-*
13 *recipient”.*

14 **SEC. 133. REHABILITATION OF CORPS OF ENGINEERS CON-**
15 **STRUCTED PUMP STATIONS.**

16 (a) *DEFINITIONS.—In this section:*

17 (1) *ELIGIBLE PUMP STATION.—The term “eligi-*
18 *ble pump station” means a pump station—*

19 (A) *constructed, in whole or in part, by the*
20 *Corps of Engineers for flood risk management*
21 *purposes;*

22 (B) *that the Secretary has identified as hav-*
23 *ing a major deficiency; and*

24 (C) *the failure of which the Secretary has*
25 *determined would impair the function of a flood*

1 *risk management project constructed by the*
2 *Corps of Engineers.*

3 (2) *REHABILITATION.*—

4 (A) *IN GENERAL.*—*The term “rehabilita-*
5 *tion”, with respect to an eligible pump station,*
6 *means to address a major deficiency of the eligi-*
7 *ble pump station caused by long-term degrada-*
8 *tion of the foundation, construction materials, or*
9 *engineering systems or components of the eligible*
10 *pump station.*

11 (B) *INCLUSIONS.*—*The term “rehabilita-*
12 *tion”, with respect to an eligible pump station,*
13 *includes—*

14 (i) *the incorporation into the eligible*
15 *pump station of—*

16 (I) *current design standards;*

17 (II) *efficiency improvements; and*

18 (III) *associated drainage; and*

19 (ii) *increasing the capacity of the eligi-*
20 *ble pump station, subject to the condition*
21 *that the increase shall—*

22 (I) *significantly decrease the risk*
23 *of loss of life and property damage; or*

1 (ii) decrease total lifecycle reha-
2 bilitation costs for the eligible pump
3 station.

4 (b) *AUTHORIZATION.*—The Secretary may carry out
5 rehabilitation of an eligible pump station, if the Secretary
6 determines that the rehabilitation is feasible.

7 (c) *COST SHARING.*—The non-Federal interest for the
8 eligible pump station shall—

9 (1) provide 35 percent of the cost of rehabilita-
10 tion of an eligible pump station carried out under
11 this section; and

12 (2) provide all land, easements, rights-of-way,
13 and necessary relocations associated with the rehabili-
14 tation described in subparagraph (A), at no cost to
15 the Federal Government.

16 (d) *AGREEMENT REQUIRED.*—The rehabilitation of an
17 eligible pump station pursuant to this section shall be initi-
18 ated only after a non-Federal interest has entered into a
19 binding agreement with the Secretary—

20 (1) to pay the non-Federal share of the costs of
21 rehabilitation under subsection (c); and

22 (2) to pay 100 percent of the operation and
23 maintenance costs of the rehabilitated eligible pump
24 station, in accordance with regulations promulgated
25 by the Secretary.

1 “(i) the metrics for measuring the suc-
2 cess of the pilot program;

3 “(ii) a process for identifying future
4 projects to participate in the pilot program;

5 “(iii) measures to address the risks of
6 a non-Federal interest constructing projects
7 under the pilot program, including which
8 entity bears the risk for projects that fail to
9 meet the Corps of Engineers standards for
10 design or quality;

11 “(iv) the laws and regulations that a
12 non-Federal interest must follow in car-
13 rying out a project under the pilot program;
14 and

15 “(v) which entity bears the risk in the
16 event that a project carried out under the
17 pilot program fails to be carried out in ac-
18 cordance with the project authorization or
19 this subsection.

20 “(B) NEW PROJECT PARTNERSHIP AGREE-
21 MENTS.—The Secretary may not enter into a
22 project partnership agreement under this sub-
23 section during the period beginning on the date
24 of enactment of this paragraph and ending on

1 *the date on which the Secretary issues the guid-*
2 *ance under subparagraph (A).”.*

3 ***(b) NON-FEDERAL PROJECT IMPLEMENTATION FOR***
4 ***COMPREHENSIVE EVERGLADES RESTORATION PLAN***
5 ***PROJECTS.—***

6 ***(1) IN GENERAL.—****In carrying out the pilot pro-*
7 *gram authorized under section 1043(b) of the Water*
8 *Resources Reform and Development Act of 2014 (33*
9 *U.S.C. 2201 note), the Secretary is authorized to in-*
10 *clude a project authorized to be implemented by, or*
11 *in accordance with, section 601 of the Water Re-*
12 *sources Development Act of 2000, in accordance with*
13 *such section 1043(b).*

14 ***(2) ELIGIBILITY.—****In the case of a project de-*
15 *scribed in paragraph (1) for which the non-Federal*
16 *interest has initiated construction in compliance with*
17 *authorities governing the provision of in-kind con-*
18 *tributions for such project, the Secretary shall take*
19 *into account the value of any in-kind contributions*
20 *carried out by the non-Federal interest for such*
21 *project prior to the date of execution of the project*
22 *partnership agreement under section 1043(b) of the*
23 *Water Resources Reform and Development Act of*
24 *2014 when determining the non-Federal share of the*
25 *costs to complete construction of the project.*

1 (3) *GUIDANCE.*—Not later than 180 days after
2 the date of enactment of this subsection, and in ac-
3 cordance with the guidance issued under section
4 1043(b)(9) of the Water Resources Reform and Devel-
5 opment Act of 2014 (as added by this section), the
6 Secretary shall issue any additional guidance that the
7 Secretary determines necessary for the implementa-
8 tion of this subsection.

9 **SEC. 135. COST SHARING PROVISIONS FOR TERRITORIES**
10 **AND INDIAN TRIBES.**

11 Section 1156(b) of the Water Resources Development
12 Act of 1986 (33 U.S.C. 2310(b)) is amended by striking
13 “for inflation” and all that follows through the period at
14 the end and inserting “on an annual basis for inflation.”.

15 **SEC. 136. REVIEW OF CONTRACTING POLICIES.**

16 (a) *REVIEW OF CONTRACTUAL AGREEMENTS.*—

17 (1) *IN GENERAL.*—Not later than 180 days after
18 the date of enactment of this section, the Secretary
19 shall complete a review of the policies, guidelines, and
20 regulations of the Corps of Engineers for the develop-
21 ment of contractual agreements between the Secretary
22 and non-Federal interests and utilities associated
23 with the construction of water resources development
24 projects.

1 (2) *REPORT.*—Not later than 90 days after com-
2 pleting the review under subsection (a)(1), the Sec-
3 retary shall submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Representa-
5 tives and the Committee on Environment and Public
6 Works of the Senate, and make publicly available, a
7 report that includes—

8 (A) a summary of the results of the review;

9 and

10 (B) public guidance on best practices for a
11 non-Federal interest to use when writing or de-
12 veloping contractual agreements with the Sec-
13 retary and utilities.

14 (3) *PROVISION OF GUIDANCE.*—The Secretary
15 shall provide the best practices guidance included
16 under paragraph (2)(A) to non-Federal interests
17 prior to the development of contractual agreements
18 with such non-Federal interests.

19 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
20 that the Secretary should maximize use of nonprice tradeoff
21 procedures in competitive acquisitions for carrying out
22 emergency work in an area with respect to which the Presi-
23 dent has declared a major disaster under section 401 of the
24 Robert T. Stafford Disaster Relief and Emergency Assist-
25 ance Act.

1 **SEC. 137. CRITERIA FOR FUNDING ENVIRONMENTAL INFRA-**
2 **STRUCTURE PROJECTS.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall develop
5 specific criteria for the evaluation and ranking of indi-
6 vidual environmental assistance projects authorized by
7 Congress (including projects authorized pursuant to envi-
8 ronmental assistance programs) for the Secretary to carry
9 out.

10 (b) *MINIMUM CRITERIA.*—For the purposes of carrying
11 out this section, the Secretary shall evaluate, at a min-
12 imum—

13 (1) *the nature and extent of the positive and neg-*
14 *ative local economic impacts of the project, includ-*
15 *ing—*

16 (A) *the benefits of the project to the local*
17 *economy;*

18 (B) *the extent to which the project will en-*
19 *hance local development;*

20 (C) *the number of jobs that will be directly*
21 *created by the project; and*

22 (D) *the ability of the non-Federal interest to*
23 *pay the applicable non-Federal share of the cost*
24 *of the project;*

1 (2) *the demographics of the location in which the*
2 *project is to be carried out, including whether the*
3 *project serves—*

4 (A) *a rural community; or*

5 (B) *an economically disadvantaged commu-*
6 *nity, including an economically disadvantaged*
7 *minority community;*

8 (3) *the amount of appropriations a project has*
9 *received;*

10 (4) *the funding capability of the Corps of Engi-*
11 *neers with respect to the project;*

12 (5) *whether the project could be carried out*
13 *under other Federal authorities at an equivalent cost*
14 *to the non-Federal interest; and*

15 (6) *any other criteria that the Secretary con-*
16 *siders to be appropriate.*

17 (c) *INCLUSION IN GUIDANCE.—The Secretary shall in-*
18 *clude the criteria developed under subsection (a) in the an-*
19 *nual Civil Works Direct Program Development Policy*
20 *Guidance of the Secretary.*

21 (d) *REPORT TO CONGRESS.—For fiscal year 2022, and*
22 *biennially thereafter, in conjunction with the President’s*
23 *annual budget submission to Congress under section*
24 *1105(a) of title 31, United States Code, the Secretary shall*
25 *submit to the Committee on Environment and Public Works*

1 *and the Committee on Appropriations of the Senate and*
2 *the Committee on Transportation and Infrastructure and*
3 *the Committee on Appropriations of the House of Rep-*
4 *resentatives a report that identifies the Secretary’s ranking*
5 *of individual environmental assistance projects authorized*
6 *by Congress for the Secretary to carry out, in accordance*
7 *with the criteria developed under this section.*

8 **SEC. 138. AGING INFRASTRUCTURE.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *AGING INFRASTRUCTURE.—The term “aging*
11 *infrastructure” means a water resources development*
12 *project of the Corps of Engineers, or any other water*
13 *resources, water storage, or irrigation project of an-*
14 *other Federal agency, that is greater than 75 years*
15 *old.*

16 (2) *ENHANCED INSPECTION.—The term “en-*
17 *hanced inspection” means an inspection that uses*
18 *current or innovative technology, including Light De-*
19 *tection and Ranging (commonly known as*
20 *“LiDAR”), ground penetrating radar, subsurface im-*
21 *aging, or subsurface geophysical techniques, to detect*
22 *whether the features of the aging infrastructure are*
23 *structurally sound and can operate as intended, or*
24 *are at risk of failure.*

25 (b) *CONTRACTS FOR ENHANCED INSPECTION.—*

1 (1) *IN GENERAL.*—*The Secretary may carry out*
2 *enhanced inspections of aging infrastructure, pursu-*
3 *ant to a contract with the owner or operator of the*
4 *aging infrastructure.*

5 (2) *CERTAIN CIRCUMSTANCES.*—*Subject to the*
6 *availability of appropriations, or funds available*
7 *pursuant to subsection (d), the Secretary shall enter*
8 *into a contract described in paragraph (1), if—*

9 (A) *the owner or operator of the aging in-*
10 *frastructure requests that the Secretary carry out*
11 *the enhanced inspections; and*

12 (B) *the inspection is at the full expense of*
13 *such owner or operator.*

14 (c) *LIMITATION.*—*The Secretary shall not require a*
15 *non-Federal entity associated with a project under the ju-*
16 *risdiction of another Federal agency to carry out corrective*
17 *or remedial actions in response to an enhanced inspection*
18 *carried out under this section.*

19 (d) *FUNDING.*—*The Secretary is authorized to accept*
20 *funds from an owner or operator of aging infrastructure,*
21 *and may use such funds to carry out an enhanced inspec-*
22 *tion pursuant to a contract entered into with such owner*
23 *or operator under this section.*

1 **SEC. 139. UNIFORMITY OF NOTIFICATION SYSTEMS.**

2 (a) *INVENTORY.*—Not later than 180 days after the
3 date of enactment of this Act, the Secretary shall complete
4 an inventory of all systems used by the Corps of Engineers
5 for external communication and notification with respect
6 to projects, initiatives, and facilities of the Corps of Engi-
7 neers.

8 (b) *UNIFORM PLAN.*—

9 (1) *IN GENERAL.*—Not later than 1 year after
10 the date of enactment of this Act, the Secretary shall
11 develop a plan for the uniformity of such communica-
12 tion and notification systems for projects, initiatives,
13 and facilities of the Corps of Engineers.

14 (2) *INCLUSIONS.*—The plan developed under
15 paragraph (1) shall—

16 (A) provide access to information in all
17 forms practicable, including through email, text
18 messages, news programs and websites, radio,
19 and other forms of notification;

20 (B) establish a notification system for any
21 projects, initiatives, or facilities of the Corps of
22 Engineers that do not have a notification system;

23 (C) streamline existing communication and
24 notification systems to improve the strength and
25 uniformity of those systems; and

1 (D) *emphasize the necessity of timeliness in*
2 *notification systems and ensure that the methods*
3 *of notification can transmit information in a*
4 *timely manner.*

5 (3) *IMPLEMENTATION.—*

6 (A) *IN GENERAL.—Except as provided in*
7 *subparagraph (B), not later than 2 years after*
8 *the date of enactment of this Act, the Secretary*
9 *shall complete the implementation of the plan de-*
10 *veloped under paragraph (1).*

11 (B) *EMERGENCY MANAGEMENT NOTIFICA-*
12 *TION.—Not later than 18 months after the date*
13 *of enactment of this Act, the Secretary shall im-*
14 *plement the provisions of the plan developed*
15 *under paragraph (1) relating to emergency man-*
16 *agement notifications.*

17 (4) *SAVINGS PROVISION.—Nothing in this section*
18 *authorizes the elimination of any existing commu-*
19 *nication or notification system used by the Corps of*
20 *Engineers.*

21 **SEC. 140. COASTAL STORM DAMAGE REDUCTION CON-**
22 **TRACTS.**

23 *For any project for coastal storm damage reduction,*
24 *the Secretary may seek input from a non-Federal interest*
25 *for a project that may be affected by the timing of the coast-*

1 *al storm damage reduction activities under the project, in*
2 *order to minimize, to the maximum extent practicable, any*
3 *negative effects resulting from the timing of those activities.*

4 **SEC. 141. DAM REMEDIATION FOR ECOSYSTEM RESTORA-**
5 **TION.**

6 *Section 542(b)(2) of the Water Resources Development*
7 *Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is amended—*

8 *(1) in subparagraph (F), by striking “or” at the*
9 *end;*

10 *(2) by redesignating subparagraph (G) as sub-*
11 *paragraph (H); and*

12 *(3) by inserting after subparagraph (F) the fol-*
13 *lowing:*

14 *“(G) measures to restore, protect, and pre-*
15 *serve an ecosystem affected by a dam (including*
16 *by the rehabilitation or modification of a*
17 *dam)—*

18 *“(i) that has been constructed, in whole*
19 *or in part, by the Corps of Engineers for*
20 *flood control purposes;*

21 *“(ii) for which construction was com-*
22 *pleted before 1940;*

23 *“(iii) that is classified as ‘high hazard*
24 *potential’ by the State dam safety agency of*
25 *the State in which the dam is located; and*

1 “(iv) that is operated by a non-Federal
2 entity; or”.

3 **SEC. 142. LEVEE ACCREDITATION PROCESS; LEVEE CER-**
4 **TIFICATIONS.**

5 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
6 that the process developed by the Flood Protection Structure
7 Accreditation Task Force established under section 100226
8 of the Moving Ahead for Progress in the 21st Century Act
9 (42 U.S.C. 4101 note) should not be limited to levee systems
10 in the inspection of completed works program of the Corps
11 of Engineers, but should apply equally to federally owned
12 levee systems operated by the Secretary, including federally
13 owned levee systems operated by the Secretary as part of
14 a reservoir project.

15 (b) *LEVEE CERTIFICATIONS.*—Section 3014 of the
16 Water Resources Reform and Development Act of 2014 (42
17 U.S.C. 4131) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) by striking “under the inspection of
21 completed works program” and inserting
22 “for levee systems under the levee safety and
23 dam safety programs”; and

24 (ii) by striking “and” at the end;

25 (B) in paragraph (2)—

1 (i) by striking “activities under the in-
2 spection of completed works program of the
3 Corps of Engineers” and inserting “the ac-
4 tivities referred to in paragraph (1)”;

5 (ii) by striking “chapter 1” and insert-
6 ing “chapter I”; and

7 (iii) by striking the period at the end
8 and inserting “; and”; and

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

10 “(3) in the case of a levee system that is operated
11 and maintained by the Corps of Engineers, to the
12 maximum extent practicable, cooperate with local
13 governments seeking a levee accreditation decision for
14 the levee to provide information necessary to support
15 the accreditation decision in a timely manner.”; and

16 (2) in paragraph (b)(3), by adding at the end
17 the following:

18 “(C) CONTRIBUTED FUNDS.—Notwith-
19 standing subparagraph (B), a non-Federal inter-
20 est may fund up to 100 percent of the cost of any
21 activity carried out under this subsection.”.

22 **SEC. 143. PROJECT PARTNERSHIP AGREEMENT.**

23 Section 103(j)(1) of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2213(j)(1)) is amended—

1 (1) by striking “Any project” and inserting the
2 following:

3 “(A) *IN GENERAL.*—Any project”; and

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

5 “(B) *INCLUSION.*—An agreement under sub-
6 paragraph (A) shall include a brief description
7 and estimation of the anticipated operations,
8 maintenance, and replacement and rehabilita-
9 tion costs of the non-Federal interest for the
10 project.”.

11 **SEC. 144. ACCEPTANCE OF FUNDS FOR HARBOR DREDGING.**

12 The Secretary is authorized, in accordance with sec-
13 tion 5 of Act of June 22, 1936 (33 U.S.C. 701h), to accept
14 and expend funds contributed by a State or other non-Fed-
15 eral interest—

16 (1) to dredge a non-Federal harbor or channel,
17 or a marina or berthing area located adjacent to, or
18 accessible by, such harbor or channel; or

19 (2) to provide technical assistance related to the
20 planning and design of dredging activities described
21 in paragraph (1).

22 **SEC. 145. REPLACEMENT CAPACITY.**

23 Section 217(a) of the Water Resources Development
24 Act of 1996 (33 U.S.C. 2326a(a)) is amended—

1 (1) *in the subsection heading, by inserting “OR*
2 *REPLACEMENT CAPACITY” after “ADDITIONAL CAPAC-*
3 *ITY”;*

4 (2) *by striking paragraph (1) and inserting the*
5 *following:*

6 “(1) *PROVIDED BY SECRETARY.—*

7 “(A) *IN GENERAL.—Subject to subpara-*
8 *graph (B), at the request of a non-Federal inter-*
9 *est with respect to a project, the Secretary*
10 *may—*

11 “(i) *provide additional capacity at a*
12 *dredged material disposal facility con-*
13 *structed by the Secretary beyond the capac-*
14 *ity that would be required for project pur-*
15 *poses; or*

16 “(ii) *permit the use of dredged mate-*
17 *rial disposal facility capacity required for*
18 *project purposes by the non-Federal interest*
19 *if the Secretary determines that replacement*
20 *capacity can be constructed at the facility*
21 *or another facility or site before such capac-*
22 *ity is needed for project purposes.*

23 “(B) *AGREEMENT.—Before the Secretary*
24 *takes an action under subparagraph (A), the*
25 *non-Federal interest shall agree to pay—*

1 “(i) all costs associated with the con-
2 struction of the additional capacity or re-
3 placement capacity in advance of construc-
4 tion of such capacity; and

5 “(ii) in the case of use by a non-Fed-
6 eral interest of dredged material disposal
7 capacity required for project purposes under
8 subparagraph (A)(ii), any increase in the
9 cost of operation and maintenance of the
10 project that the Secretary determines results
11 from the use of the project capacity by the
12 non-Federal interest in advance of each
13 cycle of dredging.

14 “(C) CREDIT.—In the event the Secretary
15 determines that the cost to operate or maintain
16 the project decreases as a result of use by the
17 non-Federal interest of dredged material disposal
18 capacity required for project purposes under sub-
19 paragraph (A)(ii), the Secretary, at the request
20 of the non-Federal interest, shall credit the
21 amount of the decrease toward any cash con-
22 tribution of the non-Federal interest required
23 thereafter for construction, operation, or mainte-
24 nance of the project, or of another navigation
25 project.”;

1 (3) *in paragraph (2), in the first sentence, by in-*
2 *serting “under paragraph (1)(A)(i)” after “additional*
3 *capacity”;* and

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

5 “(3) *SPECIAL RULE FOR DESIGNATION OF RE-*
6 *PLACEMENT CAPACITY FACILITY OR SITE.—*

7 “(A) *IN GENERAL.—Subject to such terms*
8 *and conditions as the Secretary determines to be*
9 *necessary or advisable, an agreement under*
10 *paragraph (1)(B) for use permitted under para-*
11 *graph (1)(A)(ii) shall reserve to the non-Federal*
12 *interest—*

13 “(i) *the right to submit to the Sec-*
14 *retary for approval at a later date an alter-*
15 *native to the facility or site designated in*
16 *the agreement for construction of replace-*
17 *ment capacity; and*

18 “(ii) *the right to construct the replace-*
19 *ment capacity at the alternative facility or*
20 *site at the expense of the non-Federal inter-*
21 *est.*

22 “(B) *REQUIREMENT.—The Secretary shall*
23 *not reject a site for the construction of replace-*
24 *ment capacity under paragraph (1)(A)(ii) that*
25 *is submitted by the non-Federal interest for ap-*

1 *proval by the Secretary before the date of execu-*
 2 *tion of the agreement under paragraph (1)(B),*
 3 *or thereafter, unless the Secretary—*

4 *“(i) determines that the site is environ-*
 5 *mentally unacceptable, geographically unac-*
 6 *ceptable, or technically unsound; and*

7 *“(ii) provides a written basis for the*
 8 *determination under clause (i) to the non-*
 9 *Federal interest.*

10 *“(4) PUBLIC COMMENT.—The Secretary shall af-*
 11 *ford the public an opportunity to comment on the de-*
 12 *terminations required under this subsection for a use*
 13 *permitted under paragraph (1)(A)(ii).”.*

14 **SEC. 146. REVIEWING HYDROPOWER AT CORPS OF ENGI-**
 15 **NEERS FACILITIES.**

16 *Section 1008 of the Water Resources Reform and De-*
 17 *velopment Act of 2014 (33 U.S.C. 2321b) is amended—*

18 (1) *by striking “civil works” each place it ap-*
 19 *pears and inserting “water resources development”;*
 20 *and*

21 (2) *by adding at the end the following:*

22 *“(c) REVIEWING HYDROPOWER AT CORPS OF ENGI-*
 23 *NEERS FACILITIES.—*

24 *“(1) DEFINITION OF ELIGIBLE NON-FEDERAL IN-*
 25 *TEREST.—In this subsection, the term ‘eligible non-*

1 *Federal interest’ means a non-Federal interest that*
2 *owns or operates an existing non-Federal hydropower*
3 *facility at a Corps of Engineers water resources devel-*
4 *opment project.*

5 “(2) *EVALUATION.*—

6 “(A) *IN GENERAL.*—*On the written request*
7 *of an eligible non-Federal interest, the Secretary*
8 *shall conduct an evaluation to consider oper-*
9 *ational changes at the applicable project to fa-*
10 *cilitate production of non-Federal hydropower,*
11 *consistent with authorized project purposes. The*
12 *Secretary shall solicit input from interested*
13 *stakeholders as part of the evaluation.*

14 “(B) *DEADLINE.*—*Not later than 180 days*
15 *after the date on which the Secretary receives a*
16 *written request under subparagraph (A), the Sec-*
17 *retary shall provide to the non-Federal interest a*
18 *written response to inform the non-Federal inter-*
19 *est—*

20 “(i) *that the Secretary has approved*
21 *the request to conduct an evaluation; or*

22 “(ii) *of any additional information*
23 *necessary for the Secretary to approve the*
24 *request to conduct an evaluation.*

1 “(3) *OPERATIONAL CHANGES.*—*An operational*
2 *change referred to in paragraph (2)(A) may in-*
3 *clude—*

4 “(A) *changes to seasonal pool levels;*

5 “(B) *modifying releases from the project;*

6 *and*

7 “(C) *other changes included in the written*
8 *request submitted under that paragraph that en-*
9 *hance the usage of the project to facilitate pro-*
10 *duction of non-Federal hydropower, consistent*
11 *with authorized project purposes.*

12 “(4) *COST SHARE.*—*The eligible non-Federal in-*
13 *terest shall pay 100 percent of the costs associated*
14 *with an evaluation under this subsection, including*
15 *the costs to prepare the report under paragraph (6).*

16 “(5) *DEADLINE.*—*The Secretary shall complete*
17 *an evaluation under this subsection by the date that*
18 *is not later than 1 year after the date on which the*
19 *Secretary begins the evaluation.*

20 “(6) *REPORT.*—*On completion of an evaluation*
21 *under this subsection, the Secretary shall submit to*
22 *the Committee on Environment and Public Works of*
23 *the Senate and the Committee on Transportation and*
24 *Infrastructure of the House of Representatives a re-*
25 *port on the effects of the operational changes proposed*

1 *by the non-Federal interest and examined in the eval-*
2 *uation on the authorized purposes of the project, in-*
3 *cluding a description of any negative impacts of the*
4 *proposed operational changes on the authorized pur-*
5 *poses of the project, or on any Federal project located*
6 *in the same basin.*

7 “(7) SAVINGS PROVISION.—Nothing in this sub-
8 section—

9 “(A) affects the authorized purposes of a
10 Corps of Engineers water resources development
11 project;

12 “(B) affects existing authorities of the Corps
13 of Engineers, including authorities with respect
14 to navigation, flood damage reduction, environ-
15 mental protection and restoration, water supply
16 and conservation, and other related purposes; or

17 “(C) authorizes the Secretary to make any
18 operational changes to a Corps of Engineers
19 water resources development project.”.

20 **SEC. 147. REPAIR AND RESTORATION OF EMBANKMENTS.**

21 (a) *IN GENERAL.*—At the request of a non-Federal in-
22 terest, the Secretary shall assess the cause of damage to, or
23 the failure of, an embankment that is adjacent to the shore-
24 line of a reservoir project owned and operated by the Sec-
25 retary for which such damage or failure to the embankment

1 *has adversely affected a roadway that the Secretary has re-*
2 *located for construction of the reservoir.*

3 **(b) REPAIR AND RESTORATION ACTIVITIES.**—*If, based*
4 *on the assessment carried out under subsection (a), the Sec-*
5 *retary determines that the cause of the damage to, or the*
6 *failure of, the embankment is the direct result of the design*
7 *or operation of the reservoir by the Secretary, the Secretary*
8 *is authorized to participate in the repair or restoration of*
9 *such embankment.*

10 **(c) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
11 *authorized to be appropriated to the Secretary \$10,000,000*
12 *to carry out this section.*

13 **SEC. 148. COASTAL MAPPING.**

14 *Section 516 of the Water Resources Development Act*
15 *of 1996 (33 U.S.C. 2326b) is amended—*

16 (1) *by redesignating subsection (g) as subsection*
17 *(h);*

18 (2) *by inserting after subsection (f) the following:*

19 **“(g) COASTAL MAPPING.**—*The Secretary shall develop*
20 *and carry out a plan for the recurring mapping of coast-*
21 *lines that are experiencing rapid change, including such*
22 *coastlines in—*

23 **“(1) Alaska;**

24 **“(2) Hawaii; and**

1 “(3) any territory or possession of the United
2 *States.*”; and

3 (3) in subsection (h) (as so redesignated), by
4 adding at the end the following:

5 “(3) *COASTAL MAPPING.*—In addition to
6 amounts made available under paragraph (1), there
7 is authorized to be appropriated to carry out sub-
8 section (g) with respect to Alaska, Hawaii, and the
9 territories and possessions of the United States,
10 \$10,000,000, to remain available until expended.”.

11 **SEC. 149. INTERIM RISK REDUCTION MEASURES.**

12 (a) *IN GENERAL.*—In the case of any interim risk re-
13 duction measure for dam safety purposes that was evaluated
14 in a final environmental assessment completed during the
15 period beginning on March 18, 2019, and ending on the
16 date of enactment of this Act, the Secretary shall carry out
17 a reevaluation of the measure in a timely manner if the
18 final environmental assessment did not consider in detail
19 at least—

20 (1) 1 operational water control plan change al-
21 ternative;

22 (2) 1 action alternative other than an oper-
23 ational water control plan change; and

24 (3) the no action alternative.

1 (b) *COORDINATION.*—A reevaluation carried out under
2 subsection (a) shall include consideration of the alternatives
3 described in such subsection, which shall be developed in
4 coordination with Federal agencies, States, Indian Tribes,
5 units of local government, and other non-Federal interests
6 that have existing water obligations that would be directly
7 affected by implementation of an interim risk reduction
8 measure that is the subject of the reevaluation.

9 (c) *IMPLEMENTATION PRIOR TO REEVALUATION.*—
10 Nothing in this section prohibits the Secretary from imple-
11 menting an interim risk reduction measure for which a re-
12 evaluation is required under subsection (a) prior to the
13 completion of the reevaluation under subsection (a).

14 **SEC. 150. MAINTENANCE DREDGING PERMITS.**

15 (a) *IN GENERAL.*—The Secretary shall, to the max-
16 imum extent practicable, prioritize the reissuance of any
17 regional general permit for maintenance dredging that ex-
18 pires prior to May 1, 2021, and shall use best efforts to
19 ensure such reissuance prior to expiration of such a re-
20 gional general permit for maintenance dredging.

21 (b) *SAVINGS PROVISION.*—Nothing in this section af-
22 fects any obligation to comply with the requirements of any
23 Federal law, including—

24 (1) the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.);

1 (2) *the Federal Water Pollution Control Act (33*
2 *U.S.C. 1251 et seq.)*; and

3 (3) *the Endangered Species Act of 1973 (16*
4 *U.S.C. 1531 et seq.)*.

5 **SEC. 151. HIGH WATER-LOW WATER PREPAREDNESS.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *BYPASS.—The term “bypass” means an al-*
8 *ternate water route adjacent to a lock and dam on a*
9 *Federal inland waterway system that can be used for*
10 *commercial navigation during high water conditions.*

11 (2) *EMERGENCY CONDITION.—The term “emer-*
12 *gency condition” means—*

13 (A) *unsafe conditions on a Federal inland*
14 *waterway system that prevent the operation of*
15 *commercial vessels, resulting from a major*
16 *change in water level or flows;*

17 (B) *an obstruction in a Federal inland wa-*
18 *terway system, including silt, sediment, rock for-*
19 *mation, or a shallow channel;*

20 (C) *an impaired or inoperable Federal lock*
21 *and dam; or*

22 (D) *any other condition determined appro-*
23 *priate by the Secretary.*

24 (b) *EMERGENCY DETERMINATION.—The Secretary, in*
25 *consultation with the District Commanders responsible for*

1 *maintaining any Federal inland waterway system, the*
2 *users of the waterway system, and the Coast Guard, may*
3 *make a determination that an emergency condition exists*
4 *on the waterway system.*

5 *(c) EMERGENCY MITIGATION PROJECT.—*

6 *(1) IN GENERAL.—Subject to paragraph (2) and*
7 *the availability of appropriations, and in accordance*
8 *with all applicable Federal requirements, the Sec-*
9 *retary may carry out an emergency mitigation*
10 *project on a Federal inland waterway system with re-*
11 *spect to which the Secretary has determined that an*
12 *emergency condition exists under subsection (b), or on*
13 *a bypass of such system, to remedy that emergency*
14 *condition.*

15 *(2) DEADLINE.—An emergency mitigation*
16 *project under paragraph (1) shall—*

17 *(A) be initiated by not later than 60 days*
18 *after the date on which the Secretary makes the*
19 *applicable determination under subsection (b);*
20 *and*

21 *(B) to the maximum extent practicable, be*
22 *completed by not later than 1 year after the date*
23 *on which the Secretary makes such determina-*
24 *tion.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary to carry out*
3 *this section \$25,000,000 for each of fiscal years 2022*
4 *through 2024, to remain available until expended.*

5 **SEC. 152. TREATMENT OF CERTAIN BENEFITS AND COSTS.**

6 (a) *IN GENERAL.*—*In the case of a flood risk manage-*
7 *ment project that incidentally generates seismic safety bene-*
8 *fits in regions of moderate or high seismic hazard, for the*
9 *purpose of a benefit-cost analysis for the project, the Sec-*
10 *retary shall not include in that analysis any additional de-*
11 *sign and construction costs resulting from addressing seis-*
12 *mic concerns.*

13 (b) *SAVINGS PROVISION.*—*Except with respect to the*
14 *benefit-cost analysis, the additional costs referred to in sub-*
15 *section (a) shall be—*

16 (1) *included in the total project cost; and*

17 (2) *subject to cost-share requirements otherwise*
18 *applicable to the project.*

19 **SEC. 153. LEASE DEVIATIONS.**

20 (a) *DEFINITION OF COVERED LEASE DEVIATION.*—*In*
21 *this section, the term “covered lease deviation” means a*
22 *change in terms from the existing lease that requires ap-*
23 *proval from the Secretary for a lease—*

1 (1) of Federal land within the State of Oklahoma
2 that is associated with a water resources development
3 project, under—

4 (A) section 2667 of title 10, United States
5 Code; or

6 (B) section 4 of the Act of December 22,
7 1944 (16 U.S.C. 460d); and

8 (2) with respect to which the lessee is in good
9 standing.

10 (b) *DEADLINE.*—In the case of a request for a covered
11 lease deviation—

12 (1) the Division Commander of the Southwestern
13 Division shall—

14 (A) notify the Secretary of the request via
15 electronic means by not later than 24 hours after
16 receiving the request; and

17 (B) by not later than 10 business days after
18 the date on which the Division Commander noti-
19 fies the Secretary under subparagraph (A)—

20 (i) make a determination approving,
21 denying, or requesting a modification to the
22 request; and

23 (ii) provide to the Secretary the deter-
24 mination under clause (i); and

1 (2) *the Secretary shall make a determination ap-*
2 *proving, denying, or requesting a modification to the*
3 *request by not later than 10 business days after—*

4 (A) *the date on which the Division Com-*
5 *mander provides to the Secretary a determina-*
6 *tion in accordance with paragraph (1)(B); or*

7 (B) *if the Division Commander does not*
8 *provide to the Secretary a determination in ac-*
9 *cordance with paragraph (1)(B), the date on*
10 *which the deadline described in such paragraph*
11 *expires.*

12 (c) *NOTIFICATION.—If the Secretary does not make a*
13 *determination under subsection (b)(2) by the deadline de-*
14 *scribed in that subsection, the Secretary shall submit a noti-*
15 *fication of the failure to make a determination with respect*
16 *to the covered lease deviation, including the reason for the*
17 *failure and a description of any outstanding issues, to—*

18 (1) *the entity seeking the covered lease deviation;*

19 (2) *the members of the Oklahoma congressional*
20 *delegation;*

21 (3) *the Committee on Environment and Public*
22 *Works of the Senate; and*

23 (4) *the Committee on Transportation and Infra-*
24 *structure of the House of Representatives.*

1 **SEC. 154. SENSE OF CONGRESS ON ARCTIC DEEP DRAFT**
2 **PORT DEVELOPMENT.**

3 *It is the sense of Congress that—*

4 *(1) the Arctic, as defined in section 112 of the*
5 *Arctic Research and Policy Act of 1984 (Public Law*
6 *98–373), is a region of strategic importance to the*
7 *national security and maritime transportation inter-*
8 *ests of the United States;*

9 *(2) there is a compelling national, regional,*
10 *Alaska Native, and private sector need for permanent*
11 *maritime transportation infrastructure development*
12 *and for a presence in the Arctic by the United States*
13 *to assert national security interests and to support*
14 *and facilitate search and rescue, shipping safety, eco-*
15 *nomics development, oil spill prevention and response,*
16 *subsistence and commercial fishing, the establishment*
17 *of ports of refuge, Arctic research, and maritime law*
18 *enforcement;*

19 *(3) the Government of the Russian Federation*
20 *has prioritized the development of Arctic maritime*
21 *transportation capabilities and has made significant*
22 *investments in military infrastructure in the Arctic,*
23 *including the construction or refurbishment of 16*
24 *deepwater ports in the region;*

25 *(4) is a serious concern that the closest United*
26 *States strategic seaports to the Arctic are the Port of*

1 *Anchorage and the Port of Tacoma, located approxi-*
2 *mately 1,500 nautical miles and 2,400 nautical miles*
3 *away from the Arctic, respectively, and approxi-*
4 *mately 1,900 nautical miles and 2,800 nautical miles,*
5 *respectively, from Utiagvik, Alaska; and*

6 *(5) it is in the national interest to enhance exist-*
7 *ing, and develop, maritime transportation infrastruc-*
8 *ture in the Arctic, including an Arctic deep draft*
9 *strategic seaport in Alaska, that would allow the*
10 *Coast Guard and the Navy each to perform their re-*
11 *spective statutory duties and functions on a perma-*
12 *nent basis with minimal mission interruption.*

13 **SEC. 155. SMALL WATER STORAGE PROJECTS.**

14 *(a) IN GENERAL.—The Secretary shall carry out a*
15 *program to study and construct new, or enlarge existing,*
16 *small water storage projects, in partnership with a non-*
17 *Federal interest.*

18 *(b) REQUIREMENTS.—To be eligible to participate in*
19 *the program under this section, a small water storage*
20 *project shall—*

21 *(1) in the case of a new small water storage*
22 *project, have a water storage capacity of not less than*
23 *2,000 acre-feet and not more than 30,000 acre-feet;*

24 *(2) in the case of an enlargement of an existing*
25 *small water storage project, be for an enlargement of*

1 *not less than 1,000 acre-feet and not more than*
2 *30,000 acre-feet;*

3 (3) *provide—*

4 (A) *flood risk management benefits;*

5 (B) *ecological benefits; or*

6 (C) *water management, water conservation,*
7 *or water supply; and*

8 (4) *be—*

9 (A) *economically justified, environmentally*
10 *acceptable, and technically feasible; or*

11 (B) *in the case of a project providing eco-*
12 *logical benefits, cost-effective with respect to such*
13 *benefits.*

14 (c) *SCOPE.—In carrying out the program under this*
15 *section, the Secretary shall give preference to a small water*
16 *storage project located in a State with a population of less*
17 *than 1,000,000.*

18 (d) *EXPEDITED PROJECTS.—For the 10-year period*
19 *beginning on the date of enactment of this Act, the Sec-*
20 *retary shall expedite small water storage projects under this*
21 *section for which applicable Federal permitting require-*
22 *ments have been completed.*

23 (e) *USE OF DATA.—In conducting a study under this*
24 *section, to the maximum extent practicable, the Secretary*
25 *shall—*

1 (1) *as the Secretary determines appropriate, con-*
2 *sider and utilize any applicable hydrologic, economic,*
3 *or environmental data that is prepared for a small*
4 *water storage project under State law as the docu-*
5 *mentation, or part of the documentation, required to*
6 *complete State water plans or other State planning*
7 *documents relating to water resources management;*
8 *and*

9 (2) *consider information developed by the non-*
10 *Federal interest in relation to another study, to the*
11 *extent the Secretary determines such information is*
12 *applicable, appropriate, or otherwise authorized by*
13 *law.*

14 (f) *COST SHARE.—*

15 (1) *STUDY.—The Federal share of the cost of a*
16 *study conducted under this section shall be—*

17 (A) *100 percent for costs not to exceed*
18 *\$100,000; and*

19 (B) *50 percent for any costs above \$100,000.*

20 (2) *CONSTRUCTION.—A small water storage*
21 *project carried out under this section shall be subject*
22 *to the cost-sharing requirements applicable to projects*
23 *under section 103 of the Water Resources Development*
24 *Act of 1986 (33 U.S.C. 2213), including—*

1 (A) *municipal and industrial water supply:*
2 *100 percent non-Federal;*

3 (B) *agricultural water supply: 35 percent*
4 *non-Federal; and*

5 (C) *recreation, including recreational navi-*
6 *gation: 50 percent of separable costs and, in the*
7 *case of any harbor or inland harbor or channel*
8 *project, 50 percent of joint and separable costs*
9 *allocated to recreational navigation.*

10 (g) *OMRRR RESPONSIBILITY.—The costs of operation,*
11 *maintenance, repair, and replacement and rehabilitation*
12 *for a small water storage project constructed under this sec-*
13 *tion shall be the responsibility of the non-Federal interest.*

14 (h) *INDIVIDUAL PROJECT LIMIT.—Not more than*
15 *\$65,000,000 in Federal funds may be made available to a*
16 *small water storage project under this section.*

17 (i) *AUTHORIZATION OF APPROPRIATIONS.—There is*
18 *authorized to be appropriated to carry out this section*
19 *\$130,000,000 annually through fiscal year 2030.*

20 **SEC. 156. PLANNING ASSISTANCE TO STATES.**

21 *In carrying out section 22 of the Water Resources De-*
22 *velopment Act of 1974 (42 U.S.C. 1962d–16), the Secretary*
23 *shall provide equal priority for all mission areas of the*
24 *Corps of Engineers, including water supply and water con-*
25 *servation.*

1 **SEC. 157. FORECAST-INFORMED RESERVOIR OPERATIONS.**

2 *Section 1222 of the Water Resources Development Act*
3 *of 2018 (128 Stat. 3811) is amended by adding at the end*
4 *the following:*

5 “(c) *ADDITIONAL UTILIZATION OF FORECAST-IN-*
6 *FORMED RESERVOIR OPERATIONS.*—

7 “(1) *IN GENERAL.*—*Not later than 1 year after*
8 *the date of enactment of this subsection, the Secretary*
9 *shall submit to the Committee on Transportation and*
10 *Infrastructure of the House of Representatives and the*
11 *Committee on Environment and Public Works of the*
12 *Senate a report on any additional opportunities iden-*
13 *tified for utilizing forecast-informed reservoir oper-*
14 *ations across the United States, including an assess-*
15 *ment of the viability of forecast-informed reservoir op-*
16 *erations in the Upper Missouri River Basin and the*
17 *North Platte River Basin.*

18 “(2) *FORECAST-INFORMED RESERVOIR OPER-*
19 *ATIONS.*—

20 “(A) *AUTHORIZATION.*—*If the Secretary de-*
21 *termines, and includes in the report submitted*
22 *under paragraph (1), that forecast-informed res-*
23 *ervoir operations are viable at a reservoir in the*
24 *Upper Missouri River Basin or the North Platte*
25 *River Basin, including a reservoir for which the*
26 *Secretary has flood control responsibilities under*

1 *tities of water allocation, supply, and demand data,*
2 *including—*

3 *(A) any catalogs of such data;*

4 *(B) definitions of any commonly used terms*
5 *relating to water allocation, supply, and de-*
6 *mand; and*

7 *(C) a description of any common standards*
8 *used by those entities.*

9 *(2) REPORT.—If the National Academy of*
10 *Sciences enters into an agreement under paragraph*
11 *(1), to the maximum extent practicable, not later*
12 *than 1 year after the date of enactment of this Act,*
13 *the National Academy of Sciences shall submit to*
14 *Congress a report that includes—*

15 *(A) the results of the study under para-*
16 *graph (1);*

17 *(B) recommendations for ways to stream-*
18 *line and make cost-effective methods for Federal*
19 *agencies to coordinate interstate sharing of data,*
20 *including recommendations for the development*
21 *of a publicly accessible, internet-based platform*
22 *that can allow entities described in paragraph*
23 *(1) to communicate and coordinate ongoing data*
24 *collection efforts relating to water allocation,*

1 *supply, and demand, and share best practices re-*
2 *lating to those efforts; and*

3 *(C) a recommendation as to an appropriate*
4 *Federal entity that should—*

5 *(i) serve as the lead coordinator for the*
6 *sharing of data relating to water allocation,*
7 *supply, and demand; and*

8 *(ii) host and manage the internet-based*
9 *platform described in subparagraph (B).*

10 **(b) DATA TRANSPARENCY.**—*The Secretary shall*
11 *prioritize making publicly available water resources data*
12 *in the custody of the Corps of Engineers, as authorized by*
13 *section 2017 of the Water Resources Development Act of*
14 *2007 (33 U.S.C. 2342).*

15 **(c) FUNDING.**—*From amounts otherwise appropriated*
16 *or made available to the Secretary, the Secretary may make*
17 *available to the National Academy of Sciences not more*
18 *than \$3,900,000, to be used for the review of information*
19 *provided by the Corps of Engineers for purposes of a study*
20 *under subsection (a). The Secretary may accept funds from*
21 *another Federal agency and make such funds available to*
22 *the National Academy of Sciences, to be used for the review*
23 *of information provided by such agency for purposes of a*
24 *study under subsection (a).*

1 **SEC. 159. INLAND WATERWAYS PILOT PROGRAM.**

2 (a) *DEFINITIONS.*—*In this section:*

3 (1) *AUTHORIZED PROJECT.*—*The term “author-*
4 *ized project” means a federally authorized water re-*
5 *sources development project for navigation on the in-*
6 *land waterways.*

7 (2) *MODERNIZATION ACTIVITIES.*—*The term*
8 *“modernization activities” means construction or*
9 *major rehabilitation activities for any authorized*
10 *project.*

11 (3) *NON-FEDERAL INTEREST.*—*The term “non-*
12 *Federal interest” means any public body described in*
13 *section 221(b) of the Flood Control Act of 1970 (42*
14 *U.S.C. 1962d–5b(b)).*

15 (b) *AUTHORIZATION OF PILOT PROGRAM.*—*The Sec-*
16 *retary is authorized to carry out a pilot program for mod-*
17 *ernization activities on the inland waterways system.*

18 (c) *IMPLEMENTATION.*—

19 (1) *IN GENERAL.*—*In carrying out the pilot pro-*
20 *gram under this section, the Secretary may—*

21 (A) *accept and expend funds provided by a*
22 *non-Federal interest to carry out, for an author-*
23 *ized project (or a separable element of an author-*
24 *ized project), modernization activities for such*
25 *project; or*

1 (B) coordinate with the non-Federal interest
2 in order to allow the non-Federal interest to
3 carry out, for an authorized project (or a sepa-
4 rable element of an authorized project), such
5 modernization activities.

6 (2) NUMBER.—The Secretary shall select not
7 more than 2 authorized projects to participate in the
8 pilot program under paragraph (1).

9 (3) CONDITIONS.—Before carrying out mod-
10 ernization activities pursuant to paragraph (1)(B), a
11 non-Federal interest shall—

12 (A) obtain any permit or approval required
13 in connection with such activities under Federal
14 or State law that would be required if the Sec-
15 retary were to carry out such activities; and

16 (B) ensure that a final environmental im-
17 pact statement or environmental assessment, as
18 appropriate, for such activities has been filed
19 pursuant to the National Environmental Policy
20 Act of 1969.

21 (4) MONITORING.—For any modernization ac-
22 tivities carried out by the non-Federal interest pursu-
23 ant to this section, the Secretary shall regularly mon-
24 itor and audit such activities to ensure that—

1 (A) *the modernization activities are carried*
2 *out in accordance with this section; and*

3 (B) *the cost of the modernization activities*
4 *is reasonable.*

5 (5) *REQUIREMENTS.—The requirements of sec-*
6 *tion 3142 of title 40, United States Code shall apply*
7 *to any modernization activities undertaken under or*
8 *pursuant to this section, either by the Secretary or the*
9 *non-Federal interest.*

10 (d) *AGREEMENTS.—*

11 (1) *ACTIVITIES CARRIED OUT BY NON-FEDERAL*
12 *INTEREST.—*

13 (A) *IN GENERAL.—*

14 (i) *WRITTEN AGREEMENT.—Before a*
15 *non-Federal interest initiates modernization*
16 *activities for an authorized project pursuant*
17 *to this subsection (c)(1)(B), the non-Federal*
18 *interest shall enter into a written agreement*
19 *with the Secretary, under section 221 of the*
20 *Flood Control Act of 1970 (42 U.S.C.*
21 *1962d–5b), that requires the modernization*
22 *activities to be carried out in accordance*
23 *with—*

24 (I) *a plan approved by the Sec-*
25 *retary; and*

1 (II) *any other terms and condi-*
2 *tions specified by the Secretary in the*
3 *agreement.*

4 (ii) *REQUIREMENTS.—A written agree-*
5 *ment under clause (i) shall provide that the*
6 *non-Federal interest shall comply with the*
7 *same legal and technical requirements that*
8 *would apply if the modernization activities*
9 *were carried out by the Secretary, including*
10 *all mitigation required to offset environ-*
11 *mental impacts of the activities, as deter-*
12 *mined by the Secretary.*

13 (B) *ALIGNMENT WITH ONGOING ACTIVI-*
14 *TIES.—A written agreement under subparagraph*
15 *(A) shall include provisions that, to the max-*
16 *imum extent practicable, align modernization*
17 *activities under this section with ongoing oper-*
18 *ations and maintenance activities for the appli-*
19 *cable authorized project.*

20 (C) *INDEMNIFICATION.—As part of a writ-*
21 *ten agreement under subparagraph (A), the non-*
22 *Federal interest shall agree to hold and save the*
23 *United States free from liability for any and all*
24 *damage that arises from the modernization ac-*

1 *tivities carried out by the non-Federal interest*
2 *pursuant to this section.*

3 (2) *ACTIVITIES CARRIED OUT BY SECRETARY.—*

4 *For modernization activities to be carried out by the*
5 *Secretary pursuant to subsection (c)(1)(A), the non-*
6 *Federal interest shall enter into a written agreement*
7 *with the Secretary, containing such terms and condi-*
8 *tions as the Secretary determines appropriate.*

9 (e) *REIMBURSEMENT.—*

10 (1) *AUTHORIZATION.—Subject to the availability*
11 *of appropriations, the Secretary may reimburse a*
12 *non-Federal interest for the costs of modernization ac-*
13 *tivities carried out by the non-Federal interest pursu-*
14 *ant to an agreement entered into under subsection*
15 *(d), or for funds provided to the Secretary under sub-*
16 *section (c)(1)(A), if—*

17 (A) *the non-Federal interest complies with*
18 *the agreement entered into under subsection (d);*
19 *and*

20 (B) *with respect to modernization activities*
21 *carried out by the non-Federal interest pursuant*
22 *to the agreement, the Secretary determines that*
23 *the non-Federal interest complied with all appli-*
24 *cable Federal requirements in carrying out the*
25 *modernization activities.*

1 (2) *LIMITATION.*—*The Secretary may only reim-*
2 *burse a non-Federal interest under paragraph (1) for*
3 *costs of construction that would otherwise be paid*
4 *from amounts appropriated from the general fund of*
5 *the Treasury pursuant to section 102 of the Water Re-*
6 *sources Development Act of 1986 (33 U.S.C. 2212).*

7 (f) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
8 *tion—*

9 (1) *affects the responsibility of the Secretary for*
10 *the operations and maintenance of the inland water-*
11 *way system, as of the day before the date of enactment*
12 *of this Act, including the responsibility of the Sec-*
13 *retary for the operations and maintenance costs for*
14 *any covered project after the modernization activities*
15 *are completed pursuant to this section;*

16 (2) *prohibits or prevents the use of Federal funds*
17 *for operations and maintenance of the inland water-*
18 *way system or any authorized project within the in-*
19 *land waterway system; or*

20 (3) *prohibits or prevents the use of Federal funds*
21 *for construction or major rehabilitation activities*
22 *within the inland waterway system or for any au-*
23 *thorized project within the inland waterway system.*

24 (g) *NOTIFICATION.*—*If a non-Federal interest notifies*
25 *the Secretary that the non-Federal interest intends to carry*

1 *out modernization activities for an authorized project, or*
2 *separable element thereof, pursuant to this section, the Sec-*
3 *retary shall provide written notice to the Committee on En-*
4 *vironment and Public Works of the Senate and the Com-*
5 *mittee on Transportation and Infrastructure of the House*
6 *of Representatives concerning the intent of the non-Federal*
7 *interest.*

8 (h) *SUNSET.*—

9 (1) *IN GENERAL.*—*The authority of the Secretary*
10 *to enter into an agreement under this section shall*
11 *terminate on the date that is 5 years after the date*
12 *of enactment of this Act.*

13 (2) *REIMBURSEMENT ELIGIBILITY.*—*The termi-*
14 *nation of authority under paragraph (1) shall not ex-*
15 *tinguish the eligibility of a non-Federal interest to*
16 *seek reimbursement under subsection (e).*

17 **SEC. 160. DEFINITION OF ECONOMICALLY DISADVANTAGED**
18 **COMMUNITY.**

19 (a) *IN GENERAL.*—*Not later than 180 days after the*
20 *date of enactment of this Act, the Secretary shall issue guid-*
21 *ance defining the term “economically disadvantaged com-*
22 *munity” for the purposes of this Act and the amendments*
23 *made by this Act.*

24 (b) *CONSIDERATIONS.*—*In defining the term “economi-*
25 *cally disadvantaged community” under subsection (a), the*

1 *Secretary shall, to the maximum extent practicable, utilize*
2 *the criteria under paragraph (1) or (2) of section 301(a)*
3 *of the Public Works and Economic Development Act of 1965*
4 *(42 U.S.C. 3161), to the extent that such criteria are appli-*
5 *cable in relation to the development of water resources devel-*
6 *opment projects.*

7 *(c) PUBLIC COMMENT.—In developing the guidance*
8 *under subsection (a), the Secretary shall provide notice and*
9 *an opportunity for public comment.*

10 **SEC. 161. STUDIES OF WATER RESOURCES DEVELOPMENT**
11 **PROJECTS BY NON-FEDERAL INTERESTS.**

12 *(a) IN GENERAL.—Section 203 of the Water Resources*
13 *Development Act of 1986 (33 U.S.C. 2231) is amended—*

14 *(1) in subsection (a)—*

15 *(A) in paragraph (1), by inserting “, or,*
16 *upon the written approval of the Secretary that*
17 *the modifications are consistent with the author-*
18 *ized purposes of the project, undertake a feasi-*
19 *bility study on modifications to a water re-*
20 *sources development project constructed by the*
21 *Corps of Engineers,” after “water resources de-*
22 *velopment project”; and*

23 *(B) in paragraph (2), by striking “for feasi-*
24 *bility studies” and all that follows through the*
25 *period at the end and inserting “for the formula-*

1 *tion of feasibility studies of water resources de-*
2 *velopment projects undertaken by non-Federal*
3 *interests to—*

4 *“(A) ensure that any feasibility study with*
5 *respect to which the Secretary submits an assess-*
6 *ment to Congress under subsection (c) complies*
7 *with all of the requirements that would apply to*
8 *a feasibility study undertaken by the Secretary;*
9 *and*

10 *“(B) provide sufficient information for the*
11 *formulation of the studies, including processes*
12 *and procedures related to reviews and assistance*
13 *under subsection (e).”;*

14 *(2) in subsection (b)—*

15 *(A) by striking “The Secretary” and insert-*
16 *ing the following:*

17 *“(1) IN GENERAL.—The Secretary”; and*

18 *(B) by adding at the end the following:*

19 *“(2) TIMING.—The Secretary may not submit to*
20 *Congress an assessment of a feasibility study under*
21 *this section until such time as the Secretary—*

22 *“(A) determines that the feasibility study*
23 *complies with all of the requirements that would*
24 *apply to a feasibility study undertaken by the*
25 *Secretary; and*

1 “(B) completes all of the Federal analyses,
2 reviews, and compliance processes under the Na-
3 tional Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.), that would be required with
5 respect to the proposed project if the Secretary
6 had undertaken the feasibility study.

7 “(3) INITIATION OF REVIEW.—

8 “(A) REQUEST.—

9 “(i) SUBMISSION.—The non-Federal
10 interest may submit to the Secretary a re-
11 quest that the Secretary initiate the anal-
12 yses, reviews, and compliance processes de-
13 scribed in paragraph (2)(B) with respect to
14 the proposed project prior to the non-Fed-
15 eral interest’s submission of a feasibility
16 study under subsection (a)(1).

17 “(ii) EFFECT.—Receipt by the Sec-
18 retary of a request submitted under clause
19 (i) shall be considered the receipt of a pro-
20 posal or application that will lead to a
21 major Federal action that is subject to the
22 requirements of section 102(2)(C) of the Na-
23 tional Environmental Policy Act of 1969
24 (42 U.S.C. 4332(2)(C)) that would be re-

1 *quired if the Secretary were to undertake*
2 *the feasibility study.*

3 “(B) *DEADLINE.*—*Not later than 10 days*
4 *after the Secretary receives a request under this*
5 *paragraph, the Secretary shall begin the required*
6 *analyses, reviews, and compliance processes.*

7 “(4) *NOTIFICATION.*—*Upon receipt of a request*
8 *under paragraph (3), the Secretary shall notify the*
9 *Committee on Transportation and Infrastructure of*
10 *the House of Representatives and the Committee on*
11 *Environment and Public Works of the Senate of the*
12 *request and a timeline for completion of the required*
13 *analyses, reviews, and compliance processes.*

14 “(5) *STATUS UPDATES.*—*Not later than 30 days*
15 *after receiving a request under paragraph (3), and*
16 *every 30 days thereafter until the Secretary submits*
17 *an assessment under subsection (c) for the applicable*
18 *feasibility study, the Secretary shall notify the Com-*
19 *mittee on Transportation and Infrastructure of the*
20 *House of Representatives, the Committee on Environ-*
21 *ment and Public Works of the Senate, and the non-*
22 *Federal interest of the status of the Secretary’s re-*
23 *quired analyses, reviews, and compliance processes.”;*
24 *and*

1 (3) *in subsection (c)(1), in the matter preceding*
2 *subparagraph (A)—*

3 (A) *by striking “after the date of receipt of*
4 *a feasibility study of a project under subsection*
5 *(a)(1)” and insert “after the completion of re-*
6 *view of a feasibility study under subsection (b)”;*
7 *and*

8 (B) *by striking “a report” and inserting*
9 *“an assessment”.*

10 (b) *DEADLINE.—Not later than 90 days after the date*
11 *of enactment of this Act, the Secretary shall issue revised*
12 *guidelines under section 203 of the Water Resources Devel-*
13 *opment Act of 1986 (33 U.S.C. 2231) to implement the*
14 *amendments made by this section.*

15 (c) *HOLD HARMLESS.—*

16 (1) *ONE-YEAR WINDOW.—The amendments made*
17 *by this section shall not apply to any feasibility study*
18 *submitted to the Secretary under section 203 of the*
19 *Water Resources Development Act of 1986 (33 U.S.C.*
20 *2231) during the one-year period prior to the date of*
21 *enactment of this section.*

22 (2) *2020 PROJECTS.—The amendments made by*
23 *this section shall not apply to any project authorized*
24 *by section 403 of this Act.*

1 **SEC. 162. LEVERAGING FEDERAL INFRASTRUCTURE FOR IN-**
2 **CREASED WATER SUPPLY.**

3 *Section 1118(i) of the Water Resources Development*
4 *Act of 2016 (43 U.S.C. 390b-2(i)) is amended—*

5 *(1) by striking “The Secretary may” and insert-*
6 *ing the following:*

7 *“(1) CONTRIBUTED FUNDS FOR CORPS*
8 *PROJECTS.—The Secretary may”; and*

9 *(2) by adding at the end the following:*

10 *“(2) CONTRIBUTED FUNDS FOR OTHER FEDERAL*
11 *RESERVOIR PROJECTS.—The Secretary is authorized*
12 *to receive and expend funds from a non-Federal inter-*
13 *est to formulate, review, or revise operational docu-*
14 *ments, pursuant to a proposal submitted in accord-*
15 *ance subsection (a), for any reservoir for which the*
16 *Secretary is authorized to prescribe regulations for*
17 *the use of storage allocated for flood control or naviga-*
18 *tion pursuant to section 7 of the Act of December 22,*
19 *1944 (33 U.S.C. 709).”.*

20 **SEC. 163. SENSE OF CONGRESS ON REMOVAL OF UNAU-**
21 **THORIZED, MANMADE, FLAMMABLE MATE-**
22 **RIALS ON CORPS PROPERTY.**

23 *It is the sense of Congress that the Secretary should,*
24 *using existing authorities, prioritize the removal, from fa-*
25 *cilities and lands of the Corps of Engineers in regions that*
26 *are urban and arid, of materials that are manmade, flam-*

1 mable, unauthorized to be present, and determined by the
2 Secretary to pose a fire risk that is a threat to public safety.

3 **SEC. 164. ENHANCED DEVELOPMENT PROGRAM.**

4 (a) *IN GENERAL.*—The Secretary shall review the mas-
5 ter plan and shoreline management plan for any lake de-
6 scribed in section 3134 of the Water Resources Development
7 Act of 2007 (121 Stat. 1142; 130 Stat. 1671) for the purpose
8 of identifying structures or other improvements that are
9 owned by the Secretary and are suitable for enhanced devel-
10 opment, if—

11 (1) the master plan and shoreline management
12 plan of the lake have been updated since January 1,
13 2013; and

14 (2) the applicable district office of the Corps of
15 Engineers has received a written request for such a
16 review from any entity.

17 (b) *DEFINITION OF ENHANCED DEVELOPMENT.*—In
18 this section, the term “enhanced development” means the
19 use, for non-water-dependent commercial or hospitality in-
20 dustry purposes or for residential or recreational purposes,
21 of an existing structure or other improvement.

22 (c) *DIVESTMENT AUTHORITY.*—Not later than 1 year
23 after the date of enactment of this Act, the Secretary shall—

24 (1) submit to the Committee on Environment
25 and Public Works of the Senate and the Committee on

1 *Transportation and Infrastructure of the House of*
2 *Representatives a report that identifies—*

3 *(A) any structure or other improvement*
4 *owned by the Secretary that—*

5 *(i) has been identified as suitable for*
6 *enhanced development pursuant to sub-*
7 *section (a);*

8 *(ii) the Secretary determines the di-*
9 *vestment of which would not adversely affect*
10 *the Corps of Engineers operation of the lake*
11 *at which the structure or other improvement*
12 *is located; and*

13 *(iii) a non-Federal interest has offered*
14 *to purchase from the Secretary; and*

15 *(B) the fair market value of any structure*
16 *or other improvement identified under subpara-*
17 *graph (A); and*

18 *(2) develop a plan to divest any structure or*
19 *other improvement identified under paragraph*
20 *(1)(A), at fair market value, to the applicable non-*
21 *Federal interest.*

22 **SEC. 165. CONTINUING AUTHORITY PROGRAMS.**

23 *(a) PILOT PROGRAM FOR CONTINUING AUTHORITY*
24 *PROJECTS IN SMALL OR DISADVANTAGED COMMUNITIES.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall
3 implement a pilot program, in accordance with this
4 subsection, for carrying out a project under a con-
5 tinuing authority program for an economically dis-
6 advantaged community.

7 (2) *PARTICIPATION IN PILOT PROGRAM.*—In car-
8 rying out paragraph (1), the Secretary shall—

9 (A) publish a notice in the Federal Register
10 that requests non-Federal interest proposals for a
11 project under a continuing authority program
12 for an economically disadvantaged community;
13 and

14 (B) review such proposals and select a total
15 of 10 projects, taking into consideration geo-
16 graphic diversity among the selected projects.

17 (3) *COST SHARE.*—Notwithstanding the cost
18 share authorized for the applicable continuing author-
19 ity program, the Federal share of the cost of a project
20 selected under paragraph (2) shall be 100 percent.

21 (4) *SUNSET.*—The authority to commence pursu-
22 ant to this subsection a project selected under para-
23 graph (2) shall terminate on the date that is 10 years
24 after the date of enactment of this Act.

1 (5) *CONTINUING AUTHORITY PROGRAM DE-*
2 *FINED.—In this subsection, the term “continuing au-*
3 *thority program” has the meaning given that term in*
4 *section 7001(c)(1)(D) of Water Resources Reform and*
5 *Development Act of 2014 (33 U.S.C. 2282d).*

6 (b) *AUTHORIZATIONS OF APPROPRIATIONS.—*

7 (1) *EMERGENCY STREAMBANK AND SHORELINE*
8 *PROTECTION.—Notwithstanding section 14 of the*
9 *Flood Control Act of 1946 (33 U.S.C. 701r), there is*
10 *authorized to be appropriated to carry out such sec-*
11 *tion \$25,500,000 for each of fiscal years 2021 through*
12 *2024.*

13 (2) *STORM AND HURRICANE RESTORATION AND*
14 *IMPACT MINIMIZATION PROGRAM.—Notwithstanding*
15 *section 3(c) of the Act of August 13, 1946 (33 U.S.C.*
16 *426g(c)), there is authorized to be appropriated to*
17 *carry out such section \$38,000,000 for each of fiscal*
18 *years 2021 through 2024.*

19 (3) *SMALL RIVER AND HARBOR IMPROVEMENT*
20 *PROJECTS.—Notwithstanding section 107(a) of the*
21 *River and Harbor Act of 1960 (33 U.S.C. 577(a)),*
22 *there is authorized to be appropriated to carry out*
23 *such section \$63,000,000 for each of fiscal years 2021*
24 *through 2024.*

1 (4) *REGIONAL SEDIMENT MANAGEMENT.*—Not-
2 withstanding section 204(g) of the Water Resources
3 Development Act of 1992 (33 U.S.C. 2326(g)), there
4 is authorized to be appropriated to carry out such
5 section \$63,000,000 for each of fiscal years 2021
6 through 2024.

7 (5) *SMALL FLOOD CONTROL PROJECTS.*—Not-
8 withstanding section 205 of the Flood Control Act of
9 1948 (33 U.S.C. 701s), there is authorized to be ap-
10 propriated to carry out such section \$69,250,000 for
11 each of fiscal years 2021 through 2024.

12 (6) *AQUATIC ECOSYSTEM RESTORATION.*—Not-
13 withstanding section 206(f) of the Water Resources
14 Development Act of 1996 (33 U.S.C. 2330(f)), there is
15 authorized to be appropriated to carry out such sec-
16 tion \$63,000,000 for each of fiscal years 2021 through
17 2024.

18 (7) *REMOVAL OF OBSTRUCTIONS; CLEARING*
19 *CHANNELS.*—Notwithstanding section 2 of the Act of
20 August 28, 1937 (33 U.S.C. 701g), there is authorized
21 to be appropriated to carry out such section
22 \$8,000,000 for each of fiscal years 2021 through 2024.

23 (8) *PROJECT MODIFICATIONS FOR IMPROVEMENT*
24 *OF ENVIRONMENT.*—Notwithstanding section 1135(h)
25 of the Water Resources Development Act of 1986 (33

1 U.S.C. 2309a(h)), there is authorized to be appro-
2 priated to carry out such section \$50,500,000 for each
3 of fiscal years 2021 through 2024.

4 **TITLE II—STUDIES AND** 5 **REPORTS**

6 **SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY** 7 **STUDIES.**

8 (a) *IN GENERAL.*—The Secretary is authorized to con-
9 duct a feasibility study for the following projects for water
10 resources development and conservation and other purposes,
11 as identified in the reports titled “Report to Congress on
12 Future Water Resources Development” submitted to Con-
13 gress pursuant to section 7001 of the Water Resources Re-
14 form and Development Act of 2014 (33 U.S.C. 2282d) or
15 otherwise reviewed by Congress:

16 (1) *SULPHUR RIVER, ARKANSAS AND TEXAS.*—
17 Project for ecosystem restoration, Sulphur River, Ar-
18 kansas and Texas.

19 (2) *CABLE CREEK, CALIFORNIA.*—Project for
20 flood risk management, water supply, and related
21 benefits, Cable Creek, California.

22 (3) *OROVILLE DAM, CALIFORNIA.*—Project for
23 dam safety improvements, Oroville Dam, California.

1 (4) *RIO HONDO CHANNEL, CALIFORNIA.—Project*
2 *for ecosystem restoration, Rio Hondo Channel, San*
3 *Gabriel River, California.*

4 (5) *SHINGLE CREEK AND KISSIMMEE RIVER,*
5 *FLORIDA.—Project for ecosystem restoration and*
6 *water storage, Shingle Creek and Kissimmee River,*
7 *Osceola County, Florida.*

8 (6) *ST. JOHN’S RIVER AND LAKE JESUP, FLOR-*
9 *IDA.—Project for ecosystem restoration, St. John’s*
10 *River and Lake Jesup, Florida.*

11 (7) *CHICAGO AREA WATERWAYS SYSTEM, ILLI-*
12 *NOIS.—Project for ecosystem restoration, recreation,*
13 *and other purposes, Illinois River, Chicago River,*
14 *Calumet River, Grand Calumet River, Little Calumet*
15 *River, and other waterways in the vicinity of Chi-*
16 *cago, Illinois.*

17 (8) *FOX RIVER, ILLINOIS.—Project for flood risk*
18 *management, Fox River, Illinois.*

19 (9) *LOWER MISSOURI RIVER, KANSAS.—Project*
20 *for bank stabilization and navigation, Lower Mis-*
21 *souri River, Sioux City, Kansas.*

22 (10) *TANGIPAHOA PARISH, LOUISIANA.—Project*
23 *for flood risk management, Tangipahoa Parish, Lou-*
24 *isiana.*

1 (11) *NEWBURY AND NEWBURYPORT, MASSACHU-*
2 *SETTS.—Project for coastal storm risk management,*
3 *Newbury and Newburyport, Massachusetts.*

4 (12) *ESCATAWPA RIVER BASIN, MISSISSIPPI.—*
5 *Project for flood risk management and ecosystem res-*
6 *toration, Escatawpa River, Jackson County, Mis-*
7 *issippi.*

8 (13) *LONG BEACH, BAY ST. LOUIS AND MIS-*
9 *SISSIPPI SOUND, MISSISSIPPI.—Project for hurricane*
10 *and storm damage risk reduction and flood risk man-*
11 *agement, Long Beach, Bay St. Louis and Mississippi*
12 *Sound, Mississippi.*

13 (14) *TALLAHOMA AND TALLAHALA CREEKS, MIS-*
14 *SISSIPPI.—Project for flood risk management, Leaf*
15 *River, Jones County, Mississippi.*

16 (15) *LOWER MISSOURI RIVER, MISSOURI.—*
17 *Project for navigation, Lower Missouri River, Mis-*
18 *souri.*

19 (16) *LOWER OSAGE RIVER BASIN, MISSOURI.—*
20 *Project for ecosystem restoration, Lower Osage River*
21 *Basin, Missouri.*

22 (17) *WYATT, MISSOURI.—Project for flood risk*
23 *management, P. Fields Pump Station, Wyatt, Mis-*
24 *souri.*

1 (18) *UPPER BASIN AND STONY BROOK (GREEN*
2 *BROOK SUB-BASIN), RARITAN RIVER BASIN, NEW JER-*
3 *SEY.—Reevaluation of the Upper Basin and Stony*
4 *Brook portions of the project for flood control, Green*
5 *Brook Sub-basin, Raritan River Basin, New Jersey,*
6 *authorized by section 401 of the Water Resources De-*
7 *velopment Act of 1986 (100 Stat. 4119), including the*
8 *evaluation of nonstructural measures to achieve the*
9 *project purpose.*

10 (19) *WADING RIVER CREEK, NEW YORK.—Project*
11 *for hurricane and storm damage risk reduction, flood*
12 *risk management, navigation, and ecosystem restora-*
13 *tion, Wading River Creek, New York.*

14 (20) *LOWER COLUMBIA RIVER BASIN (TURNING*
15 *BASIN), OREGON AND WASHINGTON.—Project to im-*
16 *prove and add turning basins for the project for navi-*
17 *gation, Columbia River Channel, Oregon and Wash-*
18 *ington, authorized by section 101(b)(13) of the Water*
19 *Resources Development Act of 1999 (113 Stat. 280).*

20 (21) *WILLIAMSPORT, PENNSYLVANIA.—Project*
21 *for flood risk management and levee rehabilitation,*
22 *greater Williamsport, Pennsylvania.*

23 (22) *CITY OF CHARLESTON, SOUTH CAROLINA.—*
24 *Project for tidal- and inland-related flood risk man-*
25 *agement, Charleston, South Carolina.*

1 (23) *CHOCOLATE BAYOU, TEXAS.—Project for*
2 *flood risk management, Chocolate Bayou, Texas.*

3 (24) *HOUSTON-GALVESTON, TEXAS.—Project for*
4 *navigation, Houston-Galveston, Texas.*

5 (25) *PORT ARTHUR AND ORANGE COUNTY,*
6 *TEXAS.—Project for flood risk management, Port Ar-*
7 *thur and Orange County, Texas, including construc-*
8 *tion of improvements to interior drainage.*

9 (26) *PORT OF VICTORIA, TEXAS.—Project for*
10 *flood risk management, Port of Victoria, Texas.*

11 (27) *VIRGINIA BEACH AND VICINITY, VIRGINIA*
12 *AND NORTH CAROLINA.—Project for coastal storm risk*
13 *management, Virginia Beach and vicinity, Virginia*
14 *and North Carolina.*

15 (b) *SPECIAL RULE.—The Secretary shall consider any*
16 *study carried out by the Secretary to formulate the project*
17 *for flood risk management, Port Arthur and Orange Coun-*
18 *ty, Texas, identified in subsection (a)(25) to be a continu-*
19 *ation of the study carried out for Sabine Pass to Galveston*
20 *Bay, Texas, authorized by a resolution of the Committee*
21 *on Environment and Public Works of the Senate, approved*
22 *June 23, 2004, and funded by title IV of division B of the*
23 *Bipartisan Budget Act of 2018, under the heading “CORPS*
24 *OF ENGINEERS—CIVIL—DEPARTMENT OF THE*

1 *ARMY—CONSTRUCTION*’ (Public Law 115–123; 132
2 *Stat.* 76).

3 **SEC. 202. EXPEDITED COMPLETIONS.**

4 (a) *FEASIBILITY REPORTS.*—The Secretary shall expe-
5 dite the completion of a feasibility study for each of the
6 following projects, and if the Secretary determines that the
7 project is justified in a completed report, may proceed di-
8 rectly to preconstruction planning, engineering, and design
9 of the project:

10 (1) *Project for navigation, Florence, Alabama.*

11 (2) *Project to modify the project for navigation,*
12 *Tennessee-Tombigbee Waterway, Alabama, Kentucky,*
13 *Mississippi, and Tennessee.*

14 (3) *Project for shoreline stabilization, Aunu’u*
15 *Harbor, American Samoa.*

16 (4) *Project for shoreline stabilization, Tutuila Is-*
17 *land, American Samoa.*

18 (5) *Project for flood risk management, Lower*
19 *Santa Cruz River, Arizona.*

20 (6) *Project for flood risk management, Rio de*
21 *Flag, Arizona.*

22 (7) *Project for flood risk management, Tonto*
23 *Creek, Gila River, Arizona.*

24 (8) *Project for flood control, water conservation,*
25 *and related purposes, Coyote Valley Dam, California.*

1 (9) *Project for shoreline stabilization, Del Mar*
2 *Bluffs, San Diego County, California, carried out*
3 *pursuant to the resolution of the Committee on Trans-*
4 *portation and Infrastructure of the House of Rep-*
5 *resentatives adopted on April 22, 1999 (docket num-*
6 *ber 2598).*

7 (10) *Project for flood damage reduction and eco-*
8 *system restoration, Del Rosa Channel, city of San*
9 *Bernardino, California.*

10 (11) *Project for flood risk management, Lower*
11 *Cache Creek, California.*

12 (12) *Project for flood damage reduction and eco-*
13 *system restoration, Mission-Zanja Channel, cities of*
14 *San Bernardino and Redlands, California.*

15 (13) *Project for flood risk management, Napa,*
16 *California.*

17 (14) *Project for shoreline protection, Oceanside,*
18 *California, authorized pursuant to section 414 of the*
19 *Water Resources Development Act of 2000 (114 Stat.*
20 *2636; 121 Stat. 1176).*

21 (15) *Project for ecosystem restoration and water*
22 *conservation, Prado Basin, Orange, Riverside, and*
23 *San Bernardino counties, California.*

24 (16) *Project for water conservation and water*
25 *supply, Redbank and Fancher Creeks, California.*

1 (17) *Project for coastal storm damage reduction,*
2 *San Diego County shoreline, California.*

3 (18) *Project to modify the project for navigation,*
4 *San Francisco Bay to Stockton, California.*

5 (19) *Project for flood risk management, San*
6 *Francisquito Creek, California.*

7 (20) *Project to modify the Seven Oaks Dam,*
8 *California, portion of the project for flood control,*
9 *Santa Ana River Mainstem, California, authorized*
10 *by section 401(a) of the Water Resources Development*
11 *Act of 1986 (100 Stat. 4113; 101 Stat. 1329–111; 104*
12 *Stat. 4611; 110 Stat. 3713; 121 Stat. 1115), to in-*
13 *clude water conservation as an authorized purpose.*

14 (21) *Project for coastal storm damage reduction,*
15 *Southern California.*

16 (22) *Project for water storage, Halligan Dam,*
17 *Colorado.*

18 (23) *Project for flood risk management, East*
19 *Hartford Levee System, Connecticut.*

20 (24) *Project for flood risk management, Fairfield*
21 *and New Haven Counties, Connecticut.*

22 (25) *Project for navigation, Guilford Harbor and*
23 *Sluice Channel, Connecticut.*

24 (26) *Project for flood risk management, Hartford*
25 *Levee System, Connecticut.*

1 (27) *Project for ecosystem restoration, Central*
2 *and Southern Florida Project Canal 111 (C-111),*
3 *South Dade County, Florida.*

4 (28) *Project for ecosystem restoration, Lake*
5 *Okeechobee, Florida.*

6 (29) *Project for ecosystem restoration, Western*
7 *Everglades, Florida.*

8 (30) *Project for flood risk management,*
9 *Hanapepe River, Kauai, Hawaii.*

10 (31) *Project for flood risk management, Wailupe*
11 *Stream, Oahu, Hawaii.*

12 (32) *Project for flood risk management, Waimea*
13 *River, Kauai, Hawaii, being carried out under sec-*
14 *tion 205 of the Flood Control Act of 1948 (33 U.S.C.*
15 *701s).*

16 (33) *Project for comprehensive hurricane and*
17 *storm damage risk reduction and shoreline erosion*
18 *protection, Chicago, Illinois, authorized by section*
19 *101(a)(12) of the Water Resources Development Act of*
20 *1996 (110 Stat. 3664; 113 Stat. 302).*

21 (34) *Project for flood risk management, Wheaton,*
22 *DuPage County, Illinois.*

23 (35) *Project for flood damage reduction, eco-*
24 *system restoration, and recreation, Blue River Basin,*
25 *Kansas City, Kansas, carried out pursuant to the res-*

1 *olution of the Committee on Transportation and In-*
2 *frastructure of the House of Representatives adopted*
3 *on September 24, 2008 (docket number 2803).*

4 (36) *Project for flood control, Amite River and*
5 *Tributaries east of the Mississippi River, Louisiana.*

6 (37) *Project for coastal storm risk management,*
7 *Upper Barataria Basin, Louisiana.*

8 (38) *Project for navigation, Kent Narrows and*
9 *Chester River, Queen Anne’s County, Maryland.*

10 (39) *Project to replace the Bourne and Sagamore*
11 *Bridges, Cape Cod, Massachusetts.*

12 (40) *Project for flood risk management, eco-*
13 *system restoration, and recreation, Lower St. Croix*
14 *River, Minnesota, carried out pursuant to the resolu-*
15 *tion of the Committee on Transportation and Infra-*
16 *structure of the House of Representatives adopted on*
17 *September 25, 2002 (docket number 2705).*

18 (41) *Project to deepen the project for navigation,*
19 *Gulfport Harbor, Mississippi, authorized by section*
20 *202(a) of the Water Resources Development Act of*
21 *1986 (100 Stat. 4094).*

22 (42) *Project for navigation, Shark River, New*
23 *Jersey.*

24 (43) *Project for navigation, Goldsmith Inlet,*
25 *New York.*

1 (44) *Project for navigation, Lake Montauk Har-*
2 *bor, New York.*

3 (45) *Project for rehabilitation of Lock E-32,*
4 *Erie Canal, Pittsford, New York.*

5 (46) *Project for navigation and shoreline sta-*
6 *bilization, Reel Point Preserve, New York, carried out*
7 *pursuant to the resolution of the Committee on Trans-*
8 *portation and Infrastructure of the House of Rep-*
9 *resentatives adopted on May 2, 2007 (docket number*
10 *2775).*

11 (47) *Project for flood risk management, Rondout*
12 *Creek-Wallkill River Watershed, New York, carried*
13 *out pursuant to the resolution of the Committee on*
14 *Transportation and Infrastructure of the House of*
15 *Representatives adopted on May 2, 2007 (docket num-*
16 *ber 2776).*

17 (48) *Project for ecosystem restoration and hurri-*
18 *cane and storm damage risk reduction, Spring Creek*
19 *South (Howard Beach), Queens, New York.*

20 (49) *Project for ecosystem restoration, Hood*
21 *River at the confluence with the Columbia River, Or-*
22 *egon.*

23 (50) *Project to resolve increased silting and*
24 *shoaling adjacent to the Federal channel, Port of*
25 *Bandon, Coquille River, Oregon.*

1 (51) *Project for flood control, 42nd Street Levee,*
2 *Springfield, Oregon, being carried out under section*
3 *205 of the Flood Control Act of 1948 (33 U.S.C.*
4 *701s).*

5 (52) *Project for construction of Tribal housing*
6 *authorized by title IV of Public Law 100–581 (102*
7 *Stat. 2944), Oregon and Washington.*

8 (53) *Project for flood risk management, Dor-*
9 *chester County, South Carolina.*

10 (54) *Project for navigation, Georgetown Harbor,*
11 *South Carolina.*

12 (55) *Project for hurricane and storm damage*
13 *risk reduction, Myrtle Beach, South Carolina.*

14 (56) *Project to modify the projects for navigation*
15 *and other purposes, Old Hickory Lock and Dam and*
16 *the Cordell Hull Dam and Reservoir, Cumberland*
17 *River, Tennessee, authorized by the Act of July 24,*
18 *1946 (chapter 595, 60 Stat. 636), to add flood risk*
19 *management as an authorized purpose.*

20 (57) *Project for flood risk management, Buffalo*
21 *Bayou, Texas.*

22 (58) *Project for flood risk management, eco-*
23 *system restoration, water supply, and related pur-*
24 *poses, Lower Rio Grande River, Cameron County,*
25 *Texas, carried out pursuant to the resolution of the*

1 *Committee on Transportation and Infrastructure of*
2 *the House of Representatives adopted on May 21,*
3 *2003 (docket number 2710).*

4 *(59) Project for hurricane and storm damage*
5 *risk reduction and shoreline erosion protection,*
6 *Bolongo Bay, St. Thomas, United States Virgin Is-*
7 *lands.*

8 *(60) Project for water supply and ecosystem res-*
9 *toration, Howard Hanson Dam, Washington.*

10 *(61) Project for ecosystem restoration, Puget*
11 *Sound, Washington.*

12 *(62) Project for navigation, Seattle Harbor,*
13 *Washington.*

14 *(63) Project for navigation, Tacoma Harbor,*
15 *Washington.*

16 *(64) Project for dam safety remediation,*
17 *Bluestone Dam, West Virginia.*

18 *(65) Project to modify the project for navigation,*
19 *Milwaukee Harbor, Wisconsin.*

20 *(b) POST-AUTHORIZATION CHANGE REPORTS.—The*
21 *Secretary shall expedite completion of a post-authorization*
22 *change report for the following projects:*

23 *(1) Project for ecosystem restoration, Tres Rios,*
24 *Arizona.*

1 (2) *Project for flood risk management, Des*
2 *Moines Levee System, including Birdland Park Levee,*
3 *Des Moines and Raccoon Rivers, Des Moines, Iowa.*

4 (c) *WATERSHED AND RIVER BASIN ASSESSMENTS.—*
5 *The Secretary shall expedite the completion of an assess-*
6 *ment under section 729 of the Water Resources Development*
7 *Act of 1986 (33 U.S.C. 2267a) for the following:*

8 (1) *Kansas River Basin, Kansas.*

9 (2) *Merrimack River Basin, Massachusetts.*

10 (3) *Pascagoula River Basin, Mississippi.*

11 (4) *Tuscarawas River Basin, Ohio.*

12 (5) *Lower Fox River Basin, Wisconsin.*

13 (6) *Upper Fox River Basin and Wolf River*
14 *Basin, Wisconsin.*

15 (d) *DISPOSITION STUDIES.—The Secretary shall expe-*
16 *dite the completion of a disposition study, carried out under*
17 *section 216 of the Flood Control Act of 1970 (33 U.S.C.*
18 *549a), for the project for Salinas Reservoir (Santa Mar-*
19 *garita Lake), California.*

20 (e) *REALLOCATION STUDIES.—The Secretary shall ex-*
21 *pedite the completion of a study for the reallocation of water*
22 *supply storage, carried out in accordance with section 301*
23 *of the Water Supply Act of 1958 (43 U.S.C. 390b), for the*
24 *following:*

25 (1) *Aquilla Lake, Texas.*

1 (2) *Lake Whitney, Texas.*

2 (f) *ECONOMIC REEVALUATION REPORT.*—*The Sec-*
3 *retary shall expedite the completion of the economic reeval-*
4 *ation report for the navigation and sustainability program*
5 *carried out pursuant to title VIII of the Water Resources*
6 *Development Act of 2007 (33 U.S.C. 652 note).*

7 **SEC. 203. EXPEDITED MODIFICATIONS OF EXISTING FEASI-**
8 **BILITY STUDIES.**

9 (a) *IN GENERAL.*—*The Secretary shall expedite the*
10 *completion of the following feasibility studies, as modified*
11 *by this section, and if the Secretary determines that a*
12 *project that is the subject of the feasibility study is justified*
13 *in a completed report, may proceed directly to*
14 *preconstruction planning, engineering, and design of the*
15 *project:*

16 (1) *SAN FRANCISCO BAY, CALIFORNIA.*—*The*
17 *study for flood risk reduction authorized by section*
18 *142 of the Water Resources Development Act of 1976*
19 *(90 Stat. 2930), is modified to authorize the Secretary*
20 *to—*

21 (A) *investigate the ocean shoreline of San*
22 *Mateo, San Francisco, and Marin Counties for*
23 *the purposes of providing flood protection*
24 *against tidal and fluvial flooding;*

1 (B) with respect to the bay and ocean shore-
2 lines of San Mateo, San Francisco, and Marin
3 Counties, investigate measures to adapt to rising
4 sea levels; and

5 (C) with respect to the bay and ocean shore-
6 lines, and streams running to the bay and ocean
7 shorelines, of San Mateo, San Francisco, and
8 Marin Counties, investigate the effects of pro-
9 posed flood protection and other measures or im-
10 provements on—

11 (i) the local economy;

12 (ii) habitat restoration, enhancement,
13 or expansion efforts or opportunities;

14 (iii) public infrastructure protection
15 and improvement;

16 (iv) stormwater runoff capacity and
17 control measures, including those that may
18 mitigate flooding;

19 (v) erosion of beaches and coasts; and

20 (vi) any other measures or improve-
21 ments relevant to adapting to rising sea lev-
22 els.

23 (2) SACRAMENTO RIVER, SOUTHERN SUTTER
24 COUNTY, CALIFORNIA.—The study for flood control
25 and allied purposes for the Sacramento River Basin,

1 *authorized by section 209 of the Flood Control Act of*
2 *1962 (76 Stat. 1197), is modified to authorize the*
3 *Secretary to conduct a study for flood risk manage-*
4 *ment, southern Sutter County between the Sac-*
5 *ramento River and Sutter Bypass, California.*

6 (3) *SALTON SEA, CALIFORNIA.—In carrying out*
7 *the program to implement projects to restore the*
8 *Salton Sea, California, authorized by section 3032 of*
9 *the Water Resources Development Act of 2007 (121*
10 *Stat. 1113; 130 Stat. 1677), the Secretary is author-*
11 *ized to carry out a study for the construction of a pe-*
12 *rimeter lake, or a northern or southern subset thereof,*
13 *for the Salton Sea, California.*

14 (4) *NEW YORK AND NEW JERSEY HARBOR AND*
15 *TRIBUTARIES, NEW YORK AND NEW JERSEY.—The*
16 *study for flood and storm damage reduction for the*
17 *New York and New Jersey Harbor and Tributaries*
18 *project, authorized by the Act of June 15, 1955 (chap-*
19 *ter 140, 69 Stat. 132), and being carried out pursu-*
20 *ant to the Disaster Relief Appropriations Act, 2013*
21 *(Public Law 113–2), is modified to require the Sec-*
22 *retary to—*

23 (A) *evaluate and address the impacts of*
24 *low-frequency precipitation and sea-level rise on*
25 *the study area;*

1 (B) consult with affected communities; and
2 (C) ensure the study is carried out in ac-
3 cordance with section 1001 of the Water Re-
4 sources Reform and Development Act of 2014 (33
5 U.S.C. 2282c).

6 (b) *CONSIDERATIONS.*—Where appropriate, the Sec-
7 retary may use the authority provided by section 216 of
8 the Flood Control Act of 1970 (33 U.S.C. 549a) to carry
9 out this section.

10 **SEC. 204. ASSISTANCE TO NON-FEDERAL SPONSORS; FEASI-**
11 **BILITY ANALYSIS.**

12 (a) *ASSISTANCE TO NON-FEDERAL SPONSORS.*—

13 (1) *IN GENERAL.*—Subject to the availability of
14 appropriations, during the period during which a
15 non-Federal interest may submit a proposal to be
16 considered for inclusion in an annual report pursu-
17 ant to section 7001(b) of the Water Resources Reform
18 and Development Act of 2014 (33 U.S.C. 2282d(b)),
19 the Secretary is authorized to provide assistance in
20 accordance with section 1104(b) of the Water Re-
21 sources Development Act of 2018 (33 U.S.C. 2282d
22 note) to the non-Federal interest of a project proposal
23 described in paragraph (2).

1 (2) *PROJECT PROPOSALS DESCRIBED.*—A project
2 proposal referred to in paragraph (1) is a proposal
3 for any of the following:

4 (A) *A feasibility study for a fish passage for*
5 *ecosystem restoration, Lower Alabama River,*
6 *Alabama.*

7 (B) *A feasibility study for dredged material*
8 *disposal management activities, Port of Florence,*
9 *Alabama.*

10 (C) *A feasibility study for a project for*
11 *flood risk management, Sikorsky Memorial Air-*
12 *port, Bridgeport, Connecticut.*

13 (D) *A feasibility study for a project to de-*
14 *sign and construct the Naugatuck River Green-*
15 *way Trail, a multiuse trail on Federal land be-*
16 *tween Torrington and Derby, Connecticut.*

17 (E) *A feasibility study for a project for*
18 *coastal and flood risk management, Stratford,*
19 *Connecticut.*

20 (F) *A feasibility study for projects for flood*
21 *risk management, Woodbridge, Connecticut.*

22 (G) *The project for flood risk management,*
23 *Bloomington, Indiana.*

24 (H) *The project for flood risk management,*
25 *Gary, Indiana.*

1 (I) *Modification of the project for beach ero-*
2 *sion and hurricane protection, Grand Isle, Lou-*
3 *isiana, to include periodic beach nourishment.*

4 (J) *A feasibility study for a project for flood*
5 *risk management, Cataouatche Subbasin area of*
6 *the west bank of Jefferson Parish, Louisiana.*

7 (K) *A feasibility study for projects for flood*
8 *risk management and storm damage reduction*
9 *in the Hoey's Basin area of the east bank of Jef-*
10 *ferson Parish, Louisiana, including a study of*
11 *the "pump to the river" concept.*

12 (L) *A feasibility study for a project for*
13 *flood risk management, Hoosic River, Massachu-*
14 *setts.*

15 (M) *Modification of the project for naviga-*
16 *tion, River Rouge, Michigan.*

17 (N) *A project to extend dredging of the*
18 *South Haven Harbor, Michigan, to include the*
19 *former turning basin.*

20 (O) *Modification of the project for flood risk*
21 *management, Upper Rouge River, Wayne Coun-*
22 *ty, Michigan.*

23 (P) *A project for aquatic and riparian eco-*
24 *system restoration, Line Creek, Riverside, Mis-*
25 *souri.*

1 (Q) *A feasibility study for projects for eco-*
2 *system restoration, Bangert Island, St. Charles,*
3 *Missouri, related to channels and aquatic habi-*
4 *tats.*

5 (R) *A study of the resiliency of the Alle-*
6 *gheny Reservoir, New York, in consultation with*
7 *the Seneca Nation.*

8 (S) *A feasibility study for the rehabilitation*
9 *of the tainter gates and guard gate, Caughdenoy*
10 *Dam, New York, including an evaluation of the*
11 *rehabilitation work necessary to extend the serv-*
12 *ice life of those structures, such as—*

13 (i) *improvements to the hydraulic effi-*
14 *ciency of the gate systems;*

15 (ii) *improvements to the concrete foun-*
16 *dition and gate support structures; and*

17 (iii) *any other improvements the Sec-*
18 *retary determines to be necessary.*

19 (T) *A project for repairs to the West Pier*
20 *and West Barrier Bar, Little Sodus Bay Harbor,*
21 *Cayuga County, New York.*

22 (U) *A project for repair of a sheet pile wall*
23 *and east breakwater, Great Sodus Bay, New*
24 *York.*

1 (V) *A feasibility study for the project for*
2 *navigation, Port of Oswego, New York.*

3 (W) *A feasibility study for potential*
4 *projects for the rehabilitation of the Glens Falls*
5 *Feeder Canal, which begins at the Feeder Dam*
6 *intersection with the Hudson River in*
7 *Queensbury, New York, and runs to the con-*
8 *fluence of the Old Champlain Canal in*
9 *Kingsbury, New York.*

10 (X) *A feasibility study to determine whether*
11 *the purchase of additional flood easements,*
12 *changes in lake level management, additional*
13 *levee infrastructure, or implementation of other*
14 *flood risk management or containment mecha-*
15 *nisms in the Arkansas River Basin, Oklahoma,*
16 *would benefit local communities by reducing*
17 *flood risks around water resources development*
18 *projects of the Corps of Engineers in a range of*
19 *different flood scenarios.*

20 (Y) *A feasibility study on increasing the*
21 *frequency and depth of dredging assistance from*
22 *the Corps of Engineers at the Port of Astoria, lo-*
23 *cated at the mouth of the Columbia River, Or-*
24 *egon.*

25 (b) *FEASIBILITY ANALYSIS.—*

1 (1) *IN GENERAL.*—Subject to the availability of
2 appropriations, the Secretary is authorized to review
3 a project proposal described in paragraph (2) and
4 issue a report to the Committee on Environment and
5 Public Works of the Senate and the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives on whether a modification to the
8 project that is the subject of the proposal is necessary
9 and recommended to carry out the authorized pur-
10 poses of such project.

11 (2) *PROJECT PROPOSALS DESCRIBED.*—A project
12 proposal referred to in paragraph (1) is a proposal
13 to modify any of the following:

14 (A) *The project for environmental infra-*
15 *structure, City of Sheffield, Alabama, authorized*
16 *pursuant to section 219(f)(78) of the Water Re-*
17 *sources Development Act of 1992 (106 Stat.*
18 *4835; 113 Stat. 335; 121 Stat. 1258; 130 Stat.*
19 *1687).*

20 (B) *The project for environmental infra-*
21 *structure, Calaveras County, California, under*
22 *section 219(f)(86) of the Water Resources Devel-*
23 *opment Act of 1992 (106 Stat. 4835; 113 Stat.*
24 *335; 121 Stat. 1259).*

1 (C) *The project for environmental infra-*
2 *structure, Charlotte County, Florida, authorized*
3 *by section 219(f)(121) of the Water Resources*
4 *Development Act of 1992 (106 Stat. 4835; 113*
5 *Stat. 335; 121 Stat. 1261).*

6 (D) *The Mississippi River and Tributaries*
7 *project authorized by the first section of the Act*
8 *of May 15, 1928 (33 U.S.C. 702a), to include the*
9 *portion of the Ouachita River Levee System at*
10 *and below Monroe, Louisiana, to Caldwell Par-*
11 *ish, Louisiana.*

12 (E) *The project for environmental infra-*
13 *structure, Central New Mexico, authorized by*
14 *section 593 of the Water Resources Development*
15 *Act of 1999 (113 Stat. 380; 119 Stat. 2255).*

16 (F) *The project for environmental infra-*
17 *structure, Village of Whitehall, New York, au-*
18 *thorized pursuant to section 542 of the Water*
19 *Resources Development Act of 2000 (114 Stat.*
20 *2671; 121 Stat. 1150).*

21 (G) *The project for environmental infra-*
22 *structure, Ohio and North Dakota, authorized by*
23 *section 594 of the Water Resources Development*
24 *Act of 1999 (113 Stat. 383; 121 Stat. 1140; 121*
25 *Stat. 1944).*

1 (H) *The project for flood risk management*
2 *and water supply, Tenkiller Ferry Lake, Arkan-*
3 *sas River Basin, Oklahoma, authorized by sec-*
4 *tion 4 of the Act of June 28, 1938 (chapter 795,*
5 *52 Stat. 1218), to modify water storage to pro-*
6 *vide for a sufficient quantity of water supply*
7 *storage space in the inactive pool storage to sup-*
8 *port the fishery downstream from Tenkiller Res-*
9 *ervoir.*

10 (I) *The project for environmental infra-*
11 *structure, Athens, Tennessee, authorized by sec-*
12 *tion 219(f)(254) of the Water Resources Develop-*
13 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;*
14 *121 Stat. 1267).*

15 (J) *The project for environmental infra-*
16 *structure, Blaine, Tennessee, authorized by sec-*
17 *tion 219(f)(255) of the Water Resources Develop-*
18 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;*
19 *121 Stat. 1267).*

20 (K) *The project for environmental infra-*
21 *structure, Claiborne County, Tennessee, author-*
22 *ized by section 219(f)(256) of the Water Re-*
23 *sources Development Act of 1992 (106 Stat.*
24 *4835; 113 Stat. 335; 121 Stat. 1267).*

1 (L) *The project for environmental infra-*
2 *structure, Giles County, Tennessee, authorized by*
3 *section 219(f)(257) of the Water Resources Devel-*
4 *opment Act of 1992 (106 Stat. 4835; 113 Stat.*
5 *335; 121 Stat. 1267).*

6 (M) *The project for environmental infra-*
7 *structure, Grainger County, Tennessee, author-*
8 *ized by section 219(f)(258) of the Water Re-*
9 *sources Development Act of 1992 (106 Stat.*
10 *4835; 113 Stat. 335; 121 Stat. 1267).*

11 (N) *The project for environmental infra-*
12 *structure, Hamilton County, Tennessee, author-*
13 *ized by section 219(f)(259) of the Water Re-*
14 *sources Development Act of 1992 (106 Stat.*
15 *4835; 113 Stat. 335; 121 Stat. 1267).*

16 (O) *The project for environmental infra-*
17 *structure, Harrogate, Tennessee, authorized by*
18 *section 219(f)(260) of the Water Resources Devel-*
19 *opment Act of 1992 (106 Stat. 4835; 113 Stat.*
20 *335; 121 Stat. 1267).*

21 (P) *The project for environmental infra-*
22 *structure, Johnson County, Tennessee, authorized*
23 *by section 219(f)(261) of the Water Resources*
24 *Development Act of 1992 (106 Stat. 4835; 113*
25 *Stat. 335; 121 Stat. 1267).*

1 (Q) *The project for environmental infra-*
2 *structure, Knoxville, Tennessee, authorized by*
3 *section 219(f)(262) of the Water Resources Devel-*
4 *opment Act of 1992 (106 Stat. 4835; 113 Stat.*
5 *335; 121 Stat. 1267).*

6 (R) *The project for environmental infra-*
7 *structure, Lewis, Lawrence, and Wayne Coun-*
8 *ties, Tennessee, authorized by section 219(f)(264)*
9 *of the Water Resources Development Act of 1992*
10 *(106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268).*

11 (S) *The project for environmental infra-*
12 *structure, Nashville, Tennessee, authorized by*
13 *section 219(f)(263) of the Water Resources Devel-*
14 *opment Act of 1992 (106 Stat. 4835; 113 Stat.*
15 *335; 121 Stat. 1267).*

16 (T) *The project for environmental infra-*
17 *structure, Oak Ridge, Tennessee, authorized by*
18 *section 219(f)(265) of the Water Resources Devel-*
19 *opment Act of 1992 (106 Stat. 4835; 113 Stat.*
20 *335; 121 Stat. 1268).*

21 (U) *The project for environmental infra-*
22 *structure, Plateau Utility District, Morgan*
23 *County, Tennessee, authorized by section*
24 *219(f)(266) of the Water Resources Development*

1 *Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121*
2 *Stat. 1268).*

3 *(V) The authorized funding level for critical*
4 *restoration projects, Lake Champlain watershed,*
5 *Vermont and New York, authorized by section*
6 *542 of the Water Resources Development Act of*
7 *2000 (114 Stat. 2671; 121 Stat. 1150).*

8 *(W) The project for environmental infra-*
9 *structure, Eastern Shore and Southwest Vir-*
10 *ginia, authorized by section 219(f)(10) of the*
11 *Water Resources Development Act of 1992 (106*
12 *Stat. 4835; 113 Stat. 335; 121 Stat. 1255).*

13 **SEC. 205. SELMA, ALABAMA.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act, the Secretary shall submit to the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Environment and Public*
18 *Works of the Senate a report that—*

19 *(1) provides an update on the study for flood*
20 *risk management and riverbank stabilization, Selma,*
21 *Alabama, authorized by resolutions of the Committees*
22 *on Public Works and Rivers and Harbors of the*
23 *House of Representatives on June 7, 1961, and April*
24 *28, 1936, respectively, the completion of which the*
25 *Secretary was required to expedite by section 1203 of*

1 *the Water Resources Development Act of 2018 (132*
2 *Stat. 3803); and*

3 *(2) identifies project alternatives necessary to—*

4 *(A) assure the preservation of cultural and*
5 *historic values associated with national historic*
6 *landmarks within the study area; and*

7 *(B) provide flood risk management for eco-*
8 *nomically disadvantaged communities within the*
9 *study area.*

10 **SEC. 206. REPORT ON CORPS OF ENGINEERS FACILITIES IN**
11 **APPALACHIA.**

12 *(a) IN GENERAL.—Not later than 180 days after the*
13 *date of enactment of this Act, the Secretary, in collaboration*
14 *with the Appalachian Regional Commission established by*
15 *section 14301(a) of title 40, United States Code, shall sub-*
16 *mit to the Committee on Environment and Public Works*
17 *of the Senate and the Committee on Transportation and*
18 *Infrastructure of the House of Representatives a report that*
19 *identifies each Corps of Engineers facility that—*

20 *(1) is located within a distressed county or an*
21 *at-risk county (as designated by the Appalachian Re-*
22 *gional Commission pursuant to subparagraph (A) or*
23 *(B) of section 14526(a)(1), of title 40, United States*
24 *Code), including in counties that are experiencing*
25 *high unemployment or job loss; and*

1 (2) *could be improved for purposes of economic*
2 *development, recreation, or other uses.*

3 **(b) HYDROPOWER FACILITIES.—**

4 (1) *IDENTIFICATION OF POTENTIAL HYDRO-*
5 *POWER DEVELOPMENT.—The Secretary shall include*
6 *in the report submitted under subsection (a) the iden-*
7 *tification of any existing nonpowered dams, located*
8 *within a distressed county or an at-risk county, with*
9 *the potential to be used to test, evaluate, pilot, dem-*
10 *onstrate, or deploy hydropower or energy storage tech-*
11 *nologies.*

12 (2) *INFORMATION.—In carrying out this sub-*
13 *section, the Secretary may use any information devel-*
14 *oped pursuant to section 1206 of the Water Resources*
15 *Development Act of 2018 (132 Stat. 3806).*

16 (3) *COORDINATION.—In carrying out paragraph*
17 *(1), the Secretary shall coordinate with any relevant*
18 *National Laboratories.*

19 **SEC. 207. ADDITIONAL STUDIES UNDER NORTH ATLANTIC**
20 **COAST COMPREHENSIVE STUDY.**

21 (a) *IN GENERAL.—The Secretary shall carry out a*
22 *study to determine the feasibility of a project for hurricane*
23 *and storm damage risk reduction for any major metropoli-*
24 *tan area located in the study area for the comprehensive*
25 *study authorized under the heading “Department of the*

1 *Army—Corps of Engineers—Civil—Investigations” under*
2 *the Disaster Relief Appropriations Act, 2013 (Public Law*
3 *113–2) that was not included in a high-risk focus area iden-*
4 *tified in the study.*

5 (b) *TREATMENT.—A study carried out under sub-*
6 *section (a) shall be considered to be a continuation of the*
7 *comprehensive study described in that subsection.*

8 **SEC. 208. SOUTH ATLANTIC COASTAL STUDY.**

9 *Section 1204 of the Water Resources Development Act*
10 *of 2016 (130 Stat. 1685) is amended by adding at the end*
11 *the following:*

12 “(d) *ANNUAL REPORTS.—Not later than 180 days*
13 *after the enactment of the Water Resources Development Act*
14 *of 2020, and not less frequently than annually thereafter*
15 *until 2025, the Secretary shall submit to the Committee on*
16 *Environment and Public Works of the Senate and the Com-*
17 *mittee on Transportation and Infrastructure of the House*
18 *of Representatives a report on the status of the study under*
19 *subsection (a), on a State-by-State basis, including infor-*
20 *mation on the engagement of the Corps of Engineers with*
21 *non-Federal interests, including detailed lists of all meet-*
22 *ings and decision outcomes associated with those engage-*
23 *ments.”.*

1 **SEC. 209. COMPREHENSIVE STUDY OF THE SACRAMENTO**
2 **RIVER, YOLO BYPASS, CALIFORNIA.**

3 (a) *COMPREHENSIVE STUDY.*—*The Secretary shall*
4 *conduct a comprehensive study of the Sacramento River in*
5 *the vicinity of the Yolo Bypass System, California, to iden-*
6 *tify actions to be undertaken by the Secretary for the com-*
7 *prehensive management of the Yolo Bypass System for the*
8 *purposes of flood risk management, ecosystem restoration,*
9 *water supply, hydropower, and recreation.*

10 (b) *CONSULTATION AND USE OF EXISTING DATA.*—

11 (1) *CONSULTATION.*—*In conducting the com-*
12 *prehensive study under subsection (a), the Secretary*
13 *shall consult with the Governor of the State of Cali-*
14 *fornia, applicable Federal, State, and local agencies,*
15 *non-Federal interests, the Yolo Bypass and Cache*
16 *Slough Partnership, and other stakeholders.*

17 (2) *USE OF EXISTING DATA AND PRIOR STUD-*
18 *IES.*—*To the maximum extent practicable and where*
19 *appropriate, the Secretary may—*

20 (A) *make use of existing data provided to*
21 *the Secretary by the entities identified in para-*
22 *graph (1); and*

23 (B) *incorporate—*

24 (i) *relevant information from prior*
25 *studies and projects carried out by the Sec-*
26 *retary within the study area; and*

1 (ii) the latest technical data and sci-
2 entific approaches to changing hydrologic
3 and climatic conditions.

4 (c) *RECOMMENDATIONS.*—

5 (1) *IN GENERAL.*—In conducting the comprehen-
6 sive study under subsection (a), the Secretary may de-
7 velop a recommendation to Congress for—

8 (A) the construction of a water resources de-
9 velopment project;

10 (B) the structural or operational modifica-
11 tion of an existing water resources development
12 project;

13 (C) additional monitoring of, or adaptive
14 management measures to carry out with respect
15 to, existing water resources development projects,
16 to respond to changing hydrologic and climatic
17 conditions; or

18 (D) geographic areas within the Yolo By-
19 pass System for additional study by the Sec-
20 retary.

21 (2) *ADDITIONAL CONSIDERATIONS.*—Any feasi-
22 bility study carried out pursuant to a recommenda-
23 tion under paragraph (1)(D) shall be considered to be
24 a continuation of the comprehensive study authorized
25 under subsection (a).

1 (d) *COMPLETION OF STUDY; REPORT TO CONGRESS.*—
2 *Not later than 3 years after the date of enactment of this*
3 *section, the Secretary shall submit to the Committee on*
4 *Transportation and Infrastructure of the House of Rep-*
5 *resentatives and the Committee on Environment and Public*
6 *Works of the Senate a report detailing—*

7 (1) *the results of the comprehensive study con-*
8 *ducted under subsection (a), including any rec-*
9 *ommendations developed under subsection (c);*

10 (2) *any additional, site-specific areas within the*
11 *Yolo Bypass System where additional study for flood*
12 *risk management or ecosystem restoration projects is*
13 *recommended by the Secretary; and*

14 (3) *any interim actions relating to existing*
15 *water resources development projects undertaken by*
16 *the Secretary during the study period.*

17 (e) *DEFINITIONS.*—*In this section:*

18 (1) *YOLO BYPASS SYSTEM.*—*The term “Yolo By-*
19 *pass System” means the system of weirs, levees, by-*
20 *pass structures, and other water resources develop-*
21 *ment projects in California’s Sacramento River Val-*
22 *ley, extending from the Fremont Weir near Woodland,*
23 *California, to the Sacramento River near Rio Vista,*
24 *California, authorized pursuant to section 2 of the*
25 *Act of March 1, 1917 (chapter 144; 39 Stat. 949).*

1 (2) *YOLO BYPASS AND CACHE SLOUGH PARTNER-*
2 *SHIP.—The term “Yolo Bypass and Cache Slough*
3 *Partnership” means the group of parties to the Yolo*
4 *Bypass and Cache Slough Memorandum of Under-*
5 *standing, effective May 2016, regarding collaboration*
6 *and cooperation in the Yolo Bypass and Cache Slough*
7 *region.*

8 **SEC. 210. LAKE OKEECHOBEE REGULATION SCHEDULE,**
9 **FLORIDA.**

10 (a) *IN GENERAL.—In carrying out the review of the*
11 *Lake Okeechobee regulation schedule pursuant to section*
12 *1106 of the Water Resources Development Act of 2018 (132*
13 *Stat. 3773), the Secretary shall—*

14 (1) *evaluate the implications of prohibiting re-*
15 *leases from Lake Okeechobee through the S–308 and*
16 *S–80 lock and dam structures, and evaluate sepa-*
17 *rately the implications of prohibiting high volume re-*
18 *leases through the S–77, S–78, and S–79 lock and*
19 *dam structures, on the operation of the lake in ac-*
20 *cordance with authorized purposes and seek to mini-*
21 *mize unnecessary releases to coastal estuaries; and*

22 (2) *to the maximum extent practicable, coordi-*
23 *nate with the ongoing efforts of Federal and State*
24 *agencies responsible for monitoring, forecasting, and*

1 *notification of cyanobacteria levels in Lake Okeechobee.*
2

3 **(b) MONTHLY REPORT.**—*Each month, the Secretary*
4 *shall make public a report, which may be based on the*
5 *Water Management Daily Operational Reports, disclosing*
6 *the volumes of water deliveries to or discharges from Lake*
7 *Okeechobee & Vicinity, Water Conservation Area I, Water*
8 *Conservation Area II, Water Conservation Area III, East*
9 *Coast Canals, and the South Dade Conveyance. Such report*
10 *shall be aggregated and reported in a format designed for*
11 *the general public, using maps or other widely understood*
12 *communication tools.*

13 **(c) EFFECT.**—*In carrying out the evaluation under*
14 *subsection (a)(1), nothing shall be construed to authorize*
15 *any new purpose for the management of Lake Okeechobee*
16 *or authorize the Secretary to affect any existing authorized*
17 *purpose, including flood protection and management of*
18 *Lake Okeechobee to provide water supply for all authorized*
19 *users.*

20 **SEC. 211. GREAT LAKES COASTAL RESILIENCY STUDY.**

21 **(a) IN GENERAL.**—*In carrying out the comprehensive*
22 *assessment of water resources needs for the Great Lakes Sys-*
23 *tem under section 729 of the Water Resources Development*
24 *Act of 1986 (33 U.S.C. 2267a), as required by section 1219*

1 *of the Water Resources Development Act of 2018 (132 Stat.*
2 *3811), the Secretary shall—*

3 *(1) taking into account recent high lake levels*
4 *within the Great Lakes, assess and make rec-*
5 *ommendations to Congress on—*

6 *(A) coastal storm and flood risk manage-*
7 *ment measures, including measures that use nat-*
8 *ural features and nature-based features, as those*
9 *terms are defined in section 1184 of the Water*
10 *Resources Development Act of 2016 (33 U.S.C.*
11 *2289a);*

12 *(B) operation and maintenance of the Great*
13 *Lakes Navigation System, as such term is de-*
14 *fin ed in section 210 of the Water Resources De-*
15 *velopment Act of 1986 (33 U.S.C. 2238);*

16 *(C) ecosystem protection and restoration;*

17 *(D) the prevention and control of invasive*
18 *species and the effects of invasive species; and*

19 *(E) recreation associated with water re-*
20 *sources development projects;*

21 *(2) prioritize actions necessary to protect critical*
22 *public infrastructure, communities, and critical nat-*
23 *ural or cultural resources; and*

24 *(3) to the maximum extent practicable and*
25 *where appropriate, utilize existing data provided to*

1 *the Secretary by Federal and State agencies, Indian*
2 *Tribes, and other stakeholders, including data ob-*
3 *tained through other Federal programs.*

4 *(b) RECOMMENDATIONS; ADDITIONAL STUDY.—*

5 *(1) IN GENERAL.—In carrying out the com-*
6 *prehensive assessment described in subsection (a), the*
7 *Secretary may make a recommendation to Congress*
8 *for—*

9 *(A) the construction of a water resources de-*
10 *velopment project;*

11 *(B) the structural or operational modifica-*
12 *tion of an existing water resources development*
13 *project;*

14 *(C) additional monitoring of, or adaptive*
15 *management measures to carry out with respect*
16 *to, existing water resources development projects,*
17 *to respond to changing hydrologic and climatic*
18 *conditions; or*

19 *(D) geographic areas within the Great*
20 *Lakes System for additional study by the Sec-*
21 *retary.*

22 *(2) FOCUS AREAS.—In addition to carrying out*
23 *subsection (a), to contribute to the comprehensive as-*
24 *essment described in such subsection, the Secretary is*
25 *authorized to conduct feasibility studies for—*

1 (1) *policies, strategies, plans, programs, projects,*
2 *and activities undertaken for addressing conservation,*
3 *protection, restoration, and maintenance of the coast-*
4 *al Louisiana ecosystem; and*

5 (2) *financial participation by each agency rep-*
6 *resented on the Task Force in conserving, protecting,*
7 *restoring, and maintaining the coastal Louisiana eco-*
8 *system.*

9 **SEC. 213. LOWER MISSISSIPPI RIVER COMPREHENSIVE**
10 **MANAGEMENT STUDY.**

11 (a) *COMPREHENSIVE STUDY.—*

12 (1) *PURPOSE.—The Secretary, in collaboration*
13 *with the heads of other relevant Federal agencies and*
14 *pursuant to subsection (d)(1)(A), shall conduct a com-*
15 *prehensive study of the Lower Mississippi River*
16 *basin, from Cape Girardeau, Missouri, to the Gulf of*
17 *Mexico, to identify recommendations of actions to be*
18 *undertaken by the Secretary, under existing authori-*
19 *ties or after congressional authorization, for the com-*
20 *prehensive management of the basin for the purposes*
21 *of—*

22 (A) *hurricane and storm damage reduction,*
23 *flood risk management, structural and non-*
24 *structural flood control, and floodplain manage-*
25 *ment strategies;*

- 1 (B) navigation;
- 2 (C) ecosystem and environmental restora-
- 3 tion;
- 4 (D) water supply;
- 5 (E) hydropower production;
- 6 (F) recreation; and
- 7 (G) other purposes as determined by the
- 8 Secretary.

9 (2) *DEVELOPMENT.*—In conducting the com-

10 prehensive study under paragraph (1), the Secretary

11 shall investigate—

12 (A) the construction of new water resources

13 development projects;

14 (B) structural and operational modifica-

15 tions to completed water resources development

16 projects within the study area;

17 (C) projects proposed in the comprehensive

18 coastal protection master plan entitled “Louisiana’s

19 Comprehensive Master Plan for a Sustainable

20 Coast”, prepared by the State of Louisiana

21 and accepted by the Louisiana Coastal Protec-

22 tion and Restoration Authority (including any

23 subsequent amendments or revisions), includ-

24 ing—

25 (i) *Ama* sediment diversion;

- 1 (ii) Union freshwater diversion;
- 2 (iii) increase Atchafalaya flow to
- 3 Terrebonne; and
- 4 (iv) Manchac Landbridge diversion;
- 5 (D) natural features and nature-based fea-
- 6 tures, including levee setbacks and instream and
- 7 floodplain restoration;
- 8 (E) fish and wildlife habitat resources, in-
- 9 cluding in the Mississippi Sound Estuary, the
- 10 Lake Pontchartrain Basin, the Breton Sound,
- 11 the Barataria Basin, the Terrebonne Basin, the
- 12 Atchafalaya Basin, the Vermilion–Teche Basin,
- 13 and other outlets of the Mississippi River and
- 14 Tributaries project;
- 15 (F) mitigation of adverse impacts from op-
- 16 erations of flood control structures to the Mis-
- 17 sissippi Sound Estuary, the Lake Pontchartrain
- 18 Basin, the Breton Sound, the Barataria Basin,
- 19 the Atchafalaya Basin, and other outlets of the
- 20 Mississippi River and Tributaries project;
- 21 (G) the effects of dredging and river-bottom
- 22 elevation changes on drainage efficiency;
- 23 (H) the economic impacts of existing prac-
- 24 tices, including such impacts on coastal re-
- 25 sources;

1 (I) monitoring requirements, including as
2 near-real time monitoring as practicable, and
3 adaptive management measures to respond to
4 changing conditions over time;

5 (J) the division of responsibilities among
6 the Federal Government and non-Federal inter-
7 ests with respect to the purposes described in
8 paragraph (1); and

9 (K) other matters, as determined by the Sec-
10 retary.

11 (b) *CONSULTATION AND USE OF EXISTING DATA.*—In
12 conducting the comprehensive study under subsection (a),
13 the Secretary shall consult with applicable Federal, State,
14 and local agencies, Indian Tribes, non-Federal interests,
15 and other stakeholders, and, to the maximum extent prac-
16 ticable and where appropriate, make use of existing data
17 provided to the Secretary by such entities or from any rel-
18 evant multistate monitoring programs.

19 (c) *RECOMMENDATIONS.*—In conducting the com-
20 prehensive study under subsection (a), the Secretary shall
21 develop actionable recommendations to Congress, including
22 for—

23 (1) the construction of new water resources devel-
24 opment projects to improve the maximum effective
25 river resource use and control;

1 (2) *the structural or operational modification of*
2 *completed water resources development projects;*

3 (3) *such additional monitoring of, or adaptive*
4 *management measures to carry out with respect to,*
5 *completed water resources development projects, to re-*
6 *spond to changing conditions;*

7 (4) *improving the efficiency of operational and*
8 *maintenance dredging within the study area;*

9 (5) *whether changes are necessary to the Mis-*
10 *issippi River and Tributaries project within the*
11 *study area;*

12 (6) *other Federal and non-Federal action, where*
13 *appropriate; and*

14 (7) *follow-up studies and data collection and*
15 *monitoring to be carried out by the relevant Federal*
16 *or State agency.*

17 (d) *COMPLETION OF STUDY; REPORT TO CONGRESS.—*

18 (1) *ANNUAL REPORTS.—Not later than 1 year*
19 *after the date of enactment of this Act, and annually*
20 *thereafter until the final report under paragraph (2)*
21 *is submitted, the Secretary shall submit to the Com-*
22 *mittee on Transportation and Infrastructure of the*
23 *House of Representatives and the Committee on Envi-*
24 *ronment and Public Works of the Senate a report de-*
25 *tailing—*

1 (A) *any interim actions relating to water*
2 *resources development projects within the study*
3 *area undertaken by the Secretary under existing*
4 *authority; and*

5 (B) *any recommendations developed under*
6 *subsection (c).*

7 (2) *FINAL REPORT.*—*Not later than 5 years after*
8 *the date of enactment of this section, the Secretary*
9 *shall submit to the Committee on Transportation and*
10 *Infrastructure of the House of Representatives and the*
11 *Committee on Environment and Public Works of the*
12 *Senate a final report detailing the results of the com-*
13 *prehensive study required by this section, including*
14 *the recommendations developed under subsection (c).*

15 (3) *APPLICATION OF CERTAIN REQUIREMENTS.*—
16 *Section 1001(a) of the Water Resources Reform and*
17 *Development Act of 2014 (33 U.S.C. 2282c(a)) shall*
18 *not apply to the study carried out by the Secretary*
19 *under this section.*

20 (e) *FURTHER ANALYSIS.*—

21 (1) *IN GENERAL.*—*In conducting the comprehen-*
22 *sive study under subsection (a), the Secretary shall*
23 *carry out activities in geographic areas that warrant*
24 *additional analysis by the Corps of Engineers, in-*
25 *cluding feasibility studies.*

1 (2) *TREATMENT.*—*A feasibility study carried out*
2 *under paragraph (1) shall be considered to be a con-*
3 *tinuation of the comprehensive study conducted under*
4 *subsection (a).*

5 (f) *REQUIREMENTS.*—*The comprehensive study con-*
6 *ducted under subsection (a) shall be carried out in accord-*
7 *ance with the authorities for the Mississippi River and*
8 *Tributaries project.*

9 (g) *DEFINITIONS.*—*In this section:*

10 (1) *MISSISSIPPI RIVER AND TRIBUTARIES*
11 *PROJECT.*—*The term “Mississippi River and Tribu-*
12 *taries project” means the Mississippi River and Tribu-*
13 *taries project authorized by the first section of the*
14 *Act of May 15, 1928 (33 U.S.C. 702a).*

15 (2) *NATURAL FEATURE; NATURE-BASED FEA-*
16 *TURE.*—*The terms “natural feature” and “nature-*
17 *based feature” have the meanings given those terms in*
18 *section 1184 of the Water Resources Development Act*
19 *of 2016 (33 U.S.C. 2289a).*

20 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
21 *authorized to be appropriated to carry out this section*
22 *\$25,000,000, to remain available until expended.*

23 (i) *SAVINGS PROVISION.*—*Nothing in this section shall*
24 *delay or interfere with, or be construed as grounds for en-*

1 *joining construction of, authorized projects within the study*
2 *area.*

3 **SEC. 214. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
4 **PLAN.**

5 (a) *ASSESSMENT.*—*The Secretary shall conduct an as-*
6 *essment of the water resources needs of the Upper Mis-*
7 *sissippi River under section 729 of the Water Resources De-*
8 *velopment Act of 1986 (33 U.S.C. 2267a).*

9 (b) *REQUIREMENTS.*—*The Secretary shall carry out*
10 *the assessment under subsection (a) in accordance with the*
11 *requirements in section 1206(b) of Water Resources Devel-*
12 *opment Act of 2016 (130 Stat. 1686).*

13 **SEC. 215. UPPER MISSOURI RIVER BASIN MAINSTEM DAM**
14 **FISH LOSS RESEARCH.**

15 (a) *IN GENERAL.*—*Pursuant to section 22 of the Water*
16 *Resources Development Act of 1974 (42 U.S.C. 1962d–16),*
17 *the Secretary shall conduct research on the management of*
18 *fish losses through the mainstem dams of the Missouri River*
19 *Basin during periods of high flow.*

20 (b) *CONTENTS.*—*The research conducted under sub-*
21 *section (a) shall include an examination of—*

22 (1) *the effects of high flow rates through Upper*
23 *Missouri River Basin mainstem dam outlet works on*
24 *fish passage;*

1 (2) *options used by other Corps of Engineers dis-*
2 *trict offices to mitigate fish losses through dams; and*

3 (3) *the feasibility of implementing fish loss miti-*
4 *gation options in the Upper Missouri River Basin*
5 *mainstem dams, based on similar ongoing studies.*

6 (c) *REPORT.*—*Not later than 18 months after the date*
7 *of enactment of this Act, the Secretary shall submit to the*
8 *Committee on Transportation and Infrastructure of the*
9 *House of Representatives and the Committee on Environ-*
10 *ment and Public Works of the Senate a report recom-*
11 *mending a plan to address fish losses through mainstem*
12 *dams in the Upper Missouri River Basin.*

13 **SEC. 216. LOWER AND UPPER MISSOURI RIVER COM-**
14 **PREHENSIVE FLOOD PROTECTION.**

15 (a) *ADDITIONAL STUDIES FOR LOWER MISSOURI*
16 *RIVER BASIN.*—

17 (1) *IN GENERAL.*—*Except as provided in para-*
18 *graph (2), upon the request of the non-Federal inter-*
19 *est for the Lower Missouri Basin study, the Secretary*
20 *shall expand the scope of such study to investigate*
21 *and provide recommendations relating to—*

22 (A) *modifications to projects in Iowa, Kan-*
23 *sas, Nebraska, and Missouri authorized under*
24 *the Pick-Sloan Missouri River Basin Program*
25 *(authorized by section 9(b) of the Act of Decem-*

1 *ber 22, 1944 (chapter 665, 58 Stat. 891)) and*
2 *the Missouri River Bank Stabilization and Navi-*
3 *gation project (authorized by section 2 of the Act*
4 *of March 2, 1945 (chapter 19, 59 Stat. 19)), in-*
5 *cluding modifications to the authorized purposes*
6 *of such projects to further flood risk management*
7 *and resiliency; and*

8 *(B) modifications to non-Federal, publicly*
9 *owned levees in the Lower Missouri River Basin.*

10 *(2) EXCEPTION.—If the Secretary determines*
11 *that expanding the scope of the Lower Missouri Basin*
12 *study as provided in paragraph (1) is not prac-*
13 *ticable, and the non-Federal interest for such study*
14 *concurrs in such determination, the Secretary shall*
15 *carry out such additional studies as are necessary to*
16 *investigate the modifications described in paragraph*
17 *(1).*

18 *(3) CONTINUATION OF LOWER MISSOURI BASIN*
19 *STUDY.—The following studies shall be considered a*
20 *continuation of the Lower Missouri Basin study:*

21 *(A) Any additional study carried out under*
22 *paragraph (2).*

23 *(B) Any study recommended to be carried*
24 *out in a report that the Chief of Engineers pre-*
25 *pares for the Lower Missouri Basin study.*

1 (C) *Any study recommended to be carried*
2 *out in a report that the Chief of Engineers pre-*
3 *pares for an additional study carried out under*
4 *paragraph (2).*

5 (D) *Any study spun off from the Lower*
6 *Missouri Basin study before the completion of*
7 *such study.*

8 (E) *Any study spun off from an additional*
9 *study carried out under paragraph (2) before the*
10 *completion of such additional study.*

11 (4) *RELIANCE ON EXISTING INFORMATION.—In*
12 *carrying out any study described in or authorized by*
13 *this subsection, the Secretary, to the extent prac-*
14 *ticable, shall rely on existing data and analysis, in-*
15 *cluding data and analysis prepared under section 22*
16 *of the Water Resources Development Act of 1974 (42*
17 *U.S.C. 1962d–16).*

18 (5) *CONSIDERATION; CONSULTATION.—In devel-*
19 *oping recommendations under paragraph (1), the Sec-*
20 *retary shall—*

21 (A) *consider the use of—*

22 (i) *structural and nonstructural meas-*
23 *ures, including the setting back of levees and*
24 *removing structures from areas of recurring*
25 *flood vulnerability, where advantageous, to*

1 *reduce flood risk and damages in the Lower*
2 *Missouri River Basin; and*

3 *(ii) where such features are locally ac-*
4 *ceptable, natural features or nature-based*
5 *features (as such terms are defined in sec-*
6 *tion 1184 of the Water Resources Develop-*
7 *ment Act of 2016 (33 U.S.C. 2289a); and*

8 *(B) consult with applicable Federal and*
9 *State agencies, Indian Tribes, and other stake-*
10 *holders within the Lower Missouri River Basin*
11 *and solicit public comment on such recommenda-*
12 *tions.*

13 *(6) EXEMPTION FROM MAXIMUM STUDY COST*
14 *AND DURATION LIMITATIONS.—Section 1001 of the*
15 *Water Resources Reform and Development Act of*
16 *2014 (33 U.S.C. 2282c) shall not apply to the Lower*
17 *Missouri Basin study or any study described in para-*
18 *graph (3).*

19 *(7) PRECONSTRUCTION, ENGINEERING, AND DE-*
20 *SIGN.—Upon completion of a study authorized by this*
21 *subsection, if the Secretary determines that a rec-*
22 *ommended project, or modification to a project de-*
23 *scribed in paragraph (1), is justified, the Secretary*
24 *may proceed directly to preconstruction planning, en-*
25 *gineering, and design of the project or modification.*

1 (8) *TECHNICAL ASSISTANCE.*—

2 (A) *IN GENERAL.*—*For the provision of*
3 *technical assistance to support small commu-*
4 *nities and economically disadvantaged commu-*
5 *nities in the planning and design of flood risk*
6 *management and flood risk resiliency projects in*
7 *the Lower Missouri River Basin, for each of fis-*
8 *cal years 2021 through 2026, there are author-*
9 *ized to be appropriated—*

10 (i) *\$2,000,000 to carry out section 206*
11 *of the Flood Control Act of 1960 (33 U.S.C.*
12 *709a), in addition to amounts otherwise au-*
13 *thorized to carry out such section; and*

14 (ii) *\$2,000,000 to carry out section*
15 *22(a)(2) of the Water Resources Develop-*
16 *ment Act of 1974 (42 U.S.C. 1962d–16), in*
17 *addition to amounts otherwise authorized to*
18 *carry out such section.*

19 (B) *CONDITIONS.*—

20 (i) *LIMITATIONS NOT APPLICABLE.*—
21 *The limitations on the use of funds in sec-*
22 *tion 206(d) of the Flood Control Act of 1960*
23 *and section 22(c)(2) of the Water Resources*
24 *Development Act of 1974 shall not apply to*

1 *the amounts authorized to be appropriated*
2 *by subparagraph (A).*

3 (ii) *RULE OF CONSTRUCTION.—Nothing*
4 *in this paragraph restricts the author-*
5 *ity of the Secretary to use any funds other-*
6 *wise appropriated to carry out section 206*
7 *of the Flood Control Act of 1960 or section*
8 *22(a)(2) of the Water Resources Develop-*
9 *ment Act of 1974 to provide technical as-*
10 *istance described in subparagraph (A).*

11 (9) *COMPLETION OF STUDY; REPORT TO CON-*
12 *GRESS.—Not later than 3 years after the date of en-*
13 *actment of this Act, the Secretary shall submit to the*
14 *Committee on Transportation and Infrastructure of*
15 *the House of Representatives and the Committee on*
16 *Environment and Public Works of the Senate a report*
17 *detailing—*

18 (A) *the results of the study authorized by*
19 *this subsection;*

20 (B) *any additional, site-specific areas with-*
21 *in the Lower Missouri River Basin for which ad-*
22 *ditional study for flood risk management projects*
23 *is recommended by the Secretary; and*

24 (C) *any interim actions relating to existing*
25 *water resources development projects in the*

1 *Lower Missouri River Basin undertaken by the*
2 *Secretary during the study period.*

3 (10) *DEFINITIONS.—In this subsection:*

4 (A) *LOWER MISSOURI BASIN STUDY.—The*
5 *term “Lower Missouri Basin study” means the*
6 *Lower Missouri Basin Flood Risk and Resiliency*
7 *Study, Iowa, Kansas, Nebraska, and Missouri,*
8 *authorized pursuant to section 216 of the Flood*
9 *Control Act of 1970 (33 U.S.C. 549a).*

10 (B) *SMALL COMMUNITY.—The term “small*
11 *community” means a local government that*
12 *serves a population of less than 15,000.*

13 (b) *UPPER MISSOURI RIVER BASIN COMPREHENSIVE*
14 *STUDY.—*

15 (1) *IN GENERAL.—The Secretary, in collabora-*
16 *tion with the heads of other relevant Federal agencies,*
17 *shall conduct a comprehensive study to address flood*
18 *risk in areas affected by severe flooding in 2019 along*
19 *the Upper Missouri River, including an examination*
20 *of—*

21 (A) *the use of structural and nonstructural*
22 *flood control and floodplain management strate-*
23 *gies, including the consideration of natural fea-*
24 *tures or nature-based features (as such terms are*

1 *defined in section 1184 of the Water Resources*
2 *Development Act of 2016 (33 U.S.C. 2289a);*

3 *(B) continued operation and maintenance*
4 *of the navigation project;*

5 *(C) management of bank caving and ero-*
6 *sion;*

7 *(D) maintenance of water supply;*

8 *(E) fish and wildlife habitat management;*

9 *(F) recreation needs;*

10 *(G) environmental restoration needs;*

11 *(H) the division of responsibilities of the*
12 *Federal Government and non-Federal interests*
13 *with respect to Missouri River flooding;*

14 *(I) the roles and responsibilities of Federal*
15 *agencies with respect to Missouri River flooding;*
16 *and*

17 *(J) any other related matters, as determined*
18 *by the Secretary.*

19 (2) *RECOMMENDATIONS.—In conducting the*
20 *study under this subsection, the Secretary may de-*
21 *velop recommendations to Congress for—*

22 *(A) the construction of a water resources de-*
23 *velopment project;*

1 (B) *the structural or operational modifica-*
2 *tion of an existing water resources development*
3 *project;*

4 (C) *such additional monitoring of, or*
5 *adaptive management measures to carry out*
6 *with respect to, existing water resources develop-*
7 *ment projects, to respond to changing conditions;*

8 (D) *geographic areas within the Upper Mis-*
9 *souri River basin for additional study by the*
10 *Secretary;*

11 (E) *management plans and actions to be*
12 *carried out by the responsible Federal agencies to*
13 *reduce flood risk and improve resiliency;*

14 (F) *any necessary changes to the general*
15 *comprehensive plan for flood control and other*
16 *purposes in the Missouri River Basin under sec-*
17 *tion 4 of the Act of June 28, 1938 (chapter 795,*
18 *52 Stat. 1218; 58 Stat. 891); and*

19 (G) *follow-up studies for problem areas for*
20 *which data or current technology does not allow*
21 *immediate solutions.*

22 (3) *COMPLETION OF STUDY; REPORT TO CON-*
23 *GRESS.—Not later than 3 years after the date of en-*
24 *actment of this subsection, the Secretary shall submit*
25 *to the Committee on Transportation and Infrastruc-*

1 *ture of the House of Representatives and the Com-*
2 *mittee on Environment and Public Works of the Sen-*
3 *ate a report that—*

4 *(A) contains the results of the comprehen-*
5 *sive study required by this subsection, including*
6 *any recommendations developed under para-*
7 *graph (2);*

8 *(B) addresses—*

9 *(i) the potential for the transfer of*
10 *flood risk between and within the Upper*
11 *and Lower Missouri River basins with re-*
12 *spect to any changes recommended pursuant*
13 *to paragraph (2)(F);*

14 *(ii) adverse impacts to navigation and*
15 *other authorized purposes of the applicable*
16 *Missouri River project with respect to any*
17 *changes recommended under paragraph*
18 *(2)(F); and*

19 *(iii) whether there are opportunities*
20 *for increased non-Federal management in*
21 *the Upper Missouri River Basin;*

22 *(C) recognizes—*

23 *(i) the interest and rights of States*
24 *in—*

1 (I) *determining the development*
2 *of watersheds within the borders of the*
3 *State; and*

4 (II) *water utilization and control;*
5 *and*

6 (ii) *the primary responsibilities of*
7 *States and local interests in developing*
8 *water supplies for domestic, municipal, in-*
9 *dustrial, and other purposes; and*

10 (D) *describes any interim actions relating*
11 *to existing water resources development projects*
12 *in the Upper Missouri River Basin undertaken*
13 *by the Secretary during the study period.*

14 (4) *CONSULTATION.*—*In carrying out this sub-*
15 *section, the Secretary shall consult with applicable*
16 *Federal and State agencies, Indian Tribes, and other*
17 *stakeholders within the Upper Missouri River Basin*
18 *and solicit public comment.*

19 (5) *RELIANCE ON EXISTING INFORMATION.*—*In*
20 *carrying out any study described in or authorized by*
21 *this subsection, the Secretary, to the extent prac-*
22 *ticable, shall rely on existing data and analysis, in-*
23 *cluding data and analysis prepared under section 22*
24 *of the Water Resources Development Act of 1974 (42*
25 *U.S.C. 1962d–16).*

1 (6) *EXEMPTION FROM MAXIMUM STUDY COST*
2 *AND DURATION LIMITATIONS.*—*Section 1001 of the*
3 *Water Resources Reform and Development Act of*
4 *2014 (33 U.S.C. 2282c) shall not apply to the com-*
5 *prehensive study carried out under this section or any*
6 *feasibility study described in paragraph (7).*

7 (7) *ADDITIONAL CONSIDERATIONS.*—*Any feasi-*
8 *bility study carried out pursuant to a recommenda-*
9 *tion included in the report submitted under this sub-*
10 *section shall be considered to be a continuation of the*
11 *comprehensive study required under paragraph (1).*

12 (8) *DEFINITION.*—*In this subsection, the term*
13 *“Missouri River project” means a project constructed*
14 *as part of—*

15 (A) *the Pick-Sloan Missouri River Basin*
16 *Program (authorized by section 9(b) of the Act*
17 *of December 22, 1944 (chapter 665, 58 Stat.*
18 *891)), located in the States of Wyoming, Mon-*
19 *tana, North Dakota, or South Dakota;*

20 (B) *the Missouri River Bank Stabilization*
21 *and Navigation project (authorized by section 2*
22 *of the Act of March 2, 1945 (chapter 19, 59 Stat.*
23 *19)); or*

1 (C) a non-Federal, publicly owned levee sys-
2 tem located within the Upper Missouri River
3 Basin.

4 (c) *COORDINATION*.—Upon completion of the studies
5 under subsections (a) and (b), the Secretary shall develop
6 a strategy that, to the maximum extent practicable, coordi-
7 nates and aligns the results of such studies.

8 **SEC. 217. PORTSMOUTH HARBOR AND PISCATAQUA RIVER**
9 **AND RYE HARBOR, NEW HAMPSHIRE.**

10 (a) *REQUIREMENT TO EXPEDITE*.—The Secretary
11 shall expedite authorized activities to address the impacts
12 of shoaling affecting the project for navigation, Rye Harbor,
13 New Hampshire, authorized by section 101 of the River and
14 Harbor Act of 1960 (74 Stat. 480).

15 (b) *STATUS UPDATE*.—Not later than 180 days after
16 the date of enactment of this Act, the Secretary shall submit
17 to Congress a written status update regarding—

18 (1) the activities required to be expedited under
19 subsection (a); and

20 (2) the project for navigation, Portsmouth Har-
21 bor and Piscataqua River, authorized by section 101
22 of the River and Harbor Act of 1962 (76 Stat. 1173),
23 as required to be expedited under section 1317 of the
24 Water Resources Development Act of 2018 (132 Stat.
25 3823).

1 **SEC. 218. COUGAR AND DETROIT DAMS, WILLAMETTE RIVER**
2 **BASIN, OREGON.**

3 (a) *REPORT.*—Not later than 2 years after the date
4 of enactment of this Act, the Secretary shall submit to the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on Environ-
7 ment and Public Works of the Senate, and make publicly
8 available, a report providing an initial analysis of
9 deauthorizing hydropower as a project purpose at the Cou-
10 gar and Detroit Dams project.

11 (b) *CONTENTS.*—The Secretary shall include in the re-
12 port submitted under subsection (a)—

13 (1) a description of the potential effects of
14 deauthorizing hydropower as a project purpose at the
15 Cougar and Detroit Dams project on—

16 (A) the operation of the project, including
17 with respect to the other authorized purposes of
18 the project;

19 (B) compliance of the project with the En-
20 dangered Species Act;

21 (C) costs that would be attributed to other
22 authorized purposes of the project, including
23 costs relating to compliance with such Act; and

24 (D) other ongoing studies in the Willamette
25 River Basin; and

26 (2) identification of any further research needed.

1 (c) *PROJECT DEFINED.*—*In this section, the terms*
2 *“Cougar and Detroit Dams project” and “project” mean*
3 *the Cougar Dam and Reservoir project and Detroit Dam*
4 *and Reservoir project, Willamette River Basin, Oregon, au-*
5 *thorized by section 204 of the Flood Control Act of 1950*
6 *(64 Stat. 179), and facilities that operate in conjunction*
7 *with the main Detroit Dam facility, including the Big Cliff*
8 *re-regulating dam.*

9 **SEC. 219. PORT ORFORD, OREGON.**

10 *Not later than 180 days after the date of enactment*
11 *of this Act, the Secretary shall, at Federal expense, submit*
12 *to the Committee on Transportation and Infrastructure of*
13 *the House of Representatives and the Committee on Envi-*
14 *ronment and Public Works of the Senate a summary report*
15 *on the research completed and data gathered by the date*
16 *of enactment of this Act with regards to the configuration*
17 *of a breakwater for the project for navigation, Port Orford,*
18 *Oregon, authorized by section 117 of the River and Harbor*
19 *Act of 1970 (84 Stat. 1822; 106 Stat. 4809), for the pur-*
20 *poses of addressing shoaling issues to minimize long-term*
21 *maintenance costs.*

22 **SEC. 220. WILSON CREEK AND SLOAN CREEK, FAIRVIEW,**
23 **TEXAS.**

24 *Not later than 180 days after the date of enactment*
25 *of this section, the Secretary shall submit to Congress a*

1 *written status update regarding efforts to address flooding*
2 *along Wilson Creek and Sloan Creek in the City of Fair-*
3 *view, Texas.*

4 **SEC. 221. STUDY ON WATER SUPPLY AND WATER CON-**
5 **SERVATION AT WATER RESOURCES DEVELOP-**
6 **MENT PROJECTS.**

7 *(a) IN GENERAL.—Not later than 18 months after the*
8 *date of enactment of this Act, the Secretary shall submit*
9 *to the Committee on Transportation and Infrastructure of*
10 *the House of the Representatives and the Committee on En-*
11 *vironment and Public Works of the Senate a report that*
12 *analyzes the benefits and consequences of including water*
13 *supply and water conservation as a primary mission of the*
14 *Corps of Engineers in carrying out water resources develop-*
15 *ment projects.*

16 *(b) INCLUSION.—The Secretary shall include in the re-*
17 *port submitted under subsection (a)—*

18 *(1) a description of existing water resources de-*
19 *velopment projects with water supply or water con-*
20 *servation as authorized purposes, and the extent to*
21 *which such projects are utilized for such purposes;*

22 *(2) a description of existing water resources de-*
23 *velopment projects with respect to which—*

24 *(A) water supply or water conservation*
25 *could be added as a project purpose, including*

1 *those with respect to which a non-Federal inter-*
2 *est has expressed an interest in adding water*
3 *supply or water conservation as a project pur-*
4 *pose; and*

5 *(B) such a purpose could be accommodated*
6 *while maintaining existing authorized purposes;*

7 *(3) a description of ongoing water resources de-*
8 *velopment project studies the authorizations for which*
9 *include authorization for the Secretary to study the*
10 *feasibility of carrying out the project with a purpose*
11 *of water supply or water conservation;*

12 *(4) an analysis of how adding water supply and*
13 *water conservation as a primary mission of the Corps*
14 *of Engineers would affect the ability of the Secretary*
15 *to carry out future water resources development*
16 *projects; and*

17 *(5) any recommendations of the Secretary relat-*
18 *ing to including water supply and water conservation*
19 *as a primary mission of the Corps of Engineers.*

20 **SEC. 222. REPORT TO CONGRESS ON AUTHORIZED STUDIES**
21 **AND PROJECTS.**

22 *(a) IN GENERAL.—Not later than February 1 of each*
23 *year, the Secretary shall develop and submit to Congress*
24 *an annual report, to be entitled “Report to Congress on Au-*

1 *thorized Water Resources Development Projects and Stud-*
2 *ies”, that identifies—*

3 (1) *ongoing or new feasibility studies, authorized*
4 *within the previous 20 years, for which a Report of*
5 *the Chief of Engineers has not been issued;*

6 (2) *authorized feasibility studies for projects in*
7 *the preconstruction, engineering and design phase;*

8 (3) *ongoing or new water resources development*
9 *projects authorized for construction within the pre-*
10 *vious 20 years; and*

11 (4) *authorized and constructed water resources*
12 *development projects the Secretary has the responsi-*
13 *bility to operate or maintain.*

14 (b) *CONTENTS.—*

15 (1) *INCLUSIONS.—*

16 (A) *CRITERIA.—The Secretary shall include*
17 *in each report submitted under this section only*
18 *a feasibility study or water resources develop-*
19 *ment project—*

20 (i) *that has been authorized by Con-*
21 *gress to be carried out by the Secretary and*
22 *does not require any additional congres-*
23 *sional authorization to be carried out;*

24 (ii) *that the Secretary has the capa-*
25 *bility to carry out if funds are appropriated*

1 for such study or project under any of the
2 “Investigations”, “Construction”, “Oper-
3 ation and Maintenance”, or “Mississippi
4 River and Tributaries” appropriations ac-
5 counts for the Corps of Engineers; and

6 (iii) for which a non-Federal inter-
7 est—

8 (I) in the case of a study or a
9 project other than a project for which
10 funds may be appropriated for oper-
11 ation and maintenance, has entered
12 into a feasibility cost-sharing agree-
13 ment, design agreement, or project
14 partnership agreement with the Corps
15 of Engineers, or has informed the Sec-
16 retary that the non-Federal interest
17 has the financial capability to enter
18 into such an agreement within 1 year;
19 and

20 (II) demonstrates the legal and fi-
21 nancial capability to satisfy the re-
22 quirements for local cooperation with
23 respect to the study or project.

24 (B) DESCRIPTION OF BENEFITS.—

1 (i) *DESCRIPTION.*—*The Secretary*
2 *shall, to the maximum extent practicable,*
3 *describe in each report submitted under this*
4 *section the benefits, as described in clause*
5 *(ii), of each feasibility study and water re-*
6 *sources development project included in the*
7 *report.*

8 (ii) *BENEFITS.*—*The benefits referred*
9 *to in clause (i) are benefits to—*

10 (I) *the protection of human life*
11 *and property;*

12 (II) *improvement to transpor-*
13 *tation;*

14 (III) *the national, regional, or*
15 *local economy;*

16 (IV) *the environment; or*

17 (V) *the national security interests*
18 *of the United States.*

19 (2) *TRANSPARENCY.*—*The Secretary shall in-*
20 *clude in each report submitted under this section, for*
21 *each feasibility study and water resources develop-*
22 *ment project included in the report—*

23 (A) *the name of the associated non-Federal*
24 *interest, including the name of any non-Federal*
25 *interest that has contributed, or is expected to*

1 *contribute, a non-Federal share of the cost of the*
2 *study or project;*

3 *(B) the purpose of the study or project;*

4 *(C) an estimate, to the extent practicable, of*
5 *the Federal, non-Federal, and total costs of the*
6 *study or project, including, to the extent prac-*
7 *ticable, the fully funded capability of the Corps*
8 *of Engineers for—*

9 *(i) the 3 fiscal years following the fis-*
10 *cal year in which the report is submitted,*
11 *in the case of a feasibility study; and*

12 *(ii) the 5 fiscal years following the fis-*
13 *cal year in which the report is submitted,*
14 *in the case of a water resources development*
15 *project; and*

16 *(D) an estimate, to the extent practicable, of*
17 *the monetary and nonmonetary benefits of the*
18 *study or project.*

19 *(3) CERTIFICATION.—The Secretary shall include*
20 *in each report submitted under this section a certifi-*
21 *cation stating that each feasibility study or water re-*
22 *sources development project included in the report*
23 *meets the criteria described in paragraph (1)(A).*

24 *(4) OMISSIONS.—*

1 (A) *LIMITATION.*—*The Secretary shall not*
2 *omit from a report submitted under this section*
3 *a study or project that otherwise meets the cri-*
4 *teria for inclusion in the report solely on the*
5 *basis of a policy of the Secretary.*

6 (B) *APPENDIX.*—*If the Secretary omits*
7 *from a report submitted under this section a*
8 *study or project that otherwise meets the criteria*
9 *for inclusion in the report, the Secretary shall*
10 *include with the report an appendix that lists*
11 *the name of the study or project and reason for*
12 *its omission.*

13 (c) *SUBMISSION TO CONGRESS; PUBLICATION.*—

14 (1) *SUBMISSION TO CONGRESS.*—*The Secretary*
15 *may submit a report under this section in conjunc-*
16 *tion with the submission of the annual report under*
17 *section 7001 of the Water Resources Reform and De-*
18 *velopment Act of 2014 (33 U.S.C. 2282d).*

19 (2) *PUBLICATION.*—*On submission of each report*
20 *under this section, the Secretary shall make the report*
21 *publicly available, including through publication on*
22 *the internet.*

23 (d) *DEFINITIONS.*—*In this section:*

24 (1) *NON-FEDERAL INTEREST.*—*The term “non-*
25 *Federal interest” has the meaning given that term in*

1 *section 221 of the Flood Control Act of 1970 (42*
2 *U.S.C. 1962d–5b).*

3 (2) *WATER RESOURCES DEVELOPMENT*
4 *PROJECT.—The term “water resources development*
5 *project” includes a separable element of a project, a*
6 *project under an environmental infrastructure assist-*
7 *ance program, and a project the authorized purposes*
8 *of which include water supply.*

9 **SEC. 223. COMPLETION OF REPORTS AND MATERIALS.**

10 (a) *IN GENERAL.—Using available appropriations,*
11 *not later than 180 days after the date of enactment of this*
12 *section, the Secretary shall complete and submit to Congress*
13 *the following materials:*

14 (1) *The report required by section 1211 of the*
15 *Water Resources Development Act of 2018 (132 Stat.*
16 *3808).*

17 (2) *Implementation guidance for the amend-*
18 *ments made by section 1176 of the Water Resources*
19 *Development Act of 2016 (130 Stat. 1673).*

20 (3) *Implementation guidance for the amend-*
21 *ments made by section 3029(a) of the Water Resources*
22 *Reform and Development Act of 2014 (128 Stat.*
23 *1305).*

24 (4) *Any other report or other material required*
25 *to be submitted to Congress by any of the following*

1 *Acts (including by amendments made by such Acts)*
2 *that has not been so submitted by the date of enact-*
3 *ment of this section:*

4 *(A) The Water Resources Reform and Devel-*
5 *opment Act of 2014 (Public Law 113–121).*

6 *(B) The Water Resources Development Act*
7 *of 2016 (Public Law 114–322).*

8 *(C) The Water Resources Development Act*
9 *of 2018 (Public Law 115–270).*

10 *(b) USE OF EXISTING DATA.—To the extent prac-*
11 *ticable and appropriate, the Secretary shall use existing*
12 *data in completing any materials described in subsection*
13 *(a).*

14 *(c) FAILURE TO SUBMIT.—If the Secretary fails to*
15 *submit materials as required by this section, the Secretary*
16 *shall immediately inform the Committee on Environment*
17 *and Public Works of the Senate and the Committee on*
18 *Transportation and Infrastructure of the House of Rep-*
19 *resentatives, in writing, of the specific reasons for such fail-*
20 *ure and a timeline for submission of the delinquent mate-*
21 *rials.*

22 *(d) IMPLEMENTATION GUIDANCE.—The Secretary*
23 *shall expeditiously issue any guidance necessary to imple-*
24 *ment any provision of this Act, including any amendments*

1 *made by this Act, in accordance with section 1105 of the*
2 *Water Resources Development Act of 2018 (33 U.S.C. 2202).*

3 **SEC. 224. EMERGENCY FLOODING PROTECTION FOR LAKES.**

4 *The Secretary shall submit to Congress a report on the*
5 *extent to which section 5 of the Act of August 18, 1941 (33*
6 *U.S.C. 701n), applies to lakes, including lakes with the flow*
7 *of a slow-moving river, including, if applicable, rec-*
8 *ommendations for legislative changes to ensure that such*
9 *lakes are eligible for the program carried out pursuant to*
10 *such section.*

11 **SEC. 225. REPORT ON DEBRIS REMOVAL.**

12 *Section 1210 of the Water Resources Development Act*
13 *of 2018 (132 Stat. 3808) is amended to read as follows:*

14 **“SEC. 1210. REPORT ON DEBRIS REMOVAL.**

15 *“(a) IN GENERAL.—Not later than 180 days after the*
16 *date of enactment of the Water Resources Development Act*
17 *of 2020, the Secretary shall submit to Congress and make*
18 *publicly available a report that describes—*

19 *“(1) the extent to which, during the 10 fiscal*
20 *years prior to such date of enactment, the Secretary*
21 *has carried out section 3 of the Act of March 2, 1945*
22 *(33 U.S.C. 603a);*

23 *“(2) how the Secretary has evaluated potential*
24 *work to be carried out under that section; and*

1 “(3) *the extent to which the Secretary plans to*
2 *start, continue, or complete debris removal activities*
3 *in the 3 years following submission of the report.*

4 “(b) *FOCUS AREAS.—The Secretary shall include in*
5 *the report submitted under subsection (a)—*

6 “(1) *identification of the debris removal activi-*
7 *ties to be started, continued, or completed during the*
8 *first fiscal year following the date of enactment of this*
9 *subsection within the boundaries of the North Atlantic*
10 *Division of the Corps of Engineers;*

11 “(2) *the estimated total costs and completion*
12 *dates for such activities; and*

13 “(3) *identification of the non-Federal interest as-*
14 *sociated with such activities.”.*

15 **SEC. 226. REPORT ON ANTECEDENT HYDROLOGIC CONDI-**
16 **TIONS.**

17 (a) *REPORT.—*

18 (1) *IN GENERAL.—Not later than 18 months*
19 *after the date of enactment of this Act, the Secretary*
20 *shall submit to the Committee on Environment and*
21 *Public Works of the Senate and the Committee on*
22 *Transportation and Infrastructure of the House of*
23 *Representatives a report on the use by the Corps of*
24 *Engineers since 2010 of data relating to antecedent*
25 *hydrologic conditions in the Missouri River Basin*

1 *(including soil moisture conditions, frost depths,*
2 *snowpack, and streamflow conditions) in—*

3 *(A) conducting Missouri River mainstem*
4 *reservoir operations under the Missouri River*
5 *Master Manual;*

6 *(B) developing related annual operating*
7 *plans; and*

8 *(C) performing seasonal, monthly, and*
9 *daily operations.*

10 *(2) INCLUSIONS.—The report submitted under*
11 *paragraph (1) shall include—*

12 *(A) a review of—*

13 *(i) the approach of the Corps of Engi-*
14 *neers to forecasting basin runoff in devel-*
15 *oping annual operating plans of the Corps*
16 *of Engineers;*

17 *(ii) the assessment of existing and al-*
18 *ternative algorithms that could improve*
19 *basin runoff forecasting;*

20 *(iii) the approach of the Corps of En-*
21 *gineers for reservoir releases in the winter,*
22 *spring, summer, and fall, based on basin*
23 *runoff forecasts;*

1 (iv) the technical report of the Corps of
2 Engineers entitled “Long-Term Runoff
3 Forecasting”, dated February, 2017;

4 (v) the use by the Corps of Engineers
5 of data from Federal and State entities in
6 basin runoff forecasts; and

7 (vi) the use by the Corps of Engineers
8 of advanced data collection, including
9 through the use of unmanned aerial sys-
10 tems, forecasting, and modeling;

11 (B) findings and recommendations on how
12 to best incorporate antecedent basin conditions
13 in annual operating plans and Missouri River
14 mainstem reservoir operations; and

15 (C) the results of the peer review conducted
16 under subsection (b).

17 (b) PEER REVIEW.—The Secretary shall seek to enter
18 into an agreement with the National Academy of Sciences
19 or a similar independent scientific and technical advisory
20 organization to establish a panel of experts to conduct a
21 peer review of the report to be submitted under subsection
22 (a).

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There are
24 authorized to be appropriated to the Secretary—

25 (1) \$5,000,000 to carry out subsection (a); and

1 (2) \$5,000,000 to carry out subsection (b).

2 **SEC. 227. SUBSURFACE DRAIN SYSTEMS RESEARCH AND**
3 **DEVELOPMENT.**

4 *Subject to the availability of appropriations, the Sec-*
5 *retary, acting through the Director of the Engineer Research*
6 *and Development Center and, where appropriate, in con-*
7 *sultation with other Federal agencies, shall carry out re-*
8 *search and development activities relating to the use of sub-*
9 *surface drain systems as—*

10 (1) a flood risk-reduction measure; or

11 (2) a coastal storm risk-reduction measure.

12 **SEC. 228. REPORT ON CORROSION PREVENTION ACTIVI-**
13 **TIES.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act, the Secretary shall submit to the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Environment and Public*
18 *Works of the Senate, and make publicly available, a report*
19 *that describes—*

20 (1) the extent to which the Secretary has carried
21 out section 1033 of the Water Resources Reform and
22 Development Act of 2014 (33 U.S.C. 2350);

23 (2) the extent to which the Secretary has incor-
24 porated corrosion prevention activities (as defined in
25 such section) at water resources development projects

1 *constructed or maintained by the Secretary since the*
2 *date of enactment of such section; and*

3 *(3) in instances where the Secretary has not in-*
4 *corporated corrosion prevention activities at such*
5 *water resources development projects since such date,*
6 *an explanation as to why such corrosion prevention*
7 *activities have not been incorporated.*

8 **SEC. 229. ANNUAL REPORTING ON DISSEMINATION OF IN-**
9 **FORMATION.**

10 *Section 1104(b) of the Water Resources Development*
11 *Act of 2018 (33 U.S.C. 2282d note) is amended—*

12 *(1) by redesignating paragraphs (1) through (4)*
13 *as subparagraphs (A) through (D), respectively, and*
14 *indenting appropriately;*

15 *(2) in the matter preceding subparagraph (A)*
16 *(as so redesignated), by striking “The Secretary” and*
17 *inserting the following:*

18 *“(1) IN GENERAL.—The Secretary”; and*

19 *(3) by adding at the end the following:*

20 *“(2) ANNUAL REPORTING.—Not less frequently*
21 *than annually, the Secretary shall provide to the*
22 *Committee on Environment and Public Works of the*
23 *Senate and the Committee on Transportation and In-*
24 *frastructure of the House of Representatives a written*
25 *update on the progress of the implementation of para-*

1 *graph (1), including a description of each education*
2 *and outreach action the Secretary is taking to imple-*
3 *ment that paragraph.*

4 “(3) *GUIDANCE; COMPLIANCE.—The Secretary*
5 *shall—*

6 “(A) *issue guidance on the uniform imple-*
7 *mentation by each district of the Corps of Engi-*
8 *neers of the process for submitting proposals*
9 *under section 7001 of the Water Resources Re-*
10 *form and Development Act of 2014 (33 U.S.C.*
11 *2282d); and*

12 “(B) *each year, ensure compliance with the*
13 *guidance issued under subparagraph (A).”.*

14 **SEC. 230. REPORT ON BENEFITS CALCULATION FOR FLOOD**
15 **CONTROL STRUCTURES.**

16 *Not later than 180 days after the date of enactment*
17 *of this Act, the Secretary shall submit to the Committee on*
18 *Environment and Public Works of the Senate and the Com-*
19 *mittee on Transportation and Infrastructure of the House*
20 *of Representatives a report on the extent to which flood in-*
21 *surance premium reductions that result from implementa-*
22 *tion of a flood risk management project, including struc-*
23 *tural elements, nonstructural elements, or natural features*
24 *or nature-based features, are included in the calculation of*
25 *the benefits of the project by the Corps of Engineers.*

1 **TITLE III—DEAUTHORIZATIONS**
2 **AND MODIFICATIONS**

3 **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

4 (a) *PURPOSES.*—*The purposes of this section are—*

5 (1) *to identify water resources development*
6 *projects authorized by Congress that are no longer*
7 *viable for construction due to—*

8 (A) *a lack of local support;*

9 (B) *a lack of available Federal or non-Fed-*
10 *eral resources; or*

11 (C) *an authorizing purpose that is no*
12 *longer relevant or feasible;*

13 (2) *to create an expedited and definitive process*
14 *for Congress to deauthorize water resources develop-*
15 *ment projects that are no longer viable for construc-*
16 *tion; and*

17 (3) *to allow the continued authorization of water*
18 *resources development projects that are viable for con-*
19 *struction.*

20 (b) *PROPOSED DEAUTHORIZATION LIST.*—

21 (1) *PRELIMINARY LIST OF PROJECTS.*—

22 (A) *IN GENERAL.*—*The Secretary shall de-*
23 *velop a preliminary list of each water resources*
24 *development project, or separable element of a*

1 *project, authorized for construction before No-*
2 *vember 8, 2007, for which—*

3 *(i) planning, design, or construction*
4 *was not initiated before the date of enact-*
5 *ment of this Act; or*

6 *(ii) planning, design, or construction*
7 *was initiated before the date of enactment of*
8 *this Act, but for which no funds, Federal or*
9 *non-Federal, were obligated for planning,*
10 *design, or construction of the project or sep-*
11 *arable element of the project during the cur-*
12 *rent fiscal year or any of the 10 preceding*
13 *fiscal years.*

14 *(B) USE OF COMPREHENSIVE CONSTRUC-*
15 *TION BACKLOG AND OPERATION AND MAINTEN-*
16 *NANCE REPORT.—The Secretary may develop the*
17 *preliminary list from the comprehensive con-*
18 *struction backlog and operation and mainte-*
19 *nance reports developed pursuant to section*
20 *1001(b)(2) of the Water Resources Development*
21 *Act of 1986 (33 U.S.C. 579a).*

22 *(C) EXCLUSIONS.—The Secretary shall not*
23 *include on the preliminary list—*

24 *(i) an environmental infrastructure as-*
25 *sistance project authorized to be carried out*

1 by the Secretary (including a project au-
2 thorized pursuant to an environmental as-
3 sistance program); or

4 (ii) a project or separable element of a
5 project authorized as part of the Com-
6 prehensive Everglades Restoration Plan de-
7 scribed in section 601 of the Water Re-
8 sources Development Act of 2000 (114 Stat.
9 2680).

10 (2) *PREPARATION OF PROPOSED DEAUTHORIZA-*
11 *TION LIST.*—

12 (A) *DEAUTHORIZATION AMOUNT.*—*The Sec-*
13 *retary shall prepare a proposed list of projects*
14 *for deauthorization comprised of a subset of*
15 *projects and separable elements identified on the*
16 *preliminary list developed under paragraph (1)*
17 *that have, in the aggregate, an estimated Federal*
18 *cost to complete that is at least \$10,000,000,000.*

19 (B) *DETERMINATION OF FEDERAL COST TO*
20 *COMPLETE.*—*For purposes of subparagraph (A),*
21 *the Federal cost to complete shall take into ac-*
22 *count any allowances authorized by section 902*
23 *of the Water Resources Development Act of 1986*
24 *(33 U.S.C. 2280), as applied to the most recent*
25 *project schedule and cost estimate.*

1 (C) *INCLUSION OF DEAUTHORIZATION OF*
2 *ANTIQUATED PROJECTS.*—*The Secretary shall re-*
3 *duce the amount identified for deauthorization*
4 *under paragraph (2)(A) by an amount equiva-*
5 *lent to the estimated current value of each*
6 *project, or separable element of a project, that is*
7 *deauthorized by subsection (f).*

8 (3) *SEQUENCING OF PROJECTS.*—

9 (A) *IN GENERAL.*—*The Secretary shall*
10 *identify projects and separable elements for in-*
11 *clusion on the proposed list of projects for de-*
12 *authorization under paragraph (2) according to*
13 *the order in which the projects and separable ele-*
14 *ments were authorized, beginning with the ear-*
15 *liest authorized projects and separable elements*
16 *and ending with the latest project or separable*
17 *element necessary to meet the aggregate amount*
18 *under paragraph (2)(A).*

19 (B) *FACTORS TO CONSIDER.*—*The Secretary*
20 *may identify projects and separable elements in*
21 *an order other than that established by subpara-*
22 *graph (A) if the Secretary determines, on a case-*
23 *by-case basis, that a project or separable element*
24 *is critical for interests of the United States,*
25 *based on the possible impact of the project or*

1 *separable element on public health and safety,*
2 *the national economy, or the environment.*

3 (4) *PUBLIC COMMENT AND CONSULTATION.*—

4 (A) *IN GENERAL.*—*The Secretary shall so-*
5 *licit comments from the public and the Gov-*
6 *ernors of each applicable State on the proposed*
7 *deauthorization list prepared under paragraph*
8 *(2)(A).*

9 (B) *COMMENT PERIOD.*—*The public com-*
10 *ment period shall be 90 days.*

11 (5) *PREPARATION OF FINAL DEAUTHORIZATION*
12 *LIST.*—

13 (A) *IN GENERAL.*—*The Secretary shall pre-*
14 *pare a final deauthorization list by—*

15 (i) *considering any comments received*
16 *under paragraph (4); and*

17 (ii) *revising the proposed deauthoriza-*
18 *tion list prepared under paragraph (2)(A)*
19 *as the Secretary determines necessary to re-*
20 *spond to such comments.*

21 (B) *APPENDIX.*—*The Secretary shall in-*
22 *clude as part of the final deauthorization list an*
23 *appendix that—*

24 (i) *identifies each project or separable*
25 *element on the proposed deauthorization list*

1 *that is not included on the final deauthor-*
2 *ization list; and*

3 *(ii) describes the reasons why the*
4 *project or separable element is not included*
5 *on the final deauthorization list.*

6 *(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST TO*
7 *CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.—*

8 *(1) IN GENERAL.—Not later than 90 days after*
9 *the date of the close of the comment period under sub-*
10 *section (b)(4), the Secretary shall—*

11 *(A) submit the final deauthorization list*
12 *and appendix prepared under subsection (b)(5)*
13 *to the Committee on Transportation and Infra-*
14 *structure of the House of Representatives and the*
15 *Committee on Environment and Public Works of*
16 *the Senate; and*

17 *(B) publish the final deauthorization list*
18 *and appendix in the Federal Register.*

19 *(2) EXCLUSIONS.—The Secretary shall not in-*
20 *clude in the final deauthorization list submitted*
21 *under paragraph (1) any project or separable element*
22 *with respect to which Federal funds for planning, de-*
23 *sign, or construction are obligated after the develop-*
24 *ment of the preliminary list under subsection*
25 *(b)(1)(A) but prior to the submission of the final de-*

1 *authorization list under paragraph (1)(A) of this sub-*
2 *section.*

3 *(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—*

4 *(1) IN GENERAL.—After the expiration of the 2-*
5 *year period beginning on the date of publication of*
6 *the final deauthorization list and appendix under*
7 *subsection (c)(1)(B), a project or separable element of*
8 *a project identified in the final deauthorization list is*
9 *hereby deauthorized, unless Congress passes a joint*
10 *resolution disapproving the final deauthorization list*
11 *prior to the end of such period.*

12 *(2) NON-FEDERAL CONTRIBUTIONS.—*

13 *(A) IN GENERAL.—A project or separable*
14 *element of a project identified in the final de-*
15 *authorization list under subsection (c) shall not*
16 *be deauthorized under this subsection if, before*
17 *the expiration of the 2-year period referred to in*
18 *paragraph (1), the non-Federal interest for the*
19 *project or separable element of the project pro-*
20 *vides sufficient funds to complete the project or*
21 *separable element of the project.*

22 *(B) TREATMENT OF PROJECTS.—Notwith-*
23 *standing subparagraph (A), each project and*
24 *separable element of a project identified in the*
25 *final deauthorization list shall be treated as de-*

1 *authorized for purposes of the aggregate de-*
2 *authorization amount specified in subsection*
3 *(b)(2)(A).*

4 (3) *PROJECTS IDENTIFIED IN APPENDIX.—A*
5 *project or separable element of a project identified in*
6 *the appendix to the final deauthorization list shall re-*
7 *main subject to future deauthorization by Congress.*

8 (e) *SPECIAL RULES.—*

9 (1) *POST-AUTHORIZATION STUDIES.—A project*
10 *or separable element of a project may not be identi-*
11 *fied on the proposed deauthorization list developed*
12 *under subsection (b), or the final deauthorization list*
13 *developed under subsection (c), if the project or sepa-*
14 *rable element received funding for a post-authorized*
15 *study during the current fiscal year or any of the*
16 *10 preceding fiscal years.*

17 (2) *TREATMENT OF PROJECT MODIFICATIONS.—*
18 *For purposes of this section, if an authorized water*
19 *resources development project or separable element of*
20 *the project has been modified by an Act of Congress,*
21 *the date of the authorization of the project or sepa-*
22 *rable element shall be deemed to be the date of the*
23 *most recent such modification.*

24 (f) *DEAUTHORIZATION OF ANTIQUATED PROJECTS.—*

1 (1) *IN GENERAL.*—*Any water resources develop-*
2 *ment project, or separable element of a project, au-*
3 *thorized for construction prior to November 17, 1986,*
4 *for which construction has not been initiated prior to*
5 *the date of enactment of this Act, or for which funds*
6 *have not been obligated for construction in the 10-*
7 *year period prior to the date of enactment of this Act,*
8 *is hereby deauthorized.*

9 (2) *IDENTIFICATION.*—*Not later than 60 days*
10 *after the date of enactment of this Act, the Secretary*
11 *shall issue to the Committee on Transportation and*
12 *Infrastructure of the House of Representatives and the*
13 *Committee on Environment and Public Works of the*
14 *Senate a report that identifies—*

15 (A) *the name of each project, or separable*
16 *element of a project, deauthorized by paragraph*
17 (1); *and*

18 (B) *the estimated current value of each such*
19 *project or separable element of a project.*

20 (g) *ECONOMIC AND ENVIRONMENTAL REVIEW OF INAC-*
21 *TIVE WATER RESOURCES DEVELOPMENT PROJECTS.*—*The*
22 *Secretary or the non-Federal interest may not carry out*
23 *any authorized water resources development project, or sep-*
24 *arable element of such project, for which construction has*
25 *not been initiated in the 20-year period following the date*

1 of the authorization of such project or separable element,
2 until—

3 (1) the Secretary provides to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Environment
6 and Public Works of the Senate a post-authorization
7 change report that updates the economic and environ-
8 mental analysis of the project or separable element;
9 and

10 (2) the Committee on Transportation and Infra-
11 structure of the House of Representatives and the
12 Committee on Environment and Public Works of the
13 Senate take appropriate action to address any modi-
14 fications to the economic and environmental analysis
15 for the project or separable element of the project con-
16 tained in the post-authorization change report.

17 (h) DEFINITIONS.—In this section:

18 (1) POST-AUTHORIZATION CHANGE REPORT.—
19 The term “post-authorization change report” has the
20 meaning given such term in section 1132(d) of the
21 Water Resources Development Act of 2016 (33 U.S.C.
22 2282e).

23 (2) POST-AUTHORIZATION STUDY.—The term
24 “post-authorization study” means—

1 (A) a feasibility report developed under sec-
2 tion 905 of the Water Resources Development Act
3 of 1986 (33 U.S.C. 2282);

4 (B) a feasibility study, as defined in section
5 105(d) of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2215(d)); or

7 (C) a review conducted under section 216 of
8 the Flood Control Act of 1970 (33 U.S.C. 549a),
9 including an initial appraisal that—

10 (i) demonstrates a Federal interest;

11 and

12 (ii) requires additional analysis for the
13 project or separable element.

14 **SEC. 302. ABANDONED AND INACTIVE NONCOAL MINE RES-**
15 **TORATION.**

16 Section 560(f) of the Water Resources Development Act
17 of 1999 (33 U.S.C. 2336(f)) is amended by striking “
18 \$20,000,000” and inserting “ \$30,000,000”.

19 **SEC. 303. TRIBAL PARTNERSHIP PROGRAM.**

20 Section 203(b)(4) of the Water Resources Development
21 Act of 2000 (33 U.S.C. 2269) is amended by striking “
22 \$12,500,000” each place it appears and inserting “
23 \$18,500,000”.

1 **SEC. 304. LAKES PROGRAM.**

2 *Section 602(a) of the Water Resources Development*
3 *Act of 1986 (Public Law 99–662, 100 Stat. 4148; 110 Stat.*
4 *3758; 113 Stat. 295; 121 Stat. 1076) is amended—*

5 *(1) in paragraph (27), by striking “and” at the*
6 *end;*

7 *(2) in paragraph (28), by striking the period at*
8 *the end and inserting a semicolon; and*

9 *(3) by adding at the end the following:*

10 *“(29) Ellis Pond and Guild Pond, Norwood,*
11 *Massachusetts; and*

12 *“(30) Memorial Pond, Walpole, Massachusetts.”.*

13 **SEC. 305. REHABILITATION OF CORPS OF ENGINEERS CON-**
14 **STRUCTED DAMS.**

15 *Section 1177 of the Water Resources Development Act*
16 *of 2016 (33 U.S.C. 467f–2 note) is amended—*

17 *(1) in subsection (e), by striking “ \$40,000,000”*
18 *and inserting “ \$60,000,000”; and*

19 *(2) in subsection (f), by striking “ \$40,000,000”*
20 *and inserting “ \$60,000,000”.*

21 **SEC. 306. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
22 **TION AND PROTECTION PROGRAM.**

23 *(a) IN GENERAL.—Section 510 of the Water Resources*
24 *Development Act of 1996 (Public Law 104–303, 110 Stat.*
25 *3759; 121 Stat. 1202; 128 Stat. 1317) is amended—*

1 (1) by redesignating subsection (h) as subsection
2 (i) and inserting after subsection (g) the following:

3 “(h) *PROJECT CAP.*—The total cost of a project carried
4 out under this section may not exceed \$15,000,000.”; and

5 (2) in subsection (i) (as so redesignated), by
6 striking “ \$40,000,000” and inserting “
7 \$90,000,000”.

8 (b) *OUTREACH AND TRAINING.*—The Secretary shall
9 conduct public outreach and workshops for non-Federal in-
10 terests to provide information on the Chesapeake Bay envi-
11 ronmental restoration and protection program established
12 under section 510 of the Water Resources Development Act
13 of 1996, including how to participate in the program.

14 **SEC. 307. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
15 **MENTAL MANAGEMENT PROGRAM.**

16 Section 1103(e) of the Water Resources Development
17 Act of 1986 (33 U.S.C. 652(e)) is amended—

18 (1) in paragraph (3), by striking “ \$22,750,000”
19 and inserting “ \$40,000,000”; and

20 (2) in paragraph (4), by striking “ \$10,420,000”
21 and inserting “ \$15,000,000”.

22 **SEC. 308. UPPER MISSISSIPPI RIVER PROTECTION.**

23 Section 2010(e) of the Water Resources Reform and
24 Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812)
25 is amended by striking “the Act of October 15, 1940 (33

1 *U.S.C. 701h-1)*” and inserting “*section 5 of the Act of June*
2 *22, 1936 (33 U.S.C. 701h)*”.

3 **SEC. 309. THEODORE SHIP CHANNEL, MOBILE, ALABAMA.**

4 (a) *IN GENERAL.*—*The project for navigation, Theo-*
5 *dore Ship Channel, Mobile Harbor, Alabama, authorized by*
6 *section 201 of the Flood Control Act of 1965 (42 U.S.C.*
7 *1962d-5), is revised to incorporate into the project the 40-*
8 *foot-deep, 1,320-foot-wide, and approximately 1,468.5-foot-*
9 *long access channel, extending north from stations 257+25*
10 *and 273+25 from the Theodore Channel, that was con-*
11 *structed for the former Naval Station Mobile, as a substitute*
12 *for the authorized but unconstructed 40-foot-deep, 300-foot-*
13 *wide, and 1,200-foot-long anchorage basin in the same loca-*
14 *tion, to serve the public terminal that replaced the former*
15 *Naval Station Mobile as obligated under the authorizations*
16 *for the project.*

17 (b) *TREATMENT.*—*The Secretary shall—*

18 (1) *consider construction of the access channel*
19 *described in subsection (a) to be complete; and*

20 (2) *assume maintenance of the access channel de-*
21 *scribed in subsection (a) for so long as the terminal*
22 *described in subsection (a) remains publicly owned.*

1 **SEC. 310. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION**
2 **SYSTEM.**

3 *Any Federal funds, regardless of the account from*
4 *which the funds were provided, used to carry out construc-*
5 *tion of the modification to the McClellan-Kerr Arkansas*
6 *River Navigation System, authorized in section 136 of the*
7 *Energy and Water Development Appropriations Act, 2004*
8 *(117 Stat. 1842), shall be considered by the Secretary as*
9 *initiating construction of the project such that future funds*
10 *will not require a new investment decision.*

11 **SEC. 311. OUACHITA AND BLACK RIVERS, ARKANSAS AND**
12 **LOUISIANA.**

13 *The project for navigation, Ouachita and Black Riv-*
14 *ers, Arkansas and Louisiana, authorized by section 101 of*
15 *the River and Harbor Act of 1960 (74 Stat. 481), is modi-*
16 *fied to include water supply as an authorized purpose.*

17 **SEC. 312. LAKE ISABELLA, CALIFORNIA.**

18 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
19 *that the Secretary, when evaluating alternative locations for*
20 *construction of a permanent Isabella Lake Visitor Center*
21 *by the Corps of Engineers to replace the facility impacted*
22 *by the Isabella Dam safety modification project, should af-*
23 *ford substantial weight to the site preference of the local*
24 *community.*

25 *(b) AUTHORITY.—The Secretary may acquire such in-*
26 *terests in real property as the Secretary determines nec-*

1 *essary or advisable to support construction of the Isabella*
2 *Dam safety modification project.*

3 (c) *TRANSFER.*—*The Secretary may transfer any real*
4 *property interests acquired under subsection (b) to any*
5 *other Federal agency or department without reimburse-*
6 *ment.*

7 (d) *ISABELLA DAM SAFETY MODIFICATION PROJECT*
8 *DEFINED.*—*In this section, the term “Isabella Dam safety*
9 *modification project” means the dam safety modification*
10 *project at the Isabella Reservoir in the San Joaquin Valley,*
11 *California (authorized by Act of December 22, 1944 (chap-*
12 *ter 665, 58 Stat. 901)), including the component of the*
13 *project relating to construction a visitor center facility.*

14 **SEC. 313. LOWER SAN JOAQUIN RIVER FLOOD CONTROL**
15 **PROJECT.**

16 *The Secretary shall align the schedules of, and maxi-*
17 *mize complimentary efforts, minimize duplicative practices,*
18 *and ensure coordination and information sharing with re-*
19 *spect to—*

20 (1) *the project for flood risk management, Lower*
21 *San Joaquin River, authorized by section 1401(2) of*
22 *the Water Resources Development Act of 2018 (132*
23 *Stat. 3836); and*

24 (2) *the second phase of the feasibility study for*
25 *the Lower San Joaquin River project for flood risk*

1 **SEC. 316. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
2 **AREA.**

3 (a) *IN GENERAL.*—Section 114 of the River and Har-
4 bor Act of 1968 (33 U.S.C. 59h) is amended to read as fol-
5 lows:

6 **“SEC. 114. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
7 **AREA.**

8 “(a) *AREA TO BE DECLARED NONNAVIGABLE.*—The
9 following area is declared to be nonnavigable waters of the
10 United States: All of that portion of the City and County
11 of San Francisco, California, lying shoreward of a line be-
12 ginning at the intersection of the southerly right of way
13 line of Earl Street prolongation with the Pierhead United
14 States Government Pierhead line, the Pierhead line as de-
15 fined in the State of California Harbor and Navigation
16 Code Section 1770, as amended in 1961; thence northerly
17 along said Pierhead line to its intersection with a line par-
18 allel with and distant 10 feet easterly from, the existing
19 easterly boundary line of Pier 30–32; thence northerly along
20 said parallel line and its northerly prolongation, to a point
21 of intersection with a line parallel with, and distant 10
22 feet northerly from, the existing northerly boundary of Pier
23 30–32; thence westerly along last said parallel line to its
24 intersection with said Pierhead line; thence northerly along
25 said Pierhead line, to the intersection of the easterly right

1 *of way line of Van Ness Avenue, formerly Marlette Street,*
2 *prolongation to the Pierhead line.*

3 “(b) *REQUIREMENT THAT AREA BE IMPROVED.*—*The*
4 *declaration of nonnavigability under subsection (a) applies*
5 *only to those parts of the area described in subsection (a)*
6 *that are or will be bulkheaded, filled, or otherwise occupied*
7 *or covered by permanent structures and does not affect the*
8 *applicability of any Federal statute or regulation that re-*
9 *lates to filling of navigable waters or to other regulated ac-*
10 *tivities within the area described in subsection (a), includ-*
11 *ing sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C.*
12 *401, 403), section 404 of the Federal Water Pollution Con-*
13 *trol Act, and the National Environmental Policy Act of*
14 *1969.*

15 “(c) *INCLUSION OF EMBARCADERO HISTORIC DIS-*
16 *TRICT.*—*Congress finds and declares that the area described*
17 *in subsection (a) contains the seawall, piers, and wharves*
18 *that comprise the Embarcadero Historic District listed on*
19 *the National Register of Historic Places on May 12, 2006.”.*

20 “(b) *CONFORMING AMENDMENT.*—*Section 5052 of the*
21 *Water Resources Development Act of 2007 (33 U.S.C. 59h-*
22 *1) is repealed.*

1 **SEC. 317. WESTERN PACIFIC INTERCEPTOR CANAL, SAC-**
2 **RAMENTO RIVER, CALIFORNIA.**

3 *The portion of the project for flood protection on the*
4 *Sacramento River, authorized by section 2 of the of March*
5 *1, 1917 (chapter 144, 39 Stat. 949; 45 Stat. 539; 50 Stat.*
6 *877; 55 Stat. 647; 80 Stat. 1422), consisting of the portion*
7 *of the levee from G.P.S. coordinate N2147673.584*
8 *E6690904.187 to N2147908.413 E6689057.060 associated*
9 *with the Western Pacific Interceptor Canal, is no longer*
10 *authorized beginning on the date of the enactment of this*
11 *Act.*

12 **SEC. 318. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
13 **PROGRAM, COLORADO, NEW MEXICO, AND**
14 **TEXAS.**

15 *Section 5056(f) of the Water Resources Development*
16 *Act of 2007 (Public Law 110–114, 121 Stat. 1213; 128 Stat.*
17 *1314) is amended by striking “2019” and inserting “2029”.*

18 **SEC. 319. NEW LONDON HARBOR WATERFRONT CHANNEL,**
19 **CONNECTICUT.**

20 *(a) IN GENERAL.—The portion of the project for navi-*
21 *gation, New London Harbor, Connecticut, authorized by the*
22 *first section of the Act of June 13, 1902 (chapter 1079, 32*
23 *Stat. 333), described in subsection (b) is no longer author-*
24 *ized beginning on the date of enactment of this Act.*

25 *(b) AREA DESCRIBED.—The area referred to in sub-*
26 *section (a) is generally the portion between and around the*

1 2 piers at the State Pier in New London, specifically the
2 area—

3 (1) beginning at a point N691263.78,
4 E1181259.26;

5 (2) running N 35°01'50.75" W about 955.59 feet
6 to a point N692046.26, E1180710.74;

7 (3) running N 54°58'06.78" E about 100.00 feet
8 to a point N692103.66, E1180792.62;

9 (4) running S 35°01'50.75" E about 989.8 feet
10 to a point N691293.17, E1181360.78; and

11 (5) running S 73°51'15.45" W about 105.69 feet
12 to the point described in paragraph (1).

13 **SEC. 320. WILMINGTON HARBOR, DELAWARE.**

14 *It is the sense of Congress that the Corps of Engineers*
15 *should maintain the annual maintenance dredging for Wil-*
16 *mington Harbor, Delaware, authorized by the Act of June*
17 *3, 1896 (chapter 314, 29 Stat. 207).*

18 **SEC. 321. WILMINGTON HARBOR SOUTH DISPOSAL AREA,**
19 **DELAWARE.**

20 (a) *FINDING.*—*For the purposes of applying section*
21 *217(b) of the Water Resources Development Act of 1996 (33*
22 *U.S.C. 2326a(b)) to the Wilmington Harbor South Disposal*
23 *Area, Delaware, the Secretary shall find that the standard*
24 *has been met for the Edgemoor expansion of the Port of*
25 *Wilmington, Delaware.*

1 **(b) USE.**—*Any use of the Wilmington Harbor South*
2 *Disposal Area permitted by the Secretary under section*
3 *217(b) for the Edgemoor Expansion of the Port of Wil-*
4 *mington shall not otherwise reduce the availability of ca-*
5 *capacity, in dredged material disposal facilities under the ju-*
6 *risdiction of the Secretary that were constructed before the*
7 *date of enactment of this Act, for operation and mainte-*
8 *nance of—*

9 **(1) the Delaware River Mainstem and Channel**
10 *Deepening project, Delaware, New Jersey, and Penn-*
11 *sylvania, authorized by section 101(6) of the Water*
12 *Resources Development Act of 1992 (106 Stat. 4802);*
13 *or*

14 **(2) the Delaware River, Philadelphia to the Sea,**
15 *project, Delaware, New Jersey, Pennsylvania, author-*
16 *ized by the Act of June 25, 1910 (chapter 382, 36*
17 *Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68*
18 *Stat. 1249; 72 Stat. 297).*

19 **(c) FEE.**—*The Secretary shall impose on the non-Fed-*
20 *eral interest for the Edgemoor Expansion of the Port of Wil-*
21 *mington a fee, under section 217(b)(1)(B) of the Water Re-*
22 *sources Development Act of 1996 (33 U.S.C.*
23 *2326a(b)(1)(B)), to recover capital, operation, and mainte-*
24 *nance costs associated with any use by the non-Federal in-*
25 *terest of capacity in the Wilmington Harbor South Disposal*

1 *Area permitted by the Secretary under section 217(b) of the*
2 *Water Resources Development Act of 1996 pursuant to sub-*
3 *section (a) of this section.*

4 (d) *AGREEMENT TO PAY.—In accordance with section*
5 *217(a) of the Water Resources Development Act of 1996 (33*
6 *U.S.C. 2326a(a)), if, to accommodate the dredged materials*
7 *from operation and maintenance of the Edgemoor Expans-*
8 *ion of the Port of Wilmington, the Secretary provides addi-*
9 *tional capacity at the Wilmington Harbor South Disposal*
10 *Area, the non-Federal interest for the Edgemoor Expansion*
11 *of the Port of Wilmington shall agree to pay, during the*
12 *period of construction, all costs associated with the con-*
13 *struction of the additional capacity.*

14 **SEC. 322. WASHINGTON HARBOR, DISTRICT OF COLUMBIA.**

15 *Beginning on the date of enactment of this Act, the*
16 *project for navigation, Washington Harbor, District of Co-*
17 *lumbia, authorized by the Act of August 30, 1935 (chapter*
18 *831, 49 Stat. 1031), is modified to reduce, in part, the au-*
19 *thorized dimensions of the project, such that the remaining*
20 *authorized dimensions are as follows:*

21 (1) *A 200-foot-wide, 12-foot-deep channel with a*
22 *center line beginning at a point East 1,317,064.30*
23 *and North 440,373.32, thence to a point East*
24 *1,316,474.30 and North 440,028.31, thence to a point*

1 *East 1,315,584.30 and North 439,388.30, thence to a*
2 *point East 1,315,259.31 and North 438,908.30.*

3 (2) *A 200- to 300-foot-wide, 12-foot-deep transi-*
4 *tion area, with a center line beginning at a point*
5 *East 1,315,259.31 and North 438,908.30 to a point*
6 *East 1,315,044.31 and North 438,748.30.*

7 (3) *A 300-foot-wide, 15-foot-deep channel with a*
8 *centerline beginning a point East 1,315,044.31 and*
9 *North 438,748.30, thence to a point East 1,314,105.31*
10 *and North 438,124.79, thence to a point East*
11 *1,311,973.30 and North 438,807.78, thence to a point*
12 *East 1,311,369.73 and North 438,577.42, thence to a*
13 *point East 1,311,015.73 and North 438,197.57, thence*
14 *to a point East 1,309,713.47 and North 435,678.91.*

15 (4) *A 300- to 400-foot-wide, 15- to 24-foot-deep*
16 *transition area, with a center line beginning at a*
17 *point East 1,309,713.47 and North 435,678.91 to a*
18 *point East 1,307,709.33 and North 434,488.25.*

19 (5) *A 400-foot-wide, 24-foot-deep channel with a*
20 *centerline beginning at a point East 1,307,709.33 and*
21 *North 434,488.25, thence to a point East 1,307,459.33*
22 *and North 434,173.25, thence to a point East*
23 *1,306,476.82 and North 432,351.28, thence to a point*
24 *East 1,306,209.79 and North 431,460.21, thence to a*

1 *point at the end of the channel near Hains Point*
2 *East 1,305,997.63 and North 429,978.31.*

3 **SEC. 323. BIG CYPRESS SEMINOLE INDIAN RESERVATION**
4 **WATER CONSERVATION PLAN, FLORIDA.**

5 *(a) IN GENERAL.—The project for ecosystem restora-*
6 *tion, Big Cypress Seminole Indian Reservation Water Con-*
7 *servaion Plan, Florida, authorized pursuant to section 528*
8 *of the Water Resources Development Act of 1996 (110 Stat.*
9 *3767), is no longer authorized beginning on the date of en-*
10 *actment of this Act.*

11 *(b) SAVINGS PROVISION.—Nothing in this section af-*
12 *fects the responsibility of the Secretary to pay any damages*
13 *awarded by the Armed Services Board of Contract Appeals,*
14 *or by a court of competent jurisdiction, to a contractor re-*
15 *lating to the adjudication of claims arising from construc-*
16 *tion of the project described in subsection (a).*

17 **SEC. 324. CENTRAL EVERGLADES, FLORIDA.**

18 *The project for ecosystem restoration, Central Ever-*
19 *glades, authorized by section 1401(4) of the Water Resources*
20 *Development Act of 2016 (130 Stat. 1713), is modified to*
21 *include the project for ecosystem restoration, Central and*
22 *Southern Florida, Everglades Agricultural Area, authorized*
23 *by section 1308 of the Water Resources Development Act*
24 *of 2018 (132 Stat. 3819), and to authorize the Secretary*

1 *to carry out the project, as so combined, at a total combined*
2 *cost of \$4,362,091,000.*

3 **SEC. 325. MIAMI RIVER, FLORIDA.**

4 *The portion of the project for navigation, Miami River,*
5 *Florida, authorized by the Act of July 3, 1930 (46 Stat.*
6 *925; 59 Stat. 16; 74 Stat. 481; 100 Stat. 4257), beginning*
7 *at the existing railroad bascule bridge and extending ap-*
8 *proximately 1,000 linear feet upstream to an existing salin-*
9 *ity barrier and flood control structure, is no longer author-*
10 *ized beginning on the date of enactment of this Act.*

11 **SEC. 326. JULIAN KEEN, JR. LOCK AND DAM, MOORE HAVEN,**
12 **FLORIDA.**

13 *(a) DESIGNATION.—The Moore Haven Lock and Dam,*
14 *Moore Haven, Florida, authorized pursuant to the Act of*
15 *July 3, 1930 (chapter 847, 46 Stat. 925; 49 Stat. 1032),*
16 *shall be known and designated as the “Julian Keen, Jr.*
17 *Lock and Dam”.*

18 *(b) REFERENCES.—Any reference in a law, map, regu-*
19 *lation, document, paper, or other record of the United*
20 *States to the Lock and Dam referred to in subsection (a)*
21 *shall be deemed to be a reference to the “Julian Keen, Jr.*
22 *Lock and Dam”.*

1 **SEC. 327. TAYLOR CREEK RESERVOIR AND LEVEE L-73 (SEC-**
2 **TION 1), UPPER ST. JOHNS RIVER BASIN,**
3 **FLORIDA.**

4 *The portions of the project for flood control and other*
5 *purposes, Central and Southern Florida, authorized by sec-*
6 *tion 203 of the Flood Control Act of 1948 (62 Stat. 1176),*
7 *consisting of the Taylor Creek Reservoir and Levee L-73,*
8 *Section 1, within the Upper St. Johns River Basin, Flor-*
9 *ida, are no longer authorized beginning on the date of en-*
10 *actment of this Act.*

11 **SEC. 328. EXTINGUISHMENT OF FLOWAGE EASEMENTS,**
12 **ROUGH RIVER LAKE, KENTUCKY.**

13 *(a) IN GENERAL.—Subject to the availability of appro-*
14 *priations and on request of the landowner, the Secretary*
15 *shall extinguish any flowage easement or portion of a flow-*
16 *age easement held by the United States on developed land*
17 *of the landowner at Rough River Lake, Kentucky—*

18 *(1) that is above 534 feet mean sea level; and*

19 *(2) for which the Secretary determines the flow-*
20 *age easement or portion of the flowage easement is not*
21 *required to address backwater effects.*

22 *(b) NO LIABILITY.—The United States shall not be lia-*
23 *ble for any damages to property or injuries to persons from*
24 *flooding that may be attributable to the operation and*
25 *maintenance of Rough River Dam, Kentucky, on land that*

1 *was encumbered by a flowage easement extinguished under*
2 *subsection (a).*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$10,000,000, to remain available until expended.*

6 **SEC. 329. CALCASIEU RIVER AND PASS, LOUISIANA.**

7 *Not later than 120 days after the date of enactment*
8 *of this Act, the Secretary shall provide to the Committee*
9 *on Transportation and Infrastructure of the House of Rep-*
10 *resentatives and the Committee on Environment and Public*
11 *Works of the Senate a report on plans to modify the*
12 *Calcasieu River and Pass Dredged Material Management*
13 *Plan and Supplemental Environmental Impact Statement*
14 *(November 22, 2010 DMMP/SEIS) to allow for the expan-*
15 *sion of Dredged Material Placement Facilities (DMPFs) 17,*
16 *19, 22, D, and E to the lakeside foreshore rock boundaries*
17 *during planned rehabilitation of these facilities.*

18 **SEC. 330. CAMDEN HARBOR, MAINE.**

19 (a) *IN GENERAL.—The portions of the project for navi-*
20 *gation, Camden Harbor, Maine, described in subsection (b)*
21 *are no longer authorized beginning on the date of enactment*
22 *of this Act.*

23 (b) *PORTIONS DESCRIBED.—The portions referred to*
24 *in subsection (a) are the following:*

1 (1) *The portion of the 10-foot-deep inner harbor*
2 *area, authorized by the first section of the Act of*
3 *March 3, 1873 (chapter 233, 17 Stat. 565; 25 Stat.*
4 *400), approximately 50,621.75 square feet in area—*

5 (A) *starting at a point with coordinates*
6 *N197,640.07, E837,851.71;*

7 (B) *thence running S84°43' 23.94''W about*
8 *381.51 feet to a point with coordinates*
9 *N197,604.98, E837,471.82;*

10 (C) *thence running N43°47' 51.43''W about*
11 *270.26 feet to a point with coordinates*
12 *N197,800.05, E837,284.77;*

13 (D) *thence running S59°02' 26.62''E about*
14 *219.18 feet to a point with coordinates*
15 *N197,687.30, E837,472.72;*

16 (E) *thence running S81°50' 09.76''E about*
17 *144.70 feet to a point with coordinates*
18 *N197,666.75, E837,615.96;*

19 (F) *thence running N57°27' 07.42''E about*
20 *317.32 feet to a point with coordinates*
21 *N197,866.52, E837,928.96; and*

22 (G) *thence running S18°50' 04.48''W about*
23 *239.27 feet to the point described in subpara-*
24 *graph (A).*

1 (2) *The portion of the 14-foot-deep outer harbor*
2 *area, authorized by the first section of the Act of Au-*
3 *gust 11, 1888 (25 Stat. 400; 32 Stat. 331), approxi-*
4 *mately 222,015.94 square feet in area—*

5 (A) *starting at a point with coordinates*
6 *N197,640.07, E837,851.71;*

7 (B) *thence running N18°50' 04.48"E about*
8 *239.27 feet to a point with coordinates*
9 *N197,866.53, E837,928.96;*

10 (C) *thence running N58°28' 51.05"E about*
11 *308.48 feet to a point with coordinates*
12 *N198,027.79, E838,191.93;*

13 (D) *thence running N84°20' 01.88"E about*
14 *370.06 feet to a point with coordinates*
15 *N198,064.33, E838,560.18;*

16 (E) *thence running S05°32' 03.42"E about*
17 *357.31 feet to a point with coordinates*
18 *N197,708.68, E838,594.64; and*

19 (F) *thence running S84°43' 23.94"W about*
20 *746.08 feet to the point described in subpara-*
21 *graph (A).*

22 **SEC. 331. CAPE PORPOISE HARBOR, MAINE, ANCHORAGE**
23 **AREA DESIGNATION.**

24 (a) *IN GENERAL.—The project for navigation, Cape*
25 *Porpoise Harbor, Maine, authorized by section 101 of the*

1 *River and Harbor Act of 1948 (62 Stat. 1172), is modified*
2 *to designate the portion of the project described in sub-*
3 *section (b) as a 6-foot-deep anchorage.*

4 (b) *PORTION DESCRIBED.—The portion of the project*
5 *referred to in subsection (a) is the approximately*
6 *192,235.63 square foot area consisting of the 100-foot-wide*
7 *and 6-foot-deep channel located within the inner harbor—*

8 (1) *starting at a point with coordinates N*
9 *194,175.13, E 2,882,011.74;*

10 (2) *thence running N33°46' 08.14"W about*
11 *914.57 feet to a point with coordinates N 194,935.40,*
12 *E 2,881,503.38;*

13 (3) *thence running N12°41' 09.78"W about*
14 *1,026.40 feet to a point with coordinates N*
15 *195,936.74, E 2,881,277.97;*

16 (4) *thence running N77°18' 50.22"E about*
17 *100.00 feet to a point with coordinates N 195,958.70,*
18 *E 2,881,375.53;*

19 (5) *thence running S12°41' 09.78"E about*
20 *1,007.79 feet to a point with coordinates N*
21 *194,975.52, E 2,881,596.85;*

22 (6) *thence running S33°46' 08.14"E about*
23 *895.96 feet to a point with coordinates N 194,230.72,*
24 *E 2,882,094.86; and*

1 (7) *thence running S56°13' 51.86''W about*
2 *100.00 feet to the point described in paragraph (1).*

3 **SEC. 332. BALTIMORE, MARYLAND.**

4 *The Secretary is authorized, in accordance with sec-*
5 *tion 5 of Act of June 22, 1936 (33 U.S.C. 701h), to accept*
6 *funds contributed by a non-Federal interest for dredging on*
7 *irregular cycles of the Baltimore Inner Harbor Approach*
8 *Channel, Baltimore Harbor and Channels Federal naviga-*
9 *tion project, authorized by section 101 of the River and*
10 *Harbor Act of 1958 (72 Stat. 297).*

11 **SEC. 333. THAD COCHRAN LOCK AND DAM, AMORY, MIS-**
12 **SISSIPPI.**

13 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
14 *that Thad Cochran, whose selfless determination and tire-*
15 *less work, while serving as a congressman and United*
16 *States Senator from Mississippi for 45 years, contributed*
17 *greatly to the realization and success of the Tennessee-*
18 *Tombigbee Waterway.*

19 (b) *DESIGNATION.—The navigation lock known as the*
20 *“Amory Lock”, located at mile 371 on the Tennessee-*
21 *Tombigbee Waterway, Mississippi, and the dam associated*
22 *with such lock, shall be known and designated as the “Thad*
23 *Cochran Lock and Dam”.*

24 (c) *REFERENCES.—Any reference in a law, map, regu-*
25 *lation, document, paper, or other record of the United*

1 *States to the lock and dam referred to in subsection (b) shall*
2 *be deemed to be a reference to the “Thad Cochran Lock and*
3 *Dam”.*

4 **SEC. 334. MISSOURI RIVER RESERVOIR SEDIMENT MANAGE-**
5 **MENT.**

6 *Section 1179(a) of the Water Resources Development*
7 *Act of 2016 (130 Stat. 1675; 132 Stat. 3782) is amended—*

8 *(1) in paragraph (3)—*

9 *(A) in subparagraph (B), by inserting*
10 *“project purposes, including” before “storage ca-*
11 *capacity”; and*

12 *(B) in subparagraph (C), by striking “pre-*
13 *liminary”;*

14 *(2) by redesignating paragraphs (4) through (9)*
15 *as paragraphs (6) through (11), respectively; and*

16 *(3) by inserting after paragraph (3) the fol-*
17 *lowing:*

18 *“(4) JUSTIFICATION.—In determining the eco-*
19 *nomical justification of a sediment management plan*
20 *under paragraph (2), the Secretary shall—*

21 *“(A) measure and include flooding, erosion,*
22 *and accretion damages both upstream and down-*
23 *stream of the reservoir that are likely to occur as*
24 *a result of sediment management within the res-*
25 *ervoir compared to the damages that are likely*

1 to occur if the sediment management plan is not
2 implemented; and

3 “(B) include lifecycle costs and a 100-year
4 period of analysis.

5 “(5) *IMPLEMENTATION.*—As part of a sediment
6 management plan under paragraph (2), and in ac-
7 cordance with paragraph (10), the Secretary may
8 carry out sediment removal activities at reservoirs
9 owned and operated by the Secretary in the Upper
10 Missouri River Basin, or at reservoirs for which the
11 Secretary has flood control responsibilities under sec-
12 tion 7 of the Act of December 22, 1944 (33 U.S.C.
13 709), in the Upper Missouri River Basin, in accord-
14 ance with section 602 of the Water Resources Develop-
15 ment Act of 1986 (100 Stat. 4148; 110 Stat. 3758;
16 113 Stat. 295; 121 Stat. 1076) as if those reservoirs
17 were listed in subsection (a) of that section.”.

18 **SEC. 335. PORTSMOUTH, NEW HAMPSHIRE.**

19 The Secretary shall expedite the activities required to
20 be carried out under section 204 of the Water Resources De-
21 velopment Act of 1992 (33 U.S.C. 2326) regarding the use
22 of improvement dredging of the Portsmouth Federal naviga-
23 tion project in Portsmouth, New Hampshire, carried out
24 pursuant to section 3 of the Act of August 13, 1946 (33
25 U.S.C. 426g), as a source of clean beach fill material to

1 *reinforce the stone revetment at Nantasket Beach, Hull,*
2 *Massachusetts.*

3 **SEC. 336. RAHWAY FLOOD RISK MANAGEMENT FEASIBILITY**
4 **STUDY, NEW JERSEY.**

5 *The Secretary shall—*

6 *(1) nullify the determination of the North Atlan-*
7 *tic Division of the Corps of Engineers that further ac-*
8 *tivities to carry out the feasibility study for a project*
9 *for flood risk management, Rahway, New Jersey, au-*
10 *thorized by the resolution of the Committee on Trans-*
11 *portation and Infrastructure of the House of Rep-*
12 *resentatives adopted on March 24, 1998 (docket num-*
13 *ber 2548), is not warranted;*

14 *(2) identify an acceptable alternative to the*
15 *project described in paragraph (1) that could receive*
16 *Federal support; and*

17 *(3) carry out, and expedite the completion of, a*
18 *feasibility study for the acceptable alternative identi-*
19 *fied under paragraph (2).*

20 **SEC. 337. SAN JUAN-CHAMA PROJECT; ABIQUIU DAM, NEW**
21 **MEXICO.**

22 *(a) ABIQUIU RESERVOIR.—Section 5(b) of Public Law*
23 *97–140 (43 U.S.C. 620a note) is amended by striking “a*
24 *total of two hundred thousand acre-feet of”.*

1 (b) *WATER STORAGE AT ABIQUIU DAM, NEW MEX-*
2 *ICO.—Section 1 of Public Law 100–522 (43 U.S.C. 620a*
3 *note) is amended—*

4 (1) *by striking “200,000 acre-feet of”;*

5 (2) *by inserting “and San Juan-Chama project”*
6 *after “Rio Grande system”; and*

7 (3) *by striking “, in lieu of the water storage au-*
8 *thorized by section 5 of Public Law 97–140, to the ex-*
9 *tent that contracting entities under section 5 of Pub-*
10 *lic Law 97–140 no longer require such storage”.*

11 (c) *WATER STORAGE.—The Secretary shall—*

12 (1) *store up to elevation 6230.00 NGVD29 at*
13 *Abiquiu Dam, New Mexico, to the extent that the nec-*
14 *essary real property interests have been acquired by*
15 *any entity requesting such storage; and*

16 (2) *amend the March 20, 1986, contract between*
17 *the United States of America and the Albuquerque*
18 *Bernalillo County Water Utility Authority (assigned*
19 *by the City of Albuquerque, New Mexico to the Albu-*
20 *querque Bernalillo County Water Utility Authority)*
21 *for water storage space in Abiquiu Reservoir to allow*
22 *for storage by the Albuquerque Bernalillo County*
23 *Water Utility Authority of San Juan-Chama project*
24 *water or native Rio Grande system water up to ele-*
25 *vation 6230.00 NGVD29.*

1 (d) *STORAGE AGREEMENTS WITH USERS OTHER*
2 *THAN THE ALBUQUERQUE BERNALILLO COUNTY WATER*
3 *UTILITY AUTHORITY.—The Secretary shall—*

4 (1) *retain or enter into new agreements with en-*
5 *tities for a proportionate allocation of 29,100 acre-feet*
6 *of storage space pursuant to section 5 of Public Law*
7 *97-140; and*

8 (2) *amend or enter into new storage agreements*
9 *for storage of San Juan-Chama project water or na-*
10 *tive Rio Grande system water up to the space allo-*
11 *cated for each entity's proportionate share of San*
12 *Juan-Chama water.*

13 (e) *OPERATIONS DOCUMENTS.—The Secretary shall*
14 *amend or revise any existing operations documents, includ-*
15 *ing the Water Control Manual or operations plan for*
16 *Abiquiu Reservoir, as necessary to meet the requirements*
17 *of this section.*

18 (f) *LIMITATIONS.—In carrying out this section, the fol-*
19 *lowing limitations shall apply:*

20 (1) *The storage of native Rio Grande system*
21 *water shall be subject to the provisions of the Rio*
22 *Grande Compact and the resolutions of the Rio*
23 *Grande Compact Commission.*

24 (2) *The storage of native Rio Grande system*
25 *water shall only be authorized to the extent that the*

1 *necessary water ownership and storage rights have*
2 *been acquired by the entity requesting such storage.*

3 (3) *The storage of native Rio Grande system*
4 *water or San-Juan Chama project water shall not*
5 *interfere with the authorized purposes of the Abiquiu*
6 *Dam and Reservoir project.*

7 (4) *Each user of storage space, regardless of*
8 *source of water, shall pay for any increase in costs at-*
9 *tributable to storage of that user's water.*

10 **SEC. 338. FLUSHING BAY AND CREEK FEDERAL NAVIGATION**

11 **CHANNEL, NEW YORK.**

12 (a) *IN GENERAL.*—*The portion of the project for navi-*
13 *gation, Flushing Bay and Creek, New York, authorized by*
14 *the first section of the Act of March 3, 1905 (chapter 1482,*
15 *33 Stat. 1120; 52 Stat. 803; 76 Stat. 1174), described in*
16 *subsection (b) is no longer authorized beginning on the date*
17 *of enactment of this Act.*

18 (b) *PORTION DESCRIBED.*—*The portion referred to in*
19 *subsection (a) is the portion from river mile 2.5 to river*
20 *mile 2.9, as bounded by—*

21 (1) *the coordinates of—*

22 (A) *Latitude North 40° 45' 45.61" Lon-*
23 *gitude West 73° 50' 20.19";*

24 (B) *Latitude North 40° 45' 47.02" Lon-*
25 *gitude West 73° 50' 10.80";*

1 (b) *LOWER BRANCH RUSH RIVER.*—*The project for*
2 *flood control, Lower Branch Rush River, North Dakota,*
3 *carried out under section 205 of the Flood Control Act of*
4 *1948 (33 U.S.C. 701s), known as Cass County Drain No.*
5 *2, is no longer authorized beginning on the date of enact-*
6 *ment of this Act.*

7 **SEC. 340. PAWCATUCK RIVER, LITTLE NARRAGANSETT BAY**
8 **AND WATCH HILL COVE, RHODE ISLAND AND**
9 **CONNECTICUT.**

10 *Beginning on the date of enactment of this Act, that*
11 *portion of the project for navigation, Pawcatuck River, Lit-*
12 *tle Narragansett Bay and Watch Hill Cove, Rhode Island*
13 *and Connecticut, authorized by section 2 of the Act of*
14 *March 2, 1945 (chapter 19, 59 Stat. 13), consisting of a*
15 *10-foot-deep, 16-acre anchorage area in Watch Hill Cove*
16 *is no longer authorized.*

17 **SEC. 341. HARRIS COUNTY, TEXAS.**

18 *Section 575 of the Water Resources Development Act*
19 *of 1996 (110 Stat. 3789; 113 Stat. 311; 121 Stat. 1253)*
20 *is repealed.*

21 **SEC. 342. CAP SANTE WATERWAY, WASHINGTON.**

22 *Beginning on the date of enactment of this Act, the*
23 *project for navigation, Cap Sante Waterway and Naviga-*
24 *tion Channel, Skagit County, Washington, authorized by*
25 *the Act of March 2, 1919 (chapter 95, 40 Stat. 1285), is*

1 *modified to deauthorize the portion of the project consisting*
2 *of an approximately 334,434-foot area of the Federal chan-*
3 *nel within Anacortes Harbor inside and directly adjacent*
4 *to the Federal breakwater and training wall structure,*
5 *starting at a point with coordinates N557015.552,*
6 *E1210819.619, thence running S88 13'2.06"E approxi-*
7 *mately 200 feet to a point with coordinates N557009.330,*
8 *E1211019.522, thence running S01 46'58.08"W approxi-*
9 *mately 578 feet to a point with coordinates N556431.405,*
10 *E1211001.534, thence running S49 49'50.23"W approxi-*
11 *mately 69 feet to a point with coordinates N556387.076,*
12 *E1210949.002, thence running S51 53'0.25"E approxi-*
13 *mately 35 feet to a point with coordinates N556365.662,*
14 *E1210976.316, thence running S49 38'58.48"W approxi-*
15 *mately 112 feet to a point with coordinates N556292.989,*
16 *E1210890.775, thence running N88 13'1.87"W approxi-*
17 *mately 109 feet to a point with coordinates N556296.367,*
18 *E1210782.226, thence running S46 46'58.97"W approxi-*
19 *mately 141 feet to a point with coordinates N556199.527,*
20 *E1210679.164, thence running N88 13'1.77"W approxi-*
21 *mately 700 feet to a point with coordinates N556221.305,*
22 *E1209979.502, thence running N01 46'58.08"E approxi-*
23 *mately 250 feet to a point with coordinates N556471.184,*
24 *E1209987.280, thence running S88 13'1.77"E approxi-*
25 *mately 815 feet to a point with coordinates N556445.828,*

1 *E1210801.886, thence running N01 46'58.08"E approxi-*
2 *mately 570 feet to the point of origin.*

3 **SEC. 343. LOCAL GOVERNMENT RESERVOIR PERMIT RE-**
4 **VIEW.**

5 *Section 1119(b) of the Water Resources Development*
6 *Act of 2018 (33 U.S.C. 2347 note) is amended by striking*
7 *“owned or operated by the Secretary”.*

8 **SEC. 344. PROJECT MODIFICATIONS FOR IMPROVEMENT OF**
9 **ENVIRONMENT.**

10 *Section 1203(g) of the Water Resources Development*
11 *Act of 2018 (132 Stat. 3805) is amended, in the matter*
12 *preceding paragraph (1), by striking “For fiscal years 2019*
13 *and 2020” and inserting “Until September 30, 2024”.*

14 **SEC. 345. AQUATIC ECOSYSTEM RESTORATION.**

15 *For fiscal years 2021 through 2024, in carrying out*
16 *section 206 of the Water Resources Development Act of 1996*
17 *(33 U.S.C. 2330), the Secretary shall give priority to a*
18 *project to restore and protect an aquatic ecosystem or estu-*
19 *ary that—*

20 *(1) is located in the South Platte River Basin;*

21 *(2) is located on a body of water that is identi-*
22 *fied by the applicable State pursuant to section*
23 *303(d) of the Federal Water Pollution Control Act (33*
24 *U.S.C. 1313(d)) as being impaired;*

1 (3) *has the potential to provide flood risk man-*
2 *agement and recreational benefits in addition to eco-*
3 *system restoration benefits; and*

4 (4) *is located in a city with a population of*
5 *80,000 or less.*

6 **SEC. 346. SURPLUS WATER CONTRACTS AND WATER STOR-**
7 **AGE AGREEMENTS.**

8 *Section 1046(c)(3) of the Water Resources Reform and*
9 *Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784)*
10 *is amended by striking “12” and inserting “16”.*

11 **SEC. 347. NO WAKE ZONES IN NAVIGATION CHANNELS.**

12 *Section 1149 of the Water Resources Development Act*
13 *of 2016 (33 U.S.C. 1223 note) amended—*

14 (1) *by striking “recreational” in each place it*
15 *appears and inserting “covered”; and*

16 (2) *by amending subsection (c) to read as fol-*
17 *lows:*

18 “(c) *DEFINITIONS.—In this section:*

19 “(1) *COVERED NAVIGATION CHANNEL.—The term*
20 *‘covered navigation channel’ means a navigation*
21 *channel that—*

22 “(A) *is federally marked or maintained;*

23 “(B) *is part of the Atlantic Intracoastal*
24 *Waterway; and*

25 “(C) *is adjacent to a marina.*

1 “(2) *COVERED VESSEL*.—The term ‘covered ves-
2 *sel*’ means a recreational vessel or an uninspected
3 *passenger vessel*, as such terms are defined in section
4 2101 of title 46, United States Code.”.

5 **SEC. 348. LIMITATION ON CONTRACT EXECUTION IN THE**
6 **ARKANSAS RIVER BASIN.**

7 (a) *DEFINITION OF COVERED CONTRACT*.—In this sec-
8 *tion*, the term “covered contract” means a contract between
9 any local governmental entity and the Secretary for water
10 supply storage in a Federal or non-Federal hydropower lake
11 within the Arkansas River Basin.

12 (b) *LIMITATION*.—For any new covered contract for a
13 hydropower lake that is entered into during the period be-
14 ginning on the date of enactment of this Act and ending
15 on December 31, 2022, a local governmental entity shall
16 not pay more than 110 percent of the initial principal cost
17 for the acre-feet being sought for the new covered contract
18 for that hydropower lake.

19 **SEC. 349. WAIVER OF NON-FEDERAL SHARE OF DAMAGES**
20 **RELATED TO CERTAIN CONTRACT CLAIMS.**

21 In a case in which the Armed Services Board of Con-
22 tract Appeals or other court of competent jurisdiction has
23 rendered a decision during the period beginning on Decem-
24 ber 1, 2017, and ending on December 31, 2022, awarding
25 damages to a contractor relating to the adjudication of

1 *claims arising from the construction of an authorized water*
2 *resources development project, notwithstanding the terms of*
3 *the Project Partnership Agreement, the Secretary shall*
4 *waive payment of the share of the non-Federal interest of*
5 *those damages, including attorney's fees, if—*

6 *(1)(A) the contracting officer was instructed by*
7 *the Corps of Engineers to modify the terms of the con-*
8 *tract or terminate the contract; and*

9 *(B) the Armed Services Board of Contract Ap-*
10 *peals or other court of competent jurisdiction deter-*
11 *mined that the failure of the contracting officer to*
12 *timely take the action described in subparagraph (A)*
13 *was a material breach of the contract that resulted in*
14 *damages to the contractor awarded by the Armed*
15 *Services Board of Contract Appeals or the court, as*
16 *applicable; or*

17 *(2) the claims arose from construction of a*
18 *project deauthorized under this title.*

19 **SEC. 350. REDUCED PRICING FOR CERTAIN WATER SUPPLY**

20 **STORAGE.**

21 *Section 322 of the Water Resources Development Act*
22 *of 1990 (33 U.S.C. 2324) is amended—*

23 *(1) in subsection (b), by striking “2,000,000”*
24 *and inserting “3,000,000”; and*

25 *(2) in subsection (g)—*

1 (A) by striking the period at the end and
2 inserting “; or”;

3 (B) by striking “means a community” and
4 inserting the following: “means—
5 “(1) a community”; and

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

7 “(2) a regional water system that serves a popu-
8 lation of less than 100,000, for which the per capita
9 income is less than the per capita income of not less
10 than 50 percent of the counties in the United States.”.

11 **SEC. 351. FLOOD CONTROL AND OTHER PURPOSES.**

12 Section 103(k) of the Water Resources Development Act
13 of 1986 (33 U.S.C. 2213) is amended—

14 (1) by striking “Except as” and inserting the fol-
15 lowing:

16 “(1) *IN GENERAL.*—*Except as*”; and

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

18 “(2) *RENEGOTIATION OF TERMS.*—

19 “(A) *IN GENERAL.*—*At the request of a non-*
20 *Federal interest, the Secretary and the non-Fed-*
21 *eral interest may renegotiate the terms and con-*
22 *ditions of an eligible deferred payment, includ-*
23 *ing—*

1 “(i) *permitting the non-Federal con-*
2 *tribution to be made without interest, pur-*
3 *suant to paragraph (1);*

4 “(ii) *recalculation of the interest rate;*

5 “(iii) *full or partial forgiveness of in-*
6 *terest accrued during the period of construc-*
7 *tion; and*

8 “(iv) *a credit against construction in-*
9 *terest for a non-Federal investment that*
10 *benefits the completion or performance of*
11 *the project or separable element.*

12 “(B) *ELIGIBLE DEFERRED PAYMENT.—An*
13 *eligible deferred payment agreement under sub-*
14 *paragraph (A) is an agreement for which—*

15 “(i) *the non-Federal contribution was*
16 *made with interest;*

17 “(ii) *the period of project construction*
18 *exceeds 10 years from the execution of a*
19 *project partnership agreement or appro-*
20 *priation of funds; and*

21 “(iii) *the construction interest exceeds*
22 *\$45,000,000.*

23 “(3) *CREDIT FOR NON-FEDERAL CONTRIBU-*
24 *TION.—*

1 “(A) *IN GENERAL.*—*The Secretary is au-*
2 *thorized to credit any costs incurred by the non-*
3 *Federal interest (including in-kind contribu-*
4 *tions) to remedy a design or construction defi-*
5 *ciency of a covered project or separable element*
6 *toward the non-Federal share of the cost of the*
7 *covered project, if the Secretary determines the*
8 *remedy to be integral to the completion or per-*
9 *formance of the covered project.*

10 “(B) *CREDIT OF COSTS.*—*If the non-Federal*
11 *interest incurs costs or in-kind contributions for*
12 *a project to remedy a design or construction defi-*
13 *ciency of a project or separable element which*
14 *has a 100 percent Federal cost share, and the*
15 *Secretary determines the remedy to be integral to*
16 *the completion or performance of the project, the*
17 *Secretary is authorized to credit such costs to*
18 *any interest accrued on a deferred non-Federal*
19 *contribution.*

20 “(4) *TREATMENT OF PRE-PAYMENT.*—*Notwith-*
21 *standing a deferred payment agreement with a non-*
22 *Federal interest, the Secretary shall accept, without*
23 *interest of any type, the repayment of a non-Federal*
24 *contribution for any eligible deferred payment de-*
25 *scribed in paragraph (2)(B) for which—*

1 “(A) the non-Federal interest makes a pay-
2 ment of at least \$200 million for that eligible de-
3 ferred payment agreement on or before Sep-
4 tember 30, 2021; and

5 “(B) the non-Federal interest repays the re-
6 maining principal by September 30, 2023.”.

7 **SEC. 352. ADDITIONAL ASSISTANCE FOR CRITICAL**
8 **PROJECTS.**

9 (a) *CONSISTENCY WITH REPORTS.*—Congress finds
10 that the project modifications described in this section are
11 in accordance with the reports submitted to Congress by the
12 Secretary under section 7001 of the Water Resources Reform
13 and Development Act of 2014 (33 U.S.C. 2282d), titled “Re-
14 port to Congress on Future Water Resources Development”,
15 or have otherwise been reviewed by Congress.

16 (b) *MODIFICATIONS.*—

17 (1) *SACRAMENTO AREA, CALIFORNIA.*—Section
18 219(f)(23) of the Water Resources Development Act of
19 1992 (106 Stat. 4835; 113 Stat. 336; 117 Stat. 1840)
20 is amended to read as follows:

21 “(23) *SACRAMENTO AREA, CALIFORNIA.*—
22 \$45,000,000 for regional water conservation, recy-
23 cling, reliability, and resiliency projects in Placer, El
24 Dorado, and Sacramento Counties and the San Juan
25 Suburban Water District, California.”.

1 (2) *SOUTH PERRIS, CALIFORNIA.*—Section
2 219(f)(52) of the Water Resources Development Act of
3 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat.
4 2763A–220) is amended by striking “ \$25,000,000”
5 and inserting “ \$50,000,000”.

6 (3) *MADISON AND ST. CLAIR COUNTIES, ILLI-*
7 *NOIS.*—Section 219(f)(55) of the Water Resources De-
8 velopment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
9 114 Stat. 2763A–221) is amended by striking “
10 \$10,000,000” and inserting “ \$45,000,000”.

11 (4) *SOUTHERN AND EASTERN KENTUCKY.*—Sec-
12 tion 531 of the Water Resources Development Act of
13 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142;
14 121 Stat. 1226) is amended—

15 (A) in subsection (g), by inserting “Boyd,
16 Carter, Elliott, Lincoln,” after “Lee,”; and

17 (B) in subsection (h), by striking “
18 \$40,000,000” and inserting “ \$100,000,000”.

19 (5) *DESOTO COUNTY, MISSISSIPPI.*—Section
20 219(f)(30) of the Water Resources Development Act of
21 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat.
22 2763A–220; 119 Stat. 282; 119 Stat. 2257; 122 Stat.
23 1623) is amended by striking “ \$75,000,000” and in-
24 serting “ \$130,000,000”.

1 (6) *JACKSON COUNTY, MISSISSIPPI.—Section 219*
2 *of the Water Resources Development Act of 1992 (106*
3 *Stat. 4835; 110 Stat. 3757; 113 Stat. 1494; 121 Stat.*
4 *1258) is amended—*

5 (A) *in subsection (c)(5), by striking “water*
6 *supply and” and inserting “water supply,*
7 *projects for stormwater and drainage systems,*
8 *and”;* and

9 (B) *in subsection (e)(1), by striking “*
10 *\$32,500,000” and inserting “ \$57,500,000”.*

11 (7) *ST. LOUIS, MISSOURI.—Section 219(f)(32) of*
12 *the Water Resources Development Act of 1992 (106*
13 *Stat. 4835; 113 Stat. 337; 121 Stat. 1233) is amend-*
14 *ed by striking “ \$35,000,000” and inserting “*
15 *\$70,000,000”.*

16 (8) *MIDWEST CITY, OKLAHOMA.—Section*
17 *219(f)(231) of the Water Resources Development Act*
18 *of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat.*
19 *1266) is amended by striking “ \$2,000,000” and in-*
20 *serting “ \$5,000,000”.*

21 (9) *SOUTH CENTRAL PENNSYLVANIA.—Section*
22 *313 of the Water Resources Development Act of 1992*
23 *(106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113*
24 *Stat. 310; 117 Stat. 142; 121 Stat. 1146) is amend-*
25 *ed—*

1 (A) in subsection (g)(1), by striking “
2 \$200,000,000” and inserting “ \$400,000,000”;
3 and

4 (B) in subsection (h)(2), by inserting “Bea-
5 ver, Jefferson,” after “Washington,”.

6 (10) LAKES MARION AND MOULTRIE, SOUTH
7 CAROLINA.—Section 219(f)(25) of the Water Resources
8 Development Act of 1992 (106 Stat. 4835; 113 Stat.
9 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat.
10 1677; 132 Stat. 3818) is amended by striking “
11 \$89,550,000” and inserting “ \$110,000,000”.

12 (11) EL PASO COUNTY, TEXAS.—Section
13 219(f)(269) of the Water Resources Development Act
14 of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat.
15 1268) is amended by striking “ \$25,000,000” and in-
16 serting “ \$75,000,000”.

17 (12) WESTERN RURAL WATER.—Section 595 of
18 the Water Resources Development Act of 1999 (113
19 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat.
20 1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat. 2851;
21 128 Stat. 1316; 130 Stat. 1681) is amended—

22 (A) by striking the section heading and in-
23 serting “**WESTERN RURAL WATER.**”;

24 (B) in subsection (b), by inserting “Ari-
25 zona,” before “rural Idaho”;

1 (C) in subsection (c), by inserting “Ari-
2 zona,” before “Idaho”; and

3 (D) in subsection (i), by striking “for the
4 period beginning with fiscal year 2001,
5 \$435,000,000, to remain available until ex-
6 pended.” and inserting the following: “, to re-
7 main available until expended—

8 “(1) for the period beginning with fiscal year
9 2001, \$435,000,000 for Idaho, Montana, rural Ne-
10 vada, New Mexico, rural Utah, and Wyoming; and

11 “(2) \$150,000,000 for Arizona.”.

12 (13) *CENTRAL WEST VIRGINIA.*—Section 571(h)
13 of the Water Resources Development Act of 1999 (113
14 Stat. 371; 121 Stat. 1257) is amended by striking “
15 \$20,000,000” and inserting “ \$100,000,000”.

16 (14) *SOUTHERN WEST VIRGINIA.*—Section 340(g)
17 of the Water Resources Development Act of 1992 (106
18 Stat. 4856; 110 Stat. 3727; 113 Stat. 320) is amend-
19 ed by striking “ \$40,000,000” and inserting “
20 \$120,000,000”.

21 (c) *LOWELL CREEK TUNNEL, SEWARD, ALASKA.*—Sec-
22 tion 5032(a)(2) of the Water Resources Development Act of
23 2007 (Public Law 110–114, 121 Stat. 1205) is amended
24 by striking “15” and inserting “20”.

1 (d) *CAPE ARUNDEL DISPOSAL SITE, MAINE.*—Section
2 1312 of the Water Resources Development Act of 2018 (132
3 Stat. 3821) is amended by striking “December 31, 2021”
4 and inserting “September 30, 2024”.

5 **SEC. 353. PROJECT MODIFICATION AUTHORIZATIONS.**

6 (a) *WATER SUPPLY.*—The following project modifica-
7 tions for water supply, as identified in the report entitled
8 “Report to Congress on Future Water Resources Develop-
9 ment” dated February 2019, and submitted to Congress on
10 June 3, 2019, pursuant to section 7001 of the Water Re-
11 sources Reform and Development Act of 2014 (33 U.S.C.
12 2282d) or otherwise reviewed by Congress, are authorized
13 to be carried out by the Secretary substantially in accord-
14 ance with the recommendations included in such report
15 pursuant to section 301(c) of the Water Supply Act of 1958
16 (43 U.S.C. 390b(c)) and as follows:

17 (1) *CLARENCE CANNON DAM AND MARK TWAIN*
18 *LAKE PROJECT, SALT RIVER, MISSOURI.*—

19 (A) *IN GENERAL.*—The project for Clarence
20 Cannon Dam and Mark Twain Lake Project,
21 Salt River, Missouri, authorized by section 203
22 of the Flood Control Act of 1962 (76 Stat. 1189;
23 79 Stat. 1089; 95 Stat. 1684), is modified to re-
24 lease 5,600 acre-feet of future use water supply
25 storage to the Federal Government under water

1 *supply contract No. DACW43-88-C-0036, and*
2 *future financial obligations for such volume of*
3 *storage.*

4 (B) *RELIEF OF CERTAIN OBLIGATIONS.—*
5 *Upon execution of the amendment required by*
6 *subparagraph (C), the State of Missouri shall be*
7 *relieved of the obligation to pay the percentage of*
8 *the annual operation and maintenance expense,*
9 *the percentage of major replacement cost, and the*
10 *percentage of major rehabilitation costs, of the*
11 *joint use facilities of the project described in sub-*
12 *paragraph (A), that are attributable to water*
13 *supply storage space not being used by the State*
14 *during the period before the State commences use*
15 *of the storage space.*

16 (C) *AMENDMENT TO CONTRACT.—The Sec-*
17 *retary shall amend Water Supply Contract No.*
18 *DACW43-88-C-0036, dated March 10, 1988, be-*
19 *tween the United States and the State of Mis-*
20 *souri, to implement the modifications required*
21 *under subparagraphs (A) and (B).*

22 (2) *CITY OF PLATTSBURG.—*

23 (A) *IN GENERAL.—The project for Smith-*
24 *ville Lake, Missouri, authorized pursuant to sec-*
25 *tion 204 of the Flood Control Act of 1965 (79*

1 *Stat. 1080), is modified to release the City of*
2 *Plattsburg, Missouri, from—*

3 *(i) 8,850 acre-feet of future water sup-*
4 *ply storage contracts; and*

5 *(ii) future financial obligations for the*
6 *volume of storage described in clause (i).*

7 *(B) AMENDMENT TO CONTRACT.—The Sec-*
8 *retary shall amend water supply contract No.*
9 *DACW41-73-C-0008, between the United States*
10 *and the State of Missouri, to implement the*
11 *modifications under subparagraph (A).*

12 *(3) CITY OF SMITHVILLE.—*

13 *(A) IN GENERAL.—The project for Smith-*
14 *ville Lake, Missouri, authorized pursuant to sec-*
15 *tion 204 of the Flood Control Act of 1965 (79*
16 *Stat. 1080), is modified to release the City of*
17 *Smithville, Missouri, from—*

18 *(i) 6,000 acre-feet of future water sup-*
19 *ply storage contracts; and*

20 *(ii) future financial obligations for the*
21 *volume of storage described in clause (i).*

22 *(B) AMENDMENT TO CONTRACT.—The Sec-*
23 *retary shall amend water supply contract No.*
24 *DACW-41-73-C-0007, between the United*

1 *States and the State of Missouri, to implement*
2 *the modifications under subparagraph (A).*

3 **(b) FLOOD RISK MANAGEMENT.**—*The following project*
4 *modifications for flood risk management, as identified in*
5 *a report entitled “Report to Congress on Future Water Re-*
6 *sources Development”, and submitted to Congress pursuant*
7 *to section 7001 of the Water Resources Reform and Develop-*
8 *ment Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed*
9 *by Congress, are authorized to be carried out by the Sec-*
10 *retary:*

11 (1) *Modification of the project for flood risk*
12 *management, lower Mississippi River, authorized by*
13 *the Act of May 15, 1928 (chapter 569, 45 Stat. 534),*
14 *to incorporate the Wolf River Backwater and*
15 *Nonconnah Creek levee systems into the project, au-*
16 *thorized by section 5 of the Act of June 22, 1936*
17 *(chapter 688, 49 Stat. 1575; 50 Stat. 881), subject to*
18 *the determination of the Secretary that such systems*
19 *meet all requirements applicable to such project.*

20 (2) *Modification of the project for flood risk*
21 *management, Red River below Denison Dam, Arkan-*
22 *sas, Louisiana, and Texas, authorized by the Act of*
23 *June 28, 1938 (chapter 795, 52 Stat. 1219), to incor-*
24 *porate the Cherokee Park Levee into the project, sub-*
25 *ject to the determination of the Secretary that such*

1 (3) *COOS BAY NORTH JETTY SYSTEM, OREGON.*—
2 *The Secretary shall expedite, in coordination with*
3 *State and local authorities and stakeholders, the com-*
4 *pletion of maintenance and repair activities for those*
5 *elements of the Coos Bay North Jetty system, Oregon,*
6 *authorized by the first section of the Act of January*
7 *21, 1927 (chapter 47, 44 Stat. 1014), that are oper-*
8 *ated and maintained by the Secretary.*

9 (4) *INDIAN RIVER INLET AND BAY, DELAWARE.*—
10 *The Secretary shall expedite, in coordination with*
11 *State and local authorities, the completion of mainte-*
12 *nance and repair activities for the elements of the*
13 *project for navigation, Indian River Inlet and Bay,*
14 *Delaware, authorized by the Act of August 26, 1937*
15 *(chapter 832, 50 Stat. 846), that are operated and*
16 *maintained by the Secretary.*

17 (b) *SAVINGS PROVISION.*—*Nothing in this section af-*
18 *fects the responsibility of the Secretary to comply with the*
19 *requirements of any Federal law in carrying out the activi-*
20 *ties required to be expedited by this section.*

21 **SEC. 355. PROJECT REAUTHORIZATIONS.**

22 (a) *IN GENERAL.*—

23 (1) *MUDDY RIVER, MASSACHUSETTS.*—*The sepa-*
24 *rable elements for ecosystem restoration of the project*
25 *for flood damage reduction and environmental res-*

1 *toration, Muddy River, Brookline and Boston, Massa-*
2 *chusetts, authorized by section 522 of the Water Re-*
3 *sources Development Act of 2000 (114 Stat. 2656),*
4 *and deauthorized pursuant to section 6001 of the*
5 *Water Resources Reform and Development Act of*
6 *2014 (128 Stat. 1345), are authorized to be carried*
7 *out by the Secretary, subject to subsection (b).*

8 (2) *EAST CHESTER CREEK, NEW YORK.—Not-*
9 *withstanding section 1001 of the Water Resources De-*
10 *velopment Act of 1986 (33 U.S.C. 579a), the project*
11 *for navigation, East Chester Creek, New York, author-*
12 *ized by section 101 of the River and Harbor Act of*
13 *1950 (64 Stat. 164; 100 Stat. 4181), and deauthor-*
14 *ized pursuant to section 1001 of the Water Resources*
15 *Development Act of 1986 (33 U.S.C. 579(a)), is au-*
16 *thorized to be carried out by the Secretary, subject to*
17 *subsection (b).*

18 (3) *CHRISTIANSTED HARBOR, UNITED STATES*
19 *VIRGIN ISLANDS.—Notwithstanding section 1002 of*
20 *the Water Resources Development Act of 1986 (100*
21 *Stat. 4221), the portion of the project for navigation,*
22 *Christiansted Harbor, St. Croix, United States Virgin*
23 *Islands, authorized by section 101 of the River and*
24 *Harbor Act of 1950 (64 Stat. 167), and deauthorized*
25 *under section 1002 of the Water Resources Develop-*

1 *ment Act of 1986 (100 Stat. 4221), is authorized to*
2 *be carried out by the Secretary, subject to subsection*
3 *(b).*

4 (4) *CHARLOTTE AMALIE (ST. THOMAS) HARBOR,*
5 *UNITED STATES VIRGIN ISLANDS.—Notwithstanding*
6 *section 1002 of the Water Resources Development Act*
7 *of 1986 (100 Stat. 4221), the portion of the project for*
8 *navigation, Charlotte Amalie (St. Thomas) Harbor,*
9 *St. Thomas, United States Virgin Islands, authorized*
10 *by the Act of August 26, 1937 (chapter 832, 50 Stat.*
11 *850), and deauthorized under section 1002 of the*
12 *Water Resources Development Act of 1986 (100 Stat.*
13 *4221), is authorized to be carried out by the Sec-*
14 *retary, subject to subsection (b).*

15 (b) *REPORT TO CONGRESS.—The Secretary shall com-*
16 *plete and submit to the Committee on Transportation and*
17 *Infrastructure of the House of Representatives and the Com-*
18 *mittee on Environment and Public Works of the Senate a*
19 *post-authorization change report (as such term is defined*
20 *in section 1132(d) of the Water Resources Development Act*
21 *of 2016 (33 U.S.C. 2282e(d)) prior to carrying out a project*
22 *identified in subsection (a).*

23 **SEC. 356. CONVEYANCES.**

24 (a) *GENERALLY APPLICABLE PROVISIONS.—*

1 (1) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—
2 *The exact acreage and the legal description of any*
3 *real property to be conveyed under this section shall*
4 *be determined by a survey that is satisfactory to the*
5 *Secretary.*

6 (2) *APPLICABILITY OF PROPERTY SCREENING*
7 *PROVISIONS.*—*Section 2696 of title 10, United States*
8 *Code, shall not apply to any conveyance under this*
9 *section.*

10 (3) *COSTS OF CONVEYANCE.*—*An entity to which*
11 *a conveyance is made under this section shall be re-*
12 *sponsible for all reasonable and necessary costs, in-*
13 *cluding real estate transaction and environmental*
14 *documentation costs, associated with the conveyance.*

15 (4) *LIABILITY.*—*An entity to which a conveyance*
16 *is made under this section shall hold the United*
17 *States harmless from any liability with respect to ac-*
18 *tivities carried out, on or after the date of the convey-*
19 *ance, on the real property conveyed. The United*
20 *States shall remain responsible for any liability with*
21 *respect to activities carried out, before such date, on*
22 *the real property conveyed.*

23 (5) *ADDITIONAL TERMS AND CONDITIONS.*—*The*
24 *Secretary may require that any conveyance under*
25 *this section be subject to such additional terms and*

1 *conditions as the Secretary considers necessary and*
2 *appropriate to protect the interests of the United*
3 *States.*

4 **(b) EUFAULA, ALABAMA.—**

5 **(1) CONVEYANCE AUTHORIZED.—***The Secretary*
6 *shall convey to the City of Eufaula, Alabama, all*
7 *right, title, and interest of the United States in and*
8 *to the real property described in the Department of*
9 *the Army Lease No. DACW01-2-17-0747, containing*
10 *56.76 acres, more or less, and being a part of Tracts*
11 *L-1268 (26.12 acres), L-1273 (13.71 acres), L-1278*
12 *(6.75 acres), and L1279 (10.36 acres) of the Walter*
13 *F. George Lock and Dam and Lake project.*

14 **(2) DEED.—***The Secretary shall convey the prop-*
15 *erty under this subsection by quitclaim deed under*
16 *such terms and conditions as the Secretary deter-*
17 *mines appropriate to protect the interests of the*
18 *United States.*

19 **(3) CONSIDERATION.—***The City of Eufaula, Ala-*
20 *bama, shall pay to the Secretary an amount that is*
21 *not less than the fair market value of the property*
22 *conveyed under this subsection, as determined by the*
23 *Secretary.*

24 **(c) MONTGOMERY, ALABAMA.—**

1 (1) *CONVEYANCE AUTHORIZED.*—*The Secretary*
2 *shall convey to the City of Montgomery, Alabama, all*
3 *right, title, and interest of the United States in and*
4 *to the real property described in paragraph (2).*

5 (2) *PROPERTY.*—*The property to be conveyed is*
6 *the 62.38 acres of land and water under the primary*
7 *jurisdiction of the Secretary in the R.E. “Bob” Wood-*
8 *ruff Project Area that is covered by lease number*
9 *DACW01–1–05–0037, including the parcels and*
10 *structure known as “Powder Magazine”.*

11 (3) *DEADLINE.*—*To the extent practicable, the*
12 *Secretary shall complete the conveyance under this*
13 *subsection by not later than 180 days after the date*
14 *of enactment of this Act.*

15 (4) *DEED.*—*The Secretary shall convey the prop-*
16 *erty under this subsection by quitclaim deed under*
17 *such terms and conditions as the Secretary deter-*
18 *mines appropriate to protect the interests of the*
19 *United States, to include retaining the right to inun-*
20 *date with water any land transferred under this sub-*
21 *section.*

22 (5) *CONSIDERATION.*—*The City of Montgomery,*
23 *Alabama, shall pay to the Secretary an amount that*
24 *is not less than the fair market value of the property*

1 *conveyed under this subsection, as determined by the*
2 *Secretary.*

3 (d) *CONVEYANCE OF WILMINGTON HARBOR NORTH*
4 *DISPOSAL AREA, DELAWARE.—*

5 (1) *IN GENERAL.—As soon as practicable, the*
6 *Secretary shall complete the conveyance of the Wil-*
7 *mington Harbor North Disposal Area confined dis-*
8 *posal facility, Delaware, to the State of Delaware.*

9 (2) *DEED.—The Secretary shall convey the prop-*
10 *erty under this subsection by quitclaim deed under*
11 *such terms and conditions as the Secretary deter-*
12 *mines appropriate to protect the interests of the*
13 *United States.*

14 (3) *CONSIDERATION.—The State of Delaware*
15 *shall pay to the Secretary an amount that is not less*
16 *than the fair market value of the property conveyed*
17 *under this subsection, as determined by the Secretary.*

18 (e) *OHIO RIVER LOCK AND DAM NUMBER 52, MASSAC*
19 *COUNTY, ILLINOIS.—*

20 (1) *CONVEYANCE AUTHORIZED.—The Secretary*
21 *shall convey to the Massac-Metropolis Port District,*
22 *Illinois, all right, title, and interest of the United*
23 *States in and to any real property located north of*
24 *the south bank of the Ohio River in Massac County,*

1 *Illinois, that is associated with the Ohio River Lock*
2 *and Dam 52.*

3 (2) *DEED.*—*The Secretary shall convey the prop-*
4 *erty under this subsection by quitclaim deed under*
5 *such terms and conditions as the Secretary deter-*
6 *mines appropriate to protect the interests of the*
7 *United States.*

8 (3) *CONSIDERATION.*—*The Massac-Metropolis*
9 *Port District, Illinois, shall pay to the Secretary an*
10 *amount that is not less than fair market value of the*
11 *property conveyed under this subsection, as deter-*
12 *mined by the Secretary.*

13 (f) *UPPER ST. ANTHONY FALLS LOCK AND DAM, MIN-*
14 *NEAPOLIS, MINNESOTA.*—

15 (1) *CONVEYANCE AUTHORIZED.*—*As soon as*
16 *practicable after the date of enactment of this Act, the*
17 *Secretary shall, upon request—*

18 (A) *convey, without consideration, to the*
19 *City of Minneapolis, Minnesota, or its designee,*
20 *all or substantially all of the real property*
21 *owned by the United States adjacent to or in the*
22 *vicinity of the Upper St. Anthony Falls Lock*
23 *and Dam, subject to the right of the Secretary to*
24 *retain any easements in such property solely to*
25 *the extent necessary to continue to operate and*

1 *maintain the Upper St. Anthony Falls Lock and*
2 *Dam; and*

3 *(B) provide, without consideration, to the*
4 *City or its designee—*

5 *(i) access and use rights by license,*
6 *easement, or similar agreement, to any real*
7 *property and structures at the site of the*
8 *Upper St. Anthony Falls Lock and Dam*
9 *that is not conveyed under subparagraph*
10 *(A); and*

11 *(ii) for any such property retained by*
12 *the Secretary, exclusive license or easement*
13 *over such property to allow the City or its*
14 *designee to construct, use, and operate*
15 *amenities thereon, and to utilize such prop-*
16 *erty as a comprehensive recreational,*
17 *touristic, and interpretive experience.*

18 (2) *OWNERSHIP AND OPERATION OF LOCK AND*
19 *DAM.—Ownership rights to the Upper St. Anthony*
20 *Falls Lock and Dam shall not be conveyed under this*
21 *subsection, and the Secretary shall retain all rights to*
22 *operate and maintain the Upper St. Anthony Falls*
23 *Lock and Dam.*

24 (3) *REVERSION.—If the Secretary determines*
25 *that the property conveyed under this subsection is*

1 *not used for a public purpose, all right, title, and in-*
2 *terest in and to the property shall revert, at the dis-*
3 *cretion of the Secretary, to the United States.*

4 (4) *UPPER ST. ANTHONY FALLS LOCK AND DAM*
5 *DEFINED.—In this subsection, the term “Upper St.*
6 *Anthony Falls Lock and Dam” means the lock and*
7 *dam located on Mississippi River Mile 853.9 in Min-*
8 *neapolis, Minnesota.*

9 (g) *CLINTON, MISSOURI.—*

10 (1) *CONVEYANCE AUTHORIZED.—The Secretary*
11 *shall convey to the City of Clinton, Missouri, without*
12 *consideration, all right, title, and interest of the*
13 *United States in and to the real property described*
14 *in paragraph (2).*

15 (2) *PROPERTY.—The property to be conveyed is*
16 *a tract of land situated in the S 1/2 of Section 12 and*
17 *the N 1/2 of Section 13, Township 41 North, Range 26*
18 *West of the Fifth Principal Meridian, Henry County,*
19 *Missouri, more particularly described as follows: Be-*
20 *ginning at the point of intersection of the north line*
21 *of said S 1/2 of Section 12 and the easterly right-of-*
22 *way of State Highway No. 13; thence easterly along*
23 *the north line of said S 1/2 to the northeast corner of*
24 *the W 1/2 NW 1/4 NE 1/4 SW 1/4 of said Section 12;*
25 *thence southerly along the east line of said W 1/2 NW*

1 $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the southeast corner thereof;
2 thence easterly along the north line of the S $\frac{1}{2}$ NE
3 $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 12 to the southwest corner
4 of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12;
5 thence in a northeasterly direction to the northeast
6 corner of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence
7 easterly along the north line of said S $\frac{1}{2}$ to the west-
8 erly right-of-way of the County Road; thence in a
9 southeasterly and southerly direction along the west-
10 erly right-of-way of said County Road approximately
11 2500 feet to the center of Deer Creek; thence in a
12 southwesterly direction along the center of said Deer
13 Creek, approximately 3900 feet to the south line of
14 said N $\frac{1}{2}$ of Section 13; thence westerly along the
15 south line of said N $\frac{1}{2}$ to the easterly right-of-way
16 line of the St. Louis-San Francisco Railroad; thence
17 in a northwesterly direction along the easterly right-
18 of-way of said railroad to the easterly right-of-way of
19 said State Highway No. 13; thence in a northeasterly
20 direction along the easterly right-of-way of said State
21 Highway No. 13 to the point of the beginning; and
22 including a roadway easement for ingress and egress,
23 described as a strip of land 80 feet in width, lying
24 40 feet on each side of the following described line, the
25 initial extremities of the following described strip

1 *being extended or reduced as required to exactly ad-*
2 *join the boundary lines which they meet, situated in*
3 *the S 1/2 of Section 12, Township 41 North Range 26*
4 *West of the Fifth Principal Meridian, Henry County,*
5 *Missouri, more particularly described as follows:*
6 *Commencing at the center of said Section 12, thence*
7 *S1°24'56"W, 1265.52 feet to a point, thence*
8 *N88°29'02"W, 483.97 feet to the point of beginning of*
9 *the strip of land herein described; thence in a north-*
10 *easterly direction along a curve to the right, said*
11 *curve having an initial tangent bearing of*
12 *N3°44'41"E, a radius of 238.73 feet and an interior*
13 *angle of 61°29'26", an arc distance of 256.21 feet to*
14 *a point; thence N65°14'07"E 218.58 feet to a point;*
15 *thence in a northeasterly direction along a curve to*
16 *the left, having a radius of 674.07 feet and an inte-*
17 *rior angle of 36°00'01", an arc distance of 423.53 feet*
18 *to a point; thence N29°14'07"E, 417.87 feet to a*
19 *point; thence northeasterly along a curve to the right,*
20 *having a radius of 818.51 feet and an interior angle*
21 *of 14°30'01", an arc distance of 207.15 feet to a*
22 *point; thence N43°44'07"E, 57.00 feet to the southerly*
23 *right-of-way line of a county road, containing 2,948*
24 *acres, more or less; Excluding therefrom a tract of*
25 *land situated in the S 1/2 of said Section 12, said*

1 *Township and Range, described as commencing at the*
2 *center of said Section 12; thence S1°24'56"W, 1265.52*
3 *feet to the point of beginning of the tract of land here-*
4 *in described; thence N88°29'02"W, 1122.50 feet;*
5 *thence S1°43'26"W, 872.62 feet; thence S88°29'02"E,*
6 *1337.36 feet; thence N1°43'26"E, 872.62 feet; thence*
7 *N88°29'02"W, 214.86 feet to the point of beginning,*
8 *containing 26.79 acres, more or less. The above de-*
9 *scribed tract contains, in the aggregate, 177.69 acres,*
10 *more or less.*

11 (3) *DEED.*—*The Secretary shall convey the prop-*
12 *erty under this subsection by quitclaim deed under*
13 *such terms and conditions as the Secretary deter-*
14 *mines appropriate to protect the interests of the*
15 *United States.*

16 (4) *REVERSION.*—*If the Secretary determines*
17 *that the property conveyed under this subsection is*
18 *not being used for a public purpose, all right, title,*
19 *and interest in and to the property shall revert, at the*
20 *discretion of the Secretary, to the United States.*

21 (h) *CITY OF CLINTON, OLD ORCHARD ADDITION, MIS-*
22 *SOURI.*—

23 (1) *CONVEYANCE AUTHORIZED.*—*The Secretary*
24 *shall convey to the City of Clinton, Missouri, all*

1 *right, title, and interest of the United States in and*
2 *to the real property described in paragraph (2).*

3 (2) *PROPERTY.*—*The property to be conveyed is*
4 *Lot 28 in Old Orchard Addition, a subdivision of the*
5 *City of Clinton, Henry County, Missouri, containing*
6 *0.36 acres, more or less, including any improvements*
7 *thereon.*

8 (3) *DEED.*—*The Secretary shall convey the prop-*
9 *erty under this subsection by quitclaim deed under*
10 *such terms and conditions as the Secretary deter-*
11 *mines appropriate to protect the interests of the*
12 *United States, including such reservations, terms, and*
13 *conditions as the Secretary determines necessary to*
14 *allow the United States to operate and maintain the*
15 *Harry S. Truman Reservoir Project.*

16 (4) *CONSIDERATION.*—*The City of Clinton, Mis-*
17 *souri, shall pay to the Secretary an amount that is*
18 *not less than the fair market value of the property*
19 *conveyed under this subsection, as determined by the*
20 *Secretary.*

21 (i) *TRI-COUNTY LEVEE DISTRICT, MISSOURI.*—

22 (1) *CONVEYANCE AUTHORIZED.*—*The Secretary*
23 *shall convey to the Tri-County Levee District, Mis-*
24 *souri, all right, title, and interest of the United States*

1 *in and to the real property described in paragraph*
2 *(2).*

3 *(2) PROPERTY.—The property to be conveyed is*
4 *the part of Sections 1 and 12 Township 45 North*
5 *Range 6 West of the 5th P.M. in Montgomery County,*
6 *Missouri, described as follows: A tract of land being*
7 *60' wide and lying South and East of and adjoining*
8 *the centerline of the existing levee and being described*
9 *as follows: Commencing at the NW corner of Section*
10 *12, thence S 87° 52' 35" E 587.4', thence S 01° 29'*
11 *25" W 453.68' to the point of the beginning; said*
12 *point being in the center of the levee, thence with the*
13 *centerline of the levee N 77° 01' 30" E 164.92', thence*
14 *N 74° 26' 55" E 250.0', thence N 72° 27' 55" E*
15 *270.0', thence N 69° 06' 10" E 300.0', thence N 66°*
16 *42' 15" E 500.0', thence N 64° 14' 30" E 270.0',*
17 *thence N 61° 09' 10" E 800.0', thence N 60° 58' 15"*
18 *E 1724.45', thence leaving the centerline S 01° 10'*
19 *35" W 69.43', thence parallel with the above described*
20 *centerline S 60° 58' 15" W 1689.62', thence S 61° 09'*
21 *10" W 801.71', thence S 64° 14' 30" W 272.91',*
22 *thence S 66° 42' 15" W 502.55', thence S 69° 06' 10"*
23 *W 303.02', thence S 72° 27' 55" W 272.8', thence S*
24 *74° 26' 55" W 252.39', thence S 77° 01' 30" W*
25 *181.75', thence leaving the South side of the levee N*

1 01° 26' 25" E 61.96' to the point of beginning and
2 containing 5.89 acres more or less.

3 (3) *DEED.*—*The Secretary shall convey the prop-*
4 *erty under this subsection by quitclaim deed under*
5 *such terms and conditions as the Secretary deter-*
6 *mines appropriate to protect the interests of the*
7 *United States.*

8 (4) *CONSIDERATION.*—*The Tri-County Levee*
9 *District, Missouri, shall pay to the Secretary an*
10 *amount that is not less than the fair market value of*
11 *the property conveyed under this subsection, as deter-*
12 *mined by the Secretary.*

13 (j) *JUDGE JOSEPH BARKER, JR., HOUSE, OHIO.*—

14 (1) *NON-FEDERAL ENTITY.*—*In this subsection,*
15 *the term “non-Federal entity” means the Friends of*
16 *Joseph Barker, Jr., House, a nonprofit organization*
17 *in the State of Ohio.*

18 (2) *CONVEYANCE AUTHORIZED.*—

19 (A) *IN GENERAL.*—*Subject to paragraph*
20 *(6), the Secretary shall convey to the non-Federal*
21 *entity, without consideration, all right, title, and*
22 *interest of the United States in and to the prop-*
23 *erty described in paragraph (3)(A).*

24 (B) *EASEMENT.*—*Upon conveyance of the*
25 *property under subparagraph (A), the Secretary*

1 *shall provide to the non-Federal entity, without*
2 *consideration, an easement over the property de-*
3 *scribed in paragraph (3)(B) for access to the*
4 *conveyed property for as long as the non-Federal*
5 *entity is in legal possession of the conveyed prop-*
6 *erty.*

7 (3) *DESCRIPTIONS OF PROPERTY.—*

8 (A) *IN GENERAL.—The property referred to*
9 *in paragraph (2)(A) is the following (as in exist-*
10 *ence on the date of enactment of this Act):*

11 (i) *JUDGE JOSEPH BARKER, JR.,*
12 *HOUSE.—The tract of land situated in the*
13 *State of Ohio, Washington County, on the*
14 *Ohio River, and being particularly bounded*
15 *and described as follows: Beginning at a*
16 *point located on the southern right-of-way*
17 *line of Ohio Route 7, a new corner to the*
18 *land now or formerly owned by the United*
19 *States of America; thence, leaving the right-*
20 *of-way of said Route 7 and severing the*
21 *land of said United States of America par-*
22 *allel to and approximately 10 feet easterly*
23 *of the toe of the existing dredge disposal*
24 *berm, southeasterly approximately 326 feet*
25 *to a point prior to the current Corps of En-*

1 *gineers access to the dredging spoil area;*
2 *thence, northeasterly approximately 480 feet*
3 *paralleling the top of the slope to the river-*
4 *bank side of the house and approximately*
5 *25 feet northerly therefrom; thence, north-*
6 *west approximately 302 feet to a point in*
7 *the southern right-of-way of Ohio Route 7;*
8 *thence with the right-of-way of said Route*
9 *7, southwesterly approximately 485 feet to*
10 *the point of beginning, containing approxi-*
11 *mately 3.51 acres.*

12 *(ii) ROAD TRACT.—The tract of land*
13 *situated in the State of Ohio, Washington*
14 *County, on the Ohio River, and being par-*
15 *ticularly bounded and described as follows:*
16 *Beginning at a point located on the south-*
17 *ern right-of-way line of Ohio Route 7, a*
18 *new corner to the land now or formerly*
19 *owned by the United States of America;*
20 *thence, leaving the right-of-way of said*
21 *Route 7 and severing the land of said*
22 *United States of America and with the*
23 *House Parcel southeasterly 25 feet; thence,*
24 *northeast, running parallel to said Route 7*
25 *right-of-way, approximately 994 feet to a*

1 *point of deflection; thence northeasterly 368*
2 *feet to a point beyond the existing fence cor-*
3 *ner; thence, east 140 feet to the edge of the*
4 *existing Willow Island access road; thence*
5 *with said access road, northwesterly ap-*
6 *proximately 62 feet to a point in the south-*
7 *ern right-of-way of Ohio Route 7; thence*
8 *with the right-of-way of said Route 7,*
9 *southwesterly approximately 1,491 feet to*
10 *the point of beginning, containing approxi-*
11 *mately 1 acre.*

12 *(B) EASEMENT.—The property referred to*
13 *in paragraph (2)(B) is the following: The tract*
14 *of land situated in the State of Ohio, Wash-*
15 *ington County, on the Ohio River, and being*
16 *particularly bounded and described as follows:*
17 *Beginning at a point at the intersection of the*
18 *southern right-of-way of Ohio Route 7 and the*
19 *northeast side of the existing Willow Island ac-*
20 *cess road, a new corner to the land now or for-*
21 *merly owned by the United States of America;*
22 *thence, southwest, running with said Route 7*
23 *right-of-way, approximately 30 feet to a point on*
24 *the southwest side of the existing access road,*
25 *and corner to the road tract; thence with said ac-*

1 *cess road and the line of the road parcel, south-*
2 *easterly approximately 62 feet to a point; thence*
3 *leaving the road parcel and crossing the existing*
4 *access road northeasterly approximately 30 feet*
5 *to a point located on the northeast side of the ex-*
6 *isting access road; thence, northwesterly approxi-*
7 *mately 62 feet, to the point of beginning, con-*
8 *taining approximately 0.04 acre.*

9 (4) *DEED.*—*The Secretary shall convey the prop-*
10 *erty under this subsection by quitclaim deed under*
11 *such terms and conditions as the Secretary deter-*
12 *mines appropriate to protect the interests of the*
13 *United States.*

14 (5) *REVERSION.*—*If the Secretary determines*
15 *that the property conveyed under this subsection is*
16 *not being used by the non-Federal entity for a public*
17 *purpose, all right, title, and interest in and to the*
18 *property shall revert, at the discretion of the Sec-*
19 *retary, to the United States.*

20 (6) *REQUIREMENTS.*—

21 (A) *IMPROVEMENTS; ENVIRONMENTAL AS-*
22 *SESSMENT.*—

23 (i) *IMPROVEMENTS.*—*The Secretary*
24 *shall make such improvements and alter-*
25 *ations to the property described in para-*

1 *graph (3)(A)(i) as the Secretary, in con-*
2 *sultation with the non-Federal entity and*
3 *relevant stakeholders, determines to be ap-*
4 *propriate to facilitate conveyance of the*
5 *property and provision of the easement*
6 *under this subsection.*

7 *(ii) ENVIRONMENTAL ASSESSMENT.—*
8 *Before making a conveyance under para-*
9 *graph (2), the Secretary shall—*

10 *(I) conduct, with respect to the*
11 *property to be conveyed, an assessment*
12 *of the environmental condition of the*
13 *property, including an investigation of*
14 *any potential hazardous, toxic, or ra-*
15 *dioactive waste present on such prop-*
16 *erty; and*

17 *(II) submit to the non-Federal en-*
18 *tity a report describing the results of*
19 *such assessment.*

20 *(iii) LIMITATION.—The total cost of the*
21 *activities carried out by the Secretary under*
22 *this subparagraph shall be not more than*
23 *\$120,000.*

24 *(B) REFUSAL BY NON-FEDERAL ENTITY.—*

1 (i) *IN GENERAL.*—Upon review by the
2 *non-Federal entity of the report under sub-*
3 *paragraph (A)(i), the non-Federal entity*
4 *may elect to refuse the conveyance under*
5 *this subsection.*

6 (ii) *ELECTION.*—An election under
7 *clause (i)—*

8 (I) *shall be at the sole discretion*
9 *of the non-Federal entity; and*

10 (II) *shall be made by the non-Fed-*
11 *eral entity by not later than the date*
12 *that is 30 days after the date of sub-*
13 *mission of the report under subpara-*
14 *graph (A)(i)(II).*

15 (C) *DREDGED MATERIAL PLACEMENT AC-*
16 *TIVITIES.*—The Secretary shall—

17 (i) *notify and coordinate with the non-*
18 *Federal entity and relevant stakeholders be-*
19 *fore carrying out any dredged material*
20 *placement activities associated with the*
21 *property described in paragraph (3)(A)*
22 *after the date on which such property is*
23 *conveyed under this subsection; and*

24 (ii) *in carrying out a dredged material*
25 *placement activity under clause (i), act in*

1 *accordance with Engineer Manual EM*
2 *1110–2–5025 (or a subsequent version of*
3 *that manual).*

4 (7) *RESERVATION OF RIGHTS.—The Secretary*
5 *may reserve and retain from any conveyance under*
6 *this subsection a right-of-way or any other right that*
7 *the Secretary determines to be necessary for the oper-*
8 *ation and maintenance of the authorized Federal*
9 *channel along the Ohio River.*

10 (8) *TREATMENT.—Conveyance to the non-Fed-*
11 *eral entity under this subsection of property described*
12 *in paragraph (3)(A)(i) shall satisfy all obligations of*
13 *the Secretary with respect to such property under—*

14 (A) *section 306101 of title 54, United States*
15 *Code; and*

16 (B) *section 306108 of title 54, United States*
17 *Code, with respect to the effects on the property*
18 *of dredged material placement activities carried*
19 *out by the Secretary after the date of the convey-*
20 *ances.*

21 (9) *INAPPLICABILITY.—Subtitle I of title 40, and*
22 *chapter 4 of title 41, United States Code shall not*
23 *apply to any conveyance or easement provided under*
24 *this subsection.*

1 (k) *LEABURG FISH HATCHERY, LANE COUNTY, OR-*
2 *EGON.*—

3 (1) *CONVEYANCE AUTHORIZED.*—*Subject to the*
4 *provisions of this subsection, the Secretary shall con-*
5 *vey, without consideration, to the State of Oregon,*
6 *acting through the Oregon Department of Fish and*
7 *Wildlife, all right, title, and interest of the United*
8 *States in and to the real property comprising the*
9 *Leaburg Fish Hatchery, consisting of approximately*
10 *21.55 acres, identified as tracts Q-1500, Q-1501E,*
11 *and 300E-1 and described in Department of the*
12 *Army Lease No. DACW57-1-18-0009, together with*
13 *any improvements on the property.*

14 (2) *WATER RIGHTS.*—*The Secretary may trans-*
15 *fer to the State of Oregon, acting through the Oregon*
16 *Department of Fish and Wildlife, any water rights*
17 *held by the United States that are appurtenant to the*
18 *property conveyed under this subsection.*

19 (3) *DEED.*—*The Secretary shall convey the prop-*
20 *erty under this subsection by quitclaim deed under*
21 *such terms and conditions as the Secretary deter-*
22 *mines appropriate to protect the interests of the*
23 *United States, including a condition that all of the*
24 *property conveyed under this subsection be used and*

1 *maintained by the State of Oregon for the purpose of*
2 *operating a fish hatchery in perpetuity.*

3 (4) *REVERSION.—If the Secretary determines*
4 *that the property conveyed under this subsection is*
5 *not being used or maintained by the State of Oregon*
6 *for the purpose of operating a fish hatchery in per-*
7 *petuity, all or any portion of the property, including*
8 *any water rights transferred under this subsection,*
9 *shall, at the option of the Secretary, revert to the*
10 *United States.*

11 (5) *SAVINGS CLAUSE.—If the State of Oregon*
12 *does not accept the conveyance under this subsection,*
13 *the Secretary may dispose of the property, including*
14 *appurtenant water rights, under subchapter III of*
15 *chapter 5 of title 40, United States Code.*

16 (1) *WILLAMETTE FALLS LOCKS, WILLAMETTE RIVER,*
17 *OREGON.—*

18 (1) *DEFINITIONS.—In this section:*

19 (A) *REAL ESTATE APPENDIX.—The term*
20 *“real estate appendix” means Appendix A of the*
21 *document published by the District Commander*
22 *of the Portland District of the Corps of Engi-*
23 *neers, titled “Willamette Falls Locks Willamette*
24 *River Oregon Section 216 Disposition Study*
25 *with Integrated Environmental Assessment”.*

1 (B) *RECEIVING ENTITY*.—The term “receiving
2 entity” means an entity identified by the
3 State of Oregon, in consultation with the Wil-
4 lamette Falls Locks Commission, to receive the
5 conveyance under paragraph (2).

6 (C) *WILLAMETTE FALLS LOCKS PROJECT*.—
7 The term “Willamette Falls Locks project”
8 means the project for navigation, Willamette
9 Falls Locks, Willamette River, Oregon, author-
10 ized by the Act of June 25, 1910 (36 Stat. 664,
11 chapter 382).

12 (D) *WILLAMETTE FALLS LOCKS REPORT*.—
13 The term “Willamette Falls Locks report” means
14 the memorandum of the Director of Civil Works
15 with the subject “Willamette Falls Locks (WFL),
16 Willamette River Oregon Section 216 Disposi-
17 tion Study with Integrated Environmental As-
18 sessment (Study)”, dated July 11, 2019.

19 (2) *CONVEYANCE AUTHORIZED*.—The Secretary
20 is authorized to convey to the receiving entity, with-
21 out consideration, all right, title, and interest of the
22 United States in and to any land in which the Fed-
23 eral Government has a property interest for the Wil-
24 lamette Falls Locks project, together with any im-
25 provements on the land, subject to the requirements of

1 *this subsection and in accordance with the Willamette*
2 *Falls Locks report.*

3 (3) *DEED.*—*The Secretary shall convey the prop-*
4 *erty under this subsection by quitclaim deed under*
5 *such terms and conditions as the Secretary deter-*
6 *mines appropriate to protect the interests of the*
7 *United States.*

8 (4) *SUBJECT TO EXISTING EASEMENTS AND*
9 *OTHER INTERESTS.*—*The conveyance of property*
10 *under paragraph (2) shall be subject to all existing*
11 *deed reservations, easements, rights-of-way, and leases*
12 *that are in effect as of the date of the conveyance.*

13 (5) *REVERSION.*—*If the Secretary determines*
14 *that the property conveyed under this subsection cease*
15 *to be held in public ownership, all right, title, and in-*
16 *terest in and to the property shall revert, at the dis-*
17 *cretion of the Secretary, to the United States.*

18 (6) *REQUIREMENTS BEFORE CONVEYANCE.*—

19 (A) *PERPETUAL ROAD EASEMENT.*—*Before*
20 *making the conveyance under paragraph (2), the*
21 *Secretary shall acquire a perpetual road ease-*
22 *ment from an adjacent property owner for use of*
23 *an access road, which easement shall convey with*
24 *the property conveyed under such paragraph.*

1 (B) *ENVIRONMENTAL COMPLIANCE.*—Before
2 making the conveyance under paragraph (2), in
3 accordance with the real estate appendix, the
4 Secretary shall complete a Phase 1 Environ-
5 mental Site Assessment pursuant to the Com-
6 prehensive Environmental Response, Compensa-
7 tion, and Liability Act of 1980 (42 U.S.C. 9601
8 et seq.).

9 (C) *HISTORIC PRESERVATION.*—The Sec-
10 retary may enter into a memorandum of agree-
11 ment with the Oregon State Historic Preserva-
12 tion Office and the Advisory Council on Historic
13 Preservation that identifies actions the Secretary
14 shall take before making the conveyance under
15 paragraph (2).

16 (D) *REPAIRS.*—Before making the convey-
17 ance under paragraph (2), the Secretary shall
18 carry out repairs to address primary seismic
19 and safety risks in accordance with the rec-
20 ommendations approved in the Willamette Falls
21 Locks report.

22 (7) *DEAUTHORIZATION.*—Beginning on the date
23 on which the Secretary makes the conveyance under
24 paragraph (2), the Willamette Falls Locks project is
25 no longer authorized.

1 **SEC. 357. LAKE EUFAULA ADVISORY COMMITTEE.**

2 *Section 3133(b) of the Water Resources Development*
3 *Act of 2007 (121 Stat. 1141) is amended by adding at the*
4 *end the following:*

5 *“(5) TERMINATION.—The committee shall termi-*
6 *nate on the date that is 30 days after the date on*
7 *which the committee submits final recommendations*
8 *to the Secretary.”.*

9 **SEC. 358. REPEAL OF MISSOURI RIVER TASK FORCE, NORTH**
10 **DAKOTA.**

11 *(a) IN GENERAL.—Section 705 of the Water Resources*
12 *Development Act of 2000 (114 Stat. 2696) is repealed.*

13 *(b) CONFORMING AMENDMENTS.—*

14 *(1) PURPOSES.—Section 702(b)(3) of the Water*
15 *Resources Development Act of 2000 (114 Stat. 2695)*
16 *is amended by inserting “prepared under section*
17 *705(e) (as in effect on the day before the date of en-*
18 *actment of the Water Resources Development Act of*
19 *2020)” before the period at the end.*

20 *(2) DEFINITIONS.—Section 703 of the Water Re-*
21 *sources Development Act of 2000 (114 Stat. 2695) is*
22 *amended—*

23 *(A) by striking paragraphs (2) and (4); and*

24 *(B) by redesignating paragraphs (3) and*

25 *(5) as paragraphs (2) and (3), respectively.*

1 **SEC. 359. REPEAL OF MISSOURI RIVER TASK FORCE, SOUTH**
2 **DAKOTA.**

3 (a) *IN GENERAL.*—Section 905 of the Water Resources
4 Development Act of 2000 (114 Stat. 2709) is repealed.

5 (b) *CONFORMING AMENDMENTS.*—

6 (1) *PURPOSES.*—Section 902(b)(3) of the Water
7 Resources Development Act of 2000 (114 Stat. 2708)
8 is amended by inserting “prepared under section
9 905(e) (as in effect on the day before the date of en-
10 actment of the Water Resources Development Act of
11 2020)” before the period at the end.

12 (2) *DEFINITIONS.*—Section 903 of the Water Re-
13 sources Development Act of 2000 (114 Stat. 2708) is
14 amended—

15 (A) by striking paragraphs (2) and (4); and

16 (B) by redesignating paragraphs (3) and

17 (5) as paragraphs (2) and (3), respectively.

18 **SEC. 360. CONFORMING AMENDMENTS.**

19 (a) Section 710 of the Water Resources Development
20 Act of 1986 (33 U.S.C. 2264), and the item relating to such
21 section in the table of contents, are repealed.

22 (b) Section 1001 of the Water Resources Development
23 Act of 1986 (33 U.S.C. 579a) is amended—

24 (1) in subsection (b), by striking paragraph (2)

25 and redesignating paragraph (3) as paragraph (2);

26 and

1 (2) *by striking subsection (c).*

2 (c) *Section 1001 of the Water Resources Reform and*
3 *Development Act of 2014 (33 U.S.C. 2282c) is amended—*

4 (1) *in subsection (d)—*

5 (A) *in paragraph (1), by striking “Notwith-*
6 *standing the requirements of subsection (c), the*
7 *Secretary” and inserting “The Secretary”;*

8 (B) *by striking “subsections (a) and (c)”*
9 *each place it appears and inserting “subsection*
10 *(a)”;* and

11 (C) *by striking paragraph (4); and*

12 (2) *by striking subsection (c) and redesignating*
13 *subsections (d) through (g) as subsections (c) through*
14 *(f), respectively.*

15 (d) *Section 6003 of the Water Resources Reform and*
16 *Development Act of 2014 (33 U.S.C. 579c), and the item*
17 *relating to such section in the table of contents, are repealed.*

18 (e) *Section 1301 of the Water Resources Development*
19 *Act of 2016 (33 U.S.C. 579d), and the item relating to such*
20 *section in the table of contents, are repealed.*

21 (f) *Section 1302 of the Water Resources Development*
22 *Act of 2016 (33 U.S.C. 579c–1), and the item relating to*
23 *such section in the table of contents, are repealed.*

1 (g) Section 1301 of the Water Resources Development
2 Act of 2018 (33 U.S.C. 579d–1), and the item relating to
3 such section in the table of contents, are repealed.

4 (h) Section 1302 of the Water Resources Development
5 Act of 2018 (33 U.S.C. 579c–2), and the item relating to
6 such section in the table of contents, are repealed.

7 **TITLE IV—WATER RESOURCES**
8 **INFRASTRUCTURE**

9 **SEC. 401. PROJECT AUTHORIZATIONS.**

10 The following projects for water resources development
11 and conservation and other purposes, as identified in the
12 reports titled “Report to Congress on Future Water Re-
13 sources Development” submitted to Congress pursuant to
14 section 7001 of the Water Resources Reform and Develop-
15 ment Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed
16 by Congress, are authorized to be carried out by the Sec-
17 retary substantially in accordance with the plans, and sub-
18 ject to the conditions, described in the respective reports or
19 decision documents designated in this section:

20 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Port of Nome Modifications	May 29, 2020	Federal: \$378,908,000 Non-Federal: \$126,325,000 Total: \$505,233,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. AK	<i>St. George Harbor Improvement, St. George</i>	<i>August 13, 2020</i>	<i>Federal: \$147,874,000 Non-Federal: \$16,508,000 Total: \$164,382,000</i>
3. AK	<i>Unalaska (Dutch Harbor) Channels</i>	<i>February 7, 2020</i>	<i>Federal: \$26,967,000 Non-Federal: \$8,989,000 Total: \$35,956,000</i>
4. CT	<i>New Haven Harbor Navigation Improvement Project</i>	<i>May 7, 2020</i>	<i>Federal: \$55,250,000 Non-Federal: \$19,442,000 Total: \$74,692,000</i>
5. NY, NJ	<i>New York and New Jersey Harbor Anchorages</i>	<i>April 23, 2020</i>	<i>Federal: \$19,550,000 Non-Federal: \$6,520,000 Total: \$26,070,000</i>
6. TX	<i>Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks</i>	<i>October 23, 2019</i>	<i>Total: \$414,144,000</i>
7. TX	<i>Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties</i>	<i>April 23, 2020</i>	<i>Federal: \$625,204,000 Non-Federal: \$260,431,000 Total: \$885,635,000</i>
8. TX	<i>Matagorda Ship Channel Improvement Project, Port Lavaca</i>	<i>November 15, 2019</i>	<i>Federal: \$140,156,000 Non-Federal: \$80,500,000 Total: \$220,656,000</i>
9. VA	<i>Atlantic Intra-coastal Waterway, North Landing Bridge Replacement</i>	<i>August 25, 2020</i>	<i>Federal: \$102,755,000 Non-Federal: \$0 Total: \$102,755,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AZ	<i>Little Colorado River at Winslow, Navajo County</i>	<i>December 14, 2018</i>	<i>Federal: \$54,260,000 Non-Federal: \$29,217,000 Total: \$83,477,000</i>
2. CA	<i>Westminster, East Garden Grove, California Flood Risk Management</i>	<i>July 9, 2020</i>	<i>Federal: \$324,905,000 Non-Federal: \$940,191,000 Total: \$1,265,096,000</i>
3. CT, NY	<i>Westchester County Streams, Byram River Basin, Fairfield County, Connecticut, and Westchester County, New York</i>	<i>May 7, 2020</i>	<i>Federal: \$15,199,000 Non-Federal: \$15,199,000 Total: \$30,397,000</i>
4. KY	<i>Louisville Metropolitan Flood Protection System Reconstruction, Jefferson and Bullitt Counties</i>	<i>October 27, 2020</i>	<i>Federal: \$122,170,000 Non-Federal: \$65,917,000 Total: \$188,087,000</i>
5. ND	<i>Souris River Basin Flood Risk Management</i>	<i>April 16, 2019</i>	<i>Federal: \$59,582,915 Non-Federal: \$32,364,085 Total: \$91,947,000</i>
6. NJ	<i>Peckman River Basin</i>	<i>April 29, 2020</i>	<i>Federal: \$98,137,000 Non-Federal: \$52,843,000 Total: \$150,980,000</i>
7. NM	<i>Middle Rio Grande Flood Protection, Bernalillo to Belen</i>	<i>March 13, 2020</i>	<i>Federal: \$201,944,451 Non-Federal: \$108,740,000 Total: \$310,684,000</i>
8. OK	<i>Tulsa and West-Tulsa Levee System, Tulsa County</i>	<i>April 23, 2020</i>	<i>Federal: \$89,311,000 Non-Federal: \$48,091,000 Total: \$137,402,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
9. PR	<i>Rio Culebrinas at Aguiadilla and Aguada</i>	August 17, 2020	Federal: \$17,295,600 Non-Federal: \$8,568,400 Total: \$25,864,000
10. PR	<i>Rio Guayanilla Flood Risk Management, Guayanilla</i>	August 13, 2020	Federal: \$103,422,000 Non-Federal: \$55,689,000 Total: \$159,111,000
11. PR	<i>Rio Grande de Manati Flood Risk Manage- ment, Ciales</i>	November 18, 2020	Federal: \$9,770,000 Non-Federal: \$4,520,000 Total: \$14,290,000
12. USVI	<i>Savan Gut, St. Thomas</i>	August 24, 2020	Federal: \$48,658,100 Non-Federal: \$25,455,900 Total: \$74,114,000
13. USVI	<i>Turpentine Run, St. Thomas</i>	August 17, 2020	Federal: \$29,817,850 Non-Federal: \$15,311,150 Total: \$45,129,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. DE	<i>Delaware Bene- ficial Use of Dredged Mate- rial for the Delaware River</i>	March 6, 2020	Initial Federal: \$66,464,000 Initial Non-Federal: \$35,789,000 Total: \$102,253,000 Renourishment Federal: \$120,023,000 Renourishment Non-Federal: \$120,023,000 Renourishment Total: \$240,046,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. NJ	<i>New Jersey Beneficial Use of Dredged Material for the Delaware River</i>	April 8, 2020	<i>Initial Federal: \$84,071,000</i> <i>Initial Non-Federal: \$45,270,000</i> <i>Total: \$129,341,000</i> <i>Renourishment Federal: \$85,495,000</i> <i>Renourishment Non-Federal: \$85,495,000</i> <i>Renourishment Total: \$170,990,000</i>
3. NJ	<i>Rahway River Basin, New Jersey Coastal Storm Risk Management</i>	June 9, 2020	<i>Federal: \$48,322,000</i> <i>Non-Federal: \$26,020,000</i> <i>Total: \$74,342,000</i>
4. NJ	<i>Raritan Bay and Sandy Hook Bay, Highlands</i>	August 25, 2020	<i>Federal: \$107,680,000</i> <i>Non-Federal: \$57,981,000</i> <i>Total: \$165,661,000</i>
5. NY	<i>East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast of New York</i>	August 22, 2019	<i>Initial Federal: \$638,460,000</i> <i>Initial Non-Federal: \$0</i> <i>Total: \$638,460,000</i> <i>Renourishment Federal: \$200,924,000</i> <i>Renourishment Non-Federal: \$200,924,000</i> <i>Renourishment Total: \$401,847,000</i>
6. NY	<i>Fire Island Inlet to Montauk Point, New York Reformulation</i>	July 9, 2020	<i>Initial Federal: \$1,576,790,000</i> <i>Initial Non-Federal: \$0</i> <i>Total: \$1,576,790,000</i> <i>Renourishment Federal: \$767,695,000</i> <i>Renourishment Non-Federal: \$767,695,000</i> <i>Renourishment Total: \$1,535,390,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
7. NY	<i>Hashamomuck Cove Coastal Storm Risk Management</i>	<i>December 9, 2019</i>	<i>Initial Federal: \$11,920,000 Initial Non-Federal: \$6,418,000 Total: \$18,338,000 Renourishment Federal: \$24,237,000 Renourishment Non-Federal: \$24,237,000 Renourishment Total: \$48,474,000</i>
8. RI	<i>Pawcatuck River Coastal Storm Risk Manage- ment Project</i>	<i>December 19, 2018</i>	<i>Federal: \$37,679,000 Non-Federal: \$20,289,000 Total: \$57,968,000</i>
9. VA	<i>Norfolk Coastal Storm Risk Management</i>	<i>February 5, 2019</i>	<i>Federal: \$942,920,000 Non-Federal: \$507,730,000 Total: \$1,450,650,000</i>

1 (4) *FLOOD RISK MANAGEMENT AND ECOSYSTEM*
2 *RESTORATION.—*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CO	<i>South Platte River and Tributaries, Adams and Denver Counties</i>	<i>July 29, 2019</i>	<i>Federal: \$344,076,000 Non-Federal: \$206,197,000 Total: \$550,273,000</i>

3 (5) *ECOSYSTEM RESTORATION.—*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	<i>Delta Islands and Levees</i>	<i>December 18, 2018</i>	<i>Federal: \$17,251,000 Non-Federal: \$9,289,000 Total: \$26,540,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. CA	<i>Malibu Creek Eco-system Restoration, Los Angeles and Ventura Counties</i>	<i>November 13, 2020</i>	<i>Federal: \$172,249,000 Non-Federal: \$106,960,000 Total: \$279,209,000</i>
3. CA	<i>Yuba River Eco-system Restoration</i>	<i>June 20, 2019</i>	<i>Federal: \$66,975,000 Non-Federal: \$36,064,000 Total: \$103,039,000</i>
4. CO, NM, TX	<i>Rio Grande, Environmental Management Program, Sandia Pueblo to Isleta Pueblo, New Mexico, Eco-system Restoration</i>	<i>August 5, 2019</i>	<i>Federal: \$16,998,000 Non-Federal: \$9,153,000 Total: \$26,151,000</i>
5. FL	<i>Comprehensive Everglades Restoration Plan, Loxahatchee River Watershed Restoration Project, Martin and Palm Beach Counties</i>	<i>April 8, 2020</i>	<i>Federal: \$379,583,000 Non-Federal: \$375,737,000 Total: \$755,320,000</i>
6. IA, MO	<i>Grand River Basin Eco-system Restoration</i>	<i>November 18, 2020</i>	<i>Federal: \$78,876,000 Non-Federal: \$42,471,000 Total: \$121,347,000</i>
7. IL	<i>The Great Lakes and Mississippi River Interbasin Study - Brandon Road, Will County</i>	<i>May 23, 2019</i>	<i>Federal: \$557,730,550 Non-Federal: \$300,316,450 Total: \$858,047,000</i>
8. IL	<i>South Fork of the South Branch of the Chicago River, Bubbly Creek, Eco-system Restoration</i>	<i>July 9, 2020</i>	<i>Federal: \$11,657,000 Non-Federal: \$6,277,000 Total: \$17,934,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
9. MD	Anacostia Water- shed Restora- tion, Prince George's County	December 19, 2018	Federal: \$25,866,750 Non-Federal: \$13,928,250 Total: \$39,795,000
10. MO	St. Louis Riverfront- Meramec River Basin Eco- system Restora- tion	November 1, 2019	Federal: \$61,362,893 Non-Federal: \$33,042,107 Total: \$94,405,000
11. NY, NJ	Hudson-Raritan Estuary Eco- system Restora- tion	May 26, 2020	Federal: \$273,933,000 Non-Federal: \$147,502,000 Total: \$421,435,000
12. NY	Hudson River Habitat Res- toration	November 19, 2020	Federal: \$33,479,000 Non-Federal: \$11,159,000 Total: \$44,638,000
13. TX	Jefferson County Ecosystem Res- toration	September 12, 2019	Federal: \$38,942,000 Non-Federal: \$20,969,000 Total: \$59,911,000

1 (6) WATER SUPPLY.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River Basin Review Reallocation,	December 18, 2019	Federal: \$0 Non-Federal: \$0 Total: \$0

2 (7) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. CA	San Luis Rey Flood Control Project, San Diego County	July 24, 2020	Federal: \$143,407,500 Non-Federal: \$47,802,500 Total: \$191,210,000
2. FL	Caloosahatchee River West Basin Storage Reservoir (C-43 WBSR)	July 24, 2020	Federal: \$514,999,000 Non-Federal: \$514,999,000 Total: \$1,029,998,000
3. FL	Central and Southern Flor- ida, Canal 111 (C-111) South Dade Project	September 15, 2020	Federal: \$66,736,500 Non-Federal: \$66,736,500 Total: \$133,473,000
4. KY	Kentucky Lock	June 9, 2020	Total: \$1,166,809,000
5. NC	Carolina Beach Integrated Beach Re- nourishment	June 16, 2020	Federal: \$25,125,000 Non-Federal: \$25,125,000 Total: \$50,250,000
6. NC	Wrightsville Beach	July 2, 2020	Federal: \$60,068,000 Non-Federal: \$18,486,000 Total: \$78,554,000 Renourishment Federal: \$18,918,900 Renourishment Non-Federal: \$10,187,100 Renourishment Total: \$29,106,000
7. TX	Corpus Christi Ship Channel, Deepening and Widening and Barge Shelves	May 4, 2020	Federal: \$406,343,000 Non-Federal: \$275,274,000 Total: \$681,617,000
8. VA	Atlantic Intra- coastal Water- way Deep Creek Bridge Replace- ment	October 19, 2020	Federal: \$59,500,000 Non-Federal: \$0 Total: \$59,500,000

1 **SEC. 402. SPECIAL RULES.**

2 (a) GREAT LAKES AND MISSISSIPPI RIVER
3 INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, IL-
4 LINOIS.—*The Secretary shall carry out the project for eco-*
5 *system restoration, Great Lakes and Mississippi River*
6 *Interbasin project, Brandon Road, Will County, Illinois,*
7 *authorized by section 401 of this Act, substantially in ac-*
8 *cordance with the terms and conditions described in the Re-*
9 *port of the Chief of Engineers, dated May 23, 2019, with*
10 *the following modifications:*

11 (1) *The Federal share of the cost of construction*
12 *shall be 80 percent.*

13 (2) *The Secretary may include the addition or*
14 *substitution of technologies or measures not described*
15 *in the report, as the Secretary determines to be advis-*
16 *able.*

17 (b) EAST ROCKAWAY INLET TO ROCKAWAY INLET AND
18 JAMAICA BAY REFORMULATION, NEW YORK.—*The project*
19 *for hurricane and storm damage reduction, East Rockaway*
20 *Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast*
21 *of New York, authorized by section 401 of this Act, shall*
22 *be considered to be a continuation of the interim response*
23 *to the authorization by the House of Representatives dated*
24 *September 20, 1997, and the authorization under the head-*
25 *ing “Department of the Army—Corps of Engineers—*

1 *Civil—Construction” under chapter 4 of title X of the Dis-*
2 *aster Relief Appropriations Act, 2013 (127 Stat. 24).*

3 (c) *TULSA AND WEST-TULSA LEVEE SYSTEM, TULSA*
4 *COUNTY, OKLAHOMA.—For the project for flood risk man-*
5 *agement, Tulsa and West-Tulsa Levee System, Tulsa Coun-*
6 *ty, Oklahoma, authorized by section 401 of this Act, the*
7 *non-Federal contribution for the project shall be financed*
8 *over a period of 30 years from the date of completion of*
9 *the project, in accordance with section 103(k) of the Water*
10 *Resources Development Act of 1986 (33 U.S.C. 2213(k)).*

11 (d) *WILLAMETTE RIVER BASIN REVIEW REALLOCA-*
12 *TION STUDY.—The Secretary shall carry out the project for*
13 *water supply, Willamette River Basin Review Reallocation,*
14 *Oregon, authorized by section 401 of this Act, substantially*
15 *in accordance with the terms and conditions described in*
16 *the Report of the Chief of Engineers, dated December 18,*
17 *2019, with the following modifications:*

18 (1) *The Secretary shall meet the obligations of*
19 *the Corps of Engineers under the Endangered Species*
20 *Act of 1973 by complying with the June 2019 NMFS*
21 *Willamette Basin Review Study Biological Opinion*
22 *Reasonable and Prudent Alternative until such time,*
23 *if any, as it is modified or replaced, in whole or in*
24 *part, through the consultation process under section*
25 *7(a) of the Endangered Species Act of 1973.*

1 *reduction, Fort Pierce, St. Lucie County, Florida, as*
2 *described in the review assessment of the Secretary, ti-*
3 *tled “Review Assessment of St. Lucie County, Florida*
4 *Fort Pierce Shore Protection Project Section 203 Inte-*
5 *grated Feasibility Study and Environmental Assess-*
6 *ment (June 2018)” and dated July 2018, at a total*
7 *cost of \$33,107,639, and at an estimated total cost of*
8 *\$97,958,972 for periodic nourishment over the 50-year*
9 *life of the project.*

10 (2) *BAPTISTE COLLETTE BAYOU, LOUISIANA.—*
11 *The project for navigation, Baptiste Collette Bayou,*
12 *Louisiana, as described in the review assessment of*
13 *the Secretary, titled “Review Assessment of*
14 *Plaquemines Parish Government’s Section 203 Study*
15 *Baptiste Collette Bayou Navigation Channel Deep-*
16 *ening Project Integrated Feasibility Study and Envi-*
17 *ronmental Assessment (January 2017, Amended April*
18 *2018)” and dated June 2018, at a total cost of*
19 *\$44,920,000.*

20 (3) *HOUMA NAVIGATION CANAL, LOUISIANA.—*
21 *The project for navigation, Houma Navigation Canal,*
22 *Louisiana, as described in the review assessment of*
23 *the Secretary, titled “Review Assessment of Houma*
24 *Navigation Canal Deepening Project Section 203 In-*
25 *tegrated Feasibility Report and DRAFT Environ-*

1 *mental Impact Statement (June 2018)” and dated*
2 *July 2018, at a total cost of \$253,458,000.*

3 (4) *PORT FOURCHON BELLE PASS CHANNEL,*
4 *LOUISIANA.—The project for navigation, Port*
5 *Fourchon Belle Pass Channel, Louisiana, as described*
6 *in the review assessment of the Secretary, titled “Re-*
7 *view Assessment of Port Fourchon Belle Pass Channel*
8 *Deepening Project Section 203 Feasibility Study*
9 *(January 2019, revised January 2020)” and dated*
10 *April 2020, at a total cost of \$95,483,000.*

11 (5) *WILMINGTON HARBOR, NORTH CAROLINA.—*
12 *The project for navigation, Wilmington Harbor,*
13 *North Carolina, as described in the review assessment*
14 *of the Secretary, titled “Review Assessment of Wil-*
15 *ilmington Harbor, North Carolina Navigation Im-*
16 *provement Project Integrated Section 203 Study &*
17 *Environmental Report (February 2020)” and dated*
18 *May 2020, at a total cost of \$834,093,000.*

19 (6) *CHACON CREEK, TEXAS.—The project for*
20 *flood risk management, ecosystem restoration, and*
21 *other purposes, Chacon Creek, Texas, as described in*
22 *the review assessment of the Secretary, titled “Review*
23 *Assessment of Chacon Creek, Texas Section 203 Inte-*
24 *grated Feasibility Report and DRAFT Environ-*

1 *mental Assessment (August 2018)” and dated Sep-*
2 *tember 2018, at a total cost of \$51,973,000.*

3 *(b) REQUIREMENTS.—The Secretary may only carry*
4 *out a project authorized under subsection (a)—*

5 *(1) substantially in accordance with the applica-*
6 *ble review assessment for the project submitted by the*
7 *Secretary under section 203(c) of the Water Resources*
8 *Development Act of 1986, as identified in subsection*
9 *(a) of this section, and subject to such modifications*
10 *or conditions as the Secretary considers appropriate*
11 *and identifies in a final assessment that addresses the*
12 *concerns, recommendations, and conditions identified*
13 *by the Secretary in the applicable review assessment;*
14 *and*

15 *(2) after the Secretary transmits to the Com-*
16 *mittee on Transportation and Infrastructure of the*
17 *House of Representatives and the Committee on Envi-*
18 *ronment and Public Works of the Senate such final*
19 *assessment.*

20 **TITLE V—OTHER MATTERS**

21 **SEC. 501. UPDATE ON INVASIVE SPECIES POLICY GUID-** 22 **ANCE.**

23 *(a) IN GENERAL.—The Secretary shall periodically*
24 *update the Invasive Species Policy Guidance, developed*
25 *under section 104 of the River and Harbor Act of 1958 (33*

1 *U.S.C. 610) and the Nonindigenous Aquatic Nuisance Pre-*
2 *vention and Control Act of 1990 (16 U.S.C. 4701 et seq.),*
3 *in accordance with the most recent National Invasive Spe-*
4 *cies Council Management Plan developed pursuant to Exec-*
5 *utive Order 13112.*

6 (b) *INCLUSION.—The Secretary may include in the up-*
7 *dated guidance invasive species specific efforts at federally*
8 *authorized water resources development projects located*
9 *in—*

10 (1) *high-altitude lakes; and*

11 (2) *the Tennessee and Cumberland River basins.*

12 **SEC. 502. AQUATIC INVASIVE SPECIES RESEARCH.**

13 *Section 1108 of the Water Resources Development Act*
14 *of 2018 (33 U.S.C. 2263a) is amended—*

15 (1) *in subsection (a)—*

16 (A) *by striking “management” and insert-*
17 *ing “prevention, management,”; and*

18 (B) *by inserting “, elodea, quagga mussels,”*
19 *after “Asian carp”; and*

20 (2) *in subsection (b)—*

21 (A) *by inserting “or could be impacted in*
22 *the future” after “impacted”; and*

23 (B) *by striking “Pacific” and all that fol-*
24 *lows through the period at the end and inserting*
25 *“Pacific, Arctic, and Gulf Coasts, the Great*

1 *Lakes, and reservoirs operated and maintained*
2 *by the Secretary.”.*

3 **SEC. 503. TERRESTRIAL NOXIOUS WEED CONTROL PILOT**
4 **PROGRAM.**

5 (a) *IN GENERAL.*—*The Secretary shall carry out a*
6 *pilot program, in consultation with the Federal Interagency*
7 *Committee for the Management of Noxious and Exotic*
8 *Weeds, to identify and develop new and improved strategies*
9 *for terrestrial noxious weed control on Federal land under*
10 *the jurisdiction of the Secretary.*

11 (b) *PARTNERSHIPS.*—*In carrying out the pilot pro-*
12 *gram under subsection (a), the Secretary shall act in part-*
13 *nership with such other individuals and entities as the Sec-*
14 *retary determines to be appropriate.*

15 (c) *COOPERATIVE AGREEMENTS.*—*The Secretary may*
16 *utilize cooperative agreements with county and State agen-*
17 *cies for the implementation of the pilot program under sub-*
18 *section (a).*

19 (d) *REPORT TO CONGRESS.*—*Not later than 2 years*
20 *after the date of enactment of this Act, the Secretary shall*
21 *provide to the Committee on Environment and Public*
22 *Works of the Senate and the Committee on Transportation*
23 *and Infrastructure of the House of Representatives a report*
24 *describing the new and improved strategies developed*
25 *through the pilot program under subsection (a).*

1 **SEC. 504. INVASIVE SPECIES RISK ASSESSMENT,**
2 **PRIORITIZATION, AND MANAGEMENT.**

3 *Section 528(f)(2) of the Water Resources Development*
4 *Act of 1996 (110 Stat. 3771) is amended—*

5 *(1) by redesignating subparagraphs (I) and (J)*
6 *as subparagraphs (J) and (K), respectively;*

7 *(2) by inserting after subparagraph (H) the fol-*
8 *lowing:*

9 *“(I) shall, using existing amounts appro-*
10 *priated to the Task Force, develop and update,*
11 *as appropriate, a priority list of invasive species*
12 *that—*

13 *“(i) reflects an assessment of ecological*
14 *risk that the listed invasive species rep-*
15 *resent;*

16 *“(ii) includes populations of invasive*
17 *plants and animals that—*

18 *“(I) are significantly impacting*
19 *the structure and function of ecological*
20 *communities, native species, or habitat*
21 *within the South Florida ecosystem; or*

22 *“(II) demonstrate a strong poten-*
23 *tial to reduce, obscure, or otherwise*
24 *alter key indicators used to measure*
25 *Everglades restoration progress; and*

1 “(iii) shall be used by the Task Force
2 and agencies and entities represented on the
3 Task Force to focus cooperative and collabo-
4 rative efforts—

5 “(I) to guide applied research;

6 “(II) to develop innovative strate-
7 gies and tools to facilitate improved
8 management, control, or eradication of
9 listed invasive species;

10 “(III) to implement specific man-
11 agement, control, or eradication activi-
12 ties at the appropriate periodicity and
13 intensity necessary to reduce or neu-
14 tralize the impacts of listed invasive
15 species, including the use of qualified
16 skilled volunteers when appropriate;
17 and

18 “(IV) to develop innovative strate-
19 gies and tools to prevent future intro-
20 ductions of nonnative species;”;

21 (3) in subparagraph (J) (as so redesignated), by
22 striking “ecosystem” and inserting “ecosystem, in-
23 cluding the activities described in subparagraph (I)”;
24 and

1 (4) in clause (i) of subparagraph (K) (as so re-
2 designated), by inserting “, including the priority list
3 under subparagraph (I) and the activities described
4 in that subparagraph” after “Task Force”.

5 **SEC. 505. INVASIVE SPECIES MITIGATION AND REDUCTION.**

6 Section 104 of the River and Harbor Act of 1958 (33
7 U.S.C. 610) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “this section
12 \$110,000,000” and inserting “this section
13 (except for subsections (f) and (g))
14 \$130,000,000”;

15 (ii) in subparagraph (B), by striking
16 “and” at the end;

17 (iii) in subparagraph (C), by striking
18 the period at the end and inserting a semi-
19 colon; and

20 (iv) by adding at the end the following:

21 “(D) \$30,000,000 shall be made available to
22 carry out subsection (d)(1)(A)(iv); and

23 “(E) \$10,000,000 shall be made available to
24 carry out subsection (d)(1)(A)(v).”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3);

3 (C) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) OTHER PROGRAMS.—

6 “(A) IN GENERAL.—There are authorized to
7 be appropriated—

8 “(i) \$10,000,000 for each of fiscal
9 years 2021 through 2024 to carry out sub-
10 section (f); and

11 “(ii) \$50,000,000 for each of fiscal
12 years 2021 through 2024 to carry out sub-
13 section (g)(2).

14 “(B) INVASIVE PLANT SPECIES PILOT PRO-
15 GRAM.—There is authorized to be appropriated
16 to the Secretary of the Interior, acting through
17 the Director of the United States Fish and Wild-
18 life Service, \$10,000,000 to carry out subsection
19 (g)(3).”; and

20 (D) in paragraph (3) (as so redesignated),
21 by inserting “or (2)(A)” after “paragraph (1)”;
22 (2) in subsection (d)—

23 (A) in the subsection heading, by inserting
24 “AND DECONTAMINATION” after “INSPECTION”;

25 (B) in paragraph (1)—

1 (i) in subparagraph (A)—

2 (I) in the subparagraph heading,
3 by inserting “AND DECONTAMINATION”
4 after “INSPECTION”;

5 (II) in clause (ii), by striking
6 “and” at the end;

7 (III) in clause (iii), by striking
8 “Arizona River Basins.” and inserting
9 “Arkansas River Basins;”; and

10 (IV) by adding at the end the fol-
11 lowing:

12 “(iv) to protect the Russian River
13 Basin, California; and

14 “(v) to protect basins and watersheds
15 that adjoin an international border between
16 the United States and Canada.”; and

17 (ii) by striking subparagraph (B) and
18 inserting the following:

19 “(B) LOCATIONS.—The Secretary shall
20 place watercraft inspection and decontamination
21 stations under subparagraph (A) at locations
22 with the highest likelihood of preventing the
23 spread of aquatic invasive species into and out
24 of waters of the United States, as determined by

1 *the Secretary in consultation with the Governors*
2 *and entities described in paragraph (3).”;*

3 *(C) in paragraph (3)(A), by striking “(iii)”*
4 *and inserting “(v)”;* and

5 *(D) by striking “watercraft inspection sta-*
6 *tions” each place it appears and inserting*
7 *“watercraft inspection and decontamination sta-*
8 *tions”;* and

9 *(3) by adding at the end the following:*

10 *“(f) INVASIVE SPECIES MANAGEMENT PILOT PRO-*
11 *GRAM.—*

12 *“(1) DEFINITION OF INVASIVE SPECIES.—In this*
13 *subsection, the term ‘invasive species’ has the meaning*
14 *given the term in section 1 of Executive Order 13112*
15 *(64 Fed. Reg. 6183; relating to invasive species (Feb-*
16 *ruary 3, 1999)) (as amended by section 2 of Execu-*
17 *tive Order 13751 (81 Fed. Reg. 88609; relating to*
18 *safeguarding the Nation from the impacts of invasive*
19 *species (December 5, 2016))).*

20 *“(2) DEVELOPMENT OF PLANS.—The Secretary,*
21 *in coordination with the Aquatic Nuisance Species*
22 *Task Force, shall carry out a pilot program under*
23 *which the Secretary shall collaborate with States in*
24 *the Upper Missouri River Basin in developing vol-*
25 *untary aquatic invasive species management plans to*

1 *mitigate the effects of invasive species on public infra-*
2 *structure facilities located on reservoirs of the Corps*
3 *of Engineers in those States.*

4 “(3) *MANAGEMENT PLAN.*—

5 “(A) *IN GENERAL.*—*The Secretary, in con-*
6 *sultation with the Governor of each State in the*
7 *Upper Missouri River Basin that elects to par-*
8 *ticipate in the pilot program, shall prepare a*
9 *management plan, or update or expand an exist-*
10 *ing plan, for each participating State that iden-*
11 *tifies public infrastructure facilities located on*
12 *reservoirs of the Corps of Engineers in those*
13 *States that—*

14 “(i) *are affected by aquatic invasive*
15 *species; and*

16 “(ii) *need financial and technical as-*
17 *sistance in order to maintain operations.*

18 “(B) *USE OF EXISTING PLANS.*—*In devel-*
19 *oping a management plan under subparagraph*
20 *(A), the Secretary shall consider a management*
21 *plan submitted by a participating State under*
22 *section 1204(a) of the Nonindigenous Aquatic*
23 *Nuisance Prevention and Control Act of 1990*
24 *(16 U.S.C. 4724(a)).*

1 “(4) *TERMINATION OF AUTHORITY.*—*The author-*
2 *ity provided under this subsection shall terminate on*
3 *September 30, 2024.*

4 “(g) *INVASIVE SPECIES PREVENTION, CONTROL, AND*
5 *ERADICATION.*—

6 “(1) *DEFINITION OF INVASIVE SPECIES.*—*In this*
7 *subsection, the term ‘invasive species’ has the meaning*
8 *given the term in section 1 of Executive Order 13112*
9 *(64 Fed. Reg. 6183; relating to invasive species (Feb-*
10 *ruary 3, 1999)) (as amended by section 2 of Execu-*
11 *tive Order 13751 (81 Fed. Reg. 88609; relating to*
12 *safeguarding the Nation from the impacts of invasive*
13 *species (December 5, 2016))).*

14 “(2) *INVASIVE SPECIES PARTNERSHIPS.*—

15 “(A) *IN GENERAL.*—*The Secretary may*
16 *enter into partnerships with applicable States*
17 *and other Federal agencies to carry out actions*
18 *to prevent the introduction of, control, or eradi-*
19 *cate, to the maximum extent practicable,*
20 *invasive species that adversely impact water*
21 *quantity or water quality in the Platte River*
22 *Basin, the Upper Colorado River Basin, the*
23 *Upper Snake River Basin, and the Upper Mis-*
24 *souri River Basin.*

1 “(B) *PRIORITIZATION.*—*In selecting actions*
2 *to carry out under a partnership under subpara-*
3 *graph (A), the Secretary shall give priority to*
4 *projects that are intended to control or eradicate*
5 *the Russian olive (*Elaeagnus angustifolia*) or*
6 *saltcedar (of the genus *Tamarix*).*

7 “(3) *INVASIVE PLANT SPECIES PILOT PRO-*
8 *GRAM.*—

9 “(A) *DEFINITIONS.*—*In this paragraph:*

10 “(i) *ELIGIBLE ENTITY.*—*The term ‘eli-*
11 *gible entity’ means a partnership between*
12 *or among 2 or more entities that—*

13 “(I) *includes—*

14 “(aa) *at least 1 flood control*
15 *district; and*

16 “(bb) *at least 1 city, county,*
17 *township, town, borough, parish,*
18 *village, or other general purpose*
19 *political subdivision of a State or*
20 *Indian Tribe (as defined in sec-*
21 *tion 4 of the Indian Self-Deter-*
22 *mination and Education Assist-*
23 *ance Act (25 U.S.C. 5304)); and*

24 “(II) *may include any other enti-*
25 *ty (such as a nonprofit organization or*

1 *institution of higher education), as de-*
2 *termined by the Secretary.*

3 “(ii) *INVASIVE PLANT SPECIES.*—*The*
4 *term ‘invasive plant species’ means a plant*
5 *that is nonnative to the ecosystem under*
6 *consideration, the introduction of which*
7 *causes or is likely to cause economic harm*
8 *or harm to human health.*

9 “(B) *PILOT PROGRAM.*—*The Secretary of*
10 *the Interior, acting through the Director of the*
11 *United States Fish and Wildlife Service, shall es-*
12 *tablish a pilot program under which such Sec-*
13 *retary shall work with eligible entities to carry*
14 *out activities—*

15 “(i) *to remove invasive plant species in*
16 *riparian areas that contribute to drought*
17 *conditions in—*

18 “(I) *the Lower Colorado River*
19 *Basin;*

20 “(II) *the Rio Grande River*
21 *Basin;*

22 “(III) *the Texas Gulf Coast*
23 *Basin; and*

24 “(IV) *the Arkansas-White-Red*
25 *Basin;*

1 “(ii) where appropriate, to replace the
2 invasive plant species described in clause (i)
3 with ecologically suitable native species; and

4 “(iii) to maintain and monitor ripar-
5 ian areas in which activities are carried out
6 under clauses (i) and (ii).

7 “(C) *REPORT TO CONGRESS.*—Not later
8 than 18 months after the date of enactment of
9 this subsection, the Secretary of the Interior, act-
10 ing through the Director of the United States
11 Fish and Wildlife Service, shall submit to the
12 Committee on Environment and Public Works of
13 the Senate and the Committee on Transportation
14 and Infrastructure of the House of Representa-
15 tives a report describing the implementation of
16 the pilot program.

17 “(D) *TERMINATION OF AUTHORITY.*—The
18 authority provided under this paragraph shall
19 terminate on September 30, 2024.

20 “(4) *COST SHARE.*—The Federal share of an ac-
21 tion carried out under a partnership under para-
22 graph (2) or an activity carried out under the pilot
23 program under paragraph (3) shall not exceed 80 per-
24 cent of the total cost of the action or activity.”.

1 **SEC. 506. AQUATIC INVASIVE SPECIES PREVENTION.**

2 *Section 1039(b) of the Water Resources Reform and*
3 *Development Act of 2014 (16 U.S.C. 4701 note) is amend-*
4 *ed—*

5 *(1) in paragraph (1)—*

6 *(A) in the paragraph heading, by striking*
7 *“UPPER MISSISSIPPI AND OHIO RIVER BASINS*
8 *AND TRIBUTARIES” and inserting “MISSISSIPPI*
9 *RIVER AND TRIBUTARIES, INCLUDING SUB-BA-*
10 *SINS”;*

11 *(B) in subparagraph (A), by striking*
12 *“Upper Mississippi and Ohio River basins and*
13 *tributaries” and inserting “Mississippi River*
14 *and tributaries, including the 6 sub-basins of the*
15 *River,”; and*

16 *(C) in subparagraph (B), by striking “and*
17 *the document prepared” and all that follows*
18 *through “February 2012.” and inserting “the*
19 *Mississippi River Basin Asian Carp Control*
20 *Strategy Framework, and the Asian Carp Re-*
21 *gional Coordinating Committee’s Asian Carp*
22 *Action Plan.”; and*

23 *(2) in paragraph (2)—*

24 *(A) in subparagraph (A)—*

1 (i) by striking “December 31 of each
2 year” and inserting “December 31, 2020,
3 and biennially thereafter”; and

4 (ii) by striking “Upper Mississippi
5 and Ohio River basins and tributaries” and
6 inserting “Mississippi River and tribu-
7 taries, including the 6 sub-basins of the
8 River”; and

9 (B) in subparagraph (B)—

10 (i) in clause (i), by striking “Upper
11 Mississippi and Ohio River basins and trib-
12 utaries” and inserting “Mississippi River
13 and tributaries, including the 6 sub-basins
14 of the River,”; and

15 (ii) in clause (ii), by striking “Upper
16 Mississippi and Ohio River basins and trib-
17 utaries” and inserting “Mississippi River
18 and tributaries, including the 6 sub-basins
19 of the River”.

20 **SEC. 507. INVASIVE SPECIES IN ALPINE LAKES PILOT PRO-**
21 **GRAM.**

22 (a) *ESTABLISHMENT.*—The Secretary of the Interior,
23 acting through the Director of the United States Fish and
24 Wildlife Service, shall establish a pilot program (referred
25 to in this section as the “pilot program”) to develop and

1 *carry out effective measures necessary to prevent, control,*
2 *or eradicate aquatic invasive species in alpine lakes that*
3 *are not located within a unit of the National Park System.*

4 (b) *PARTNERSHIPS.*—*The Secretary of the Interior,*
5 *acting through the Director of the United States Fish and*
6 *Wildlife Service, shall offer to enter into a partnership to*
7 *carry out the pilot program with—*

8 (1) *any relevant partnering Federal agency; and*

9 (2) *any relevant compact agency organized with*
10 *the consent of Congress under article I, section 10 of*
11 *the Constitution of the United States.*

12 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated to carry out the pilot pro-*
14 *gram \$25,000,000 for the period of fiscal years 2022*
15 *through 2024.*

16 **SEC. 508. MURDER HORNET ERADICATION PILOT PROGRAM.**

17 (a) *GRANT AUTHORITY.*—*The Secretary of the Inte-*
18 *rior, acting through the Director of the Fish and Wildlife*
19 *Service, and in consultation with all relevant Federal agen-*
20 *cies, shall establish a pilot program to provide financial*
21 *assistance to States for management, research, and public*
22 *education activities necessary to—*

23 (1) *eradicate the Asian giant hornet; and*

24 (2) *restore bee populations damaged by the Asian*
25 *giant hornet.*

1 (b) *ELIGIBILITY.*—A State is eligible to receive finan-
2 cial assistance under this section if the State has dem-
3 onstrated to the Secretary of the Interior sufficient need to
4 implement measures to eradicate the Asian giant hornet.

5 (c) *COST SHARING.*—

6 (1) *FEDERAL SHARE.*—The Federal share of the
7 costs of activities carried out under the pilot program
8 may not exceed 75 percent of the total costs of such
9 activities.

10 (2) *IN-KIND CONTRIBUTIONS.*—The non-Federal
11 share of the costs of activities carried out under the
12 pilot program may be provided in the form of in-kind
13 contributions of materials or services.

14 (d) *LIMITATION ON ADMINISTRATIVE EXPENSES.*—Not
15 more than 5 percent of financial assistance provided by the
16 Secretary of the Interior under this section may be used
17 for administrative expenses.

18 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
19 authorized to be appropriated to the Secretary of the Inte-
20 rior to carry out the pilot program \$4,000,000 for each of
21 fiscal years 2021 through 2025.

22 (f) *DEFINITIONS.*—In this section:

23 (1) *ASIAN GIANT HORNET.*—The term “Asian
24 giant hornet” means a *Vespa mandarinia*.

1 (2) *STATE.*—*The term “State” means each of the*
2 *several States, the District of Columbia, and the terri-*
3 *ories and insular possessions of the United States.*

4 (g) *SUNSET.*—*The authority under this section shall*
5 *terminate on the date that is 5 years after the date of enact-*
6 *ment of this Act.*

7 **SEC. 509. ASIAN CARP PREVENTION AND CONTROL PILOT**
8 **PROGRAM.**

9 (a) *CORPS OF ENGINEERS ASIAN CARP PREVENTION*
10 *PILOT PROGRAM.*—

11 (1) *IN GENERAL.*—*The Secretary, in conjunction*
12 *with the Tennessee Valley Authority and other rel-*
13 *evant Federal agencies, shall carry out an Asian carp*
14 *prevention pilot program to carry out projects to*
15 *manage and prevent the spread of Asian carp using*
16 *innovative technologies, methods, and measures.*

17 (2) *PROJECT SELECTION.*—

18 (A) *LOCATION.*—*Each project under the*
19 *pilot program shall be carried out in a river sys-*
20 *tem or reservoir in the Cumberland River Water-*
21 *shed or Tennessee River Watershed in which*
22 *Asian carp populations are expanding or have*
23 *been documented.*

1 (B) *CONSULTATION.*—*In selecting projects*
2 *to carry out under the pilot program, the Sec-*
3 *retary shall consult with—*

4 (i) *applicable Federal, State, and local*
5 *agencies;*

6 (ii) *institutions of higher education;*
7 *and*

8 (iii) *relevant private organizations, in-*
9 *cluding nonprofit organizations.*

10 (C) *LIMITATIONS.*—

11 (i) *NUMBER OF PROJECTS.*—*The Sec-*
12 *retary may select not more than 10 projects*
13 *to carry out under the pilot program.*

14 (ii) *DEADLINE.*—*Not later than Sep-*
15 *tember 30, 2024, the Secretary shall com-*
16 *plete projects selected to be carried out*
17 *under the pilot program.*

18 (3) *BEST PRACTICES.*—*In carrying out the pilot*
19 *program, to the maximum extent practicable, the Sec-*
20 *retary shall consider existing best practices, such as*
21 *those described in the document of the Asian Carp*
22 *Working Group of the Aquatic Nuisance Species Task*
23 *Force entitled “Management and Control Plan for*
24 *Bighead, Black, Grass, and Silver Carps in the*
25 *United States” and dated November 2007.*

1 (4) *COST-SHARE.*—

2 (A) *IN GENERAL.*—*The Federal share of the*
3 *costs of a project carried out under the program*
4 *may not exceed 75 percent of the total costs of*
5 *the project.*

6 (B) *OPERATION, MAINTENANCE, REHABILI-*
7 *TATION, AND REPAIR.*—*After the completion of a*
8 *project under the pilot program, the Federal*
9 *share of the costs for operation, maintenance, re-*
10 *habilitation, and repair of the project shall be*
11 *100 percent.*

12 (5) *MEMORANDUM OF AGREEMENT.*—*For projects*
13 *carried out in reservoirs owned or managed by the*
14 *Tennessee Valley Authority, the Secretary and the*
15 *Tennessee Valley Authority shall execute a memo-*
16 *randum of agreement establishing the framework for*
17 *a partnership and the terms and conditions for shar-*
18 *ing expertise and resources.*

19 (6) *PAYMENTS.*—*The Secretary is authorized to*
20 *accept and expend funds from the Tennessee Valley*
21 *Authority to complete any work under this section at*
22 *a reservoir owned or managed by the Tennessee Valley*
23 *Authority.*

24 (7) *REPORT.*—*Not later than 2 years after the*
25 *date of enactment of this Act, and 2 years thereafter,*

1 *the Secretary shall submit to Congress a report de-*
2 *scribing the results of the pilot program, including an*
3 *analysis of the effectiveness of the innovative tech-*
4 *nologies, methods, and measures used in projects car-*
5 *ried out under the pilot program at preventing the*
6 *spread, or managing the eradicating of, Asian carp.*

7 (8) *AUTHORIZATION OF APPROPRIATIONS.—*
8 *There is authorized to be appropriated to carry out*
9 *this subsection \$25,000,000, to remain available until*
10 *expended.*

11 (b) *FISH AND WILDLIFE SERVICE ASIAN CARP ERADI-*
12 *CATION PROGRAM.—*

13 (1) *ESTABLISHMENT.—The Secretary of the Inte-*
14 *rior, acting through the Director of the United States*
15 *Fish and Wildlife Service, shall establish a program*
16 *to provide financial assistance to States to implement*
17 *measures, including for management, research, and*
18 *public education activities, necessary to eradicate the*
19 *Asian carp.*

20 (2) *ELIGIBILITY.—A State is eligible to receive*
21 *financial assistance under this subsection if such*
22 *State has demonstrated to the Secretary of the Inte-*
23 *rior sufficient need to implement measures to eradi-*
24 *cate the Asian carp.*

1 (3) *PRIORITY.*—*In providing financial assist-*
2 *ance under the program, the Secretary of the Interior*
3 *shall give priority to States in the Cumberland River*
4 *Watershed or the Tennessee River Watershed in which*
5 *Asian carp populations are expanding or have been*
6 *documented.*

7 (4) *COST SHARING.*—

8 (A) *FEDERAL SHARE.*—*The Federal share*
9 *of the costs of activities carried out under the*
10 *program may not exceed 80 percent of the total*
11 *costs of such activities.*

12 (B) *IN-KIND CONTRIBUTIONS.*—*The non-*
13 *Federal share of the costs of activities carried out*
14 *under the program may be provided in the form*
15 *of in-kind contributions of materials or services.*

16 (5) *LIMITATION ON ADMINISTRATIVE EX-*
17 *PENSES.*—*Not more than 5 percent of financial as-*
18 *sistance provided by the Secretary of the Interior*
19 *under this subsection may be used for administrative*
20 *expenses.*

21 (6) *AUTHORIZATION OF APPROPRIATIONS.*—
22 *There is authorized to be appropriated to the Sec-*
23 *retary of the Interior to carry out this subsection*
24 *\$4,000,000 for each of fiscal years 2021 through 2025.*

1 **SEC. 510. INVASIVE SPECIES IN NONCONTIGUOUS STATES**
2 **AND TERRITORIES PILOT PROGRAM.**

3 (a) *ESTABLISHMENT.*—*The Secretary of the Interior,*
4 *acting through the Director of the United States Fish and*
5 *Wildlife Service, shall establish a pilot program to carry*
6 *out measures necessary to prevent, control, or eradicate*
7 *invasive species in culturally significant forested water-*
8 *sheds in noncontiguous States and territories of the United*
9 *States in which the Corps of Engineers is carrying out flood*
10 *risk management projects.*

11 (b) *IMPLEMENTATION.*—*The Secretary of the Interior,*
12 *acting through the Director of the United States Fish and*
13 *Wildlife Service, is encouraged to carry out the measures*
14 *described in subsection (a) in consultation with—*

15 (1) *States, any territory or possession of the*
16 *United States, and units of local government, includ-*
17 *ing federally recognized Indian Tribes (as defined in*
18 *section 4 of the Indian Self-Determination and Edu-*
19 *cation Assistance Act (25 U.S.C. 5304)); and*

20 (2) *nonprofit organizations with knowledge of,*
21 *and experience in, forested watershed management,*
22 *including nonprofit organizations with a primary*
23 *purpose of serving and partnering with indigenous*
24 *communities.*

25 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
26 *authorized to be appropriated to carry out the pilot pro-*

1 *gram under subsection (a) \$25,000,000 for the period of fis-*
2 *cal years 2022 through 2024.*

3 **SEC. 511. SOIL MOISTURE AND SNOWPACK MONITORING.**

4 (a) *INSTALLATION OF NETWORK.—*

5 (1) *IN GENERAL.—In accordance with the activi-*
6 *ties required under section 4003(a) of the Water Re-*
7 *sources Reform and Development Act of 2014 (128*
8 *Stat. 1310; 130 Stat. 1676), and to support the goals*
9 *of the Weather Research and Forecasting Innovation*
10 *Act of 2017 (Public Law 115–25) and the National*
11 *Integrated Drought Information System Reauthoriza-*
12 *tion Act of 2018 (Public Law 115–423), the Sec-*
13 *retary, in coordination with the Administrator of the*
14 *National Oceanic and Atmospheric Administration*
15 *(referred to in this section as the “Administrator”),*
16 *the Chief of the Natural Resources Conservation Serv-*
17 *ice, the Director of the United States Geological Sur-*
18 *vey, and the Commissioner of Reclamation, shall con-*
19 *tinue installation of a network of soil moisture and*
20 *plains snowpack monitoring stations, and modifica-*
21 *tion of existing stations, in the Upper Missouri River*
22 *Basin.*

23 (2) *REQUIREMENTS.—In carrying out installa-*
24 *tion and modification activities under paragraph (1),*
25 *the Secretary—*

1 (A) may continue to enter into agreements,
2 including cooperative agreements, with State
3 mesonet programs for purposes of installing new
4 stations or modifying existing stations;

5 (B) shall transfer ownership and all respon-
6 sibilities for operation and maintenance of new
7 stations to the respective State mesonet program
8 for the State in which the monitoring station is
9 located on completion of installation of the sta-
10 tion; and

11 (C) shall establish, in consultation with the
12 Administrator, requirements and standards for
13 the installation of new stations and modification
14 of existing stations to ensure seamless data inte-
15 gration into—

- 16 (i) the National Mesonet Program;
17 (ii) the National Coordinated Soil
18 Moisture Network; and
19 (iii) other relevant networks.

20 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
21 There is authorized to be appropriated to carry out
22 this subsection, in addition to any other funds au-
23 thorized to be appropriated for the installation of a
24 network of soil moisture and plains snowpack moni-
25 toring stations or the modification of existing stations

1 *in the Upper Missouri River Basin, \$7,000,000 for*
2 *each of fiscal years 2021 through 2025.*

3 **(b) SOIL MOISTURE AND SNOWPACK MONITORING**
4 **PILOT PROGRAM.—**

5 (1) *IN GENERAL.—Not later than 180 days after*
6 *the date of the enactment of this Act, the Adminis-*
7 *trator shall establish within the National Mesonet*
8 *Program a pilot program for the acquisition and use*
9 *of data generated by the network described in sub-*
10 *section (a).*

11 (2) *REQUIREMENTS.—In establishing the pilot*
12 *program under paragraph (1), the Administrator*
13 *shall—*

14 (A) *enter into agreements with State*
15 *mesonet programs in the Upper Missouri River*
16 *Basin to acquire data generated by the network*
17 *described in subsection (a) that—*

18 (i) *are similar to the agreements in ef-*
19 *fect as of the date of the enactment of this*
20 *Act with States under the National Mesonet*
21 *Program; and*

22 (ii) *allow for sharing of data with*
23 *other Federal agencies and with institutions*
24 *engaged in federally supported research, in-*

1 *cluding the United States Drought Monitor,*
2 *as appropriate and feasible;*

3 *(B) in coordination with the Secretary, the*
4 *Chief of the Natural Resources Conservation*
5 *Service, the Director of the United States Geo-*
6 *logical Survey, and the Commissioner of Rec-*
7 *lamation, gather data from the operation of the*
8 *network to inform ongoing efforts of the National*
9 *Oceanic and Atmospheric Administration in*
10 *support of—*

11 *(i) the National Integrated Drought*
12 *Information System, including the National*
13 *Coordinated Soil Moisture Network;*

14 *(ii) the United States Drought Mon-*
15 *itor;*

16 *(iii) the National Water Model and*
17 *other relevant national modeling efforts;*

18 *(iv) validation, verification, and cali-*
19 *bration of satellite-based, in situ, and other*
20 *remote sensing activities and output prod-*
21 *ucts;*

22 *(v) flood risk and water resources mon-*
23 *itoring initiatives by the Secretary and the*
24 *Commissioner; and*

1 (vi) any other programs or initiatives
2 the Administrator considers appropriate;

3 (C) at the request of State mesonet pro-
4 grams, or as the Administrator considers appro-
5 priate, provide technical assistance to such pro-
6 grams under the pilot program under paragraph
7 (1) to ensure proper data requirements; and

8 (D) ensure an appropriate mechanism for
9 quality control and quality assurance is em-
10 ployed for the data acquired under the pilot pro-
11 gram, such as the Meteorological Assimilation
12 Data Ingest System.

13 (3) *STUDY REQUIRED.*—

14 (A) *IN GENERAL.*—Not later than 1 year
15 after the date of the enactment of this Act, the
16 Administrator shall initiate a study of the pilot
17 program required by paragraph (1) to evaluate
18 the data generated by the network described in
19 subsection (a) and the applications of that data
20 to programs and initiatives described in para-
21 graph (2)(B).

22 (B) *ELEMENTS.*—The study required by
23 subparagraph (A) shall include an assessment
24 of—

1 (i) *the contribution of the soil mois-*
2 *ture, snowpack, and other relevant data*
3 *generated by the network described in sub-*
4 *section (a) to weather, subseasonal and sea-*
5 *sonal, and climate forecasting products on*
6 *the local, regional, and national levels;*

7 (ii) *the enhancements made to the Na-*
8 *tional Integrated Drought Information Sys-*
9 *tem, the National Water Model, and the*
10 *United States Drought Monitor, and other*
11 *relevant national modeling efforts, using*
12 *data and derived data products generated*
13 *by the network;*

14 (iii) *the contribution of data generated*
15 *by the network to remote sensing products*
16 *and approaches;*

17 (iv) *the viability of the ownership and*
18 *operational structure of the network; and*

19 (v) *any other matters the Adminis-*
20 *trator considers appropriate, in coordina-*
21 *tion with the Secretary, the Chief of the*
22 *Natural Resources Conservation Service, the*
23 *Director of the United States Geological*
24 *Survey, and the Commissioner of Reclama-*
25 *tion.*

1 (4) *REPORT REQUIRED.*—Not later than 4 years
2 after the date of the enactment of this Act, the Admin-
3 istrator shall submit to the appropriate congressional
4 committees a report—

5 (A) *setting forth the findings of the study*
6 *required by paragraph (3); and*

7 (B) *making recommendations based on*
8 *those findings to improve weather, subseasonal,*
9 *seasonal, and climate monitoring nationally.*

10 (5) *GOVERNMENT ACCOUNTABILITY OFFICE*
11 *AUDIT.*—

12 (A) *IN GENERAL.*—Not later than 60 days
13 after the report required by paragraph (4) is
14 submitted, the Comptroller General of the United
15 States shall initiate an audit to evaluate that re-
16 port and determine whether—

17 (i) *the Administrator, in conducting*
18 *the pilot program under paragraph (1), has*
19 *utilized the relevant data generated by the*
20 *network described in subsection (a) in the*
21 *manner most beneficial to the programs and*
22 *initiatives described in paragraph (2)(B);*

23 (ii) *the acquisition agreements entered*
24 *into under paragraph (2)(A) with State*

1 mesonet programs fully comply with the re-
2 quirements of that paragraph; and

3 (iii) the heads of other agencies, in-
4 cluding the Secretary, the Chief of the Nat-
5 ural Resources Conservation Service, the
6 Director of the United States Geological
7 Survey, and the Commissioner of Reclama-
8 tion, are utilizing the data generated by the
9 network to better inform and improve the
10 missions of those agencies.

11 (B) *REPORT REQUIRED.*—Not later than
12 270 days after initiating the audit required by
13 subparagraph (A), the Comptroller General shall
14 submit to the appropriate congressional commit-
15 tees a report setting forth the findings of the
16 audit.

17 (6) *APPROPRIATE CONGRESSIONAL COMMITTEES*
18 *DEFINED.*—In this subsection, the term “appropriate
19 congressional committees” means—

20 (A) the Committee on Commerce, Science,
21 and Transportation, the Committee on Environ-
22 ment and Public Works, and the Committee on
23 Energy and Natural Resources of the Senate;
24 and

1 (B) *the Committee on Transportation and*
2 *Infrastructure, the Committee on Science, Space,*
3 *and Technology, and the Committee on Natural*
4 *Resources of the House of Representatives.*

5 **SEC. 512. GREAT LAKES ST. LAWRENCE SEAWAY DEVELOP-**
6 **MENT CORPORATION.**

7 (a) *RENAMING THE SAINT LAWRENCE SEAWAY DE-*
8 *VELOPMENT CORPORATION.*—*The Act of May 13, 1954 (33*
9 *U.S.C. 981 et seq.) is amended—*

10 (1) *in section 1 (33 U.S.C. 981), by striking*
11 *“Saint Lawrence Seaway Development Corporation”*
12 *and inserting “Great Lakes St. Lawrence Seaway De-*
13 *velopment Corporation”; and*

14 (2) *in section 2(b) (33 U.S.C. 982(b)), by strik-*
15 *ing “Saint Lawrence Seaway Development Corpora-*
16 *tion” and inserting “Great Lakes St. Lawrence Sea-*
17 *way Development Corporation”.*

18 (b) *REFERENCES.*—*Any reference to the Saint Law-*
19 *rence Seaway Development Corporation in any law, regula-*
20 *tion, document, record, Executive order, or other paper of*
21 *the United States shall be deemed to be a reference to the*
22 *Great Lakes St. Lawrence Seaway Development Corpora-*
23 *tion.*

24 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

1 (1) *TITLE 5.*—Section 5315 of title 5, United
2 *States Code, is amended by striking “Saint Lawrence*
3 *Seaway Development Corporation” and inserting*
4 *“Great Lakes St. Lawrence Seaway Development Cor-*
5 *poration”.*

6 (2) *TITLE 18.*—Section 2282B of title 18, United
7 *States Code, is amended by striking “Saint Lawrence*
8 *Seaway Development Corporation” and inserting*
9 *“Great Lakes St. Lawrence Seaway Development Cor-*
10 *poration”.*

11 (3) *INTERNAL REVENUE CODE.*—Section
12 9505(a)(2) of the Internal Revenue Code of 1986 (26
13 U.S.C. 9505(a)(2)) is amended by striking “Saint
14 Lawrence Seaway Development Corporation” and in-
15 serting “Great Lakes St. Lawrence Seaway Develop-
16 ment Corporation”.

17 (4) *TITLE 31.*—Section 9101(3)(K) of title 31,
18 United States Code, is amended by striking “Saint
19 Lawrence Seaway Development Corporation” and in-
20 serting “Great Lakes St. Lawrence Seaway Develop-
21 ment Corporation”.

22 (5) *WATER RESOURCES DEVELOPMENT ACT OF*
23 *1986.*—The Water Resources Development Act of 1986
24 (33 U.S.C. 2211 et seq.) is amended—

1 (A) *in section 206 (33 U.S.C. 2234), by*
2 *striking “Saint Lawrence Seaway Development*
3 *Corporation” and inserting “Great Lakes St.*
4 *Lawrence Seaway Development Corporation”;*

5 (B) *in section 210(a)(1) (33 U.S.C.*
6 *2238(a)(1)), by striking “Saint Lawrence Sea-*
7 *way Development Corporation” and inserting*
8 *“Great Lakes St. Lawrence Seaway Development*
9 *Corporation”;*

10 (C) *in section 214(2)(B) (33 U.S.C.*
11 *2241(2)(B)), by striking “Saint Lawrence Sea-*
12 *way Development Corporation” and inserting*
13 *“Great Lakes St. Lawrence Seaway Development*
14 *Corporation”;* and

15 (D) *in section 1132(b) (33 U.S.C. 2309(b)),*
16 *by striking “Saint Lawrence Seaway Develop-*
17 *ment Corporation” and inserting “Great Lakes*
18 *St. Lawrence Seaway Development Corporation”*
19 *each place it appears.*

20 (6) *TITLE 46.—Title 46, United States Code, is*
21 *amended—*

22 (A) *in section 2109, by striking “Saint*
23 *Lawrence Seaway Development Corporation”*
24 *and inserting “Great Lakes St. Lawrence Sea-*
25 *way Development Corporation”;*

1 (B) in section 8103(g), by striking “Saint
2 Lawrence Seaway Development Corporation”
3 and inserting “Great Lakes St. Lawrence Sea-
4 way Development Corporation”;

5 (C) in section 8503(c), by striking “Saint
6 Lawrence Seaway Development Corporation”
7 and inserting “Great Lakes St. Lawrence Sea-
8 way Development Corporation”;

9 (D) in section 55112(a)(3), by striking “St.
10 Lawrence Seaway Development Corporation”
11 and inserting “Great Lakes St. Lawrence Sea-
12 way Development Corporation”;

13 (E) in section 55331(3), by striking “Saint
14 Lawrence Seaway Development Corporation”
15 and inserting “Great Lakes St. Lawrence Sea-
16 way Development Corporation”; and

17 (F) in section 70032, by striking “Saint
18 Lawrence Seaway Development Corporation”
19 and inserting “Great Lakes St. Lawrence Sea-
20 way Development Corporation” each place it ap-
21 pears.

22 (7) TITLE 49.—

23 (A) IN GENERAL.—Title 49, United States
24 Code, is amended—

25 (i) in section 110—

1 (I) in the heading, by striking
 2 “**Saint Lawrence Seaway De-**
 3 **velopment Corporation**” and in-
 4 sserting “**Great Lakes St. Law-**
 5 **rence Seaway Development**
 6 **Corporation**”; and

7 (II) in subsection (a), by striking
 8 “Saint Lawrence Seaway Development
 9 Corporation” and inserting “Great
 10 Lakes St. Lawrence Seaway Develop-
 11 ment Corporation”; and

12 (ii) in section 6314(c)(2)(G), by strik-
 13 ing “Saint Lawrence Seaway Development
 14 Corporation” and inserting “Great Lakes
 15 St. Lawrence Seaway Development Cor-
 16 poration”.

17 (B) *TABLE OF SECTIONS.*—The table of sec-
 18 tions for chapter 1 of subtitle I of title 49,
 19 United States Code, is amended by amending the
 20 item relating to section 110 to read as follows:

“110. Great Lakes St. Lawrence Seaway Development Corporation.”.

21 **DIVISION BB—PRIVATE HEALTH**
 22 **INSURANCE AND PUBLIC**
 23 **HEALTH PROVISIONS**

24 **SEC. 1. TABLE OF CONTENTS.**

25 *The table of contents of the division is as follows:*

DIVISION BB—PRIVATE HEALTH INSURANCE AND PUBLIC HEALTH PROVISIONS

Sec. 1. Table of contents.

TITLE I—NO SURPRISES ACT

- Sec. 101. Short title.*
Sec. 102. Health insurance requirements regarding surprise medical billing.
Sec. 103. Determination of out-of-network rates to be paid by health plans; Independent dispute resolution process.
Sec. 104. Health care provider requirements regarding surprise medical billing.
Sec. 105. Ending surprise air ambulance bills.
Sec. 106. Reporting requirements regarding air ambulance services.
Sec. 107. Transparency regarding in-network and out-of-network deductibles and out-of-pocket limitations.
Sec. 108. Implementing protections against provider discrimination.
Sec. 109. Reports.
Sec. 110. Consumer protections through application of health plan external review in cases of certain surprise medical bills.
Sec. 111. Consumer protections through health plan requirement for fair and honest advance cost estimate.
Sec. 112. Patient protections through transparency and patient-provider dispute resolution.
Sec. 113. Ensuring continuity of care.
Sec. 114. Maintenance of price comparison tool.
Sec. 115. State All Payer Claims Databases.
Sec. 116. Protecting patients and improving the accuracy of provider directory information.
Sec. 117. Advisory committee on ground ambulance and patient billing.
Sec. 118. Implementation funding.

TITLE II—TRANSPARENCY

- Sec. 201. Increasing transparency by removing gag clauses on price and quality information.*
Sec. 202. Disclosure of direct and indirect compensation for brokers and consultants to employer-sponsored health plans and enrollees in plans on the individual market.
Sec. 203. Strengthening parity in mental health and substance use disorder benefits.
Sec. 204. Reporting on pharmacy benefits and drug costs.

TITLE III—PUBLIC HEALTH PROVISIONS

Subtitle A—Extenders Provisions

- Sec. 301. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.*
Sec. 302. Diabetes programs.

Subtitle B—Strengthening Public Health

- Sec. 311. Improving awareness of disease prevention.*
Sec. 312. Guide on evidence-based strategies for public health department obesity prevention programs.
Sec. 313. Expanding capacity for health outcomes.

Sec. 314. *Public health data system modernization.*

Sec. 315. *Native American suicide prevention.*

Sec. 316. *Reauthorization of the Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009.*

Sec. 317. *Reauthorization of school-based health centers.*

Subtitle C—FDA Amendments

Sec. 321. *Rare pediatric disease priority review voucher extension.*

Sec. 322. *Conditions of use for biosimilar biological products.*

Sec. 323. *Orphan drug clarification.*

Sec. 324. *Modernizing the labeling of certain generic drugs.*

Sec. 325. *Biological product patent transparency.*

Subtitle D—Technical Corrections

Sec. 331. *Technical corrections.*

1 **TITLE I—NO SURPRISES ACT**

2 **SEC. 101. SHORT TITLE.**

3 *This title may be cited as the “No Surprises Act”.*

4 **SEC. 102. HEALTH INSURANCE REQUIREMENTS REGARDING**
5 **SURPRISE MEDICAL BILLING.**

6 *(a) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—*

7 *(1) IN GENERAL.—Title XXVII of the Public*
8 *Health Service Act (42 U.S.C. 300gg et seq.) is*
9 *amended by adding at the end the following new part:*

10 **“PART D—ADDITIONAL COVERAGE PROVISIONS**

11 **“SEC. 2799A–1. PREVENTING SURPRISE MEDICAL BILLS.**

12 *“(a) COVERAGE OF EMERGENCY SERVICES.—*

13 *“(1) IN GENERAL.—If a group health plan, or a*
14 *health insurance issuer offering group or individual*
15 *health insurance coverage, provides or covers any ben-*
16 *efits with respect to services in an emergency depart-*
17 *ment of a hospital or with respect to emergency serv-*
18 *ices in an independent freestanding emergency de-*

1 *partment (as defined in paragraph (3)(D)), the plan*
2 *or issuer shall cover emergency services (as defined in*
3 *paragraph (3)(C))—*

4 *“(A) without the need for any prior author-*
5 *ization determination;*

6 *“(B) whether the health care provider fur-*
7 *nishing such services is a participating provider*
8 *or a participating emergency facility, as appli-*
9 *cable, with respect to such services;*

10 *“(C) in a manner so that, if such services*
11 *are provided to a participant, beneficiary, or en-*
12 *rollee by a nonparticipating provider or a non-*
13 *participating emergency facility—*

14 *“(i) such services will be provided*
15 *without imposing any requirement under*
16 *the plan or coverage for prior authorization*
17 *of services or any limitation on coverage*
18 *that is more restrictive than the require-*
19 *ments or limitations that apply to emer-*
20 *gency services received from participating*
21 *providers and participating emergency fa-*
22 *cilities with respect to such plan or cov-*
23 *erage, respectively;*

24 *“(ii) the cost-sharing requirement is*
25 *not greater than the requirement that would*

1 *apply if such services were provided by a*
2 *participating provider or a participating*
3 *emergency facility;*

4 “(iii) *such cost-sharing requirement is*
5 *calculated as if the total amount that would*
6 *have been charged for such services by such*
7 *participating provider or participating*
8 *emergency facility were equal to the recog-*
9 *nized amount (as defined in paragraph*
10 *(3)(H)) for such services, plan or coverage,*
11 *and year;*

12 “(iv) *the group health plan or health*
13 *insurance issuer, respectively—*

14 “(I) *not later than 30 calendar*
15 *days after the bill for such services is*
16 *transmitted by such provider or facil-*
17 *ity, sends to the provider or facility, as*
18 *applicable, an initial payment or no-*
19 *tice of denial of payment; and*

20 “(II) *pays a total plan or cov-*
21 *erage payment directly to such pro-*
22 *vider or facility, respectively (in ac-*
23 *cordance, if applicable, with the timing*
24 *requirement described in subsection*
25 *(c)(6)) that is, with application of any*

1 *initial payment under subclause (I),*
2 *equal to the amount by which the out-*
3 *of-network rate (as defined in para-*
4 *graph (3)(K)) for such services exceeds*
5 *the cost-sharing amount for such serv-*
6 *ices (as determined in accordance with*
7 *clauses (ii) and (iii)) and year; and*
8 “(v) *any cost-sharing payments made*
9 *by the participant, beneficiary, or enrollee*
10 *with respect to such emergency services so*
11 *furnished shall be counted toward any in-*
12 *network deductible or out-of-pocket maxi-*
13 *imums applied under the plan or coverage,*
14 *respectively (and such in-network deductible*
15 *and out-of-pocket maximums shall be ap-*
16 *plied) in the same manner as if such cost-*
17 *sharing payments were made with respect*
18 *to emergency services furnished by a par-*
19 *ticipating provider or a participating emer-*
20 *gency facility; and*
21 “(D) *without regard to any other term or*
22 *condition of such coverage (other than exclusion*
23 *or coordination of benefits, or an affiliation or*
24 *waiting period, permitted under section 2704 of*
25 *this Act, including as incorporated pursuant to*

1 *section 715 of the Employee Retirement Income*
2 *Security Act of 1974 and section 9815 of the In-*
3 *ternal Revenue Code of 1986, and other than ap-*
4 *plicable cost-sharing).*

5 “(2) *AUDIT PROCESS AND REGULATIONS FOR*
6 *QUALIFYING PAYMENT AMOUNTS.—*

7 “(A) *AUDIT PROCESS.—*

8 “(i) *IN GENERAL.—Not later than Oc-*
9 *tober 1, 2021, the Secretary, in consultation*
10 *with the Secretary of Labor and the Sec-*
11 *retary of the Treasury, shall establish*
12 *through rulemaking a process, in accord-*
13 *ance with clause (ii), under which group*
14 *health plans and health insurance issuers*
15 *offering group or individual health insur-*
16 *ance coverage are audited by the Secretary*
17 *or applicable State authority to ensure*
18 *that—*

19 “(I) *such plans and coverage are*
20 *in compliance with the requirement of*
21 *applying a qualifying payment*
22 *amount under this section; and*

23 “(II) *such qualifying payment*
24 *amount so applied satisfies the defini-*
25 *tion under paragraph (3)(E) with re-*

1 *spect to the year involved, including*
2 *with respect to a group health plan or*
3 *health insurance issuer described in*
4 *clause (ii) of such paragraph (3)(E).*

5 “(ii) *AUDIT SAMPLES.*—*Under the*
6 *process established pursuant to clause (i),*
7 *the Secretary—*

8 “(I) *shall conduct audits described*
9 *in such clause, with respect to a year*
10 *(beginning with 2022), of a sample*
11 *with respect to such year of claims*
12 *data from not more than 25 group*
13 *health plans and health insurance*
14 *issuers offering group or individual*
15 *health insurance coverage; and*

16 “(II) *may audit any group health*
17 *plan or health insurance issuer offering*
18 *group or individual health insurance*
19 *coverage if the Secretary has received*
20 *any complaint or other information*
21 *about such plan or coverage, respec-*
22 *tively, that involves the compliance of*
23 *the plan or coverage, respectively, with*
24 *either of the requirements described in*
25 *subclauses (I) and (II) of such clause.*

1 “(iii) *REPORTS.*—Beginning for 2022,
2 *the Secretary shall annually submit to Con-*
3 *gress a report on the number of plans and*
4 *issuers with respect to which audits were*
5 *conducted during such year pursuant to*
6 *this subparagraph.*

7 “(B) *RULEMAKING.*—Not later than July 1,
8 *2021, the Secretary, in consultation with the*
9 *Secretary of Labor and the Secretary of the*
10 *Treasury, shall establish through rulemaking—*

11 “(i) *the methodology the group health*
12 *plan or health insurance issuer offering*
13 *group or individual health insurance cov-*
14 *erage shall use to determine the qualifying*
15 *payment amount, differentiating by indi-*
16 *vidual market, large group market, and*
17 *small group market;*

18 “(ii) *the information such plan or*
19 *issuer, respectively, shall share with the*
20 *nonparticipating provider or nonpartici-*
21 *pating facility, as applicable, when making*
22 *such a determination;*

23 “(iii) *the geographic regions applied*
24 *for purposes of this subparagraph, taking*
25 *into account access to items and services in*

1 *rural and underserved areas, including*
2 *health professional shortage areas, as de-*
3 *defined in section 332; and*

4 “(iv) *a process to receive complaints of*
5 *violations of the requirements described in*
6 *subclauses (I) and (II) of subparagraph*
7 *(A)(i) by group health plans and health in-*
8 *surance issuers offering group or individual*
9 *health insurance coverage.*

10 *Such rulemaking shall take into account pay-*
11 *ments that are made by such plan or issuer, re-*
12 *spectively, that are not on a fee-for-service basis.*
13 *Such methodology may account for relevant pay-*
14 *ment adjustments that take into account quality*
15 *or facility type (including higher acuity settings*
16 *and the case-mix of various facility types) that*
17 *are otherwise taken into account for purposes of*
18 *determining payment amounts with respect to*
19 *participating facilities. In carrying out clause*
20 *(iii), the Secretary shall consult with the Na-*
21 *tional Association of Insurance Commissioners to*
22 *establish the geographic regions under such*
23 *clause and shall periodically update such re-*
24 *gions, as appropriate, taking into account the*

1 *findings of the report submitted under section*
2 *109(a) of the No Surprises Act.*

3 “(3) *DEFINITIONS.—In this part and part E:*

4 “(A) *EMERGENCY DEPARTMENT OF A HOS-*
5 *PITAL.—The term ‘emergency department of a*
6 *hospital’ includes a hospital outpatient depart-*
7 *ment that provides emergency services (as de-*
8 *finied in subparagraph (C)(i)).*

9 “(B) *EMERGENCY MEDICAL CONDITION.—*
10 *The term ‘emergency medical condition’ means a*
11 *medical condition manifesting itself by acute*
12 *symptoms of sufficient severity (including severe*
13 *pain) such that a prudent layperson, who pos-*
14 *sesses an average knowledge of health and medi-*
15 *cine, could reasonably expect the absence of im-*
16 *mediate medical attention to result in a condi-*
17 *tion described in clause (i), (ii), or (iii) of sec-*
18 *tion 1867(e)(1)(A) of the Social Security Act.*

19 “(C) *EMERGENCY SERVICES.—*

20 “(i) *IN GENERAL.—The term ‘emer-*
21 *gency services’, with respect to an emer-*
22 *gency medical condition, means—*

23 “(I) *a medical screening examina-*
24 *tion (as required under section 1867 of*
25 *the Social Security Act, or as would be*

1 *required under such section if such sec-*
2 *tion applied to an independent free-*
3 *standing emergency department) that*
4 *is within the capability of the emer-*
5 *gency department of a hospital or of*
6 *an independent freestanding emergency*
7 *department, as applicable, including*
8 *ancillary services routinely available to*
9 *the emergency department to evaluate*
10 *such emergency medical condition; and*
11 *“(II) within the capabilities of the*
12 *staff and facilities available at the hos-*
13 *pital or the independent freestanding*
14 *emergency department, as applicable,*
15 *such further medical examination and*
16 *treatment as are required under section*
17 *1867 of such Act, or as would be re-*
18 *quired under such section if such sec-*
19 *tion applied to an independent free-*
20 *standing emergency department, to sta-*
21 *bilize the patient (regardless of the de-*
22 *partment of the hospital in which such*
23 *further examination or treatment is*
24 *furnished).*

1 “(i) *INCLUSION OF ADDITIONAL SERV-*
2 *ICES.—*

3 “(I) *IN GENERAL.—For purposes*
4 *of this subsection and section 2799B–1,*
5 *in the case of a participant, bene-*
6 *ficiary, or enrollee who is enrolled in a*
7 *group health plan or group or indi-*
8 *vidual health insurance coverage of-*
9 *fered by a health insurance issuer and*
10 *who is furnished services described in*
11 *clause (i) with respect to an emergency*
12 *medical condition, the term ‘emergency*
13 *services’ shall include, unless each of*
14 *the conditions described in subclause*
15 *(II) are met, in addition to the items*
16 *and services described in clause (i),*
17 *items and services—*

18 “(aa) *for which benefits are*
19 *provided or covered under the*
20 *plan or coverage, respectively; and*

21 “(bb) *that are furnished by a*
22 *nonparticipating provider or non-*
23 *participating emergency facility*
24 *(regardless of the department of*
25 *the hospital in which such items*

1 or services are furnished) after the
2 participant, beneficiary, or en-
3 rollee is stabilized and as part of
4 outpatient observation or an in-
5 patient or outpatient stay with
6 respect to the visit in which the
7 services described in clause (i) are
8 furnished.

9 “(II) CONDITIONS.—For purposes
10 of subclause (I), the conditions de-
11 scribed in this subclause, with respect
12 to a participant, beneficiary, or en-
13 rollee who is stabilized and furnished
14 additional items and services described
15 in subclause (I) after such stabilization
16 by a provider or facility described in
17 subclause (I), are the following;

18 “(aa) Such provider or facil-
19 ity determines such individual is
20 able to travel using nonmedical
21 transportation or nonemergency
22 medical transportation.

23 “(bb) Such provider fur-
24 nishing such additional items and
25 services satisfies the notice and

1 consent criteria of section 2799B–
2 2(d) with respect to such items
3 and services.

4 “(cc) Such individual is in a
5 condition to receive (as deter-
6 mined in accordance with guide-
7 lines issued by the Secretary pur-
8 suant to rulemaking) the informa-
9 tion described in section 2799B–2
10 and to provide informed consent
11 under such section, in accordance
12 with applicable State law.

13 “(dd) Such other conditions,
14 as specified by the Secretary, such
15 as conditions relating to coordi-
16 nating care transitions to partici-
17 pating providers and facilities.

18 “(D) INDEPENDENT FREESTANDING EMER-
19 GENCY DEPARTMENT.—The term ‘independent
20 freestanding emergency department’ means a
21 health care facility that—

22 “(i) is geographically separate and dis-
23 tinct and licensed separately from a hos-
24 pital under applicable State law; and

1 “(i) provides any of the emergency
2 services (as defined in subparagraph
3 (C)(i)).

4 “(E) QUALIFYING PAYMENT AMOUNT.—

5 “(i) IN GENERAL.—The term ‘quali-
6 fying payment amount’ means, subject to
7 clauses (ii) and (iii), with respect to a
8 sponsor of a group health plan and health
9 insurance issuer offering group or indi-
10 vidual health insurance coverage—

11 “(I) for an item or service fur-
12 nished during 2022, the median of the
13 contracted rates recognized by the plan
14 or issuer, respectively (determined with
15 respect to all such plans of such spon-
16 sor or all such coverage offered by such
17 issuer that are offered within the same
18 insurance market (specified in sub-
19 clause (I), (II), (III), or (IV) of clause
20 (iv)) as the plan or coverage) as the
21 total maximum payment (including
22 the cost-sharing amount imposed for
23 such item or service and the amount to
24 be paid by the plan or issuer, respec-
25 tively) under such plans or coverage,

1 *respectively, on January 31, 2019, for*
2 *the same or a similar item or service*
3 *that is provided by a provider in the*
4 *same or similar specialty and provided*
5 *in the geographic region in which the*
6 *item or service is furnished, consistent*
7 *with the methodology established by the*
8 *Secretary under paragraph (2)(B), in-*
9 *creased by the percentage increase in*
10 *the consumer price index for all urban*
11 *consumers (United States city average)*
12 *over 2019, such percentage increase*
13 *over 2020, and such percentage in-*
14 *crease over 2021; and*

15 *“(II) for an item or service fur-*
16 *nished during 2023 or a subsequent*
17 *year, the qualifying payment amount*
18 *determined under this clause for such*
19 *an item or service furnished in the pre-*
20 *vious year, increased by the percentage*
21 *increase in the consumer price index*
22 *for all urban consumers (United States*
23 *city average) over such previous year.*

24 *“(ii) NEW PLANS AND COVERAGE.—*

25 *The term ‘qualifying payment amount’*

1 *means, with respect to a sponsor of a group*
2 *health plan or health insurance issuer offer-*
3 *ing group or individual health insurance*
4 *coverage in a geographic region in which*
5 *such sponsor or issuer, respectively, did not*
6 *offer any group health plan or health insur-*
7 *ance coverage during 2019—*

8 *“(I) for the first year in which*
9 *such group health plan, group health*
10 *insurance coverage, or individual*
11 *health insurance coverage, respectively,*
12 *is offered in such region, a rate (deter-*
13 *mined in accordance with a method-*
14 *ology established by the Secretary) for*
15 *items and services that are covered by*
16 *such plan or coverage and furnished*
17 *during such first year; and*

18 *“(II) for each subsequent year*
19 *such group health plan, group health*
20 *insurance coverage, or individual*
21 *health insurance coverage, respectively,*
22 *is offered in such region, the qualifying*
23 *payment amount determined under*
24 *this clause for such items and services*
25 *furnished in the previous year, in-*

1 *creased by the percentage increase in*
2 *the consumer price index for all urban*
3 *consumers (United States city average)*
4 *over such previous year.*

5 *“(iii) INSUFFICIENT INFORMATION;*
6 *NEWLY COVERED ITEMS AND SERVICES.—In*
7 *the case of a sponsor of a group health plan*
8 *or health insurance issuer offering group or*
9 *individual health insurance coverage that*
10 *does not have sufficient information to cal-*
11 *culate the median of the contracted rates de-*
12 *scribed in clause (i)(I) in 2019 (or, in the*
13 *case of a newly covered item or service (as*
14 *defined in clause (v)(III)), in the first cov-*
15 *erage year (as defined in clause (v)(I)) for*
16 *such item or service with respect to such*
17 *plan or coverage) for an item or service (in-*
18 *cluding with respect to provider type, or*
19 *amount, of claims for items or services (as*
20 *determined by the Secretary) provided in a*
21 *particular geographic region (other than in*
22 *a case with respect to which clause (ii) ap-*
23 *plies)) the term ‘qualifying payment*
24 *amount’—*

1 “(I) for an item or service fur-
2 nished during 2022 (or, in the case of
3 a newly covered item or service, during
4 the first coverage year for such item or
5 service with respect to such plan or
6 coverage), means such rate for such
7 item or service determined by the spon-
8 sor or issuer, respectively, through use
9 of any database that is determined, in
10 accordance with rulemaking described
11 in paragraph (2)(B), to not have any
12 conflicts of interest and to have suffi-
13 cient information reflecting allowed
14 amounts paid to a health care provider
15 or facility for relevant services fur-
16 nished in the applicable geographic re-
17 gion (such as a State all-payer claims
18 database);

19 “(II) for an item or service fur-
20 nished in a subsequent year (before the
21 first sufficient information year (as de-
22 fined in clause (v)(II)) for such item or
23 service with respect to such plan or
24 coverage), means the rate determined
25 under subclause (I) or this subclause,

1 *as applicable, for such item or service*
2 *for the year previous to such subse-*
3 *quent year, increased by the percentage*
4 *increase in the consumer price index*
5 *for all urban consumers (United States*
6 *city average) over such previous year;*

7 “(III) *for an item or service fur-*
8 *nished in the first sufficient informa-*
9 *tion year for such item or service with*
10 *respect to such plan or coverage, has*
11 *the meaning given the term qualifying*
12 *payment amount in clause (i)(I), ex-*
13 *cept that in applying such clause to*
14 *such item or service, the reference to*
15 *‘furnished during 2022’ shall be treated*
16 *as a reference to furnished during such*
17 *first sufficient information year, the*
18 *reference to ‘in 2019’ shall be treated*
19 *as a reference to such sufficient infor-*
20 *mation year, and the increase de-*
21 *scribed in such clause shall not be ap-*
22 *plied; and*

23 “(IV) *for an item or service fur-*
24 *nished in any year subsequent to the*
25 *first sufficient information year for*

1 *such item or service with respect to*
2 *such plan or coverage, has the meaning*
3 *given such term in clause (i)(II), ex-*
4 *cept that in applying such clause to*
5 *such item or service, the reference to*
6 *‘furnished during 2023 or a subsequent*
7 *year’ shall be treated as a reference to*
8 *furnished during the year after such*
9 *first sufficient information year or a*
10 *subsequent year.*

11 “(iv) *INSURANCE MARKET.*—*For pur-*
12 *poses of clause (i)(I), a health insurance*
13 *market specified in this clause is one of the*
14 *following:*

15 “(I) *The individual market.*

16 “(II) *The large group market*
17 *(other than plans described in sub-*
18 *clause (IV)).*

19 “(III) *The small group market*
20 *(other than plans described in sub-*
21 *clause (IV)).*

22 “(IV) *In the case of a self-insured*
23 *group health plan, other self-insured*
24 *group health plans.*

1 “(v) *DEFINITIONS.*—*For purposes of*
2 *this subparagraph:*

3 “(I) *FIRST COVERAGE YEAR.*—*The*
4 *term ‘first coverage year’ means, with*
5 *respect to a group health plan or group*
6 *or individual health insurance cov-*
7 *erage offered by a health insurance*
8 *issuer and an item or service for which*
9 *coverage is not offered in 2019 under*
10 *such plan or coverage, the first year*
11 *after 2019 for which coverage for such*
12 *item or service is offered under such*
13 *plan or health insurance coverage.*

14 “(II) *FIRST SUFFICIENT INFOR-*
15 *MATION YEAR.*—*The term ‘first suffi-*
16 *cient information year’ means, with*
17 *respect to a group health plan or group*
18 *or individual health insurance cov-*
19 *erage offered by a health insurance*
20 *issuer—*

21 “(aa) *in the case of an item*
22 *or service for which the plan or*
23 *coverage does not have sufficient*
24 *information to calculate the me-*
25 *dian of the contracted rates de-*

1 scribed in clause (i)(I) in 2019,
2 the first year subsequent to 2022
3 for which the sponsor or issuer
4 has such sufficient information to
5 calculate the median of such con-
6 tracted rates in the year previous
7 to such first subsequent year; and

8 “(bb) in the case of a newly
9 covered item or service, the first
10 year subsequent to the first cov-
11 erage year for such item or service
12 with respect to such plan or cov-
13 erage for which the sponsor or
14 issuer has sufficient information
15 to calculate the median of the con-
16 tracted rates described in clause
17 (i)(I) in the year previous to such
18 first subsequent year.

19 “(III) NEWLY COVERED ITEM OR
20 SERVICE.—The term ‘newly covered
21 item or service’ means, with respect to
22 a group health plan or group or indi-
23 vidual health insurance issuer offering
24 health insurance coverage, an item or
25 service for which coverage was not of-

1 *ferred in 2019 under such plan or cov-*
2 *erage, but is offered under such plan or*
3 *coverage in a year after 2019.*

4 *“(F) NONPARTICIPATING EMERGENCY FA-*
5 *CILITY; PARTICIPATING EMERGENCY FACILITY.—*

6 *“(i) NONPARTICIPATING EMERGENCY*
7 *FACILITY.—The term ‘nonparticipating*
8 *emergency facility’ means, with respect to*
9 *an item or service and a group health plan*
10 *or group or individual health insurance*
11 *coverage offered by a health insurance*
12 *issuer, an emergency department of a hos-*
13 *pital, or an independent freestanding emer-*
14 *gency department, that does not have a con-*
15 *tractual relationship directly or indirectly*
16 *with the plan or issuer, respectively, for fur-*
17 *nishing such item or service under the plan*
18 *or coverage, respectively.*

19 *“(ii) PARTICIPATING EMERGENCY FA-*
20 *CILITY.—The term ‘participating emergency*
21 *facility’ means, with respect to an item or*
22 *service and a group health plan or group or*
23 *individual health insurance coverage offered*
24 *by a health insurance issuer, an emergency*
25 *department of a hospital, or an independent*

1 *freestanding emergency department, that*
2 *has a contractual relationship directly or*
3 *indirectly with the plan or issuer, respec-*
4 *tively, with respect to the furnishing of such*
5 *an item or service at such facility.*

6 “(G) *NONPARTICIPATING PROVIDERS; PAR-*
7 *TICIPATING PROVIDERS.—*

8 “(i) *NONPARTICIPATING PROVIDER.—*
9 *The term ‘nonparticipating provider’*
10 *means, with respect to an item or service*
11 *and a group health plan or group or indi-*
12 *vidual health insurance coverage offered by*
13 *a health insurance issuer, a physician or*
14 *other health care provider who is acting*
15 *within the scope of practice of that pro-*
16 *vider’s license or certification under appli-*
17 *cable State law and who does not have a*
18 *contractual relationship with the plan or*
19 *issuer, respectively, for furnishing such item*
20 *or service under the plan or coverage, re-*
21 *spectively.*

22 “(ii) *PARTICIPATING PROVIDER.—The*
23 *term ‘participating provider’ means, with*
24 *respect to an item or service and a group*
25 *health plan or group or individual health*

1 *insurance coverage offered by a health in-*
2 *surance issuer, a physician or other health*
3 *care provider who is acting within the scope*
4 *of practice of that provider's license or cer-*
5 *tification under applicable State law and*
6 *who has a contractual relationship with the*
7 *plan or issuer, respectively, for furnishing*
8 *such item or service under the plan or cov-*
9 *erage, respectively.*

10 “(H) *RECOGNIZED AMOUNT.*—*The term*
11 *‘recognized amount’ means, with respect to an*
12 *item or service furnished by a nonparticipating*
13 *provider or nonparticipating emergency facility*
14 *during a year and a group health plan or group*
15 *or individual health insurance coverage offered*
16 *by a health insurance issuer—*

17 “(i) *subject to clause (iii), in the case*
18 *of such item or service furnished in a State*
19 *that has in effect a specified State law with*
20 *respect to such plan, coverage, or issuer, re-*
21 *spectively; such a nonparticipating provider*
22 *or nonparticipating emergency facility; and*
23 *such an item or service, the amount deter-*
24 *mined in accordance with such law;*

1 “(ii) subject to clause (iii), in the case
2 of such item or service furnished in a State
3 that does not have in effect a specified State
4 law, with respect to such plan, coverage, or
5 issuer, respectively; such a nonparticipating
6 provider or nonparticipating emergency fa-
7 cility; and such an item or service, the
8 amount that is the qualifying payment
9 amount (as defined in subparagraph (E))
10 for such year and determined in accordance
11 with rulemaking described in paragraph
12 (2)(B)) for such item or service; or

13 “(iii) in the case of such item or serv-
14 ice furnished in a State with an All-Payer
15 Model Agreement under section 1115A of the
16 Social Security Act, the amount that the
17 State approves under such system for such
18 item or service so furnished.

19 “(I) SPECIFIED STATE LAW.—The term
20 ‘specified State law’ means, with respect to a
21 State, an item or service furnished by a non-
22 participating provider or nonparticipating
23 emergency facility during a year and a group
24 health plan or group or individual health insur-
25 ance coverage offered by a health insurance

1 *issuer, a State law that provides for a method*
2 *for determining the total amount payable under*
3 *such a plan, coverage, or issuer, respectively (to*
4 *the extent such State law applies to such plan,*
5 *coverage, or issuer, subject to section 514 of the*
6 *Employee Retirement Income Security Act of*
7 *1974) in the case of a participant, beneficiary,*
8 *or enrollee covered under such plan or coverage*
9 *and receiving such item or service from such a*
10 *nonparticipating provider or nonparticipating*
11 *emergency facility.*

12 “(J) *STABILIZE*.—*The term ‘to stabilize’,*
13 *with respect to an emergency medical condition*
14 *(as defined in subparagraph (B)), has the mean-*
15 *ing give in section 1867(e)(3) of the Social Secu-*
16 *rity Act (42 U.S.C. 1395dd(e)(3)).*

17 “(K) *OUT-OF-NETWORK RATE*.—*The term*
18 *‘out-of-network rate’ means, with respect to an*
19 *item or service furnished in a State during a*
20 *year to a participant, beneficiary, or enrollee of*
21 *a group health plan or group or individual*
22 *health insurance coverage offered by a health in-*
23 *surance issuer receiving such item or service*
24 *from a nonparticipating provider or nonpartici-*
25 *pating emergency facility—*

1 “(i) subject to clause (iii), in the case
2 of such item or service furnished in a State
3 that has in effect a specified State law with
4 respect to such plan, coverage, or issuer, re-
5 spectively; such a nonparticipating provider
6 or nonparticipating emergency facility; and
7 such an item or service, the amount deter-
8 mined in accordance with such law;

9 “(ii) subject to clause (iii), in the case
10 such State does not have in effect such a
11 law with respect to such item or service,
12 plan, and provider or facility—

13 “(I) subject to subclause (II), if
14 the provider or facility (as applicable)
15 and such plan or coverage agree on an
16 amount of payment (including if such
17 agreed on amount is the initial pay-
18 ment sent by the plan under subsection
19 (a)(1)(C)(iv)(I), subsection (b)(1)(C), or
20 section 2799A-2(a)(3)(A), as applica-
21 ble, or is agreed on through open nego-
22 tiations under subsection (c)(1)) with
23 respect to such item or service, such
24 agreed on amount; or

1 “(II) if such provider or facility
2 (as applicable) and such plan or cov-
3 erage enter the independent dispute
4 resolution process under subsection (c)
5 and do not so agree before the date on
6 which a certified IDR entity (as de-
7 fined in paragraph (4) of such sub-
8 section) makes a determination with
9 respect to such item or service under
10 such subsection, the amount of such de-
11 termination; or

12 “(iii) in the case such State has an
13 All-Payer Model Agreement under section
14 1115A of the Social Security Act, the
15 amount that the State approves under such
16 system for such item or service so furnished.

17 “(L) COST-SHARING.—The term ‘cost-shar-
18 ing’ includes copayments, coinsurance, and
19 deductibles.

20 “(b) COVERAGE OF NON-EMERGENCY SERVICES PER-
21 FORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN
22 PARTICIPATING FACILITIES.—

23 “(1) IN GENERAL.—In the case of items or serv-
24 ices (other than emergency services to which sub-
25 section (a) applies) for which any benefits are pro-

1 *vided or covered by a group health plan or health in-*
2 *surance issuer offering group or individual health in-*
3 *surance coverage furnished to a participant, bene-*
4 *ficiary, or enrollee of such plan or coverage by a non-*
5 *participating provider (as defined in subsection*
6 *(a)(3)(G)(i)) (and who, with respect to such items*
7 *and services, has not satisfied the notice and consent*
8 *criteria of section 2799B–2(d)) with respect to a visit*
9 *(as defined by the Secretary in accordance with para-*
10 *graph (2)(B)) at a participating health care facility*
11 *(as defined in paragraph (2)(A)), with respect to such*
12 *plan or coverage, respectively, the plan or coverage,*
13 *respectively—*

14 *“(A) shall not impose on such participant,*
15 *beneficiary, or enrollee a cost-sharing require-*
16 *ment for such items and services so furnished*
17 *that is greater than the cost-sharing requirement*
18 *that would apply under such plan or coverage,*
19 *respectively, had such items or services been fur-*
20 *nished by a participating provider (as defined in*
21 *subsection (a)(3)(G)(i));*

22 *“(B) shall calculate such cost-sharing re-*
23 *quirement as if the total amount that would have*
24 *been charged for such items and services by such*
25 *participating provider were equal to the recog-*

1 *nized amount (as defined in subsection*
2 *(a)(3)(H)) for such items and services, plan or*
3 *coverage, and year;*

4 *“(C) not later than 30 calendar days after*
5 *the bill for such services is transmitted by such*
6 *provider, shall send to the provider an initial*
7 *payment or notice of denial of payment;*

8 *“(D) shall pay a total plan or coverage*
9 *payment directly, in accordance, if applica-*
10 *ble, with the timing requirement described in sub-*
11 *section (c)(6), to such provider furnishing such*
12 *items and services to such participant, bene-*
13 *ficiary, or enrollee that is, with application of*
14 *any initial payment under subparagraph (C),*
15 *equal to the amount by which the out-of-network*
16 *rate (as defined in subsection (a)(3)(K)) for such*
17 *items and services involved exceeds the cost-shar-*
18 *ing amount imposed under the plan or coverage,*
19 *respectively, for such items and services (as de-*
20 *termined in accordance with subparagraphs (A)*
21 *and (B)) and year; and*

22 *“(E) shall count toward any in-network de-*
23 *ductible and in-network out-of-pocket maximums*
24 *(as applicable) applied under the plan or cov-*
25 *erage, respectively, any cost-sharing payments*

1 *made by the participant, beneficiary, or enrollee*
2 *(and such in-network deductible and out-of-pock-*
3 *et maximums shall be applied) with respect to*
4 *such items and services so furnished in the same*
5 *manner as if such cost-sharing payments were*
6 *with respect to items and services furnished by*
7 *a participating provider.*

8 “(2) *DEFINITIONS.—In this section:*

9 “(A) *PARTICIPATING HEALTH CARE FACIL-*
10 *ITY.—*

11 “(i) *IN GENERAL.—The term ‘partici-*
12 *pating health care facility’ means, with re-*
13 *spect to an item or service and a group*
14 *health plan or health insurance issuer offer-*
15 *ing group or individual health insurance*
16 *coverage, a health care facility described in*
17 *clause (ii) that has a direct or indirect con-*
18 *tractual relationship with the plan or*
19 *issuer, respectively, with respect to the fur-*
20 *nishing of such an item or service at the fa-*
21 *cility.*

22 “(ii) *HEALTH CARE FACILITY DE-*
23 *SCRIBED.—A health care facility described*
24 *in this clause, with respect to a group*

1 *health plan or group or individual health*
2 *insurance coverage, is each of the following:*

3 “(I) *A hospital (as defined in*
4 *1861(e) of the Social Security Act).*

5 “(II) *A hospital outpatient de-*
6 *partment.*

7 “(III) *A critical access hospital*
8 *(as defined in section 1861(mm)(1) of*
9 *such Act).*

10 “(IV) *An ambulatory surgical*
11 *center described in section*
12 *1833(i)(1)(A) of such Act.*

13 “(V) *Any other facility, specified*
14 *by the Secretary, that provides items*
15 *or services for which coverage is pro-*
16 *vided under the plan or coverage, re-*
17 *spectively.*

18 “(B) *VISIT.—The term ‘visit’ shall, with re-*
19 *spect to items and services furnished to an indi-*
20 *vidual at a health care facility, include equip-*
21 *ment and devices, telemedicine services, imaging*
22 *services, laboratory services, preoperative and*
23 *postoperative services, and such other items and*
24 *services as the Secretary may specify, regardless*

1 *of whether or not the provider furnishing such*
2 *items or services is at the facility.*

3 “(c) *CERTAIN ACCESS FEES TO CERTAIN DATA-*
4 *BASES.—In the case of a sponsor of a group health plan*
5 *or health insurance issuer offering group or individual*
6 *health insurance coverage that, pursuant to subsection*
7 *(a)(3)(E)(iii), uses a database described in such subsection*
8 *to determine a rate to apply under such subsection for an*
9 *item or service by reason of having insufficient information*
10 *described in such subsection with respect to such item or*
11 *service, such sponsor or issuer shall cover the cost for access*
12 *to such database.”.*

13 (2) *TRANSFER AMENDMENT.—Part D of title*
14 *XXVII of the Public Health Service Act, as added by*
15 *paragraph (1), is amended by adding at the end the*
16 *following new section:*

17 **“SEC. 2799A-7. OTHER PATIENT PROTECTIONS.**

18 “(a) *CHOICE OF HEALTH CARE PROFESSIONAL.—If a*
19 *group health plan, or a health insurance issuer offering*
20 *group or individual health insurance coverage, requires or*
21 *provides for designation by a participant, beneficiary, or*
22 *enrollee of a participating primary care provider, then the*
23 *plan or issuer shall permit each participant, beneficiary,*
24 *and enrollee to designate any participating primary care*
25 *provider who is available to accept such individual.*

1 “(b) *ACCESS TO PEDIATRIC CARE.*—

2 “(1) *PEDIATRIC CARE.*—*In the case of a person*
3 *who has a child who is a participant, beneficiary, or*
4 *enrollee under a group health plan, or group or indi-*
5 *vidual health insurance coverage offered by a health*
6 *insurance issuer, if the plan or issuer requires or pro-*
7 *vides for the designation of a participating primary*
8 *care provider for the child, the plan or issuer shall*
9 *permit such person to designate a physician*
10 *(allopathic or osteopathic) who specializes in pediat-*
11 *rics as the child’s primary care provider if such pro-*
12 *vider participates in the network of the plan or*
13 *issuer.*

14 “(2) *CONSTRUCTION.*—*Nothing in paragraph (1)*
15 *shall be construed to waive any exclusions of coverage*
16 *under the terms and conditions of the plan or health*
17 *insurance coverage with respect to coverage of pedi-*
18 *atric care.*

19 “(c) *PATIENT ACCESS TO OBSTETRICAL AND GYNECO-*
20 *LOGICAL CARE.*—

21 “(1) *GENERAL RIGHTS.*—

22 “(A) *DIRECT ACCESS.*—*A group health*
23 *plan, or health insurance issuer offering group*
24 *or individual health insurance coverage, de-*
25 *scribed in paragraph (2) may not require au-*

1 *thorization or referral by the plan, issuer, or any*
2 *person (including a primary care provider de-*
3 *scribed in paragraph (2)(B)) in the case of a fe-*
4 *male participant, beneficiary, or enrollee who*
5 *seeks coverage for obstetrical or gynecological*
6 *care provided by a participating health care pro-*
7 *fessional who specializes in obstetrics or gyne-*
8 *cology. Such professional shall agree to otherwise*
9 *adhere to such plan's or issuer's policies and*
10 *procedures, including procedures regarding refer-*
11 *als and obtaining prior authorization and pro-*
12 *viding services pursuant to a treatment plan (if*
13 *any) approved by the plan or issuer.*

14 *“(B) OBSTETRICAL AND GYNECOLOGICAL*
15 *CARE.—A group health plan or health insurance*
16 *issuer described in paragraph (2) shall treat the*
17 *provision of obstetrical and gynecological care,*
18 *and the ordering of related obstetrical and gyne-*
19 *cological items and services, pursuant to the di-*
20 *rect access described under subparagraph (A), by*
21 *a participating health care professional who spe-*
22 *cializes in obstetrics or gynecology as the author-*
23 *ization of the primary care provider.*

24 *“(2) APPLICATION OF PARAGRAPH.—A group*
25 *health plan, or health insurance issuer offering group*

1 *or individual health insurance coverage, described in*
2 *this paragraph is a group health plan or health in-*
3 *surance coverage that—*

4 *“(A) provides coverage for obstetric or*
5 *gynecologic care; and*

6 *“(B) requires the designation by a partici-*
7 *pant, beneficiary, or enrollee of a participating*
8 *primary care provider.*

9 *“(3) CONSTRUCTION.—Nothing in paragraph (1)*
10 *shall be construed to—*

11 *“(A) waive any exclusions of coverage under*
12 *the terms and conditions of the plan or health*
13 *insurance coverage with respect to coverage of ob-*
14 *stetrical or gynecological care; or*

15 *“(B) preclude the group health plan or*
16 *health insurance issuer involved from requiring*
17 *that the obstetrical or gynecological provider no-*
18 *tify the primary care health care professional or*
19 *the plan or issuer of treatment decisions.”.*

20 *(3) CONFORMING AMENDMENTS.—*

21 *(A) Section 2719A of the Public Health*
22 *Service Act (42 U.S.C. 300gg–19a) is amended*
23 *by adding at the end the following new sub-*
24 *section:*

1 “(e) *APPLICATION.*—*The provisions of this section*
2 *shall not apply with respect to a group health plan, health*
3 *insurance issuers, or group or individual health insurance*
4 *coverage with respect to plan years beginning on or on Jan-*
5 *uary 1, 2022.*”.

6 (B) *Section 2722 of the Public Health Serv-*
7 *ice Act (42 U.S.C. 300gg–21) is amended—*

8 (i) *in subsection (a)(1), by inserting*
9 *“and part D” after “subparts 1 and 2”;*

10 (ii) *in subsection (b), by inserting*
11 *“and part D” after “subparts 1 and 2”;*

12 (iii) *in subsection (c)(1), by inserting*
13 *“and part D” after “subparts 1 and 2”;*

14 (iv) *in subsection (c)(2), by inserting*
15 *“and part D” after “subparts 1 and 2”;*

16 (v) *in subsection (c)(3), by inserting*
17 *“and part D” after “this part”; and*

18 (vi) *in subsection (d), in the matter*
19 *preceding paragraph (1), by inserting “and*
20 *part D” after “this part”.*

21 (C) *Section 2723 of the Public Health Serv-*
22 *ice Act (42 U.S.C. 300gg–22) is amended—*

23 (i) *in subsection (a)(1), by inserting*
24 *“and part D” after “this part”;*

1 (ii) in subsection (a)(2), by inserting
2 “or part D” after “this part”;

3 (iii) in subsection (b)(1), by inserting
4 “or part D” after “this part”;

5 (iv) in subsection (b)(2)(A), by insert-
6 ing “or part D” after “this part”; and

7 (v) in subsection (b)(2)(C)(ii), by in-
8 serting “and part D” after “this part”.

9 (D) Section 2724 of the Public Health Serv-
10 ice Act (42 U.S.C. 300gg-23) is amended—

11 (i) in subsection (a)(1)—

12 (I) by striking “this part and
13 part C insofar as it relates to this
14 part” and inserting “this part, part D,
15 and part C insofar as it relates to this
16 part or part D”; and

17 (II) by inserting “or part D”
18 after “requirement of this part”;

19 (ii) in subsection (a)(2), by inserting
20 “or part D” after “this part”; and

21 (iii) in subsection (c), by inserting “or
22 part D” after “this part (other than section
23 2704)”.

24 (b) *ERISA AMENDMENTS.*—

1 (1) *IN GENERAL.*—Subpart B of part 7 of title
2 *I of the Employee Retirement Income Security Act of*
3 *1974 (29 U.S.C. 1185 et seq.) is amended by adding*
4 *at the end the following:*

5 **“SEC. 716. PREVENTING SURPRISE MEDICAL BILLS.**

6 “(a) *COVERAGE OF EMERGENCY SERVICES.*—

7 “(1) *IN GENERAL.*—If a group health plan, or a
8 *health insurance issuer offering group health insur-*
9 *ance coverage, provides or covers any benefits with re-*
10 *spect to services in an emergency department of a*
11 *hospital or with respect to emergency services in an*
12 *independent freestanding emergency department (as*
13 *defined in paragraph (3)(D)), the plan or issuer shall*
14 *cover emergency services (as defined in paragraph*
15 *(3)(C))—*

16 “(A) *without the need for any prior author-*
17 *ization determination;*

18 “(B) *whether the health care provider fur-*
19 *nishing such services is a participating provider*
20 *or a participating emergency facility, as appli-*
21 *cable, with respect to such services;*

22 “(C) *in a manner so that, if such services*
23 *are provided to a participant or beneficiary by*
24 *a nonparticipating provider or a nonparticipating*
25 *emergency facility—*

1 “(i) such services will be provided
2 without imposing any requirement under
3 the plan for prior authorization of services
4 or any limitation on coverage that is more
5 restrictive than the requirements or limita-
6 tions that apply to emergency services re-
7 ceived from participating providers and
8 participating emergency facilities with re-
9 spect to such plan or coverage, respectively;

10 “(ii) the cost-sharing requirement is
11 not greater than the requirement that would
12 apply if such services were provided by a
13 participating provider or a participating
14 emergency facility;

15 “(iii) such cost-sharing requirement is
16 calculated as if the total amount that would
17 have been charged for such services by such
18 participating provider or participating
19 emergency facility were equal to the recog-
20 nized amount (as defined in paragraph
21 (3)(H)) for such services, plan or coverage,
22 and year;

23 “(iv) the group health plan or health
24 insurance issuer, respectively—

1 “(I) not later than 30 calendar
2 days after the bill for such services is
3 transmitted by such provider or facil-
4 ity, sends to the provider or facility, as
5 applicable, an initial payment or no-
6 tice of denial of payment; and

7 “(II) pays a total plan or cov-
8 erage payment directly to such pro-
9 vider or facility, respectively (in ac-
10 cordance, if applicable, with the timing
11 requirement described in subsection
12 (c)(6)) that is, with application of any
13 initial payment under subclause (I),
14 equal to the amount by which the out-
15 of-network rate (as defined in para-
16 graph (3)(K)) for such services exceeds
17 the cost-sharing amount for such serv-
18 ices (as determined in accordance with
19 clauses (ii) and (iii)) and year; and

20 “(v) any cost-sharing payments made
21 by the participant or beneficiary with re-
22 spect to such emergency services so fur-
23 nished shall be counted toward any in-net-
24 work deductible or out-of-pocket maximums
25 applied under the plan or coverage, respec-

1 *tively (and such in-network deductible and*
2 *out-of-pocket maximums shall be applied)*
3 *in the same manner as if such cost-sharing*
4 *payments were made with respect to emer-*
5 *gency services furnished by a participating*
6 *provider or a participating emergency facil-*
7 *ity; and*

8 *“(D) without regard to any other term or*
9 *condition of such coverage (other than exclusion*
10 *or coordination of benefits, or an affiliation or*
11 *waiting period, permitted under section 2704 of*
12 *the Public Health Service Act, including as in-*
13 *corporated pursuant to section 715 of this Act*
14 *and section 9815 of the Internal Revenue Code of*
15 *1986, and other than applicable cost-sharing).*

16 *“(2) REGULATIONS FOR QUALIFYING PAYMENT*
17 *AMOUNTS.—Not later than July 1, 2021, the Sec-*
18 *retary, in consultation with the Secretary of the*
19 *Treasury and the Secretary of Health and Human*
20 *Services, shall establish through rulemaking—*

21 *“(A) the methodology the group health plan*
22 *or health insurance issuer offering health insur-*
23 *ance coverage in the group market shall use to*
24 *determine the qualifying payment amount, dif-*

1 *ferentiating by large group market, and small*
2 *group market;*

3 “(B) *the information such plan or issuer,*
4 *respectively, shall share with the nonparticipating*
5 *provider or nonparticipating facility, as*
6 *applicable, when making such a determination;*

7 “(C) *the geographic regions applied for pur-*
8 *poses of this subparagraph, taking into account*
9 *access to items and services in rural and under-*
10 *served areas, including health professional short-*
11 *age areas, as defined in section 332 of the Public*
12 *Health Service Act; and*

13 “(D) *a process to receive complaints of vio-*
14 *lations of the requirements described in sub-*
15 *clauses (I) and (II) of subparagraph (A)(i) by*
16 *group health plans and health insurance issuers*
17 *offering health insurance coverage in the group*
18 *market.*

19 *Such rulemaking shall take into account payments*
20 *that are made by such plan or issuer, respectively,*
21 *that are not on a fee-for-service basis. Such method-*
22 *ology may account for relevant payment adjustments*
23 *that take into account quality or facility type (in-*
24 *cluding higher acuity settings and the case-mix of*
25 *various facility types) that are otherwise taken into*

1 *account for purposes of determining payment*
2 *amounts with respect to participating facilities. In*
3 *carrying out clause (iii), the Secretary shall consult*
4 *with the National Association of Insurance Commis-*
5 *sioners to establish the geographic regions under such*
6 *clause and shall periodically update such regions, as*
7 *appropriate, taking into account the findings of the*
8 *report submitted under section 109(a) of the No Sur-*
9 *prises Act.*

10 “(3) *DEFINITIONS.—In this subpart:*

11 “(A) *EMERGENCY DEPARTMENT OF A HOS-*
12 *PITAL.—The term ‘emergency department of a*
13 *hospital’ includes a hospital outpatient depart-*
14 *ment that provides emergency services (as de-*
15 *finied in subparagraph (C)(i)).*

16 “(B) *EMERGENCY MEDICAL CONDITION.—*
17 *The term ‘emergency medical condition’ means a*
18 *medical condition manifesting itself by acute*
19 *symptoms of sufficient severity (including severe*
20 *pain) such that a prudent layperson, who pos-*
21 *sesses an average knowledge of health and medi-*
22 *cine, could reasonably expect the absence of im-*
23 *mediate medical attention to result in a condi-*
24 *tion described in clause (i), (ii), or (iii) of sec-*
25 *tion 1867(e)(1)(A) of the Social Security Act.*

1 “(C) *EMERGENCY SERVICES.*—

2 “(i) *IN GENERAL.*—*The term ‘emer-*
3 *gency services’, with respect to an emer-*
4 *gency medical condition, means—*

5 “(I) *a medical screening examina-*
6 *tion (as required under section 1867 of*
7 *the Social Security Act, or as would be*
8 *required under such section if such sec-*
9 *tion applied to an independent free-*
10 *standing emergency department) that*
11 *is within the capability of the emer-*
12 *gency department of a hospital or of*
13 *an independent freestanding emergency*
14 *department, as applicable, including*
15 *ancillary services routinely available to*
16 *the emergency department to evaluate*
17 *such emergency medical condition; and*

18 “(II) *within the capabilities of the*
19 *staff and facilities available at the hos-*
20 *pital or the independent freestanding*
21 *emergency department, as applicable,*
22 *such further medical examination and*
23 *treatment as are required under section*
24 *1867 of such Act, or as would be re-*
25 *quired under such section if such sec-*

1 *tion applied to an independent free-*
2 *standing emergency department, to sta-*
3 *bilize the patient (regardless of the de-*
4 *partment of the hospital in which such*
5 *further examination or treatment is*
6 *furnished).*

7 “(ii) *INCLUSION OF ADDITIONAL SERV-*
8 *ICES.—*

9 “(I) *IN GENERAL.—For purposes*
10 *of this subsection and section 2799B–1*
11 *of the Public Health Service Act, in the*
12 *case of a participant or beneficiary*
13 *who is enrolled in a group health plan*
14 *or group health insurance coverage of-*
15 *fered by a health insurance issuer and*
16 *who is furnished services described in*
17 *clause (i) with respect to an emergency*
18 *medical condition, the term ‘emergency*
19 *services’ shall include, unless each of*
20 *the conditions described in subclause*
21 *(II) are met, in addition to the items*
22 *and services described in clause (i),*
23 *items and services—*

1 “(aa) for which benefits are
2 provided or covered under the
3 plan or coverage, respectively; and

4 “(bb) that are furnished by a
5 nonparticipating provider or non-
6 participating emergency facility
7 (regardless of the department of
8 the hospital in which such items
9 or services are furnished) after the
10 participant or beneficiary is sta-
11 bilized and as part of outpatient
12 observation or an inpatient or
13 outpatient stay with respect to the
14 visit in which the services de-
15 scribed in clause (i) are furnished.

16 “(II) CONDITIONS.—For purposes
17 of subclause (I), the conditions de-
18 scribed in this subclause, with respect
19 to a participant or beneficiary who is
20 stabilized and furnished additional
21 items and services described in sub-
22 clause (I) after such stabilization by a
23 provider or facility described in sub-
24 clause (I), are the following;

1 “(aa) Such provider or facil-
2 ity determines such individual is
3 able to travel using nonmedical
4 transportation or nonemergency
5 medical transportation.

6 “(bb) Such provider fur-
7 nishing such additional items and
8 services satisfies the notice and
9 consent criteria of section 2799B-
10 2(d) with respect to such items
11 and services.

12 “(cc) Such individual is in a
13 condition to receive (as deter-
14 mined in accordance with guide-
15 lines issued by the Secretary pur-
16 suant to rulemaking) the informa-
17 tion described in section 2799B-2
18 and to provide informed consent
19 under such section, in accordance
20 with applicable State law.

21 “(dd) Such other conditions,
22 as specified by the Secretary, such
23 as conditions relating to coordi-
24 nating care transitions to partici-
25 pating providers and facilities.

1 “(D) *INDEPENDENT FREESTANDING EMER-*
2 *GENCY DEPARTMENT.*—*The term ‘independent*
3 *freestanding emergency department’ means a*
4 *health care facility that—*

5 “(i) *is geographically separate and dis-*
6 *ting and licensed separately from a hos-*
7 *pital under applicable State law; and*

8 “(ii) *provides any of the emergency*
9 *services (as defined in subparagraph*
10 *(C)(i)).*

11 “(E) *QUALIFYING PAYMENT AMOUNT.*—

12 “(i) *IN GENERAL.*—*The term ‘quali-*
13 *fying payment amount’ means, subject to*
14 *clauses (ii) and (iii), with respect to a*
15 *sponsor of a group health plan and health*
16 *insurance issuer offering group health in-*
17 *surance coverage—*

18 “(I) *for an item or service fur-*
19 *nished during 2022, the median of the*
20 *contracted rates recognized by the plan*
21 *or issuer, respectively (determined with*
22 *respect to all such plans of such spon-*
23 *sor or all such coverage offered by such*
24 *issuer that are offered within the same*
25 *insurance market (specified in sub-*

1 *clause (I), (II), or (III) of clause (iv))*
2 *as the plan or coverage) as the total*
3 *maximum payment (including the*
4 *cost-sharing amount imposed for such*
5 *item or service and the amount to be*
6 *paid by the plan or issuer, respec-*
7 *tively) under such plans or coverage,*
8 *respectively, on January 31, 2019, for*
9 *the same or a similar item or service*
10 *that is provided by a provider in the*
11 *same or similar specialty and provided*
12 *in the geographic region in which the*
13 *item or service is furnished, consistent*
14 *with the methodology established by the*
15 *Secretary under paragraph (2), in-*
16 *creased by the percentage increase in*
17 *the consumer price index for all urban*
18 *consumers (United States city average)*
19 *over 2019, such percentage increase*
20 *over 2020, and such percentage in-*
21 *crease over 2021; and*

22 *“(II) for an item or service fur-*
23 *nished during 2023 or a subsequent*
24 *year, the qualifying payment amount*
25 *determined under this clause for such*

1 *an item or service furnished in the pre-*
2 *vious year, increased by the percentage*
3 *increase in the consumer price index*
4 *for all urban consumers (United States*
5 *city average) over such previous year.*

6 “(ii) *NEW PLANS AND COVERAGE.—*

7 *The term ‘qualifying payment amount’*
8 *means, with respect to a sponsor of a group*
9 *health plan or health insurance issuer offer-*
10 *ing group health insurance coverage in a*
11 *geographic region in which such sponsor or*
12 *issuer, respectively, did not offer any group*
13 *health plan or health insurance coverage*
14 *during 2019—*

15 *“(I) for the first year in which*
16 *such group health plan or health insur-*
17 *ance coverage, respectively, is offered in*
18 *such region, a rate (determined in ac-*
19 *cordance with a methodology estab-*
20 *lished by the Secretary) for items and*
21 *services that are covered by such plan*
22 *and furnished during such first year;*
23 *and*

24 *“(II) for each subsequent year*
25 *such group health plan or health insur-*

1 *ance coverage, respectively, is offered in*
2 *such region, the qualifying payment*
3 *amount determined under this clause*
4 *for such items and services furnished*
5 *in the previous year, increased by the*
6 *percentage increase in the consumer*
7 *price index for all urban consumers*
8 *(United States city average) over such*
9 *previous year.*

10 *“(iii) INSUFFICIENT INFORMATION;*
11 *NEWLY COVERED ITEMS AND SERVICES.—In*
12 *the case of a sponsor of a group health plan*
13 *or health insurance issuer offering group*
14 *health insurance coverage that does not have*
15 *sufficient information to calculate the me-*
16 *dian of the contracted rates described in*
17 *clause (i)(I) in 2019 (or, in the case of a*
18 *newly covered item or service (as defined in*
19 *clause (v)(III)), in the first coverage year*
20 *(as defined in clause (v)(I)) for such item or*
21 *service with respect to such plan or cov-*
22 *erage) for an item or service (including*
23 *with respect to provider type, or amount, of*
24 *claims for items or services (as determined*
25 *by the Secretary) provided in a particular*

1 *geographic region (other than in a case with*
2 *respect to which clause (ii) applies)) the*
3 *term ‘qualifying payment amount’—*

4 *“(I) for an item or service fur-*
5 *nished during 2022 (or, in the case of*
6 *a newly covered item or service, during*
7 *the first coverage year for such item or*
8 *service with respect to such plan or*
9 *coverage), means such rate for such*
10 *item or service determined by the spon-*
11 *sor or issuer, respectively, through use*
12 *of any database that is determined, in*
13 *accordance with rulemaking described*
14 *in paragraph (2), to not have any con-*
15 *flicts of interest and to have sufficient*
16 *information reflecting allowed amounts*
17 *paid to a health care provider or facil-*
18 *ity for relevant services furnished in*
19 *the applicable geographic region (such*
20 *as a State all-payer claims database);*

21 *“(II) for an item or service fur-*
22 *nished in a subsequent year (before the*
23 *first sufficient information year (as de-*
24 *defined in clause (v)(II)) for such item or*
25 *service with respect to such plan or*

1 *coverage), means the rate determined*
2 *under subclause (I) or this subclause,*
3 *as applicable, for such item or service*
4 *for the year previous to such subse-*
5 *quent year, increased by the percentage*
6 *increase in the consumer price index*
7 *for all urban consumers (United States*
8 *city average) over such previous year;*

9 *“(III) for an item or service fur-*
10 *nished in the first sufficient informa-*
11 *tion year for such item or service with*
12 *respect to such plan or coverage, has*
13 *the meaning given the term qualifying*
14 *payment amount in clause (i)(I), ex-*
15 *cept that in applying such clause to*
16 *such item or service, the reference to*
17 *‘furnished during 2022’ shall be treated*
18 *as a reference to furnished during such*
19 *first sufficient information year, the*
20 *reference to ‘in 2019’ shall be treated*
21 *as a reference to such sufficient infor-*
22 *mation year, and the increase de-*
23 *scribed in such clause shall not be ap-*
24 *plied; and*

1 “(IV) for an item or service fur-
2 nished in any year subsequent to the
3 first sufficient information year for
4 such item or service with respect to
5 such plan or coverage, has the meaning
6 given such term in clause (i)(II), ex-
7 cept that in applying such clause to
8 such item or service, the reference to
9 ‘furnished during 2023 or a subsequent
10 year’ shall be treated as a reference to
11 furnished during the year after such
12 first sufficient information year or a
13 subsequent year.

14 “(iv) *INSURANCE MARKET*.—For pur-
15 poses of clause (i)(I), a health insurance
16 market specified in this clause is one of the
17 following:

18 “(I) *The large group market*
19 *(other than plans described in sub-*
20 *clause (III)).*

21 “(II) *The small group market*
22 *(other than plans described in sub-*
23 *clause (III)).*

1 “(III) *In the case of a self-insured*
2 *group health plan, other self-insured*
3 *group health plans.*

4 “(v) *DEFINITIONS.—For purposes of*
5 *this subparagraph:*

6 “(I) *FIRST COVERAGE YEAR.—The*
7 *term ‘first coverage year’ means, with*
8 *respect to a group health plan or group*
9 *health insurance coverage offered by a*
10 *health insurance issuer and an item or*
11 *service for which coverage is not offered*
12 *in 2019 under such plan or coverage,*
13 *the first year after 2019 for which cov-*
14 *erage for such item or service is offered*
15 *under such plan or health insurance*
16 *coverage.*

17 “(II) *FIRST SUFFICIENT INFOR-*
18 *MATION YEAR.—The term ‘first suffi-*
19 *cient information year’ means, with*
20 *respect to a group health plan or group*
21 *health insurance coverage offered by a*
22 *health insurance issuer—*

23 “(aa) *in the case of an item*
24 *or service for which the plan or*
25 *coverage does not have sufficient*

1 information to calculate the me-
2 dian of the contracted rates de-
3 scribed in clause (i)(I) in 2019,
4 the first year subsequent to 2022
5 for which such sponsor or issuer
6 has such sufficient information to
7 calculate the median of such con-
8 tracted rates in the year previous
9 to such first subsequent year; and

10 “(bb) in the case of a newly
11 covered item or service, the first
12 year subsequent to the first cov-
13 erage year for such item or service
14 with respect to such plan or cov-
15 erage for which the sponsor or
16 issuer has sufficient information
17 to calculate the median of the con-
18 tracted rates described in clause
19 (i)(I) in the year previous to such
20 first subsequent year.

21 “(III) NEWLY COVERED ITEM OR
22 SERVICE.—The term ‘newly covered
23 item or service’ means, with respect to
24 a group health plan or health insur-
25 ance issuer offering group health insur-

1 *ance coverage, an item or service for*
2 *which coverage was not offered in 2019*
3 *under such plan or coverage, but is of-*
4 *fered under such plan or coverage in a*
5 *year after 2019.*

6 “(F) *NONPARTICIPATING EMERGENCY FA-*
7 *CILITY; PARTICIPATING EMERGENCY FACILITY.—*

8 “(i) *NONPARTICIPATING EMERGENCY*
9 *FACILITY.—The term ‘nonparticipating*
10 *emergency facility’ means, with respect to*
11 *an item or service and a group health plan*
12 *or group health insurance coverage offered*
13 *by a health insurance issuer, an emergency*
14 *department of a hospital, or an independent*
15 *freestanding emergency department, that*
16 *does not have a contractual relationship di-*
17 *rectly or indirectly with the plan or issuer,*
18 *respectively, for furnishing such item or*
19 *service under the plan or coverage, respec-*
20 *tively.*

21 “(ii) *PARTICIPATING EMERGENCY FA-*
22 *CILITY.—The term ‘participating emergency*
23 *facility’ means, with respect to an item or*
24 *service and a group health plan or group*
25 *health insurance coverage offered by a*

1 *health insurance issuer, an emergency de-*
2 *partment of a hospital, or an independent*
3 *freestanding emergency department, that*
4 *has a contractual relationship directly or*
5 *indirectly with the plan or issuer, respec-*
6 *tively, with respect to the furnishing of such*
7 *an item or service at such facility.*

8 “(G) *NONPARTICIPATING PROVIDERS; PAR-*
9 *TICIPATING PROVIDERS.—*

10 “(i) *NONPARTICIPATING PROVIDER.—*
11 *The term ‘nonparticipating provider’*
12 *means, with respect to an item or service*
13 *and a group health plan or group health in-*
14 *surance coverage offered by a health insur-*
15 *ance issuer, a physician or other health care*
16 *provider who is acting within the scope of*
17 *practice of that provider’s license or certifi-*
18 *cation under applicable State law and who*
19 *does not have a contractual relationship*
20 *with the plan or issuer, respectively, for fur-*
21 *nishing such item or service under the plan*
22 *or coverage, respectively.*

23 “(ii) *PARTICIPATING PROVIDER.—The*
24 *term ‘participating provider’ means, with*
25 *respect to an item or service and a group*

1 *health plan or group health insurance cov-*
2 *erage offered by a health insurance issuer, a*
3 *physician or other health care provider who*
4 *is acting within the scope of practice of that*
5 *provider's license or certification under ap-*
6 *plicable State law and who has a contrac-*
7 *tual relationship with the plan or issuer, re-*
8 *spectively, for furnishing such item or serv-*
9 *ice under the plan or coverage, respectively.*

10 *“(H) RECOGNIZED AMOUNT.—The term*
11 *‘recognized amount’ means, with respect to an*
12 *item or service furnished by a nonparticipating*
13 *provider or nonparticipating emergency facility*
14 *during a year and a group health plan or group*
15 *health insurance coverage offered by a health in-*
16 *surance issuer—*

17 *“(i) subject to clause (iii), in the case*
18 *of such item or service furnished in a State*
19 *that has in effect a specified State law with*
20 *respect to such plan, coverage, or issuer, re-*
21 *spectively; such a nonparticipating provider*
22 *or nonparticipating emergency facility; and*
23 *such an item or service, the amount deter-*
24 *mined in accordance with such law;*

1 “(ii) subject to clause (iii), in the case
2 of such item or service furnished in a State
3 that does not have in effect a specified State
4 law, with respect to such plan, coverage, or
5 issuer, respectively; such a nonparticipating
6 provider or nonparticipating emergency fa-
7 cility; and such an item or service, the
8 amount that is the qualifying payment
9 amount (as defined in subparagraph (E))
10 for such year and determined in accordance
11 with rulemaking described in paragraph
12 (2)) for such item or service; or

13 “(iii) in the case of such item or serv-
14 ice furnished in a State with an All-Payer
15 Model Agreement under section 1115A of the
16 Social Security Act, the amount that the
17 State approves under such system for such
18 item or service so furnished.

19 “(I) SPECIFIED STATE LAW.—The term
20 ‘specified State law’ means, with respect to a
21 State, an item or service furnished by a non-
22 participating provider or nonparticipating
23 emergency facility during a year and a group
24 health plan or group health insurance coverage
25 offered by a health insurance issuer, a State law

1 *that provides for a method for determining the*
2 *total amount payable under such a plan, cov-*
3 *erage, or issuer, respectively (to the extent such*
4 *State law applies to such plan, coverage, or*
5 *issuer, subject to section 514) in the case of a*
6 *participant or beneficiary covered under such*
7 *plan or coverage and receiving such item or serv-*
8 *ice from such a nonparticipating provider or*
9 *nonparticipating emergency facility.*

10 “(J) *STABILIZE*.—*The term ‘to stabilize’,*
11 *with respect to an emergency medical condition*
12 *(as defined in subparagraph (B)), has the mean-*
13 *ing give in section 1867(e)(3) of the Social Secu-*
14 *rity Act (42 U.S.C. 1395dd(e)(3)).*

15 “(K) *OUT-OF-NETWORK RATE*.—*The term*
16 *‘out-of-network rate’ means, with respect to an*
17 *item or service furnished in a State during a*
18 *year to a participant or beneficiary of a group*
19 *health plan or group health insurance coverage*
20 *offered by a health insurance issuer receiving*
21 *such item or service from a nonparticipating*
22 *provider or nonparticipating emergency facil-*
23 *ity—*

24 *“(i) subject to clause (iii), in the case*
25 *of such item or service furnished in a State*

1 *that has in effect a specified State law with*
2 *respect to such plan, coverage, or issuer, re-*
3 *spectively; such a nonparticipating provider*
4 *or nonparticipating emergency facility; and*
5 *such an item or service, the amount deter-*
6 *mined in accordance with such law;*

7 “(ii) *subject to clause (iii), in the case*
8 *such State does not have in effect such a*
9 *law with respect to such item or service,*
10 *plan, and provider or facility—*

11 “(I) *subject to subclause (II), if*
12 *the provider or facility (as applicable)*
13 *and such plan or coverage agree on an*
14 *amount of payment (including if such*
15 *agreed on amount is the initial pay-*
16 *ment sent by the plan under subsection*
17 *(a)(1)(C)(iv)(I), subsection (b)(1)(C),*
18 *or section 717(a)(3)(A), as applicable,*
19 *or is agreed on through open negotia-*
20 *tions under subsection (c)(1)) with re-*
21 *spect to such item or service, such*
22 *agreed on amount; or*

23 “(II) *if such provider or facility*
24 *(as applicable) and such plan or cov-*
25 *erage enter the independent dispute*

1 *resolution process under subsection (c)*
2 *and do not so agree before the date on*
3 *which a certified IDR entity (as de-*
4 *fin ed in paragraph (4) of such sub-*
5 *section) makes a determination with*
6 *respect to such item or service under*
7 *such subsection, the amount of such de-*
8 *termination; or*

9 *“(iii) in the case such State has an*
10 *All-Payer Model Agreement under section*
11 *1115A of the Social Security Act, the*
12 *amount that the State approves under such*
13 *system for such item or service so furnished.*

14 *“(L) COST-SHARING.—The term ‘cost-shar-*
15 *ing’ includes copayments, coinsurance, and*
16 *deductibles.*

17 *“(b) COVERAGE OF NON-EMERGENCY SERVICES PER-*
18 *FORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN*
19 *PARTICIPATING FACILITIES.—*

20 *“(1) IN GENERAL.—In the case of items or serv-*
21 *ices (other than emergency services to which sub-*
22 *section (a) applies) for which any benefits are pro-*
23 *vided or covered by a group health plan or health in-*
24 *surance issuer offering group health insurance cov-*
25 *erage furnished to a participant or beneficiary of*

1 *such plan or coverage by a nonparticipating provider*
2 *(as defined in subsection (a)(3)(G)(i)) (and who, with*
3 *respect to such items and services, has not satisfied*
4 *the notice and consent criteria of section 2799B–2(d)*
5 *of the Public Health Service Act) with respect to a*
6 *visit (as defined by the Secretary in accordance with*
7 *paragraph (2)(B)) at a participating health care fa-*
8 *cility (as defined in paragraph (2)(A)), with respect*
9 *to such plan or coverage, respectively, the plan or cov-*
10 *erage, respectively—*

11 *“(A) shall not impose on such participant*
12 *or beneficiary a cost-sharing requirement for*
13 *such items and services so furnished that is*
14 *greater than the cost-sharing requirement that*
15 *would apply under such plan or coverage, respec-*
16 *tively, had such items or services been furnished*
17 *by a participating provider (as defined in sub-*
18 *section (a)(3)(G)(i));*

19 *“(B) shall calculate such cost-sharing re-*
20 *quirement as if the total amount that would have*
21 *been charged for such items and services by such*
22 *participating provider were equal to the recog-*
23 *nized amount (as defined in subsection*
24 *(a)(3)(H)) for such items and services, plan or*
25 *coverage, and year;*

1 “(C) not later than 30 calendar days after
2 the bill for such items or services is transmitted
3 by such provider, shall send to the provider an
4 initial payment or notice of denial of payment;

5 “(D) shall pay a total plan or coverage
6 payment directly, in accordance, if applicable,
7 with the timing requirement described in sub-
8 section (c)(6), to such provider furnishing such
9 items and services to such participant or bene-
10 ficiary that is, with application of any initial
11 payment under subparagraph (C), equal to the
12 amount by which the out-of-network rate (as de-
13 fined in subsection (a)(3)(K)) for such items and
14 services exceeds the cost-sharing amount imposed
15 under the plan or coverage, respectively, for such
16 items and services (as determined in accordance
17 with subparagraphs (A) and (B)) and year; and

18 “(E) shall count toward any in-network de-
19 ductible and in-network out-of-pocket maximums
20 (as applicable) applied under the plan or cov-
21 erage, respectively, any cost-sharing payments
22 made by the participant or beneficiary (and
23 such in-network deductible and out-of-pocket
24 maximums shall be applied) with respect to such
25 items and services so furnished in the same man-

1 *ner as if such cost-sharing payments were with*
2 *respect to items and services furnished by a par-*
3 *ticipating provider.*

4 “(2) *DEFINITIONS.—In this section:*

5 “(A) *PARTICIPATING HEALTH CARE FACIL-*
6 *ITY.—*

7 “(i) *IN GENERAL.—The term ‘partici-*
8 *pating health care facility’ means, with re-*
9 *spect to an item or service and a group*
10 *health plan or health insurance issuer offer-*
11 *ing group health insurance coverage, a*
12 *health care facility described in clause (ii)*
13 *that has a direct or indirect contractual re-*
14 *lationship with the plan or issuer, respec-*
15 *tively, with respect to the furnishing of such*
16 *an item or service at the facility.*

17 “(ii) *HEALTH CARE FACILITY DE-*
18 *SCRIBED.—A health care facility described*
19 *in this clause, with respect to a group*
20 *health plan or group health insurance cov-*
21 *erage, is each of the following:*

22 “(I) *A hospital (as defined in*
23 *1861(e) of the Social Security Act).*

24 “(II) *A hospital outpatient de-*
25 *partment.*

1 “(III) *A critical access hospital*
2 *(as defined in section 1861(mm)(1) of*
3 *such Act).*

4 “(IV) *An ambulatory surgical*
5 *center described in section*
6 *1833(i)(1)(A) of such Act.*

7 “(V) *Any other facility, specified*
8 *by the Secretary, that provides items*
9 *or services for which coverage is pro-*
10 *vided under the plan or coverage, re-*
11 *spectively.*

12 “(B) *VISIT.—The term ‘visit’ shall, with re-*
13 *spect to items and services furnished to an indi-*
14 *vidual at a health care facility, include equip-*
15 *ment and devices, telemedicine services, imaging*
16 *services, laboratory services, preoperative and*
17 *postoperative services, and such other items and*
18 *services as the Secretary may specify, regardless*
19 *of whether or not the provider furnishing such*
20 *items or services is at the facility.*

21 “(c) *CERTAIN ACCESS FEES TO CERTAIN DATA-*
22 *BASES.—In the case of a sponsor of a group health plan*
23 *or health insurance issuer offering group health insurance*
24 *coverage that, pursuant to subsection (a)(3)(E)(iii), uses a*
25 *database described in such subsection to determine a rate*

1 *to apply under such subsection for an item or service by*
2 *reason of having insufficient information described in such*
3 *subsection with respect to such item or service, such sponsor*
4 *or issuer shall cover the cost for access to such database.”.*

5 (2) *TRANSFER AMENDMENT.—Subpart B of part*
6 *7 of title I of the Employee Retirement Income Secu-*
7 *rity Act of 1974 (29 U.S.C. 1185 et seq.), as amended*
8 *by paragraph (1), is further amended by adding at*
9 *the end the following:*

10 **“SEC. 722. OTHER PATIENT PROTECTIONS.**

11 *“(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If a*
12 *group health plan, or a health insurance issuer offering*
13 *group health insurance coverage, requires or provides for*
14 *designation by a participant or beneficiary of a partici-*
15 *pating primary care provider, then the plan or issuer shall*
16 *permit each participant and beneficiary to designate any*
17 *participating primary care provider who is available to ac-*
18 *cept such individual.*

19 *“(b) ACCESS TO PEDIATRIC CARE.—*

20 *“(1) PEDIATRIC CARE.—In the case of a person*
21 *who has a child who is a participant or beneficiary*
22 *under a group health plan, or group health insurance*
23 *coverage offered by a health insurance issuer, if the*
24 *plan or issuer requires or provides for the designation*
25 *of a participating primary care provider for the*

1 *child, the plan or issuer shall permit such person to*
2 *designate a physician (allopathic or osteopathic) who*
3 *specializes in pediatrics as the child’s primary care*
4 *provider if such provider participates in the network*
5 *of the plan or issuer.*

6 “(2) *CONSTRUCTION.*—*Nothing in paragraph (1)*
7 *shall be construed to waive any exclusions of coverage*
8 *under the terms and conditions of the plan or health*
9 *insurance coverage with respect to coverage of pedi-*
10 *atric care.*

11 “(c) *PATIENT ACCESS TO OBSTETRICAL AND GYNECO-*
12 *LOGICAL CARE.*—

13 “(1) *GENERAL RIGHTS.*—

14 “(A) *DIRECT ACCESS.*—*A group health*
15 *plan, or health insurance issuer offering group*
16 *health insurance coverage, described in para-*
17 *graph (2) may not require authorization or re-*
18 *ferral by the plan, issuer, or any person (includ-*
19 *ing a primary care provider described in para-*
20 *graph (2)(B)) in the case of a female participant*
21 *or beneficiary who seeks coverage for obstetrical*
22 *or gynecological care provided by a partici-*
23 *pating health care professional who specializes in*
24 *obstetrics or gynecology. Such professional shall*
25 *agree to otherwise adhere to such plan’s or*

1 *issuer’s policies and procedures, including proce-*
2 *dures regarding referrals and obtaining prior*
3 *authorization and providing services pursuant to*
4 *a treatment plan (if any) approved by the plan*
5 *or issuer.*

6 *“(B) OBSTETRICAL AND GYNECOLOGICAL*
7 *CARE.—A group health plan or health insurance*
8 *issuer described in paragraph (2) shall treat the*
9 *provision of obstetrical and gynecological care,*
10 *and the ordering of related obstetrical and gyne-*
11 *cological items and services, pursuant to the di-*
12 *rect access described under subparagraph (A), by*
13 *a participating health care professional who spe-*
14 *cializes in obstetrics or gynecology as the author-*
15 *ization of the primary care provider.*

16 *“(2) APPLICATION OF PARAGRAPH.—A group*
17 *health plan, or health insurance issuer offering group*
18 *health insurance coverage, described in this para-*
19 *graph is a group health plan or coverage that—*

20 *“(A) provides coverage for obstetric or*
21 *gynecologic care; and*

22 *“(B) requires the designation by a partici-*
23 *pant or beneficiary of a participating primary*
24 *care provider.*

1 “(3) *CONSTRUCTION.*—*Nothing in paragraph (1)*
2 *shall be construed to—*

3 “(A) *waive any exclusions of coverage under*
4 *the terms and conditions of the plan or health*
5 *insurance coverage with respect to coverage of ob-*
6 *stetrical or gynecological care; or*

7 “(B) *preclude the group health plan or*
8 *health insurance issuer involved from requiring*
9 *that the obstetrical or gynecological provider no-*
10 *tify the primary care health care professional or*
11 *the plan or issuer of treatment decisions.”.*

12 “(3) *CLERICAL AMENDMENT.*—*The table of con-*
13 *tents of the Employee Retirement Income Security*
14 *Act of 1974 is amended by inserting after the item re-*
15 *lating to section 714 the following:*

 “*Sec. 715. Additional market reforms.*

 “*Sec. 716. Preventing surprise medical bills.*

 “*Sec. 722. Other patient protections.”.*

16 “(c) *IRC AMENDMENTS.*—

17 “(1) *IN GENERAL.*—*Subchapter B of chapter 100*
18 *of the Internal Revenue Code of 1986 is amended by*
19 *adding at the end the following:*

20 “**SEC. 9816. PREVENTING SURPRISE MEDICAL BILLS.**

21 “(a) *COVERAGE OF EMERGENCY SERVICES.*—

22 “(1) *IN GENERAL.*—*If a group health plan pro-*
23 *vides or covers any benefits with respect to services in*
24 *an emergency department of a hospital or with re-*

1 *spect to emergency services in an independent free-*
2 *standing emergency department (as defined in para-*
3 *graph (3)(D)), the plan shall cover emergency services*
4 *(as defined in paragraph (3)(C))—*

5 *“(A) without the need for any prior author-*
6 *ization determination;*

7 *“(B) whether the health care provider fur-*
8 *nishing such services is a participating provider*
9 *or a participating emergency facility, as appli-*
10 *cable, with respect to such services;*

11 *“(C) in a manner so that, if such services*
12 *are provided to a participant or beneficiary by*
13 *a nonparticipating provider or a nonpartici-*
14 *pating emergency facility—*

15 *“(i) such services will be provided*
16 *without imposing any requirement under*
17 *the plan for prior authorization of services*
18 *or any limitation on coverage that is more*
19 *restrictive than the requirements or limita-*
20 *tions that apply to emergency services re-*
21 *ceived from participating providers and*
22 *participating emergency facilities with re-*
23 *spect to such plan;*

24 *“(ii) the cost-sharing requirement is*
25 *not greater than the requirement that would*

1 *apply if such services were provided by a*
2 *participating provider or a participating*
3 *emergency facility;*

4 “(iii) *such cost-sharing requirement is*
5 *calculated as if the total amount that would*
6 *have been charged for such services by such*
7 *participating provider or participating*
8 *emergency facility were equal to the recog-*
9 *nized amount (as defined in paragraph*
10 *(3)(H)) for such services, plan, and year;*

11 “(iv) *the group health plan—*

12 “(I) *not later than 30 calendar*
13 *days after the bill for such services is*
14 *transmitted by such provider or facil-*
15 *ity, sends to the provider or facility, as*
16 *applicable, an initial payment or no-*
17 *tice of denial of payment; and*

18 “(II) *pays a total plan payment*
19 *directly to such provider or facility, re-*
20 *spectively (in accordance, if applicable,*
21 *with the timing requirement described*
22 *in subsection (c)(6)) that is, with ap-*
23 *plication of any initial payment under*
24 *subclause (I), equal to the amount by*
25 *which the out-of-network rate (as de-*

1 *defined in paragraph (3)(K)) for such*
2 *services exceeds the cost-sharing*
3 *amount for such services (as deter-*
4 *mined in accordance with clauses (ii)*
5 *and (iii)) and year; and*

6 *“(iv) any cost-sharing payments made*
7 *by the participant or beneficiary with re-*
8 *spect to such emergency services so fur-*
9 *nished shall be counted toward any in-net-*
10 *work deductible or out-of-pocket maximums*
11 *applied under the plan (and such in-net-*
12 *work deductible and out-of-pocket maxi-*
13 *mums shall be applied) in the same manner*
14 *as if such cost-sharing payments were made*
15 *with respect to emergency services furnished*
16 *by a participating provider or a partici-*
17 *pating emergency facility; and*

18 *“(D) without regard to any other term or*
19 *condition of such coverage (other than exclusion*
20 *or coordination of benefits, or an affiliation or*
21 *waiting period, permitted under section 2704 of*
22 *the Public Health Service Act, including as in-*
23 *corporated pursuant to section 715 of the Em-*
24 *ployee Retirement Income Security Act of 1974*

1 *and section 9815 of this Act, and other than ap-*
2 *plicable cost-sharing).*

3 “(2) *AUDIT PROCESS AND REGULATIONS FOR*
4 *QUALIFYING PAYMENT AMOUNTS.—*

5 “(A) *AUDIT PROCESS.—*

6 “(i) *IN GENERAL.—Not later than Oc-*
7 *tober 1, 2021, the Secretary, in consultation*
8 *with the Secretary of Health and Human*
9 *Services and the Secretary of Labor, shall*
10 *establish through rulemaking a process, in*
11 *accordance with clause (ii), under which*
12 *group health plans are audited by the Sec-*
13 *retary or applicable State authority to en-*
14 *sure that—*

15 “(I) *such plans are in compliance*
16 *with the requirement of applying a*
17 *qualifying payment amount under this*
18 *section; and*

19 “(II) *such qualifying payment*
20 *amount so applied satisfies the defini-*
21 *tion under paragraph (3)(E) with re-*
22 *spect to the year involved, including*
23 *with respect to a group health plan de-*
24 *scribed in clause (i) of such para-*
25 *graph (3)(E).*

1 “(ii) *AUDIT SAMPLES.*—Under the
2 *process established pursuant to clause (i),*
3 *the Secretary—*

4 “(I) *shall conduct audits described*
5 *in such clause, with respect to a year*
6 *(beginning with 2022), of a sample*
7 *with respect to such year of claims*
8 *data from not more than 25 group*
9 *health plans; and*

10 “(II) *may audit any group health*
11 *plan if the Secretary has received any*
12 *complaint or other information about*
13 *such plan or coverage, respectively,*
14 *that involves the compliance of the*
15 *plan with either of the requirements*
16 *described in subclauses (I) and (II) of*
17 *such clause.*

18 “(iii) *REPORTS.*—Beginning for 2022,
19 *the Secretary shall annually submit to Con-*
20 *gress a report on the number of plans and*
21 *issuers with respect to which audits were*
22 *conducted during such year pursuant to*
23 *this subparagraph.*

24 “(B) *RULEMAKING.*—Not later than July 1,
25 *2021, the Secretary, in consultation with the*

1 *Secretary of Labor and the Secretary of Health*
2 *and Human Services, shall establish through*
3 *rulemaking—*

4 “(i) *the methodology the group health*
5 *plan shall use to determine the qualifying*
6 *payment amount, differentiating by large*
7 *group market and small group market;*

8 “(ii) *the information such plan or*
9 *issuer, respectively, shall share with the*
10 *nonparticipating provider or nonpartici-*
11 *pating facility, as applicable, when making*
12 *such a determination;*

13 “(iii) *the geographic regions applied*
14 *for purposes of this subparagraph, taking*
15 *into account access to items and services in*
16 *rural and underserved areas, including*
17 *health professional shortage areas, as de-*
18 *fined in section 332 of the Public Health*
19 *Service Act; and*

20 “(iv) *a process to receive complaints of*
21 *violations of the requirements described in*
22 *subclauses (I) and (II) of subparagraph*
23 *(A)(i) by group health plans.*

24 *Such rulemaking shall take into account pay-*
25 *ments that are made by such plan that are not*

1 *on a fee-for-service basis. Such methodology may*
2 *account for relevant payment adjustments that*
3 *take into account quality or facility type (in-*
4 *cluding higher acuity settings and the case-mix*
5 *of various facility types) that are otherwise taken*
6 *into account for purposes of determining pay-*
7 *ment amounts with respect to participating fa-*
8 *ilities. In carrying out clause (iii), the Sec-*
9 *retary shall consult with the National Associa-*
10 *tion of Insurance Commissioners to establish the*
11 *geographic regions under such clause and shall*
12 *periodically update such regions, as appropriate,*
13 *taking into account the findings of the report*
14 *submitted under section 109(a) of the No Sur-*
15 *prises Act.*

16 “(3) *DEFINITIONS.—In this subchapter:*

17 “(A) *EMERGENCY DEPARTMENT OF A HOS-*
18 *PITAL.—The term ‘emergency department of a*
19 *hospital’ includes a hospital outpatient depart-*
20 *ment that provides emergency services (as de-*
21 *fined in subparagraph (C)(i)).*

22 “(B) *EMERGENCY MEDICAL CONDITION.—*
23 *The term ‘emergency medical condition’ means a*
24 *medical condition manifesting itself by acute*
25 *symptoms of sufficient severity (including severe*

1 *pain) such that a prudent layperson, who pos-*
2 *sesses an average knowledge of health and medi-*
3 *cine, could reasonably expect the absence of im-*
4 *mediate medical attention to result in a condi-*
5 *tion described in clause (i), (ii), or (iii) of sec-*
6 *tion 1867(e)(1)(A) of the Social Security Act.*

7 “(C) *EMERGENCY SERVICES.*—

8 “(i) *IN GENERAL.*—*The term ‘emer-*
9 *gency services’, with respect to an emer-*
10 *gency medical condition, means—*

11 “(I) *a medical screening examina-*
12 *tion (as required under section 1867 of*
13 *the Social Security Act, or as would be*
14 *required under such section if such sec-*
15 *tion applied to an independent free-*
16 *standing emergency department) that*
17 *is within the capability of the emer-*
18 *gency department of a hospital or of*
19 *an independent freestanding emergency*
20 *department, as applicable, including*
21 *ancillary services routinely available to*
22 *the emergency department to evaluate*
23 *such emergency medical condition; and*

24 “(II) *within the capabilities of the*
25 *staff and facilities available at the hos-*

1 *pital or the independent freestanding*
2 *emergency department, as applicable,*
3 *such further medical examination and*
4 *treatment as are required under section*
5 *1867 of such Act, or as would be re-*
6 *quired under such section if such sec-*
7 *tion applied to an independent free-*
8 *standing emergency department, to sta-*
9 *bilize the patient (regardless of the de-*
10 *partment of the hospital in which such*
11 *further examination or treatment is*
12 *furnished).*

13 “(i) *INCLUSION OF ADDITIONAL SERV-*
14 *ICES.—*

15 “(I) *IN GENERAL.—For purposes*
16 *of this subsection and section 2799B–1*
17 *of the Public Health Service Act, in the*
18 *case of a participant or beneficiary*
19 *who is enrolled in a group health plan*
20 *and who is furnished services described*
21 *in clause (i) with respect to an emer-*
22 *gency medical condition, the term*
23 *‘emergency services’ shall include, un-*
24 *less each of the conditions described in*
25 *subclause (II) are met, in addition to*

1 *the items and services described in*
2 *clause (i), items and services—*

3 “(aa) *for which benefits are*
4 *provided or covered under the*
5 *plan; and*

6 “(bb) *that are furnished by a*
7 *nonparticipating provider or non-*
8 *participating emergency facility*
9 *(regardless of the department of*
10 *the hospital in which such items*
11 *or services are furnished) after the*
12 *participant or beneficiary is sta-*
13 *bilized and as part of outpatient*
14 *observation or an inpatient or*
15 *outpatient stay with respect to the*
16 *visit in which the services de-*
17 *scribed in clause (i) are furnished.*

18 “(II) *CONDITIONS.—For purposes*
19 *of subclause (I), the conditions de-*
20 *scribed in this subclause, with respect*
21 *to a participant or beneficiary who is*
22 *stabilized and furnished additional*
23 *items and services described in sub-*
24 *clause (I) after such stabilization by a*

1 provider or facility described in sub-
2 clause (I), are the following;

3 “(aa) Such provider or facil-
4 ity determines such individual is
5 able to travel using nonmedical
6 transportation or nonemergency
7 medical transportation.

8 “(bb) Such provider fur-
9 nishing such additional items and
10 services satisfies the notice and
11 consent criteria of section 2799B-
12 2(d) with respect to such items
13 and services.

14 “(cc) Such individual is in a
15 condition to receive (as deter-
16 mined in accordance with guide-
17 lines issued by the Secretary pur-
18 suant to rulemaking) the informa-
19 tion described in section 2799B-2
20 and to provide informed consent
21 under such section, in accordance
22 with applicable State law.

23 “(dd) Such other conditions,
24 as specified by the Secretary, such
25 as conditions relating to coordi-

1 *nating care transitions to partici-*
2 *pating providers and facilities.*

3 “(D) *INDEPENDENT FREESTANDING EMER-*
4 *GENCY DEPARTMENT.*—*The term ‘independent*
5 *freestanding emergency department’ means a*
6 *health care facility that—*

7 “(i) *is geographically separate and dis-*
8 *tinct and licensed separately from a hos-*
9 *pital under applicable State law; and*

10 “(ii) *provides any of the emergency*
11 *services (as defined in subparagraph*
12 *(C)(i)).*

13 “(E) *QUALIFYING PAYMENT AMOUNT.*—

14 “(i) *IN GENERAL.*—*The term ‘quali-*
15 *fying payment amount’ means, subject to*
16 *clauses (ii) and (iii), with respect to a*
17 *sponsor of a group health plan—*

18 “(I) *for an item or service fur-*
19 *nished during 2022, the median of the*
20 *contracted rates recognized by the plan*
21 *(determined with respect to all such*
22 *plans of such sponsor that are offered*
23 *within the same insurance market*
24 *(specified in subclause (I), (II), or*
25 *(III) of clause (iv)) as the plan) as the*

1 *total maximum payment (including*
2 *the cost-sharing amount imposed for*
3 *such item or service and the amount to*
4 *be paid by the plan) under such plans*
5 *on January 31, 2019 for the same or*
6 *a similar item or service that is pro-*
7 *vided by a provider in the same or*
8 *similar specialty and provided in the*
9 *geographic region in which the item or*
10 *service is furnished, consistent with the*
11 *methodology established by the Sec-*
12 *retary under paragraph (2)(B), in-*
13 *creased by the percentage increase in*
14 *the consumer price index for all urban*
15 *consumers (United States city average)*
16 *over 2019, such percentage increase*
17 *over 2020, and such percentage in-*
18 *crease over 2021; and*

19 *“(II) for an item or service fur-*
20 *nished during 2023 or a subsequent*
21 *year, the qualifying payment amount*
22 *determined under this clause for such*
23 *an item or service furnished in the pre-*
24 *vious year, increased by the percentage*
25 *increase in the consumer price index*

1 *for all urban consumers (United States*
2 *city average) over such previous year.*

3 “(ii) *NEW PLANS AND COVERAGE.—*
4 *The term ‘qualifying payment amount’*
5 *means, with respect to a sponsor of a group*
6 *health plan in a geographic region in which*
7 *such sponsor, respectively, did not offer any*
8 *group health plan or health insurance cov-*
9 *erage during 2019—*

10 “(I) *for the first year in which*
11 *such group health plan is offered in*
12 *such region, a rate (determined in ac-*
13 *cordance with a methodology estab-*
14 *lished by the Secretary) for items and*
15 *services that are covered by such plan*
16 *and furnished during such first year;*
17 *and*

18 “(II) *for each subsequent year*
19 *such group health plan is offered in*
20 *such region, the qualifying payment*
21 *amount determined under this clause*
22 *for such items and services furnished*
23 *in the previous year, increased by the*
24 *percentage increase in the consumer*
25 *price index for all urban consumers*

1 *(United States city average) over such*
2 *previous year.*

3 “(iii) *INSUFFICIENT INFORMATION;*
4 *NEWLY COVERED ITEMS AND SERVICES.—In*
5 *the case of a sponsor of a group health plan*
6 *that does not have sufficient information to*
7 *calculate the median of the contracted rates*
8 *described in clause (i)(I) in 2019 (or, in the*
9 *case of a newly covered item or service (as*
10 *defined in clause (v)(III)), in the first cov-*
11 *erage year (as defined in clause (v)(I)) for*
12 *such item or service with respect to such*
13 *plan) for an item or service (including with*
14 *respect to provider type, or amount, of*
15 *claims for items or services (as determined*
16 *by the Secretary) provided in a particular*
17 *geographic region (other than in a case with*
18 *respect to which clause (ii) applies)) the*
19 *term ‘qualifying payment amount’—*

20 *“(I) for an item or service fur-*
21 *nished during 2022 (or, in the case of*
22 *a newly covered item or service, during*
23 *the first coverage year for such item or*
24 *service with respect to such plan),*
25 *means such rate for such item or serv-*

1 *ice determined by the sponsor through*
2 *use of any database that is determined,*
3 *in accordance with rulemaking de-*
4 *scribed in paragraph (2)(B), to not*
5 *have any conflicts of interest and to*
6 *have sufficient information reflecting*
7 *allowed amounts paid to a health care*
8 *provider or facility for relevant serv-*
9 *ices furnished in the applicable geo-*
10 *graphic region (such as a State all-*
11 *payer claims database);*

12 *“(II) for an item or service fur-*
13 *nished in a subsequent year (before the*
14 *first sufficient information year (as de-*
15 *fined in clause (v)(II)) for such item or*
16 *service with respect to such plan),*
17 *means the rate determined under sub-*
18 *clause (I) or this subclause, as applica-*
19 *ble, for such item or service for the*
20 *year previous to such subsequent year,*
21 *increased by the percentage increase in*
22 *the consumer price index for all urban*
23 *consumers (United States city average)*
24 *over such previous year;*

1 “(III) for an item or service fur-
2 nished in the first sufficient informa-
3 tion year for such item or service with
4 respect to such plan, has the meaning
5 given the term qualifying payment
6 amount in clause (i)(I), except that in
7 applying such clause to such item or
8 service, the reference to ‘furnished dur-
9 ing 2022’ shall be treated as a ref-
10 erence to furnished during such first
11 sufficient information year, the ref-
12 erence to ‘on January 31, 2019’ shall
13 be treated as a reference to in such suf-
14 ficient information year, and the in-
15 crease described in such clause shall
16 not be applied; and

17 “(IV) for an item or service fur-
18 nished in any year subsequent to the
19 first sufficient information year for
20 such item or service with respect to
21 such plan, has the meaning given such
22 term in clause (i)(II), except that in
23 applying such clause to such item or
24 service, the reference to ‘furnished dur-
25 ing 2023 or a subsequent year’ shall be

1 *treated as a reference to furnished dur-*
2 *ing the year after such first sufficient*
3 *information year or a subsequent year.*

4 “(iv) *INSURANCE MARKET.*—*For pur-*
5 *poses of clause (i)(I), a health insurance*
6 *market specified in this clause is one of the*
7 *following:*

8 “(I) *The large group market*
9 *(other than plans described in sub-*
10 *clause (III)).*

11 “(II) *The small group market*
12 *(other than plans described in sub-*
13 *clause (III)).*

14 “(III) *In the case of a self-insured*
15 *group health plan, other self-insured*
16 *group health plans.*

17 “(v) *DEFINITIONS.*—*For purposes of*
18 *this subparagraph:*

19 “(I) *FIRST COVERAGE YEAR.*—*The*
20 *term ‘first coverage year’ means, with*
21 *respect to a group health plan and an*
22 *item or service for which coverage is*
23 *not offered in 2019 under such plan or*
24 *coverage, the first year after 2019 for*

1 *which coverage for such item or service*
2 *is offered under such plan.*

3 “(II) *FIRST SUFFICIENT INFOR-*
4 *MATION YEAR.*—*The term ‘first suffi-*
5 *cient information year’ means, with*
6 *respect to a group health plan—*

7 “(aa) *in the case of an item*
8 *or service for which the plan does*
9 *not have sufficient information to*
10 *calculate the median of the con-*
11 *tracted rates described in clause*
12 *(i)(I) in 2019, the first year sub-*
13 *sequent to 2022 for which such*
14 *sponsor has such sufficient infor-*
15 *mation to calculate the median of*
16 *such contracted rates in the year*
17 *previous to such first subsequent*
18 *year; and*

19 “(bb) *in the case of a newly*
20 *covered item or service, the first*
21 *year subsequent to the first cov-*
22 *erage year for such item or service*
23 *with respect to such plan for*
24 *which the sponsor has sufficient*
25 *information to calculate the me-*

1 *dian of the contracted rates de-*
2 *scribed in clause (i)(I) in the year*
3 *previous to such first subsequent*
4 *year.*

5 “(III) *NEWLY COVERED ITEM OR*
6 *SERVICE.—The term ‘newly covered*
7 *item or service’ means, with respect to*
8 *a group health plan, an item or service*
9 *for which coverage was not offered in*
10 *2019 under such plan or coverage, but*
11 *is offered under such plan or coverage*
12 *in a year after 2019.*

13 “(F) *NONPARTICIPATING EMERGENCY FA-*
14 *CILITY; PARTICIPATING EMERGENCY FACILITY.—*

15 “(i) *NONPARTICIPATING EMERGENCY*
16 *FACILITY.—The term ‘nonparticipating*
17 *emergency facility’ means, with respect to*
18 *an item or service and a group health plan,*
19 *an emergency department of a hospital, or*
20 *an independent freestanding emergency de-*
21 *partment, that does not have a contractual*
22 *relationship directly or indirectly with the*
23 *plan for furnishing such item or service*
24 *under the plan.*

1 “(i) *PARTICIPATING EMERGENCY FA-*
2 *CILITY.—The term ‘participating emergency*
3 *facility’ means, with respect to an item or*
4 *service and a group health plan, an emer-*
5 *gency department of a hospital, or an inde-*
6 *pendent freestanding emergency depart-*
7 *ment, that has a contractual relationship*
8 *directly or indirectly with the plan, with re-*
9 *spect to the furnishing of such an item or*
10 *service at such facility.*

11 “(G) *NONPARTICIPATING PROVIDERS; PAR-*
12 *TICIPATING PROVIDERS.—*

13 “(i) *NONPARTICIPATING PROVIDER.—*
14 *The term ‘nonparticipating provider’*
15 *means, with respect to an item or service*
16 *and a group health plan, a physician or*
17 *other health care provider who is acting*
18 *within the scope of practice of that pro-*
19 *vider’s license or certification under appli-*
20 *cable State law and who does not have a*
21 *contractual relationship with the plan or*
22 *issuer, respectively, for furnishing such item*
23 *or service under the plan.*

24 “(ii) *PARTICIPATING PROVIDER.—The*
25 *term ‘participating provider’ means, with*

1 *respect to an item or service and a group*
2 *health plan, a physician or other health*
3 *care provider who is acting within the scope*
4 *of practice of that provider’s license or cer-*
5 *tification under applicable State law and*
6 *who has a contractual relationship with the*
7 *plan for furnishing such item or service*
8 *under the plan.*

9 “(H) *RECOGNIZED AMOUNT.*—*The term*
10 *‘recognized amount’ means, with respect to an*
11 *item or service furnished by a nonparticipating*
12 *provider or nonparticipating emergency facility*
13 *during a year and a group health plan—*

14 “(i) *subject to clause (iii), in the case*
15 *of such item or service furnished in a State*
16 *that has in effect a specified State law with*
17 *respect to such plan; such a nonparticipating*
18 *provider or nonparticipating emergency*
19 *facility; and such an item or service,*
20 *the amount determined in accordance with*
21 *such law;*

22 “(ii) *subject to clause (iii), in the case*
23 *of such item or service furnished in a State*
24 *that does not have in effect a specified State*
25 *law, with respect to such plan; such a non-*

1 *participating provider or nonparticipating*
2 *emergency facility; and such an item or*
3 *service, the amount that is the qualifying*
4 *payment amount (as defined in subpara-*
5 *graph (E)) for such year and determined in*
6 *accordance with rulemaking described in*
7 *paragraph (2)(B)) for such item or service;*
8 *or*

9 *“(iii) in the case of such item or serv-*
10 *ice furnished in a State with an All-Payer*
11 *Model Agreement under section 1115A of the*
12 *Social Security Act, the amount that the*
13 *State approves under such system for such*
14 *item or service so furnished.*

15 *“(I) SPECIFIED STATE LAW.—The term*
16 *‘specified State law’ means, with respect to a*
17 *State, an item or service furnished by a non-*
18 *participating provider or nonparticipating*
19 *emergency facility during a year and a group*
20 *health plan, a State law that provides for a*
21 *method for determining the total amount payable*
22 *under such a plan (to the extent such State law*
23 *applies to such plan, subject to section 514) in*
24 *the case of a participant or beneficiary covered*
25 *under such plan and receiving such item or serv-*

1 *ice from such a nonparticipating provider or*
2 *nonparticipating emergency facility.*

3 “(J) *STABILIZE*.—*The term ‘to stabilize’,*
4 *with respect to an emergency medical condition*
5 *(as defined in subparagraph (B)), has the mean-*
6 *ing give in section 1867(e)(3) of the Social Secu-*
7 *urity Act (42 U.S.C. 1395dd(e)(3)).*

8 “(K) *OUT-OF-NETWORK RATE*.—*The term*
9 *‘out-of-network rate’ means, with respect to an*
10 *item or service furnished in a State during a*
11 *year to a participant or beneficiary of a group*
12 *health plan receiving such item or service from*
13 *a nonparticipating provider or nonparticipating*
14 *emergency facility—*

15 “(i) *subject to clause (iii), in the case*
16 *of such item or service furnished in a State*
17 *that has in effect a specified State law with*
18 *respect to such plan; such a nonpartici-*
19 *pating provider or nonparticipating emer-*
20 *gency facility; and such an item or service,*
21 *the amount determined in accordance with*
22 *such law;*

23 “(ii) *subject to clause (iii), in the case*
24 *such State does not have in effect such a*

1 *law with respect to such item or service,*
2 *plan, and provider or facility—*

3 “(I) *subject to subclause (II), if*
4 *the provider or facility (as applicable)*
5 *and such plan or coverage agree on an*
6 *amount of payment (including if such*
7 *agreed on amount is the initial pay-*
8 *ment sent by the plan under subsection*
9 *(a)(1)(C)(iv)(I), subsection (b)(1)(C),*
10 *or section 9817(a)(3)(A), as applicable,*
11 *or is agreed on through open negotia-*
12 *tions under subsection (c)(1)) with re-*
13 *spect to such item or service, such*
14 *agreed on amount; or*

15 “(II) *if such provider or facility*
16 *(as applicable) and such plan or cov-*
17 *erage enter the independent dispute*
18 *resolution process under subsection (c)*
19 *and do not so agree before the date on*
20 *which a certified IDR entity (as de-*
21 *finied in paragraph (4) of such sub-*
22 *section) makes a determination with*
23 *respect to such item or service under*
24 *such subsection, the amount of such de-*
25 *termination; or*

1 “(iii) in the case such State has an
2 *All-Payer Model Agreement* under section
3 1115A of the Social Security Act, the
4 amount that the State approves under such
5 system for such item or service so furnished.

6 “(L) *COST-SHARING*.—The term ‘cost-shar-
7 ing’ includes copayments, coinsurance, and
8 deductibles.

9 “(b) *COVERAGE OF NON-EMERGENCY SERVICES PER-*
10 *FORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN*
11 *PARTICIPATING FACILITIES*.—

12 “(1) *IN GENERAL*.—In the case of items or serv-
13 ices (other than emergency services to which sub-
14 section (a) applies) for which any benefits are pro-
15 vided or covered by a group health plan furnished to
16 a participant or beneficiary of such plan by a non-
17 participating provider (as defined in subsection
18 (a)(3)(G)(i)) (and who, with respect to such items
19 and services, has not satisfied the notice and consent
20 criteria of section 2799B–2(d) of the Public Health
21 Service Act) with respect to a visit (as defined by the
22 Secretary in accordance with paragraph (2)(B)) at a
23 participating health care facility (as defined in para-
24 graph (2)(A)), with respect to such plan, the plan—

1 “(A) shall not impose on such participant
2 or beneficiary a cost-sharing requirement for
3 such items and services so furnished that is
4 greater than the cost-sharing requirement that
5 would apply under such plan had such items or
6 services been furnished by a participating pro-
7 vider (as defined in subsection (a)(3)(G)(ii));

8 “(B) shall calculate such cost-sharing re-
9 quirement as if the total amount that would have
10 been charged for such items and services by such
11 participating provider were equal to the recog-
12 nized amount (as defined in subsection
13 (a)(3)(H)) for such items and services, plan, and
14 year;

15 “(C) not later than 30 calendar days after
16 the bill for such items or services is transmitted
17 by such provider, shall send to the provider an
18 initial payment or notice of denial of payment;

19 “(D) shall pay a total plan payment di-
20 rectly, in accordance, if applicable, with the tim-
21 ing requirement described in subsection (c)(6), to
22 such provider furnishing such items and services
23 to such participant or beneficiary that is, with
24 application of any initial payment under sub-
25 paragraph (C), equal to the amount by which the

1 *out-of-network rate (as defined in subsection*
2 *(a)(3)(K)) for such items and services exceeds the*
3 *cost-sharing amount imposed under the plan for*
4 *such items and services (as determined in ac-*
5 *cordance with subparagraphs (A) and (B)) and*
6 *year; and*

7 *“(E) shall count toward any in-network de-*
8 *ductible and in-network out-of-pocket maximums*
9 *(as applicable) applied under the plan, any cost-*
10 *sharing payments made by the participant or*
11 *beneficiary (and such in-network deductible and*
12 *out-of-pocket maximums shall be applied) with*
13 *respect to such items and services so furnished in*
14 *the same manner as if such cost-sharing pay-*
15 *ments were with respect to items and services*
16 *furnished by a participating provider.*

17 *“(2) DEFINITIONS.—In this section:*

18 *“(A) PARTICIPATING HEALTH CARE FACIL-*
19 *ITY.—*

20 *“(i) IN GENERAL.—The term ‘partici-*
21 *pating health care facility’ means, with re-*
22 *spect to an item or service and a group*
23 *health plan, a health care facility described*
24 *in clause (ii) that has a direct or indirect*
25 *contractual relationship with the plan, with*

1 *respect to the furnishing of such an item or*
2 *service at the facility.*

3 “(ii) *HEALTH CARE FACILITY DE-*
4 *SCRIBED.—A health care facility described*
5 *in this clause, with respect to a group*
6 *health plan or health insurance coverage of-*
7 *fered in the group or individual market, is*
8 *each of the following:*

9 “(I) *A hospital (as defined in*
10 *1861(e) of the Social Security Act).*

11 “(II) *A hospital outpatient de-*
12 *partment.*

13 “(III) *A critical access hospital*
14 *(as defined in section 1861(mm)(1) of*
15 *such Act).*

16 “(IV) *An ambulatory surgical*
17 *center described in section*
18 *1833(i)(1)(A) of such Act.*

19 “(V) *Any other facility, specified*
20 *by the Secretary, that provides items*
21 *or services for which coverage is pro-*
22 *vided under the plan or coverage, re-*
23 *spectively.*

24 “(B) *VISIT.—The term ‘visit’ shall, with re-*
25 *spect to items and services furnished to an indi-*

1 *vidual at a health care facility, include equip-*
2 *ment and devices, telemedicine services, imaging*
3 *services, laboratory services, preoperative and*
4 *postoperative services, and such other items and*
5 *services as the Secretary may specify, regardless*
6 *of whether or not the provider furnishing such*
7 *items or services is at the facility.*

8 *“(c) CERTAIN ACCESS FEES TO CERTAIN DATA-*
9 *BASES.—In the case of a sponsor of a group health plan*
10 *that, pursuant to subsection (a)(3)(E)(iii), uses a database*
11 *described in such subsection to determine a rate to apply*
12 *under such subsection for an item or service by reason of*
13 *having insufficient information described in such subsection*
14 *with respect to such item or service, such sponsor shall cover*
15 *the cost for access to such database.”.*

16 *(2) TRANSFER AMENDMENT.—Subchapter B of*
17 *chapter 100 of the Internal Revenue Code of 1986, as*
18 *amended by paragraph (1), is further amended by*
19 *adding at the end the following:*

20 **“SEC. 9822. OTHER PATIENT PROTECTIONS.**

21 *“(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If a*
22 *group health plan requires or provides for designation by*
23 *a participant or beneficiary of a participating primary*
24 *care provider, then the plan shall permit each participant*

1 *and beneficiary to designate any participating primary*
2 *care provider who is available to accept such individual.*

3 “(b) *ACCESS TO PEDIATRIC CARE.*—

4 “(1) *PEDIATRIC CARE.*—*In the case of a person*
5 *who has a child who is a participant or beneficiary*
6 *under a group health plan if the plan requires or pro-*
7 *vides for the designation of a participating primary*
8 *care provider for the child, the plan shall permit such*
9 *person to designate a physician (allopathic or osteo-*
10 *pathic) who specializes in pediatrics as the child’s*
11 *primary care provider if such provider participates*
12 *in the network of the plan.*

13 “(2) *CONSTRUCTION.*—*Nothing in paragraph (1)*
14 *shall be construed to waive any exclusions of coverage*
15 *under the terms and conditions of the plan with re-*
16 *spect to coverage of pediatric care.*

17 “(c) *PATIENT ACCESS TO OBSTETRICAL AND GYNECO-*
18 *LOGICAL CARE.*—

19 “(1) *GENERAL RIGHTS.*—

20 “(A) *DIRECT ACCESS.*—*A group health plan*
21 *described in paragraph (2) may not require au-*
22 *thorization or referral by the plan, issuer, or any*
23 *person (including a primary care provider de-*
24 *scribed in paragraph (2)(B)) in the case of a fe-*
25 *male participant or beneficiary who seeks cov-*

1 *erage for obstetrical or gynecological care pro-*
2 *vided by a participating health care professional*
3 *who specializes in obstetrics or gynecology. Such*
4 *professional shall agree to otherwise adhere to*
5 *such plan's policies and procedures, including*
6 *procedures regarding referrals and obtaining*
7 *prior authorization and providing services pur-*
8 *suant to a treatment plan (if any) approved by*
9 *the plan.*

10 *“(B) OBSTETRICAL AND GYNECOLOGICAL*
11 *CARE.—A group health plan described in para-*
12 *graph (2) shall treat the provision of obstetrical*
13 *and gynecological care, and the ordering of re-*
14 *lated obstetrical and gynecological items and*
15 *services, pursuant to the direct access described*
16 *under subparagraph (A), by a participating*
17 *health care professional who specializes in obstet-*
18 *rics or gynecology as the authorization of the*
19 *primary care provider.*

20 *“(2) APPLICATION OF PARAGRAPH.—A group*
21 *health plan described in this paragraph is a group*
22 *health plan that—*

23 *“(A) provides coverage for obstetric or*
24 *gynecologic care; and*

1 “(B) requires the designation by a partici-
2 pant or beneficiary of a participating primary
3 care provider.

4 “(3) CONSTRUCTION.—Nothing in paragraph (1)
5 shall be construed to—

6 “(A) waive any exclusions of coverage under
7 the terms and conditions of the plan with respect
8 to coverage of obstetrical or gynecological care; or

9 “(B) preclude the group health plan in-
10 volved from requiring that the obstetrical or gyn-
11 ecological provider notify the primary care
12 health care professional or the plan or issuer of
13 treatment decisions.”.

14 (3) CLERICAL AMENDMENT.—The table of sec-
15 tions for subchapter B of chapter 100 of the Internal
16 Revenue Code of 1986 is amended by adding at the
17 end the following new item:

“Sec. 9815. Additional market reforms.

“Sec. 9816. Preventing surprise medical bills.

“Sec. 9822. Other patient protections.”.

18 (4) CONFORMING AMENDMENTS.—

19 (A) IN GENERAL.—Section 223(c) of the In-
20 ternal Revenue Code of 1986 is amended—

21 (i) in paragraph (1), by adding at the
22 end the following:

23 “(D) SPECIAL RULE FOR INDIVIDUALS RE-
24 CEIVING BENEFITS SUBJECT TO SURPRISE BILL-

1 *ING STATUTES.—An individual shall not fail to*
2 *be treated as an eligible individual for any pe-*
3 *riod merely because the individual receives bene-*
4 *fits for medical care subject to and in accordance*
5 *with section 9816 or 9817, section 2799A–1 or*
6 *2799A–2 of the Public Health Service Act, or*
7 *section 716 or 717 of the Employee Retirement*
8 *Income Security Act of 1974, or any State law*
9 *providing similar protections to such indi-*
10 *vidual.”; and*

11 *(ii) in paragraph (2), by adding at the*
12 *end the following:*

13 *“(F) SPECIAL RULE FOR SURPRISE BILL-*
14 *ING.—A plan shall not fail to be treated as a*
15 *high deductible health plan by reason of pro-*
16 *viding benefits for medical care in accordance*
17 *with section 9816 or 9817, section 2799A–1 or*
18 *2799A–2 of the Public Health Service Act, or*
19 *section 716 or 717 of the Employee Retirement*
20 *Income Security Act of 1974, or any State law*
21 *providing similar protections to individuals,*
22 *prior to the satisfaction of the deductible under*
23 *paragraph (2)(A)(i).”.*

1 (B) *EFFECTIVE DATE.*—*The amendments*
2 *made by subparagraph (A) shall apply for plan*
3 *years beginning on or after January 1, 2022.*

4 (d) *ADDITIONAL APPLICATION PROVISIONS.*—

5 (1) *APPLICATION TO FEHB.*—*Section 8902 of*
6 *title 5, United States Code, is amended by adding at*
7 *the end the following new subsection:*

8 “(p) *Each contract under this chapter shall require the*
9 *carrier to comply with requirements described in the provi-*
10 *sions of sections 2799A–1, 2799A–2, and 2799A–7 of the*
11 *Public Health Service Act, sections 716, 717, and 722 of*
12 *the Employee Retirement Income Security Act of 1974, and*
13 *sections 9816, 9817, and 9822 of the Internal Revenue Code*
14 *of 1986 (as applicable) in the same manner as such provi-*
15 *sions apply to a group health plan or health insurance*
16 *issuer offering group or individual health insurance cov-*
17 *erage, as described in such sections. The provisions of sec-*
18 *tions 2799B–1, 2799B–2, 2799B–3, and 2799B–5 of the*
19 *Public Health Service Act shall apply to a health care pro-*
20 *vider and facility and an air ambulance provider described*
21 *in such respective sections with respect to an enrollee in*
22 *a health benefits plan under this chapter in the same man-*
23 *ner as such provisions apply to such a provider and facility*
24 *with respect to an enrollee in a group health plan or group*

1 *or individual health insurance coverage offered by a health*
2 *insurance issuer, as described in such sections.”.*

3 (2) *APPLICATION TO GRANDFATHERED PLANS.—*
4 *Section 1251(a) of the Patient Protection and Afford-*
5 *able Care Act (42 U.S.C. 18011(a)) is amended by*
6 *adding at the end the following:*

7 “(5) *APPLICATION OF ADDITIONAL PROVI-*
8 *SIONS.—Sections 2799A–1, 2799A–2, and 2799A–7 of*
9 *the Public Health Service Act shall apply to grand-*
10 *fathered health plans for plan years beginning on or*
11 *after January 1, 2022.”.*

12 (3) *RULE OF CONSTRUCTION.—Nothing in this*
13 *title, including the amendments made by this title*
14 *may be construed as modifying, reducing, or elimi-*
15 *nating—*

16 (A) *the protections under section 222 of the*
17 *Indian Health Care Improvement Act (25 U.S.C.*
18 *1621u) and under subpart I of part 136 of title*
19 *42, Code of Federal Regulations (or any suc-*
20 *cessor regulation), against payment liability for*
21 *a patient who receives contract health services*
22 *that are authorized by the Indian Health Serv-*
23 *ice; or*

1 (B) *the requirements under section*
2 *1866(a)(1)(U) of the Social Security Act (42*
3 *U.S.C. 1395cc(a)(1)(U)).*

4 (e) *EFFECTIVE DATE.—The amendments made by this*
5 *section shall apply with respect to plan years (or, in the*
6 *case of the amendment made by subsection (d)(1), with re-*
7 *spect to contracts entered into or renewed for contract*
8 *years) beginning on or after January 1, 2022.*

9 **SEC. 103. DETERMINATION OF OUT-OF-NETWORK RATES TO**
10 **BE PAID BY HEALTH PLANS; INDEPENDENT**
11 **DISPUTE RESOLUTION PROCESS.**

12 (a) *PHSA.—Section 2799A–1, as added by section*
13 *102, is amended—*

14 (1) *by redesignating subsection (c) as subsection*
15 *(d); and*

16 (2) *by inserting after subsection (b) the following*
17 *new subsection:*

18 “(c) *DETERMINATION OF OUT-OF-NETWORK RATES TO*
19 *BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RES-*
20 *OLUTION PROCESS.—*

21 “(1) *DETERMINATION THROUGH OPEN NEGOTIA-*
22 *TION.—*

23 “(A) *IN GENERAL.—With respect to an item*
24 *or service furnished in a year by a nonpartici-*
25 *pating provider or a nonparticipating facility,*

1 *with respect to a group health plan or health in-*
2 *surance issuer offering group or individual*
3 *health insurance coverage, in a State described*
4 *in subsection (a)(3)(K)(ii) with respect to such*
5 *plan or coverage and provider or facility, and*
6 *for which a payment is required to be made by*
7 *the plan or coverage pursuant to subsection*
8 *(a)(1) or (b)(1), the provider or facility (as ap-*
9 *plicable) or plan or coverage may, during the*
10 *30-day period beginning on the day the provider*
11 *or facility receives an initial payment or a no-*
12 *tice of denial of payment from the plan or cov-*
13 *erage regarding a claim for payment for such*
14 *item or service, initiate open negotiations under*
15 *this paragraph between such provider or facility*
16 *and plan or coverage for purposes of deter-*
17 *mining, during the open negotiation period, an*
18 *amount agreed on by such provider or facility,*
19 *respectively, and such plan or coverage for pay-*
20 *ment (including any cost-sharing) for such item*
21 *or service. For purposes of this subsection, the*
22 *open negotiation period, with respect to an item*
23 *or service, is the 30-day period beginning on the*
24 *date of initiation of the negotiations with respect*
25 *to such item or service.*

1 “(B) *ACCESSING INDEPENDENT DISPUTE*
2 *RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.*—*In the case of open negotiations pur-*
3 *suant to subparagraph (A), with respect to an*
4 *item or service, that do not result in a deter-*
5 *mination of an amount of payment for such item*
6 *or service by the last day of the open negotiation*
7 *period described in such subparagraph with re-*
8 *spect to such item or service, the provider or fa-*
9 *cility (as applicable) or group health plan or*
10 *health insurance issuer offering group or indi-*
11 *vidual health insurance coverage that was party*
12 *to such negotiations may, during the 4-day pe-*
13 *riod beginning on the day after such open nego-*
14 *tiation period, initiate the independent dispute*
15 *resolution process under paragraph (2) with re-*
16 *spect to such item or service. The independent*
17 *dispute resolution process shall be initiated by a*
18 *party pursuant to the previous sentence by sub-*
19 *mission to the other party and to the Secretary*
20 *of a notification (containing such information as*
21 *specified by the Secretary) and for purposes of*
22 *this subsection, the date of initiation of such*
23 *process shall be the date of such submission or*
24 *such other date specified by the Secretary pursu-*
25

1 *ant to regulations that is not later than the date*
2 *of receipt of such notification by both the other*
3 *party and the Secretary.*

4 “(2) *INDEPENDENT DISPUTE RESOLUTION PROC-*
5 *ESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIA-*
6 *TIONS.—*

7 “(A) *ESTABLISHMENT.—Not later than 1*
8 *year after the date of the enactment of this sub-*
9 *section, the Secretary, jointly with the Secretary*
10 *of Labor and the Secretary of the Treasury, shall*
11 *establish by regulation one independent dispute*
12 *resolution process (referred to in this subsection*
13 *as the ‘IDR process’) under which, in the case of*
14 *an item or service with respect to which a pro-*
15 *vider or facility (as applicable) or group health*
16 *plan or health insurance issuer offering group or*
17 *individual health insurance coverage submits a*
18 *notification under paragraph (1)(B) (in this*
19 *subsection referred to as a ‘qualified IDR item or*
20 *service’), a certified IDR entity under paragraph*
21 *(4) determines, subject to subparagraph (B) and*
22 *in accordance with the succeeding provisions of*
23 *this subsection, the amount of payment under the*
24 *plan or coverage for such item or service fur-*
25 *nished by such provider or facility.*

1 “(B) *AUTHORITY TO CONTINUE NEGOTIA-*
2 *TIONS.*—Under the independent dispute resolu-
3 tion process, in the case that the parties to a de-
4 termination for a qualified IDR item or service
5 agree on a payment amount for such item or
6 service during such process but before the date on
7 which the entity selected with respect to such de-
8 termination under paragraph (4) makes such de-
9 termination under paragraph (5), such amount
10 shall be treated for purposes of subsection
11 (a)(3)(K)(i) as the amount agreed to by such
12 parties for such item or service. In the case of an
13 agreement described in the previous sentence, the
14 independent dispute resolution process shall pro-
15 vide for a method to determine how to allocate
16 between the parties to such determination the
17 payment of the compensation of the entity se-
18 lected with respect to such determination.

19 “(C) *CLARIFICATION.*—A nonparticipating
20 provider may not, with respect to an item or
21 service furnished by such provider, submit a no-
22 tification under paragraph (1)(B) if such pro-
23 vider is exempt from the requirement under sub-
24 section (a) of section 2799B–2 with respect to

1 *such item or service pursuant to subsection (b) of*
2 *such section.*

3 “(3) *TREATMENT OF BATCHING OF ITEMS AND*
4 *SERVICES.—*

5 “(A) *IN GENERAL.—Under the IDR process,*
6 *the Secretary shall specify criteria under which*
7 *multiple qualified IDR dispute items and serv-*
8 *ices are permitted to be considered jointly as*
9 *part of a single determination by an entity for*
10 *purposes of encouraging the efficiency (including*
11 *minimizing costs) of the IDR process. Such*
12 *items and services may be so considered only*
13 *if—*

14 “(i) *such items and services to be in-*
15 *cluded in such determination are furnished*
16 *by the same provider or facility;*

17 “(ii) *payment for such items and serv-*
18 *ices is required to be made by the same*
19 *group health plan or health insurance*
20 *issuer;*

21 “(iii) *such items and services are re-*
22 *lated to the treatment of a similar condi-*
23 *tion; and*

24 “(iv) *such items and services were fur-*
25 *nished during the 30 day period following*

1 *the date on which the first item or service*
2 *included with respect to such determination*
3 *was furnished or an alternative period as*
4 *determined by the Secretary, for use in lim-*
5 *ited situations, such as by the consent of the*
6 *parties or in the case of low-volume items*
7 *and services, to encourage procedural effi-*
8 *ciency and minimize health plan and pro-*
9 *vider administrative costs.*

10 “(B) *TREATMENT OF BUNDLED PAY-*
11 *MENTS.—In carrying out subparagraph (A), the*
12 *Secretary shall provide that, in the case of items*
13 *and services which are included by a provider or*
14 *facility as part of a bundled payment, such*
15 *items and services included in such bundled pay-*
16 *ment may be part of a single determination*
17 *under this subsection.*

18 “(4) *CERTIFICATION AND SELECTION OF IDR EN-*
19 *TITIES.—*

20 “(A) *IN GENERAL.—The Secretary, in con-*
21 *sultation with the Secretary of Labor and Sec-*
22 *retary of the Treasury, shall establish a process*
23 *to certify (including to recertify) entities under*
24 *this paragraph. Such process shall ensure that*
25 *an entity so certified—*

1 “(i) has (directly or through contracts
2 or other arrangements) sufficient medical,
3 legal, and other expertise and sufficient
4 staffing to make determinations described in
5 paragraph (5) on a timely basis;

6 “(ii) is not—

7 “(I) a group health plan or health
8 insurance issuer offering group or in-
9 dividual health insurance coverage,
10 provider, or facility;

11 “(II) an affiliate or a subsidiary
12 of such a group health plan or health
13 insurance issuer, provider, or facility;
14 or

15 “(III) an affiliate or subsidiary of
16 a professional or trade association of
17 such group health plans or health in-
18 surance issuers or of providers or fa-
19 cilities;

20 “(iii) carries out the responsibilities of
21 such an entity in accordance with this sub-
22 section;

23 “(iv) meets appropriate indicators of
24 fiscal integrity;

1 “(v) maintains the confidentiality (in
2 accordance with regulations promulgated by
3 the Secretary) of individually identifiable
4 health information obtained in the course of
5 conducting such determinations;

6 “(vi) does not under the IDR process
7 carry out any determination with respect to
8 which the entity would not pursuant to sub-
9 clause (I), (II), or (III) of subparagraph
10 (F)(i) be eligible for selection; and

11 “(vii) meets such other requirements as
12 determined appropriate by the Secretary.

13 “(B) PERIOD OF CERTIFICATION.—Subject
14 to subparagraph (C), each certification (includ-
15 ing a recertification) of an entity under the
16 process described in subparagraph (A) shall be
17 for a 5-year period.

18 “(C) REVOCATION.—A certification of an
19 entity under this paragraph may be revoked
20 under the process described in subparagraph (A)
21 if the entity has a pattern or practice of non-
22 compliance with any of the requirements de-
23 scribed in such subparagraph.

24 “(D) PETITION FOR DENIAL OR WITH-
25 DRAWAL.—The process described in subpara-

1 *graph (A) shall ensure that an individual, pro-*
2 *vider, facility, or group health plan or health in-*
3 *surance issuer offering group or individual*
4 *health insurance coverage may petition for a de-*
5 *denial of a certification or a revocation of a certifi-*
6 *cation with respect to an entity under this para-*
7 *graph for failure of meeting a requirement of*
8 *this subsection.*

9 “(E) SUFFICIENT NUMBER OF ENTITIES.—
10 *The process described in subparagraph (A) shall*
11 *ensure that a sufficient number of entities are*
12 *certified under this paragraph to ensure the*
13 *timely and efficient provision of determinations*
14 *described in paragraph (5).*

15 “(F) SELECTION OF CERTIFIED IDR ENTI-
16 TY.—*The Secretary shall, with respect to the de-*
17 *termination of the amount of payment under*
18 *this subsection of an item or service, provide for*
19 *a method—*

20 “(i) *that allows for the group health*
21 *plan or health insurance issuer offering*
22 *group or individual health insurance cov-*
23 *erage and the nonparticipating provider or*
24 *the nonparticipating emergency facility (as*
25 *applicable) involved in a notification under*

1 *paragraph (1)(B) to jointly select, not later*
2 *than the last day of the 3-business day pe-*
3 *riod following the date of the initiation of*
4 *the process with respect to such item or*
5 *service, for purposes of making such deter-*
6 *mination, an entity certified under this*
7 *paragraph that—*

8 *“(I) is not a party to such deter-*
9 *mination or an employee or agent of*
10 *such a party;*

11 *“(II) does not have a material fa-*
12 *miliar, financial, or professional rela-*
13 *tionship with such a party; and*

14 *“(III) does not otherwise have a*
15 *conflict of interest with such a party*
16 *(as determined by the Secretary); and*

17 *“(ii) that requires, in the case such*
18 *parties do not make such selection by such*
19 *last day, the Secretary to, not later than 6*
20 *business days after such date of initiation—*

21 *“(I) select such an entity that sat-*
22 *isfies subclauses (I) through (III) of*
23 *clause (i)); and*

24 *“(II) provide notification of such*
25 *selection to the provider or facility (as*

1 *applicable) and the plan or issuer (as*
2 *applicable) party to such determina-*
3 *tion.*

4 *An entity selected pursuant to the previous sentence to make*
5 *a determination described in such sentence shall be referred*
6 *to in this subsection as the ‘certified IDR entity’ with re-*
7 *spect to such determination.*

8 “(5) *PAYMENT DETERMINATION.—*

9 “(A) *IN GENERAL.—Not later than 30 days*
10 *after the date of selection of the certified IDR en-*
11 *tity with respect to a determination for a quali-*
12 *fied IDR item or service, the certified IDR entity*
13 *shall—*

14 “(i) *taking into account the consider-*
15 *ations specified in subparagraph (C), select*
16 *one of the offers submitted under subpara-*
17 *graph (B) to be the amount of payment for*
18 *such item or service determined under this*
19 *subsection for purposes of subsection (a)(1)*
20 *or (b)(1), as applicable; and*

21 “(ii) *notify the provider or facility and*
22 *the group health plan or health insurance*
23 *issuer offering group or individual health*
24 *insurance coverage party to such determina-*
25 *tion of the offer selected under clause (i).*

1 “(B) *SUBMISSION OF OFFERS.*—Not later
2 than 10 days after the date of selection of the cer-
3 tified IDR entity with respect to a determination
4 for a qualified IDR item or service, the provider
5 or facility and the group health plan or health
6 insurance issuer offering group or individual
7 health insurance coverage party to such deter-
8 mination—

9 “(i) shall each submit to the certified
10 IDR entity with respect to such determina-
11 tion—

12 “(I) an offer for a payment
13 amount for such item or service fur-
14 nished by such provider or facility;
15 and

16 “(II) such information as re-
17 quested by the certified IDR entity re-
18 lating to such offer; and

19 “(ii) may each submit to the certified
20 IDR entity with respect to such determina-
21 tion any information relating to such offer
22 submitted by either party, including infor-
23 mation relating to any circumstance de-
24 scribed in subparagraph (C)(ii).

1 “(C) *CONSIDERATIONS IN DETERMINA-*
2 *TION.—*

3 “(i) *IN GENERAL.—In determining*
4 *which offer is the payment to be applied*
5 *pursuant to this paragraph, the certified*
6 *IDR entity, with respect to the determina-*
7 *tion for a qualified IDR item or service*
8 *shall consider—*

9 “(I) *the qualifying payment*
10 *amounts (as defined in subsection*
11 *(a)(3)(E)) for the applicable year for*
12 *items or services that are comparable*
13 *to the qualified IDR item or service*
14 *and that are furnished in the same ge-*
15 *ographic region (as defined by the Sec-*
16 *retary for purposes of such subsection)*
17 *as such qualified IDR item or service;*
18 *and*

19 “(II) *subject to subparagraph (D),*
20 *information on any circumstance de-*
21 *scribed in clause (i), such information*
22 *as requested in subparagraph*
23 *(B)(i)(II), and any additional infor-*
24 *mation provided in subparagraph*
25 *(B)(ii).*

1 “(i) *ADDITIONAL CIRCUMSTANCES.*—
2 *For purposes of clause (i)(II), the cir-*
3 *cumstances described in this clause are,*
4 *with respect to a qualified IDR item or*
5 *service of a nonparticipating provider, non-*
6 *participating emergency facility, group*
7 *health plan, or health insurance issuer of*
8 *group or individual health insurance cov-*
9 *erage the following:*

10 “(I) *The level of training, experi-*
11 *ence, and quality and outcomes meas-*
12 *urements of the provider or facility*
13 *that furnished such item or service*
14 *(such as those endorsed by the con-*
15 *sensus-based entity authorized in sec-*
16 *tion 1890 of the Social Security Act).*

17 “(II) *The market share held by*
18 *the nonparticipating provider or facil-*
19 *ity or that of the plan or issuer in the*
20 *geographic region in which the item or*
21 *service was provided.*

22 “(III) *The acuity of the indi-*
23 *vidual receiving such item or service or*
24 *the complexity of furnishing such item*
25 *or service to such individual.*

1 “(IV) *The teaching status, case*
2 *mix, and scope of services of the non-*
3 *participating facility that furnished*
4 *such item or service.*

5 “(V) *Demonstrations of good faith*
6 *efforts (or lack of good faith efforts)*
7 *made by the nonparticipating provider*
8 *or nonparticipating facility or the*
9 *plan or issuer to enter into network*
10 *agreements and, if applicable, con-*
11 *tracted rates between the provider or*
12 *facility, as applicable, and the plan or*
13 *issuer, as applicable, during the pre-*
14 *vious 4 plan years.*

15 “(D) *PROHIBITION ON CONSIDERATION OF*
16 *CERTAIN FACTORS.—In determining which offer*
17 *is the payment to be applied with respect to*
18 *qualified IDR items and services furnished by a*
19 *provider or facility, the certified IDR entity with*
20 *respect to a determination shall not consider*
21 *usual and customary charges, the amount that*
22 *would have been billed by such provider or facil-*
23 *ity with respect to such items and services had*
24 *the provisions of section 2799B–1 or 2799B–2*
25 *(as applicable) not applied, or the payment or*

1 *reimbursement rate for such items and services*
2 *furnished by such provider or facility payable by*
3 *a public payor, including under the Medicare*
4 *program under title XVIII of the Social Security*
5 *Act, under the Medicaid program under title*
6 *XIX of such Act, under the Children’s Health In-*
7 *surance Program under title XXI of such Act,*
8 *under the TRICARE program under chapter 55*
9 *of title 10, United States Code, or under chapter*
10 *17 of title 38, United States Code.*

11 *“(E) EFFECTS OF DETERMINATION.—*

12 *“(i) IN GENERAL.—A determination of*
13 *a certified IDR entity under subparagraph*
14 *(A)—*

15 *“(I) shall be binding upon the*
16 *parties involved, in the absence of a*
17 *fraudulent claim or evidence of mis-*
18 *representation of facts presented to the*
19 *IDR entity involved regarding such*
20 *claim; and*

21 *“(II) shall not be subject to judi-*
22 *cial review, except in a case described*
23 *in any of paragraphs (1) through (4)*
24 *of section 10(a) of title 9, United*
25 *States Code.*

1 “(ii) *SUSPENSION OF CERTAIN SUBSE-*
2 *QUENT IDR REQUESTS.—In the case of a de-*
3 *termination of a certified IDR entity under*
4 *subparagraph (A), with respect to an initial*
5 *notification submitted under paragraph*
6 *(1)(B) with respect to qualified IDR items*
7 *and services and the two parties involved*
8 *with such notification, the party that sub-*
9 *mitted such notification may not submit*
10 *during the 90-day period following such de-*
11 *termination a subsequent notification under*
12 *such paragraph involving the same other*
13 *party to such notification with respect to*
14 *such an item or service that was the subject*
15 *of such initial notification.*

16 “(iii) *SUBSEQUENT SUBMISSION OF*
17 *REQUESTS PERMITTED.—In the case of a*
18 *notification that pursuant to clause (ii) is*
19 *not permitted to be submitted under para-*
20 *graph (1)(B) during a 90-day period speci-*
21 *fied in such clause, if the end of the open*
22 *negotiation period specified in paragraph*
23 *(1)(A), that but for this clause would other-*
24 *wise apply with respect to such notification,*
25 *occurs during such 90-day period, such*

1 *paragraph (1)(B) shall be applied as if the*
2 *reference in such paragraph to the 4-day*
3 *period beginning on the day after such open*
4 *negotiation period were instead a reference*
5 *to the 30-day period beginning on the day*
6 *after the last day of such 90-day period.*

7 “(iv) *REPORTS.—The Secretary, joint-*
8 *ly with the Secretary of Labor and the Sec-*
9 *retary of the Treasury, shall examine the*
10 *impact of the application of clause (ii) and*
11 *whether the application of such clause*
12 *delays payment determinations or impacts*
13 *early, alternative resolution of claims (such*
14 *as through open negotiations), and shall*
15 *submit to Congress, not later than 2 years*
16 *after the date of implementation of such*
17 *clause an interim report (and not later*
18 *than 4 years after such date of implementa-*
19 *tion, a final report) on whether any group*
20 *health plans or health insurance issuers of-*
21 *fering group or individual health insurance*
22 *coverage or types of such plans or coverage*
23 *have a pattern or practice of routine denial,*
24 *low payment, or down-coding of claims, or*
25 *otherwise abuse the 90-day period described*

1 *in such clause, including recommendations*
2 *on ways to discourage such a pattern or*
3 *practice.*

4 “(F) *COSTS OF INDEPENDENT DISPUTE*
5 *RESOLUTION PROCESS.—In the case of a notifi-*
6 *cation under paragraph (1)(B) submitted by a*
7 *nonparticipating provider, nonparticipating*
8 *emergency facility, group health plan, or health*
9 *insurance issuer offering group or individual*
10 *health insurance coverage and submitted to a*
11 *certified IDR entity—*

12 “(i) *if such entity makes a determina-*
13 *tion with respect to such notification under*
14 *subparagraph (A), the party whose offer is*
15 *not chosen under such subparagraph shall*
16 *be responsible for paying all fees charged by*
17 *such entity; and*

18 “(ii) *if the parties reach a settlement*
19 *with respect to such notification prior to*
20 *such a determination, each party shall pay*
21 *half of all fees charged by such entity, unless*
22 *the parties otherwise agree.*

23 “(6) *TIMING OF PAYMENT.—The total plan or*
24 *coverage payment required pursuant to subsection*
25 *(a)(1) or (b)(1), with respect to a qualified IDR item*

1 *or service for which a determination is made under*
2 *paragraph (5)(A) or with respect to an item or serv-*
3 *ice for which a payment amount is determined under*
4 *open negotiations under paragraph (1), shall be made*
5 *directly to the nonparticipating provider or facility*
6 *not later than 30 days after the date on which such*
7 *determination is made.*

8 “(7) *PUBLICATION OF INFORMATION RELATING*
9 *TO THE IDR PROCESS.—*

10 “(A) *PUBLICATION OF INFORMATION.—For*
11 *each calendar quarter in 2022 and each calendar*
12 *quarter in a subsequent year, the Secretary shall*
13 *make available on the public website of the De-*
14 *partment of Health and Human Services—*

15 “(i) *the number of notifications sub-*
16 *mitted under paragraph (1)(B) during such*
17 *calendar quarter;*

18 “(ii) *the size of the provider practices*
19 *and the size of the facilities submitting noti-*
20 *fications under paragraph (1)(B) during*
21 *such calendar quarter;*

22 “(iii) *the number of such notifications*
23 *with respect to which a determination was*
24 *made under paragraph (5)(A);*

1 “(iv) the information described in sub-
2 paragraph (B) with respect to each notifica-
3 tion with respect to which such a deter-
4 mination was so made;

5 “(v) the number of times the payment
6 amount determined (or agreed to) under
7 this subsection exceeds the qualifying pay-
8 ment amount, specified by items and serv-
9 ices;

10 “(vi) the amount of expenditures made
11 by the Secretary during such calendar quar-
12 ter to carry out the IDR process;

13 “(vii) the total amount of fees paid
14 under paragraph (8) during such calendar
15 quarter; and

16 “(viii) the total amount of compensa-
17 tion paid to certified IDR entities under
18 paragraph (5)(F) during such calendar
19 quarter.

20 “(B) INFORMATION.—For purposes of sub-
21 paragraph (A), the information described in this
22 subparagraph is, with respect to a notification
23 under paragraph (1)(B) by a nonparticipating
24 provider, nonparticipating emergency facility,
25 group health plan, or health insurance issuer of

1 *fering group or individual health insurance cov-*
2 *erage—*

3 “(i) *a description of each item and*
4 *service included with respect to such notifi-*
5 *cation;*

6 “(ii) *the geography in which the items*
7 *and services with respect to such notifica-*
8 *tion were provided;*

9 “(iii) *the amount of the offer submitted*
10 *under paragraph (5)(B) by the group health*
11 *plan or health insurance issuer (as applica-*
12 *ble) and by the nonparticipating provider*
13 *or nonparticipating emergency facility (as*
14 *applicable) expressed as a percentage of the*
15 *qualifying payment amount;*

16 “(iv) *whether the offer selected by the*
17 *certified IDR entity under paragraph (5) to*
18 *be the payment applied was the offer sub-*
19 *mitted by such plan or issuer (as applica-*
20 *ble) or by such provider or facility (as ap-*
21 *plicable) and the amount of such offer so se-*
22 *lected expressed as a percentage of the quali-*
23 *fying payment amount;*

24 “(v) *the category and practice spe-*
25 *cialty of each such provider or facility in-*

1 *involved in furnishing such items and serv-*
2 *ices;*

3 *“(vi) the identity of the health plan or*
4 *health insurance issuer, provider, or facil-*
5 *ity, with respect to the notification;*

6 *“(vii) the length of time in making*
7 *each determination;*

8 *“(viii) the compensation paid to the*
9 *certified IDR entity with respect to the set-*
10 *tlement or determination; and*

11 *“(ix) any other information specified*
12 *by the Secretary.*

13 *“(C) IDR ENTITY REQUIREMENTS.—For*
14 *2022 and each subsequent year, an IDR entity,*
15 *as a condition of certification as an IDR entity,*
16 *shall submit to the Secretary such information*
17 *as the Secretary determines necessary to carry*
18 *out the provisions of this subsection.*

19 *“(D) CLARIFICATION.—The Secretary shall*
20 *ensure the public reporting under this paragraph*
21 *does not contain information that would disclose*
22 *privileged or confidential information of a group*
23 *health plan or health insurance issuer offering*
24 *group or individual health insurance coverage or*
25 *of a provider or facility.*

1 “(8) *ADMINISTRATIVE FEE.*—

2 “(A) *IN GENERAL.*—*Each party to a deter-*
3 *mination under paragraph (5) to which an enti-*
4 *ty is selected under paragraph (3) in a year*
5 *shall pay to the Secretary, at such time and in*
6 *such manner as specified by the Secretary, a fee*
7 *for participating in the IDR process with respect*
8 *to such determination in an amount described in*
9 *subparagraph (B) for such year.*

10 “(B) *AMOUNT OF FEE.*—*The amount de-*
11 *scribed in this subparagraph for a year is an*
12 *amount established by the Secretary in a man-*
13 *ner such that the total amount of fees paid under*
14 *this paragraph for such year is estimated to be*
15 *equal to the amount of expenditures estimated to*
16 *be made by the Secretary for such year in car-*
17 *rying out the IDR process.*

18 “(9) *WAIVER AUTHORITY.*—*The Secretary may*
19 *modify any deadline or other timing requirement*
20 *specified under this subsection (other than the estab-*
21 *lishment date for the IDR process under paragraph*
22 *(2)(A) and other than under paragraph (6)) in cases*
23 *of extenuating circumstances, as specified by the Sec-*
24 *retary, or to ensure that all claims that occur during*
25 *a 90-day period described in paragraph (5)(E)(ii),*

1 *but with respect to which a notification is not per-*
2 *mitted by reason of such paragraph to be submitted*
3 *under paragraph (1)(B) during such period, are eligi-*
4 *ble for the IDR process.”.*

5 **(b) ERISA.**—*Section 716 of the Employee Retirement*
6 *Income Security Act of 1974, as added by section 102, is*
7 *amended—*

8 *(1) by redesignating subsection (c) as subsection*
9 *(d); and*

10 *(2) by inserting after subsection (b) the following*
11 *new subsection:*

12 **“(c) DETERMINATION OF OUT-OF-NETWORK RATES TO**
13 *BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RES-*
14 *OLUTION PROCESS.—*

15 **“(1) DETERMINATION THROUGH OPEN NEGOTIA-**
16 *TION.—*

17 **“(A) IN GENERAL.**—*With respect to an item*
18 *or service furnished in a year by a nonparticipating*
19 *provider or a nonparticipating facility,*
20 *with respect to a group health plan or health in-*
21 *surance issuer offering group health insurance*
22 *coverage, in a State described in subsection*
23 *(a)(3)(K)(ii) with respect to such plan or cov-*
24 *erage and provider or facility, and for which a*
25 *payment is required to be made by the plan or*

1 coverage pursuant to subsection (a)(1) or (b)(1),
2 the provider or facility (as applicable) or plan or
3 coverage may, during the 30-day period begin-
4 ning on the day the provider or facility receives
5 an initial payment or a notice of denial of pay-
6 ment from the plan or coverage regarding a
7 claim for payment for such item or service, ini-
8 tiate open negotiations under this paragraph be-
9 tween such provider or facility and plan or cov-
10 erage for purposes of determining, during the
11 open negotiation period, an amount agreed on
12 by such provider or facility, respectively, and
13 such plan or coverage for payment (including
14 any cost-sharing) for such item or service. For
15 purposes of this subsection, the open negotiation
16 period, with respect to an item or service, is the
17 30-day period beginning on the date of initiation
18 of the negotiations with respect to such item or
19 service.

20 “(B) *ACCESSING INDEPENDENT DISPUTE*
21 *RESOLUTION PROCESS IN CASE OF FAILED NEGO-*
22 *TIATIONS.*—*In the case of open negotiations pur-*
23 *suant to subparagraph (A), with respect to an*
24 *item or service, that do not result in a deter-*
25 *mination of an amount of payment for such item*

1 *or service by the last day of the open negotiation*
2 *period described in such subparagraph with re-*
3 *spect to such item or service, the provider or fa-*
4 *cility (as applicable) or group health plan or*
5 *health insurance issuer offering group health in-*
6 *surance coverage that was party to such negotia-*
7 *tions may, during the 4-day period beginning on*
8 *the day after such open negotiation period, ini-*
9 *tiate the independent dispute resolution process*
10 *under paragraph (2) with respect to such item or*
11 *service. The independent dispute resolution proc-*
12 *ess shall be initiated by a party pursuant to the*
13 *previous sentence by submission to the other*
14 *party and to the Secretary of a notification*
15 *(containing such information as specified by the*
16 *Secretary) and for purposes of this subsection,*
17 *the date of initiation of such process shall be the*
18 *date of such submission or such other date speci-*
19 *fied by the Secretary pursuant to regulations*
20 *that is not later than the date of receipt of such*
21 *notification by both the other party and the Sec-*
22 *retary.*

23 *“(2) INDEPENDENT DISPUTE RESOLUTION PROC-*
24 *ESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIA-*
25 *TIONS.—*

1 “(A) *ESTABLISHMENT.*—Not later than 1
2 year after the date of the enactment of this sub-
3 section, the Secretary, jointly with the Secretary
4 of Health and Human Services and the Sec-
5 retary of the Treasury, shall establish by regula-
6 tion one independent dispute resolution process
7 (referred to in this subsection as the ‘IDR proc-
8 ess’) under which, in the case of an item or serv-
9 ice with respect to which a provider or facility
10 (as applicable) or group health plan or health
11 insurance issuer offering group health insurance
12 coverage submits a notification under paragraph
13 (1)(B) (in this subsection referred to as a ‘quali-
14 fied IDR item or service’), a certified IDR entity
15 under paragraph (4) determines, subject to sub-
16 paragraph (B) and in accordance with the suc-
17 ceeding provisions of this subsection, the amount
18 of payment under the plan or coverage for such
19 item or service furnished by such provider or fa-
20 cility.

21 “(B) *AUTHORITY TO CONTINUE NEGOTIA-*
22 *TIONS.*—Under the independent dispute resolu-
23 tion process, in the case that the parties to a de-
24 termination for a qualified IDR item or service
25 agree on a payment amount for such item or

1 *service during such process but before the date on*
2 *which the entity selected with respect to such de-*
3 *termination under paragraph (4) makes such de-*
4 *termination under paragraph (5), such amount*
5 *shall be treated for purposes of subsection*
6 *(a)(3)(K)(ii) as the amount agreed to by such*
7 *parties for such item or service. In the case of an*
8 *agreement described in the previous sentence, the*
9 *independent dispute resolution process shall pro-*
10 *vide for a method to determine how to allocate*
11 *between the parties to such determination the*
12 *payment of the compensation of the entity se-*
13 *lected with respect to such determination.*

14 “(C) *CLARIFICATION.*—*A nonparticipating*
15 *provider may not, with respect to an item or*
16 *service furnished by such provider, submit a no-*
17 *tification under paragraph (1)(B) if such pro-*
18 *vider is exempt from the requirement under sub-*
19 *section (a) of section 2799B–2 of the Public*
20 *Health Service Act with respect to such item or*
21 *service pursuant to subsection (b) of such section.*

22 “(3) *TREATMENT OF BATCHING OF ITEMS AND*
23 *SERVICES.*—

24 “(A) *IN GENERAL.*—*Under the IDR process,*
25 *the Secretary shall specify criteria under which*

1 *multiple qualified IDR dispute items and serv-*
2 *ices are permitted to be considered jointly as*
3 *part of a single determination by an entity for*
4 *purposes of encouraging the efficiency (including*
5 *minimizing costs) of the IDR process. Such*
6 *items and services may be so considered only*
7 *if—*

8 *“(i) such items and services to be in-*
9 *cluded in such determination are furnished*
10 *by the same provider or facility;*

11 *“(ii) payment for such items and serv-*
12 *ices is required to be made by the same*
13 *group health plan or health insurance*
14 *issuer;*

15 *“(iii) such items and services are re-*
16 *lated to the treatment of a similar condi-*
17 *tion; and*

18 *“(iv) such items and services were fur-*
19 *nished during the 30 day period following*
20 *the date on which the first item or service*
21 *included with respect to such determination*
22 *was furnished or an alternative period as*
23 *determined by the Secretary, for use in lim-*
24 *ited situations, such as by the consent of the*
25 *parties or in the case of low-volume items*

1 *and services, to encourage procedural effi-*
2 *ciency and minimize health plan and pro-*
3 *vider administrative costs.*

4 “(B) *TREATMENT OF BUNDLED PAY-*
5 *MENTS.—In carrying out subparagraph (A), the*
6 *Secretary shall provide that, in the case of items*
7 *and services which are included by a provider or*
8 *facility as part of a bundled payment, such*
9 *items and services included in such bundled pay-*
10 *ment may be part of a single determination*
11 *under this subsection.*

12 “(4) *CERTIFICATION AND SELECTION OF IDR EN-*
13 *TITIES.—*

14 “(A) *IN GENERAL.—The Secretary, jointly*
15 *with the Secretary of Health and Human Serv-*
16 *ices and Secretary of the Treasury, shall estab-*
17 *lish a process to certify (including to recertify)*
18 *entities under this paragraph. Such process shall*
19 *ensure that an entity so certified—*

20 “(i) *has (directly or through contracts*
21 *or other arrangements) sufficient medical,*
22 *legal, and other expertise and sufficient*
23 *staffing to make determinations described in*
24 *paragraph (5) on a timely basis;*

25 “(ii) *is not—*

1 “(I) a group health plan or health
2 insurance issuer offering group health
3 insurance coverage, provider, or facil-
4 ity;

5 “(II) an affiliate or a subsidiary
6 of such a group health plan or health
7 insurance issuer, provider, or facility;
8 or

9 “(III) an affiliate or subsidiary of
10 a professional or trade association of
11 such group health plans or health in-
12 surance issuers or of providers or fa-
13 cilities;

14 “(iii) carries out the responsibilities of
15 such an entity in accordance with this sub-
16 section;

17 “(iv) meets appropriate indicators of
18 fiscal integrity;

19 “(v) maintains the confidentiality (in
20 accordance with regulations promulgated by
21 the Secretary) of individually identifiable
22 health information obtained in the course of
23 conducting such determinations;

24 “(vi) does not under the IDR process
25 carry out any determination with respect to

1 *which the entity would not pursuant to sub-*
2 *clause (I), (II), or (III) of subparagraph*
3 *(F)(i) be eligible for selection; and*

4 *“(vii) meets such other requirements as*
5 *determined appropriate by the Secretary.*

6 *“(B) PERIOD OF CERTIFICATION.—Subject*
7 *to subparagraph (C), each certification (includ-*
8 *ing a recertification) of an entity under the*
9 *process described in subparagraph (A) shall be*
10 *for a 5-year period.*

11 *“(C) REVOCATION.—A certification of an*
12 *entity under this paragraph may be revoked*
13 *under the process described in subparagraph (A)*
14 *if the entity has a pattern or practice of non-*
15 *compliance with any of the requirements de-*
16 *scribed in such subparagraph.*

17 *“(D) PETITION FOR DENIAL OR WITH-*
18 *DRAWAL.—The process described in subpara-*
19 *graph (A) shall ensure that an individual, pro-*
20 *vider, facility, or group health plan or health in-*
21 *surance issuer offering group health insurance*
22 *coverage may petition for a denial of a certifi-*
23 *cation or a revocation of a certification with re-*
24 *spect to an entity under this paragraph for fail-*
25 *ure of meeting a requirement of this subsection.*

1 “(E) *SUFFICIENT NUMBER OF ENTITIES.*—
2 *The process described in subparagraph (A) shall*
3 *ensure that a sufficient number of entities are*
4 *certified under this paragraph to ensure the*
5 *timely and efficient provision of determinations*
6 *described in paragraph (5).*

7 “(F) *SELECTION OF CERTIFIED IDR ENTI-*
8 *TY.*—*The Secretary shall, with respect to the de-*
9 *termination of the amount of payment under*
10 *this subsection of an item or service, provide for*
11 *a method—*

12 “(i) *that allows for the group health*
13 *plan or health insurance issuer offering*
14 *group health insurance coverage and the*
15 *nonparticipating provider or the non-*
16 *participating emergency facility (as appli-*
17 *cable) involved in a notification under*
18 *paragraph (1)(B) to jointly select, not later*
19 *than the last day of the 3-business day pe-*
20 *riod following the date of the initiation of*
21 *the process with respect to such item or*
22 *service, for purposes of making such deter-*
23 *mination, an entity certified under this*
24 *paragraph that—*

1 “(I) is not a party to such deter-
2 mination or an employee or agent of
3 such a party;

4 “(II) does not have a material fa-
5 milial, financial, or professional rela-
6 tionship with such a party; and

7 “(III) does not otherwise have a
8 conflict of interest with such a party
9 (as determined by the Secretary); and

10 “(ii) that requires, in the case such
11 parties do not make such selection by such
12 last day, the Secretary to, not later than 6
13 business days after such date of initiation—

14 “(I) select such an entity that sat-
15 isfies subclauses (I) through (III) of
16 clause (i)); and

17 “(II) provide notification of such
18 selection to the provider or facility (as
19 applicable) and the plan or issuer (as
20 applicable) party to such determina-
21 tion.

22 An entity selected pursuant to the previous sentence to make
23 a determination described in such sentence shall be referred
24 to in this subsection as the ‘certified IDR entity’ with re-
25 spect to such determination.

1 “(5) *PAYMENT DETERMINATION.*—

2 “(A) *IN GENERAL.*—Not later than 30 days
3 after the date of selection of the certified IDR en-
4 tity with respect to a determination for a quali-
5 fied IDR item or service, the certified IDR entity
6 shall—

7 “(i) taking into account the consider-
8 ations specified in subparagraph (C), select
9 one of the offers submitted under subpara-
10 graph (B) to be the amount of payment for
11 such item or service determined under this
12 subsection for purposes of subsection (a)(1)
13 or (b)(1), as applicable; and

14 “(ii) notify the provider or facility and
15 the group health plan or health insurance
16 issuer offering group health insurance cov-
17 erage party to such determination of the
18 offer selected under clause (i).

19 “(B) *SUBMISSION OF OFFERS.*—Not later
20 than 10 days after the date of selection of the cer-
21 tified IDR entity with respect to a determination
22 for a qualified IDR item or service, the provider
23 or facility and the group health plan or health
24 insurance issuer offering group health insurance
25 coverage party to such determination—

1 “(i) shall each submit to the certified
2 IDR entity with respect to such determina-
3 tion—

4 “(I) an offer for a payment
5 amount for such item or service fur-
6 nished by such provider or facility;
7 and

8 “(II) such information as re-
9 quested by the certified IDR entity re-
10 lating to such offer; and

11 “(ii) may each submit to the certified
12 IDR entity with respect to such determina-
13 tion any information relating to such offer
14 submitted by either party, including infor-
15 mation relating to any circumstance de-
16 scribed in subparagraph (C)(ii).

17 “(C) CONSIDERATIONS IN DETERMINA-
18 TION.—

19 “(i) IN GENERAL.—In determining
20 which offer is the payment to be applied
21 pursuant to this paragraph, the certified
22 IDR entity, with respect to the determina-
23 tion for a qualified IDR item or service
24 shall consider—

1 “(I) the qualifying payment
2 amounts (as defined in subsection
3 (a)(3)(E)) for the applicable year for
4 items or services that are comparable
5 to the qualified IDR item or service
6 and that are furnished in the same ge-
7 ographic region (as defined by the Sec-
8 retary for purposes of such subsection)
9 as such qualified IDR item or service;
10 and

11 “(II) subject to subparagraph (D),
12 information on any circumstance de-
13 scribed in clause (i), such information
14 as requested in subparagraph
15 (B)(i)(II), and any additional infor-
16 mation provided in subparagraph
17 (B)(ii).

18 “(ii) *ADDITIONAL CIRCUMSTANCES.*—
19 For purposes of clause (i)(II), the cir-
20 cumstances described in this clause are,
21 with respect to a qualified IDR item or
22 service of a nonparticipating provider, non-
23 participating emergency facility, group
24 health plan, or health insurance issuer of

1 *group health insurance coverage the fol-*
2 *lowing:*

3 “(I) *The level of training, experi-*
4 *ence, and quality and outcomes meas-*
5 *urements of the provider or facility*
6 *that furnished such item or service*
7 *(such as those endorsed by the con-*
8 *sensus-based entity authorized in sec-*
9 *tion 1890 of the Social Security Act).*

10 “(II) *The market share held by*
11 *the nonparticipating provider or facil-*
12 *ity or that of the plan or issuer in the*
13 *geographic region in which the item or*
14 *service was provided.*

15 “(III) *The acuity of the indi-*
16 *vidual receiving such item or service or*
17 *the complexity of furnishing such item*
18 *or service to such individual.*

19 “(IV) *The teaching status, case*
20 *mix, and scope of services of the non-*
21 *participating facility that furnished*
22 *such item or service.*

23 “(V) *Demonstrations of good faith*
24 *efforts (or lack of good faith efforts)*
25 *made by the nonparticipating provider*

1 or nonparticipating facility or the
2 plan or issuer to enter into network
3 agreements and, if applicable, con-
4 tracted rates between the provider or
5 facility, as applicable, and the plan or
6 issuer, as applicable, during the pre-
7 vious 4 plan years.

8 “(D) *PROHIBITION ON CONSIDERATION OF*
9 *CERTAIN FACTORS.*—*In determining which offer*
10 *is the payment to be applied with respect to*
11 *qualified IDR items and services furnished by a*
12 *provider or facility, the certified IDR entity with*
13 *respect to a determination shall not consider*
14 *usual and customary charges, the amount that*
15 *would have been billed by such provider or facil-*
16 *ity with respect to such items and services had*
17 *the provisions of section 2799B–1 of the Public*
18 *Health Service Act or 2799B–2 of such Act (as*
19 *applicable) not applied, or the payment or reim-*
20 *bursement rate for such items and services fur-*
21 *nished by such provider or facility payable by a*
22 *public payor, including under the Medicare pro-*
23 *gram under title XVIII of the Social Security*
24 *Act, under the Medicaid program under title*
25 *XIX of such Act, under the Children’s Health In-*

1 *surance Program under title XXI of such Act,*
2 *under the TRICARE program under chapter 55*
3 *of title 10, United States Code, or under chapter*
4 *17 of title 38, United States Code.*

5 “(E) *EFFECTS OF DETERMINATION.*—

6 “(i) *IN GENERAL.*—*A determination of*
7 *a certified IDR entity under subparagraph*
8 *(A)—*

9 “(I) *shall be binding upon the*
10 *parties involved, in the absence of a*
11 *fraudulent claim or evidence of mis-*
12 *representation of facts presented to the*
13 *IDR entity involved regarding such*
14 *claim; and*

15 “(II) *shall not be subject to judi-*
16 *cial review, except in a case described*
17 *in any of paragraphs (1) through (4)*
18 *of section 10(a) of title 9, United*
19 *States Code.*

20 “(ii) *SUSPENSION OF CERTAIN SUBSE-*
21 *QUENT IDR REQUESTS.*—*In the case of a de-*
22 *termination of a certified IDR entity under*
23 *subparagraph (A), with respect to an initial*
24 *notification submitted under paragraph*
25 *(1)(B) with respect to qualified IDR items*

1 *and services and the two parties involved*
2 *with such notification, the party that sub-*
3 *mitted such notification may not submit*
4 *during the 90-day period following such de-*
5 *termination a subsequent notification under*
6 *such paragraph involving the same other*
7 *party to such notification with respect to*
8 *such an item or service that was the subject*
9 *of such initial notification.*

10 “(iii) *SUBSEQUENT SUBMISSION OF*
11 *REQUESTS PERMITTED.—In the case of a*
12 *notification that pursuant to clause (ii) is*
13 *not permitted to be submitted under para-*
14 *graph (1)(B) during a 90-day period speci-*
15 *fied in such clause, if the end of the open*
16 *negotiation period specified in paragraph*
17 *(1)(A), that but for this clause would other-*
18 *wise apply with respect to such notification,*
19 *occurs during such 90-day period, such*
20 *paragraph (1)(B) shall be applied as if the*
21 *reference in such paragraph to the 4-day*
22 *period beginning on the day after such open*
23 *negotiation period were instead a reference*
24 *to the 30-day period beginning on the day*
25 *after the last day of such 90-day period.*

1 “(iv) *REPORTS.*—*The Secretary, joint-*
2 *ly with the Secretary of Health and Human*
3 *Services and the Secretary of the Treasury,*
4 *shall examine the impact of the application*
5 *of clause (ii) and whether the application of*
6 *such clause delays payment determinations*
7 *or impacts early, alternative resolution of*
8 *claims (such as through open negotiations),*
9 *and shall submit to Congress, not later than*
10 *2 years after the date of implementation of*
11 *such clause an interim report (and not later*
12 *than 4 years after such date of implementa-*
13 *tion, a final report) on whether any group*
14 *health plans or health insurance issuers of-*
15 *fering group or individual health insurance*
16 *coverage or types of such plans or coverage*
17 *have a pattern or practice of routine denial,*
18 *low payment, or down-coding of claims, or*
19 *otherwise abuse the 90-day period described*
20 *in such clause, including recommendations*
21 *on ways to discourage such a pattern or*
22 *practice.*

23 “(F) *COSTS OF INDEPENDENT DISPUTE*
24 *RESOLUTION PROCESS.*—*In the case of a notifi-*
25 *cation under paragraph (1)(B) submitted by a*

1 *nonparticipating provider, nonparticipating*
2 *emergency facility, group health plan, or health*
3 *insurance issuer offering group health insurance*
4 *coverage and submitted to a certified IDR enti-*
5 *ty—*

6 *“(i) if such entity makes a determina-*
7 *tion with respect to such notification under*
8 *subparagraph (A), the party whose offer is*
9 *not chosen under such subparagraph shall*
10 *be responsible for paying all fees charged by*
11 *such entity; and*

12 *“(ii) if the parties reach a settlement*
13 *with respect to such notification prior to*
14 *such a determination, each party shall pay*
15 *half of all fees charged by such entity, unless*
16 *the parties otherwise agree.*

17 *“(6) TIMING OF PAYMENT.—The total plan or*
18 *coverage payment required pursuant to subsection*
19 *(a)(1) or (b)(1), with respect to a qualified IDR item*
20 *or service for which a determination is made under*
21 *paragraph (5)(A) or with respect to an item or serv-*
22 *ice for which a payment amount is determined under*
23 *open negotiations under paragraph (1), shall be made*
24 *directly to the nonparticipating provider or facility*

1 *not later than 30 days after the date on which such*
2 *determination is made.*

3 “(7) *PUBLICATION OF INFORMATION RELATING*
4 *TO THE IDR PROCESS.—*

5 “(A) *PUBLICATION OF INFORMATION.—For*
6 *each calendar quarter in 2022 and each calendar*
7 *quarter in a subsequent year, the Secretary shall*
8 *make available on the public website of the De-*
9 *partment of Labor—*

10 “(i) *the number of notifications sub-*
11 *mitted under paragraph (1)(B) during such*
12 *calendar quarter;*

13 “(ii) *the size of the provider practices*
14 *and the size of the facilities submitting noti-*
15 *fications under paragraph (1)(B) during*
16 *such calendar quarter;*

17 “(iii) *the number of such notifications*
18 *with respect to which a determination was*
19 *made under paragraph (5)(A);*

20 “(iv) *the information described in sub-*
21 *paragraph (B) with respect to each notifica-*
22 *tion with respect to which such a deter-*
23 *mination was so made;*

24 “(v) *the number of times the payment*
25 *amount determined (or agreed to) under*

1 *this subsection exceeds the qualifying pay-*
2 *ment amount, specified by items and serv-*
3 *ices;*

4 *“(vi) the amount of expenditures made*
5 *by the Secretary during such calendar quar-*
6 *ter to carry out the IDR process;*

7 *“(vii) the total amount of fees paid*
8 *under paragraph (8) during such calendar*
9 *quarter; and*

10 *“(viii) the total amount of compensa-*
11 *tion paid to certified IDR entities under*
12 *paragraph (5)(F) during such calendar*
13 *quarter.*

14 *“(B) INFORMATION.—For purposes of sub-*
15 *paragraph (A), the information described in this*
16 *subparagraph is, with respect to a notification*
17 *under paragraph (1)(B) by a nonparticipating*
18 *provider, nonparticipating emergency facility,*
19 *group health plan, or health insurance issuer of-*
20 *fering group health insurance coverage—*

21 *“(i) a description of each item and*
22 *service included with respect to such notifi-*
23 *cation;*

1 “(ii) the geography in which the items
2 and services with respect to such notifica-
3 tion were provided;

4 “(iii) the amount of the offer submitted
5 under paragraph (5)(B) by the group health
6 plan or health insurance issuer (as applica-
7 ble) and by the nonparticipating provider
8 or nonparticipating emergency facility (as
9 applicable) expressed as a percentage of the
10 qualifying payment amount;

11 “(iv) whether the offer selected by the
12 certified IDR entity under paragraph (5) to
13 be the payment applied was the offer sub-
14 mitted by such plan or issuer (as applica-
15 ble) or by such provider or facility (as ap-
16 plicable) and the amount of such offer so se-
17 lected expressed as a percentage of the quali-
18 fying payment amount;

19 “(v) the category and practice spe-
20 cialty of each such provider or facility in-
21 volved in furnishing such items and serv-
22 ices;

23 “(vi) the identity of the health plan or
24 health insurance issuer, provider, or facil-
25 ity, with respect to the notification;

1 “(vii) the length of time in making
2 each determination;

3 “(viii) the compensation paid to the
4 certified IDR entity with respect to the set-
5 tlement or determination; and

6 “(ix) any other information specified
7 by the Secretary.

8 “(C) *IDR ENTITY REQUIREMENTS.*—For
9 2022 and each subsequent year, an IDR entity,
10 as a condition of certification as an IDR entity,
11 shall submit to the Secretary such information
12 as the Secretary determines necessary to carry
13 out the provisions of this subsection.

14 “(D) *CLARIFICATION.*—The Secretary shall
15 ensure the public reporting under this paragraph
16 does not contain information that would disclose
17 privileged or confidential information of a group
18 health plan or health insurance issuer offering
19 group or individual health insurance coverage or
20 of a provider or facility.

21 “(8) *ADMINISTRATIVE FEE.*—

22 “(A) *IN GENERAL.*—Each party to a deter-
23 mination under paragraph (5) to which an enti-
24 ty is selected under paragraph (3) in a year
25 shall pay to the Secretary, at such time and in

1 *such manner as specified by the Secretary, a fee*
2 *for participating in the IDR process with respect*
3 *to such determination in an amount described in*
4 *subparagraph (B) for such year.*

5 “(B) *AMOUNT OF FEE.*—*The amount de-*
6 *scribed in this subparagraph for a year is an*
7 *amount established by the Secretary in a man-*
8 *ner such that the total amount of fees paid under*
9 *this paragraph for such year is estimated to be*
10 *equal to the amount of expenditures estimated to*
11 *be made by the Secretary for such year in car-*
12 *rying out the IDR process.*

13 “(9) *WAIVER AUTHORITY.*—*The Secretary may*
14 *modify any deadline or other timing requirement*
15 *specified under this subsection (other than the estab-*
16 *lishment date for the IDR process under paragraph*
17 *(2)(A) and other than under paragraph (6)) in cases*
18 *of extenuating circumstances, as specified by the Sec-*
19 *retary, or to ensure that all claims that occur during*
20 *a 90-day period described in paragraph (5)(E)(ii),*
21 *but with respect to which a notification is not per-*
22 *mitted by reason of such paragraph to be submitted*
23 *under paragraph (1)(B) during such period, are eligi-*
24 *ble for the IDR process.”.*

1 (c) IRC.—Section 9816 of the Internal Revenue Code
2 of 1986, as added by section 102, is amended—

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

5 (2) by inserting after subsection (b) the following
6 new subsection:

7 “(c) DETERMINATION OF OUT-OF-NETWORK RATES TO
8 BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RES-
9 OLUTION PROCESS.—

10 “(1) DETERMINATION THROUGH OPEN NEGOTIA-
11 TION.—

12 “(A) IN GENERAL.—With respect to an item
13 or service furnished in a year by a nonparticipating
14 provider or a nonparticipating facility,
15 with respect to a group health plan, in a State
16 described in subsection (a)(3)(K)(ii) with respect
17 to such plan and provider or facility, and for
18 which a payment is required to be made by the
19 plan pursuant to subsection (a)(1) or (b)(1), the
20 provider or facility (as applicable) or plan may,
21 during the 30-day period beginning on the day
22 the provider or facility receives an initial pay-
23 ment or a notice of denial of payment from the
24 plan regarding a claim for payment for such
25 item or service, initiate open negotiations under

1 *this paragraph between such provider or facility*
2 *and plan for purposes of determining, during the*
3 *open negotiation period, an amount agreed on*
4 *by such provider or facility, respectively, and*
5 *such plan for payment (including any cost-shar-*
6 *ing) for such item or service. For purposes of this*
7 *subsection, the open negotiation period, with re-*
8 *spect to an item or service, is the 30-day period*
9 *beginning on the date of initiation of the nego-*
10 *tiations with respect to such item or service.*

11 “(B) *ACCESSING INDEPENDENT DISPUTE*
12 *RESOLUTION PROCESS IN CASE OF FAILED NEGO-*
13 *TIATIONS.—In the case of open negotiations pur-*
14 *suant to subparagraph (A), with respect to an*
15 *item or service, that do not result in a deter-*
16 *mination of an amount of payment for such item*
17 *or service by the last day of the open negotiation*
18 *period described in such subparagraph with re-*
19 *spect to such item or service, the provider or fa-*
20 *cility (as applicable) or group health plan that*
21 *was party to such negotiations may, during the*
22 *4-day period beginning on the day after such*
23 *open negotiation period, initiate the independent*
24 *dispute resolution process under paragraph (2)*
25 *with respect to such item or service. The inde-*

1 *pendent dispute resolution process shall be initi-*
2 *ated by a party pursuant to the previous sen-*
3 *tence by submission to the other party and to the*
4 *Secretary of a notification (containing such in-*
5 *formation as specified by the Secretary) and for*
6 *purposes of this subsection, the date of initiation*
7 *of such process shall be the date of such submis-*
8 *sion or such other date specified by the Secretary*
9 *pursuant to regulations that is not later than the*
10 *date of receipt of such notification by both the*
11 *other party and the Secretary.*

12 “(2) *INDEPENDENT DISPUTE RESOLUTION PROC-*
13 *ESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIA-*
14 *TIONS.—*

15 “(A) *ESTABLISHMENT.—Not later than 1*
16 *year after the date of the enactment of this sub-*
17 *section, the Secretary, jointly with the Secretary*
18 *of Health and Human Services and the Sec-*
19 *retary of Labor, shall establish by regulation one*
20 *independent dispute resolution process (referred*
21 *to in this subsection as the ‘IDR process’) under*
22 *which, in the case of an item or service with re-*
23 *spect to which a provider or facility (as applica-*
24 *ble) or group health plan submits a notification*
25 *under paragraph (1)(B) (in this subsection re-*

1 ferred to as a ‘qualified IDR item or service’), a
2 certified IDR entity under paragraph (4) deter-
3 mines, subject to subparagraph (B) and in ac-
4 cordance with the succeeding provisions of this
5 subsection, the amount of payment under the
6 plan for such item or service furnished by such
7 provider or facility.

8 “(B) *AUTHORITY TO CONTINUE NEGOTIA-*
9 *TIONS.—Under the independent dispute resolu-*
10 *tion process, in the case that the parties to a de-*
11 *termination for a qualified IDR item or service*
12 *agree on a payment amount for such item or*
13 *service during such process but before the date on*
14 *which the entity selected with respect to such de-*
15 *termination under paragraph (4) makes such de-*
16 *termination under paragraph (5), such amount*
17 *shall be treated for purposes of subsection*
18 *(a)(3)(K)(ii) as the amount agreed to by such*
19 *parties for such item or service. In the case of an*
20 *agreement described in the previous sentence, the*
21 *independent dispute resolution process shall pro-*
22 *vide for a method to determine how to allocate*
23 *between the parties to such determination the*
24 *payment of the compensation of the entity se-*
25 *lected with respect to such determination.*

1 “(C) *CLARIFICATION.*—*A nonparticipating*
2 *provider may not, with respect to an item or*
3 *service furnished by such provider, submit a no-*
4 *tification under paragraph (1)(B) if such pro-*
5 *vider is exempt from the requirement under sub-*
6 *section (a) of section 2799B–2 of the Public*
7 *Health Service Act with respect to such item or*
8 *service pursuant to subsection (b) of such section.*

9 “(3) *TREATMENT OF BATCHING OF ITEMS AND*
10 *SERVICES.*—

11 “(A) *IN GENERAL.*—*Under the IDR process,*
12 *the Secretary shall specify criteria under which*
13 *multiple qualified IDR dispute items and serv-*
14 *ices are permitted to be considered jointly as*
15 *part of a single determination by an entity for*
16 *purposes of encouraging the efficiency (including*
17 *minimizing costs) of the IDR process. Such*
18 *items and services may be so considered only*
19 *if—*

20 “(i) *such items and services to be in-*
21 *cluded in such determination are furnished*
22 *by the same provider or facility;*

23 “(ii) *payment for such items and serv-*
24 *ices is required to be made by the same*

1 *group health plan or health insurance*
2 *issuer;*

3 “(iii) *such items and services are re-*
4 *lated to the treatment of a similar condi-*
5 *tion; and*

6 “(iv) *such items and services were fur-*
7 *nished during the 30 day period following*
8 *the date on which the first item or service*
9 *included with respect to such determination*
10 *was furnished or an alternative period as*
11 *determined by the Secretary, for use in lim-*
12 *ited situations, such as by the consent of the*
13 *parties or in the case of low-volume items*
14 *and services, to encourage procedural effi-*
15 *ciency and minimize health plan and pro-*
16 *vider administrative costs.*

17 “(B) *TREATMENT OF BUNDLED PAY-*
18 *MENTS.—In carrying out subparagraph (A), the*
19 *Secretary shall provide that, in the case of items*
20 *and services which are included by a provider or*
21 *facility as part of a bundled payment, such*
22 *items and services included in such bundled pay-*
23 *ment may be part of a single determination*
24 *under this subsection.*

1 “(4) *CERTIFICATION AND SELECTION OF IDR EN-*
2 *TITIES.*—

3 “(A) *IN GENERAL.*—*The Secretary, jointly*
4 *with the Secretary of Health and Human Serv-*
5 *ices and the Secretary of Labor, shall establish a*
6 *process to certify (including to recertify) entities*
7 *under this paragraph. Such process shall ensure*
8 *that an entity so certified—*

9 “(i) *has (directly or through contracts*
10 *or other arrangements) sufficient medical,*
11 *legal, and other expertise and sufficient*
12 *staffing to make determinations described in*
13 *paragraph (5) on a timely basis;*

14 “(ii) *is not—*

15 “(I) *a group health plan, pro-*
16 *vider, or facility;*

17 “(II) *an affiliate or a subsidiary*
18 *of such a group health plan, provider,*
19 *or facility; or*

20 “(III) *an affiliate or subsidiary of*
21 *a professional or trade association of*
22 *such group health plans or of providers*
23 *or facilities;*

1 “(iii) carries out the responsibilities of
2 such an entity in accordance with this sub-
3 section;

4 “(iv) meets appropriate indicators of
5 fiscal integrity;

6 “(v) maintains the confidentiality (in
7 accordance with regulations promulgated by
8 the Secretary) of individually identifiable
9 health information obtained in the course of
10 conducting such determinations;

11 “(vi) does not under the IDR process
12 carry out any determination with respect to
13 which the entity would not pursuant to sub-
14 clause (I), (II), or (III) of subparagraph
15 (F)(i) be eligible for selection; and

16 “(vii) meets such other requirements as
17 determined appropriate by the Secretary.

18 “(B) PERIOD OF CERTIFICATION.—Subject
19 to subparagraph (C), each certification (includ-
20 ing a recertification) of an entity under the
21 process described in subparagraph (A) shall be
22 for a 5-year period.

23 “(C) REVOCATION.—A certification of an
24 entity under this paragraph may be revoked
25 under the process described in subparagraph (A)

1 *if the entity has a pattern or practice of non-*
2 *compliance with any of the requirements de-*
3 *scribed in such subparagraph.*

4 “(D) *PETITION FOR DENIAL OR WITH-*
5 *DRAWAL.—The process described in subpara-*
6 *graph (A) shall ensure that an individual, pro-*
7 *vider, facility, or group health plan may petition*
8 *for a denial of a certification or a revocation of*
9 *a certification with respect to an entity under*
10 *this paragraph for failure of meeting a require-*
11 *ment of this subsection.*

12 “(E) *SUFFICIENT NUMBER OF ENTITIES.—*
13 *The process described in subparagraph (A) shall*
14 *ensure that a sufficient number of entities are*
15 *certified under this paragraph to ensure the*
16 *timely and efficient provision of determinations*
17 *described in paragraph (5).*

18 “(F) *SELECTION OF CERTIFIED IDR ENTI-*
19 *TY.—The Secretary shall, with respect to the de-*
20 *termination of the amount of payment under*
21 *this subsection of an item or service, provide for*
22 *a method—*

23 “(i) *that allows for the group health*
24 *plan and the nonparticipating provider or*
25 *the nonparticipating emergency facility (as*

1 *applicable) involved in a notification under*
2 *paragraph (1)(B) to jointly select, not later*
3 *than the last day of the 3-business day pe-*
4 *riod following the date of the initiation of*
5 *the process with respect to such item or*
6 *service, for purposes of making such deter-*
7 *mination, an entity certified under this*
8 *paragraph that—*

9 *“(I) is not a party to such deter-*
10 *mination or an employee or agent of*
11 *such a party;*

12 *“(II) does not have a material fa-*
13 *miliar, financial, or professional rela-*
14 *tionship with such a party; and*

15 *“(III) does not otherwise have a*
16 *conflict of interest with such a party*
17 *(as determined by the Secretary); and*

18 *“(ii) that requires, in the case such*
19 *parties do not make such selection by such*
20 *last day, the Secretary to, not later than 6*
21 *business days after such date of initiation—*

22 *“(I) select such an entity that sat-*
23 *isfies subclauses (I) through (III) of*
24 *clause (i)); and*

1 “(II) provide notification of such
2 selection to the provider or facility (as
3 applicable) and the plan or issuer (as
4 applicable) party to such determina-
5 tion.

6 *An entity selected pursuant to the previous sentence to make*
7 *a determination described in such sentence shall be referred*
8 *to in this subsection as the ‘certified IDR entity’ with re-*
9 *spect to such determination.*

10 “(5) *PAYMENT DETERMINATION.*—

11 “(A) *IN GENERAL.*—*Not later than 30 days*
12 *after the date of selection of the certified IDR en-*
13 *tity with respect to a determination for a quali-*
14 *fied IDR item or service, the certified IDR entity*
15 *shall—*

16 “(i) *taking into account the consider-*
17 *ations specified in subparagraph (C), select*
18 *one of the offers submitted under subpara-*
19 *graph (B) to be the amount of payment for*
20 *such item or service determined under this*
21 *subsection for purposes of subsection (a)(1)*
22 *or (b)(1), as applicable; and*

23 “(ii) *notify the provider or facility and*
24 *the group health plan party to such deter-*

1 *mination of the offer selected under clause*
2 *(i).*

3 *“(B) SUBMISSION OF OFFERS.—Not later*
4 *than 10 days after the date of selection of the*
5 *certified IDR entity with respect to a determina-*
6 *tion for a qualified IDR item or service, the pro-*
7 *vider or facility and the group health plan party*
8 *to such determination—*

9 *“(i) shall each submit to the certified*
10 *IDR entity with respect to such determina-*
11 *tion—*

12 *“(I) an offer for a payment*
13 *amount for such item or service fur-*
14 *nished by such provider or facility;*
15 *and*

16 *“(II) such information as re-*
17 *quested by the certified IDR entity re-*
18 *lating to such offer; and*

19 *“(ii) may each submit to the certified*
20 *IDR entity with respect to such determina-*
21 *tion any information relating to such offer*
22 *submitted by either party, including infor-*
23 *mation relating to any circumstance de-*
24 *scribed in subparagraph (C)(ii).*

1 “(C) *CONSIDERATIONS IN DETERMINA-*
2 *TION.—*

3 “(i) *IN GENERAL.—In determining*
4 *which offer is the payment to be applied*
5 *pursuant to this paragraph, the certified*
6 *IDR entity, with respect to the determina-*
7 *tion for a qualified IDR item or service*
8 *shall consider—*

9 “(I) *the qualifying payment*
10 *amounts (as defined in subsection*
11 *(a)(3)(E)) for the applicable year for*
12 *items or services that are comparable*
13 *to the qualified IDR item or service*
14 *and that are furnished in the same ge-*
15 *ographic region (as defined by the Sec-*
16 *retary for purposes of such subsection)*
17 *as such qualified IDR item or service;*
18 *and*

19 “(II) *subject to subparagraph (D),*
20 *information on any circumstance de-*
21 *scribed in clause (i), such information*
22 *as requested in subparagraph*
23 *(B)(i)(II), and any additional infor-*
24 *mation provided in subparagraph*
25 *(B)(ii).*

1 “(i) *ADDITIONAL CIRCUMSTANCES.*—
2 *For purposes of clause (i)(II), the cir-*
3 *cumstances described in this clause are,*
4 *with respect to a qualified IDR item or*
5 *service of a nonparticipating provider, non-*
6 *participating emergency facility, or group*
7 *health plan, the following:*

8 “(I) *The level of training, experi-*
9 *ence, and quality and outcomes meas-*
10 *urements of the provider or facility*
11 *that furnished such item or service*
12 *(such as those endorsed by the con-*
13 *sensus-based entity authorized in sec-*
14 *tion 1890 of the Social Security Act).*

15 “(II) *The market share held by*
16 *the nonparticipating provider or facil-*
17 *ity or that of the plan or issuer in the*
18 *geographic region in which the item or*
19 *service was provided.*

20 “(III) *The acuity of the indi-*
21 *vidual receiving such item or service or*
22 *the complexity of furnishing such item*
23 *or service to such individual.*

24 “(IV) *The teaching status, case*
25 *mix, and scope of services of the non-*

1 *participating facility that furnished*
2 *such item or service.*

3 *“(V) Demonstrations of good faith*
4 *efforts (or lack of good faith efforts)*
5 *made by the nonparticipating provider*
6 *or nonparticipating facility or the*
7 *plan or issuer to enter into network*
8 *agreements and, if applicable, con-*
9 *tracted rates between the provider or*
10 *facility, as applicable, and the plan or*
11 *issuer, as applicable, during the pre-*
12 *vious 4 plan years.*

13 *“(D) PROHIBITION ON CONSIDERATION OF*
14 *CERTAIN FACTORS.—In determining which offer*
15 *is the payment to be applied with respect to*
16 *qualified IDR items and services furnished by a*
17 *provider or facility, the certified IDR entity with*
18 *respect to a determination shall not consider*
19 *usual and customary charges, the amount that*
20 *would have been billed by such provider or facil-*
21 *ity with respect to such items and services had*
22 *the provisions of section 2799B–1 of the Public*
23 *Health Service Act or 2799B–2 of such Act (as*
24 *applicable) not applied, or the payment or reim-*
25 *bursement rate for such items and services fur-*

1 *nished by such provider or facility payable by a*
2 *public payor, including under the Medicare pro-*
3 *gram under title XVIII of the Social Security*
4 *Act, under the Medicaid program under title*
5 *XIX of such Act, under the Children’s Health In-*
6 *surance Program under title XXI of such Act,*
7 *under the TRICARE program under chapter 55*
8 *of title 10, United States Code, or under chapter*
9 *17 of title 38, United States Code.*

10 *“(E) EFFECTS OF DETERMINATION.—*

11 *“(i) IN GENERAL.—A determination of*
12 *a certified IDR entity under subparagraph*
13 *(A)—*

14 *“(I) shall be binding upon the*
15 *parties involved, in the absence of a*
16 *fraudulent claim or evidence of mis-*
17 *representation of facts presented to the*
18 *IDR entity involved regarding such*
19 *claim; and*

20 *“(II) shall not be subject to judi-*
21 *cial review, except in a case described*
22 *in any of paragraphs (1) through (4)*
23 *of section 10(a) of title 9, United*
24 *States Code.*

1 “(ii) *SUSPENSION OF CERTAIN SUBSE-*
2 *QUENT IDR REQUESTS.—In the case of a de-*
3 *termination of a certified IDR entity under*
4 *subparagraph (A), with respect to an initial*
5 *notification submitted under paragraph*
6 *(1)(B) with respect to qualified IDR items*
7 *and services and the two parties involved*
8 *with such notification, the party that sub-*
9 *mitted such notification may not submit*
10 *during the 90-day period following such de-*
11 *termination a subsequent notification under*
12 *such paragraph involving the same other*
13 *party to such notification with respect to*
14 *such an item or service that was the subject*
15 *of such initial notification.*

16 “(iii) *SUBSEQUENT SUBMISSION OF*
17 *REQUESTS PERMITTED.—In the case of a*
18 *notification that pursuant to clause (ii) is*
19 *not permitted to be submitted under para-*
20 *graph (1)(B) during a 90-day period speci-*
21 *fied in such clause, if the end of the open*
22 *negotiation period specified in paragraph*
23 *(1)(A), that but for this clause would other-*
24 *wise apply with respect to such notification,*
25 *occurs during such 90-day period, such*

1 *paragraph (1)(B) shall be applied as if the*
2 *reference in such paragraph to the 4-day*
3 *period beginning on the day after such open*
4 *negotiation period were instead a reference*
5 *to the 30-day period beginning on the day*
6 *after the last day of such 90-day period.*

7 *“(iv) REPORTS.—The Secretary, joint-*
8 *ly with the Secretary of Labor and the Sec-*
9 *retary of the Health and Human Services,*
10 *shall examine the impact of the application*
11 *of clause (ii) and whether the application of*
12 *such clause delays payment determinations*
13 *or impacts early, alternative resolution of*
14 *claims (such as through open negotiations),*
15 *and shall submit to Congress, not later than*
16 *2 years after the date of implementation of*
17 *such clause an interim report (and not later*
18 *than 4 years after such date of implementa-*
19 *tion, a final report) on whether any group*
20 *health plans or health insurance issuers of-*
21 *fering group or individual health insurance*
22 *coverage or types of such plans or coverage*
23 *have a pattern or practice of routine denial,*
24 *low payment, or down-coding of claims, or*
25 *otherwise abuse the 90-day period described*

1 *in such clause, including recommendations*
2 *on ways to discourage such a pattern or*
3 *practice.*

4 “(F) *COSTS OF INDEPENDENT DISPUTE*
5 *RESOLUTION PROCESS.—In the case of a notifi-*
6 *cation under paragraph (1)(B) submitted by a*
7 *nonparticipating provider, nonparticipating*
8 *emergency facility, or group health plan and*
9 *submitted to a certified IDR entity—*

10 “(i) *if such entity makes a determina-*
11 *tion with respect to such notification under*
12 *subparagraph (A), the party whose offer is*
13 *not chosen under such subparagraph shall*
14 *be responsible for paying all fees charged by*
15 *such entity; and*

16 “(ii) *if the parties reach a settlement*
17 *with respect to such notification prior to*
18 *such a determination, each party shall pay*
19 *half of all fees charged by such entity, unless*
20 *the parties otherwise agree.*

21 “(6) *TIMING OF PAYMENT.—The total plan pay-*
22 *ment required pursuant to subsection (a)(1) or (b)(1),*
23 *with respect to a qualified IDR item or service for*
24 *which a determination is made under paragraph*
25 *(5)(A) or with respect to an item or service for which*

1 *a payment amount is determined under open negotia-*
2 *tions under paragraph (1), shall be made directly to*
3 *the nonparticipating provider or facility not later*
4 *than 30 days after the date on which such determina-*
5 *tion is made.*

6 “(7) *PUBLICATION OF INFORMATION RELATING*
7 *TO THE IDR PROCESS.—*

8 “(A) *PUBLICATION OF INFORMATION.—For*
9 *each calendar quarter in 2022 and each calendar*
10 *quarter in a subsequent year, the Secretary shall*
11 *make available on the public website of the De-*
12 *partment of the Treasury—*

13 “(i) *the number of notifications sub-*
14 *mitted under paragraph (1)(B) during such*
15 *calendar quarter;*

16 “(ii) *the size of the provider practices*
17 *and the size of the facilities submitting noti-*
18 *fications under paragraph (1)(B) during*
19 *such calendar quarter;*

20 “(iii) *the number of such notifications*
21 *with respect to which a determination was*
22 *made under paragraph (5)(A);*

23 “(iv) *the information described in sub-*
24 *paragraph (B) with respect to each notifica-*

1 *tion with respect to which such a deter-*
2 *mination was so made;*

3 *“(v) the number of times the payment*
4 *amount determined (or agreed to) under*
5 *this subsection exceeds the qualifying pay-*
6 *ment amount, specified by items and serv-*
7 *ices;*

8 *“(vi) the amount of expenditures made*
9 *by the Secretary during such calendar quar-*
10 *ter to carry out the IDR process;*

11 *“(vii) the total amount of fees paid*
12 *under paragraph (8) during such calendar*
13 *quarter; and*

14 *“(viii) the total amount of compensa-*
15 *tion paid to certified IDR entities under*
16 *paragraph (5)(F) during such calendar*
17 *quarter.*

18 *“(B) INFORMATION.—For purposes of sub-*
19 *paragraph (A), the information described in this*
20 *subparagraph is, with respect to a notification*
21 *under paragraph (1)(B) by a nonparticipating*
22 *provider, nonparticipating emergency facility, or*
23 *group health plan—*

1 “(i) a description of each item and
2 service included with respect to such notifi-
3 cation;

4 “(ii) the geography in which the items
5 and services with respect to such notifica-
6 tion were provided;

7 “(iii) the amount of the offer submitted
8 under paragraph (5)(B) by the group health
9 plan and by the nonparticipating provider
10 or nonparticipating emergency facility (as
11 applicable) expressed as a percentage of the
12 qualifying payment amount;

13 “(iv) whether the offer selected by the
14 certified IDR entity under paragraph (5) to
15 be the payment applied was the offer sub-
16 mitted by such plan or by such provider or
17 facility (as applicable) and the amount of
18 such offer so selected expressed as a percent-
19 age of the qualifying payment amount;

20 “(v) the category and practice spe-
21 cialty of each such provider or facility in-
22 volved in furnishing such items and serv-
23 ices;

1 “(vi) the identity of the group health
2 plan, provider, or facility, with respect to
3 the notification;

4 “(vii) the length of time in making
5 each determination;

6 “(viii) the compensation paid to the
7 certified IDR entity with respect to the set-
8 tlement or determination; and

9 “(ix) any other information specified
10 by the Secretary.

11 “(C) *IDR ENTITY REQUIREMENTS.*—For
12 2022 and each subsequent year, an IDR entity,
13 as a condition of certification as an IDR entity,
14 shall submit to the Secretary such information
15 as the Secretary determines necessary to carry
16 out the provisions of this subsection.

17 “(D) *CLARIFICATION.*—The Secretary shall
18 ensure the public reporting under this paragraph
19 does not contain information that would disclose
20 privileged or confidential information of a group
21 health plan or health insurance issuer offering
22 group or individual health insurance coverage or
23 of a provider or facility.

24 “(8) *ADMINISTRATIVE FEE.*—

1 “(A) *IN GENERAL.*—Each party to a deter-
2 mination under paragraph (5) to which an enti-
3 ty is selected under paragraph (3) in a year
4 shall pay to the Secretary, at such time and in
5 such manner as specified by the Secretary, a fee
6 for participating in the IDR process with respect
7 to such determination in an amount described in
8 subparagraph (B) for such year.

9 “(B) *AMOUNT OF FEE.*—The amount de-
10 scribed in this subparagraph for a year is an
11 amount established by the Secretary in a man-
12 ner such that the total amount of fees paid under
13 this paragraph for such year is estimated to be
14 equal to the amount of expenditures estimated to
15 be made by the Secretary for such year in car-
16 rying out the IDR process.

17 “(9) *WAIVER AUTHORITY.*—The Secretary may
18 modify any deadline or other timing requirement
19 specified under this subsection (other than the estab-
20 lishment date for the IDR process under paragraph
21 (2)(A) and other than under paragraph (6)) in cases
22 of extenuating circumstances, as specified by the Sec-
23 retary, or to ensure that all claims that occur during
24 a 90-day period described in paragraph (5)(E)(vi),
25 but with respect to which a notification is not per-

1 *of a hospital or independent freestanding emergency*
2 *department shall not bill, and shall not hold liable,*
3 *the participant, beneficiary, or enrollee for a payment*
4 *amount for such emergency services so furnished that*
5 *is more than the cost-sharing requirement for such*
6 *services (as determined in accordance with clauses*
7 *(ii) and (iii) of section 2799A–1(a)(1)(C), of section*
8 *9816(a)(1)(C) of the Internal Revenue Code of 1986,*
9 *and of section 716(a)(1)(C) of the Employee Retirement*
10 *Income Security Act of 1974, as applicable);*
11 *and*

12 *“(2) in the case that such services are furnished*
13 *by a nonparticipating provider, the health care pro-*
14 *vider shall not bill, and shall not hold liable, such*
15 *participant, beneficiary, or enrollee for a payment*
16 *amount for an emergency service furnished to such in-*
17 *dividual by such provider with respect to such emer-*
18 *gency medical condition and visit for which the indi-*
19 *vidual receives emergency services at the hospital or*
20 *emergency department that is more than the cost-*
21 *sharing requirement for such services furnished by the*
22 *provider (as determined in accordance with clauses*
23 *(ii) and (iii) of section 2799A–1(a)(1)(C), of section*
24 *9816(a)(1)(C) of the Internal Revenue Code of 1986,*

1 *and of section 716(a)(1)(C) of the Employee Retirement*
2 *Income Security Act of 1974, as applicable).*

3 “(b) *DEFINITION.—In this section, the term ‘visit’*
4 *shall have such meaning as applied to such term for pur-*
5 *poses of section 2799A–1(b).*

6 **“SEC. 2799B–2. BALANCE BILLING IN CASES OF NON-EMER-**
7 **GENY SERVICES PERFORMED BY NON-**
8 **PARTICIPATING PROVIDERS AT CERTAIN**
9 **PARTICIPATING FACILITIES.**

10 “(a) *IN GENERAL.—Subject to subsection (b), in the*
11 *case of a participant, beneficiary, or enrollee with benefits*
12 *under a group health plan or group or individual health*
13 *insurance coverage offered by a health insurance issuer and*
14 *who is furnished during a plan year beginning on or after*
15 *January 1, 2022, items or services (other than emergency*
16 *services to which section 2799B–1 applies) for which bene-*
17 *fits are provided under the plan or coverage at a partici-*
18 *pating health care facility by a nonparticipating provider,*
19 *such provider shall not bill, and shall not hold liable, such*
20 *participant, beneficiary, or enrollee for a payment amount*
21 *for such an item or service furnished by such provider with*
22 *respect to a visit at such facility that is more than the cost-*
23 *sharing requirement for such item or service (as determined*
24 *in accordance with subparagraphs (A) and (B) of section*
25 *2799A–1(b)(1) of section 9816(b)(1) of the Internal Revenue*

1 *Code of 1986, and of section 716(b)(1) of the Employee Re-*
2 *tirement Income Security Act of 1974, as applicable).*

3 “(b) *EXCEPTION.*—

4 “(1) *IN GENERAL.*—Subsection (a) shall not
5 *apply with respect to items or services (other than an-*
6 *ncillary services described in paragraph (2)) furnished*
7 *by a nonparticipating provider to a participant, ben-*
8 *eficiary, or enrollee of a group health plan or group*
9 *or individual health insurance coverage offered by a*
10 *health insurance issuer, if the provider satisfies the*
11 *notice and consent criteria of subsection (d).*

12 “(2) *ANCILLARY SERVICES DESCRIBED.*—For
13 *purposes of paragraph (1), ancillary services de-*
14 *scribed in this paragraph are, with respect to a par-*
15 *ticipating health care facility—*

16 “(A) *subject to paragraph (3), items and*
17 *services related to emergency medicine, anesthesi-*
18 *ology, pathology, radiology, and neonatology,*
19 *whether or not provided by a physician or non-*
20 *physician practitioner, and items and services*
21 *provided by assistant surgeons, hospitalists, and*
22 *intensivists;*

23 “(B) *subject to paragraph (3), diagnostic*
24 *services (including radiology and laboratory*
25 *services);*

1 “(C) items and services provided by such
2 other specialty practitioners, as the Secretary
3 specifies through rulemaking; and

4 “(D) items and services provided by a non-
5 participating provider if there is no partici-
6 pating provider who can furnish such item or
7 service at such facility.

8 “(3) EXCEPTION.—The Secretary may, through
9 rulemaking, establish a list (and update such list pe-
10 riodically) of advanced diagnostic laboratory tests,
11 which shall not be included as an ancillary service
12 described in paragraph (2) and with respect to which
13 subsection (a) would apply.

14 “(c) CLARIFICATION.—In the case of a nonpartici-
15 pating provider that satisfies the notice and consent criteria
16 of subsection (d) with respect to an item or service (referred
17 to in this subsection as a ‘covered item or service’), such
18 notice and consent criteria may not be construed as apply-
19 ing with respect to any item or service that is furnished
20 as a result of unforeseen, urgent medical needs that arise
21 at the time such covered item or service is furnished. For
22 purposes of the previous sentence, a covered item or service
23 shall not include an ancillary service described in sub-
24 section (b)(2).

1 “(d) *NOTICE AND CONSENT TO BE TREATED BY A*
2 *NONPARTICIPATING PROVIDER OR NONPARTICIPATING FA-*
3 *CILITY.*—

4 “(1) *IN GENERAL.*—*A nonparticipating provider*
5 *or nonparticipating facility satisfies the notice and*
6 *consent criteria of this subsection, with respect to*
7 *items or services furnished by the provider or facility*
8 *to a participant, beneficiary, or enrollee of a group*
9 *health plan or group or individual health insurance*
10 *coverage offered by a health insurance issuer, if the*
11 *provider (or, if applicable, the participating health*
12 *care facility on behalf of such provider) or non-*
13 *participating facility—*

14 “(A) *in the case that the participant, bene-*
15 *ficiary, or enrollee makes an appointment to be*
16 *furnished such items or services at least 72 hours*
17 *prior to the date on which the individual is to*
18 *be furnished such items or services, provides to*
19 *the participant, beneficiary, or enrollee (or to an*
20 *authorized representative of the participant, ben-*
21 *eficiary, or enrollee) not later than 72 hours*
22 *prior to the date on which the individual is fur-*
23 *nished such items or services (or, in the case that*
24 *the participant, beneficiary, or enrollee makes*
25 *such an appointment within 72 hours of when*

1 *such items or services are to be furnished, pro-*
2 *vides to the participant, beneficiary, or enrollee*
3 *(or to an authorized representative of the partici-*
4 *part, beneficiary, or enrollee) on such date the*
5 *appointment is made), a written notice in paper*
6 *or electronic form, as selected by the participant,*
7 *beneficiary, or enrollee, (and including electronic*
8 *notification, as practicable) specified by the Sec-*
9 *retary, not later than July 1, 2021, through*
10 *guidance (which shall be updated as determined*
11 *necessary by the Secretary) that—*

12 *“(i) contains the information required*
13 *under paragraph (2);*

14 *“(ii) clearly states that consent to re-*
15 *ceive such items and services from such non-*
16 *participating provider or nonparticipating*
17 *facility is optional and that the partici-*
18 *part, beneficiary, or enrollee may instead*
19 *seek care from a participating provider or*
20 *at a participating facility, with respect to*
21 *such plan or coverage, as applicable, in*
22 *which case the cost-sharing responsibility of*
23 *the participant, beneficiary, or enrollee*
24 *would not exceed such responsibility that*
25 *would apply with respect to such an item or*

1 *service that is furnished by a participating*
2 *provider or participating facility, as appli-*
3 *cable with respect to such plan; and*

4 *“(iii) is available in the 15 most com-*
5 *mon languages in the geographic region of*
6 *the applicable facility;*

7 *“(B) obtains from the participant, bene-*
8 *ficiary, or enrollee (or from such an authorized*
9 *representative) the consent described in para-*
10 *graph (3) to be treated by a nonparticipating*
11 *provider or nonparticipating facility; and*

12 *“(C) provides a signed copy of such consent*
13 *to the participant, beneficiary, or enrollee*
14 *through mail or email (as selected by the partici-*
15 *pant, beneficiary, or enrollee).*

16 *“(2) INFORMATION REQUIRED UNDER WRITTEN*
17 *NOTICE.—For purposes of paragraph (1)(A)(i), the*
18 *information described in this paragraph, with respect*
19 *to a nonparticipating provider or nonparticipating*
20 *facility and a participant, beneficiary, or enrollee of*
21 *a group health plan or group or individual health in-*
22 *surance coverage offered by a health insurance issuer,*
23 *is each of the following:*

24 *“(A) Notification, as applicable, that the*
25 *health care provider is a nonparticipating pro-*

1 *vider with respect to the health plan or the*
2 *health care facility is a nonparticipating facility*
3 *with respect to the health plan.*

4 *“(B) Notification of the good faith estimated*
5 *amount that such provider or facility may*
6 *charge the participant, beneficiary, or enrollee*
7 *for such items and services involved, including a*
8 *notification that the provision of such estimate*
9 *or consent to be treated under paragraph (3)*
10 *does not constitute a contract with respect to the*
11 *charges estimated for such items and services.*

12 *“(C) In the case of a participating facility*
13 *and a nonparticipating provider, a list of any*
14 *participating providers at the facility who are*
15 *able to furnish such items and services involved*
16 *and notification that the participant, bene-*
17 *ficiary, or enrollee may be referred, at their op-*
18 *tion, to such a participating provider.*

19 *“(D) Information about whether prior au-*
20 *thorization or other care management limita-*
21 *tions may be required in advance of receiving*
22 *such items or services at the facility.*

23 *“(3) CONSENT DESCRIBED TO BE TREATED BY A*
24 *NONPARTICIPATING PROVIDER OR NONPARTICIPATING*
25 *FACILITY.—For purposes of paragraph (1)(B), the*

1 *consent described in this paragraph, with respect to*
2 *a participant, beneficiary, or enrollee of a group*
3 *health plan or group or individual health insurance*
4 *coverage offered by a health insurance issuer who is*
5 *to be furnished items or services by a nonparticipating*
6 *provider or nonparticipating facility, is a document*
7 *specified by the Secretary, in consultation with*
8 *the Secretary of Labor, through guidance that shall be*
9 *signed by the participant, beneficiary, or enrollee before*
10 *such items or services are furnished and that —*

11 “(A) *acknowledges (in clear and understandable*
12 *language) that the participant, beneficiary, or enrollee has been—*

14 “(i) *provided with the written notice*
15 *under paragraph (1)(A);*

16 “(ii) *informed that the payment of*
17 *such charge by the participant, beneficiary,*
18 *or enrollee may not accrue toward meeting*
19 *any limitation that the plan or coverage*
20 *places on cost-sharing, including an explanation*
21 *that such payment may not apply to*
22 *an in-network deductible applied under the*
23 *plan or coverage; and*

24 “(iii) *provided the opportunity to receive*
25 *the written notice under paragraph*

1 (1)(A) in the form selected by the partici-
2 pant, beneficiary or enrollee; and

3 “(B) documents the date on which the par-
4 ticipant, beneficiary, or enrollee received the
5 written notice under paragraph (1)(A) and the
6 date on which the individual signed such consent
7 to be furnished such items or services by such
8 provider or facility.

9 “(4) *RULE OF CONSTRUCTION.*—The consent de-
10 scribed in paragraph (3), with respect to a partici-
11 pant, beneficiary, or enrollee of a group health plan
12 or group or individual health insurance coverage of-
13 fered by a health insurance issuer, shall constitute
14 only consent to the receipt of the information pro-
15 vided pursuant to this subsection and shall not con-
16 stitute a contractual agreement of the participant,
17 beneficiary, or enrollee to any estimated charge or
18 amount included in such information.

19 “(e) *RETENTION OF CERTAIN DOCUMENTS.*—A non-
20 participating facility (with respect to such facility or any
21 nonparticipating provider at such facility) or a partici-
22 pating facility (with respect to nonparticipating providers
23 at such facility) that obtains from a participant, bene-
24 ficiary, or enrollee of a group health plan or group or indi-
25 vidual health insurance coverage offered by a health insur-

1 *ance issuer (or an authorized representative of such partici-*
2 *part, beneficiary, or enrollee) a written notice in accord-*
3 *ance with subsection (d)(1)(B), with respect to furnishing*
4 *an item or service to such participant, beneficiary, or en-*
5 *rollee, shall retain such notice for at least a 7-year period*
6 *after the date on which such item or service is so furnished.*

7 “(f) *DEFINITIONS.—In this section:*

8 “(1) *The terms ‘nonparticipating provider’ and*
9 *‘participating provider’ have the meanings given such*
10 *terms, respectively, in subsection (a)(3) of section*
11 *2799A–1.*

12 “(2) *The term ‘participating health care facility’*
13 *has the meaning given such term in subsection (b)(2)*
14 *of section 2799A–1.*

15 “(3) *The term ‘nonparticipating facility’*
16 *means—*

17 “(A) *with respect to emergency services (as*
18 *defined in section 2799A–1(a)(3)(C)(i)) and a*
19 *group health plan or group or individual health*
20 *insurance coverage offered by a health insurance*
21 *issuer, an emergency department of a hospital,*
22 *or an independent freestanding emergency de-*
23 *partment, that does not have a contractual rela-*
24 *ationship with the plan or issuer, respectively,*

1 *with respect to the furnishing of such services*
2 *under the plan or coverage, respectively; and*

3 “(B) *with respect to services described in*
4 *section 2799A–1(a)(3)(C)(ii) and a group health*
5 *plan or group or individual health insurance*
6 *coverage offered by a health insurance issuer, a*
7 *hospital or an independent freestanding emer-*
8 *gency department, that does not have a contrac-*
9 *tual relationship with the plan or issuer, respec-*
10 *tively, with respect to the furnishing of such*
11 *services under the plan or coverage, respectively.*

12 “(4) *The term ‘participating facility’ means—*

13 “(A) *with respect to emergency services (as*
14 *defined in clause (i) of section 2799A–*
15 *1(a)(3)(C)) that are not described in clause(ii) of*
16 *such section and a group health plan or group*
17 *or individual health insurance coverage offered*
18 *by a health insurance issuer, an emergency de-*
19 *partment of a hospital, or an independent free-*
20 *standing emergency department, that has a di-*
21 *rect or indirect contractual relationship with the*
22 *plan or issuer, respectively, with respect to the*
23 *furnishing of such services under the plan or cov-*
24 *erage, respectively; and*

1 “(B) with respect to services that pursuant
2 to clause (ii) of section 2799A–1(a)(3)(C), of sec-
3 tion 9816(a)(3) of the Internal Revenue Code of
4 1986, and of section 716(a)(3) of the Employee
5 Retirement Income Security Act of 1974, as ap-
6 plicable are included as emergency services (as
7 defined in clause (i) of such section and a group
8 health plan or group or individual health insur-
9 ance coverage offered by a health insurance
10 issuer, a hospital or an independent freestanding
11 emergency department, that has a contractual re-
12 lationship with the plan or coverage, respec-
13 tively, with respect to the furnishing of such
14 services under the plan or coverage, respectively.

15 **“SEC. 2799B–3. PROVIDER REQUIREMENTS WITH RESPECT**
16 **TO DISCLOSURE ON PATIENT PROTECTIONS**
17 **AGAINST BALANCE BILLING.**

18 “Beginning not later than January 1, 2022, each
19 health care provider and health care facility shall make
20 publicly available, and (if applicable) post on a public
21 website of such provider or facility and provide to individ-
22 uals who are participants, beneficiaries, or enrollees of a
23 group health plan or group or individual health insurance
24 coverage offered by a health insurance issuer a one-page no-
25 tice (either postal or electronic mail, as specified by the par-

1 *ticipant, beneficiary, or enrollee) in clear and understand-*
2 *able language containing information on—*

3 “(1) *the requirements and prohibitions of such*
4 *provider or facility under sections 2799B–1 and*
5 *2799B–2 (relating to prohibitions on balance billing*
6 *in certain circumstances);*

7 “(2) *any other applicable State law requirements*
8 *on such provider or facility regarding the amounts*
9 *such provider or facility may, with respect to an item*
10 *or service, charge a participant, beneficiary, or en-*
11 *rollee of a group health plan or group or individual*
12 *health insurance coverage offered by a health insur-*
13 *ance issuer with respect to which such provider or fa-*
14 *cility does not have a contractual relationship for fur-*
15 *nishing such item or service under the plan or cov-*
16 *erage, respectively, after receiving payment from the*
17 *plan or coverage, respectively, for such item or service*
18 *and any applicable cost-sharing payment from such*
19 *participant, beneficiary, or enrollee; and*

20 “(3) *information on contacting appropriate*
21 *State and Federal agencies in the case that an indi-*
22 *vidual believes that such provider or facility has vio-*
23 *lated any requirement described in paragraph (1) or*
24 *(2) with respect to such individual.*

1 **“SEC. 2799B–4. ENFORCEMENT.**2 *“(a) STATE ENFORCEMENT.—*3 *“(1) STATE AUTHORITY.—Each State may re-*
4 *quire a provider or health care facility (including a*
5 *provider of air ambulance services) subject to the re-*
6 *quirements of this part to satisfy such requirements*
7 *applicable to the provider or facility.*8 *“(2) FAILURE TO IMPLEMENT REQUIREMENTS.—*9 *In the case of a determination by the Secretary that*
10 *a State has failed to substantially enforce the require-*
11 *ments to which paragraph (1) applies with respect to*
12 *applicable providers and facilities in the State, the*
13 *Secretary shall enforce such requirements under sub-*
14 *section (b) insofar as they relate to violations of such*
15 *requirements occurring in such State.*16 *“(3) NOTIFICATION OF APPLICABLE SEC-*17 *RETARY.—A State may notify the Secretary of Labor,*
18 *Secretary of Health and Human Services, or the Sec-*
19 *retary of the Treasury, as applicable, of instances of*
20 *violations of sections 2799B–1, 2799B–2, or 2799B–*
21 *5 with respect to participants, beneficiaries, or enroll-*
22 *ees under a group health plan or group or individual*
23 *health insurance coverage, as applicable offered by a*
24 *health insurance issuer and any enforcement actions*
25 *taken against providers or facilities as a result of*

1 *such violations, including the disposition of any such*
2 *enforcement actions.*

3 *“(b) SECRETARIAL ENFORCEMENT AUTHORITY.—*

4 *“(1) IN GENERAL.—If a provider or facility is*
5 *found by the Secretary to be in violation of a require-*
6 *ment to which subsection (a)(1) applies, the Secretary*
7 *may apply a civil monetary penalty with respect to*
8 *such provider or facility (including, as applicable, a*
9 *provider of air ambulance services) in an amount not*
10 *to exceed \$10,000 per violation. The provisions of sub-*
11 *sections (c) (with the exception of the first sentence of*
12 *paragraph (1) of such subsection), (d), (e), (g), (h),*
13 *(k), and (l) of section 1128A of the Social Security*
14 *Act shall apply to a civil monetary penalty or assess-*
15 *ment under this subsection in the same manner as*
16 *such provisions apply to a penalty, assessment, or*
17 *proceeding under subsection (a) of such section.*

18 *“(2) LIMITATION.—The provisions of paragraph*
19 *(1) shall apply to enforcement of a provision (or pro-*
20 *visions) specified in subsection (a)(1) only as pro-*
21 *vided under subsection (a)(2).*

22 *“(3) COMPLAINT PROCESS.—The Secretary shall,*
23 *through rulemaking, establish a process to receive con-*
24 *sumer complaints of violations of such provisions and*

1 *provide a response to such complaints within 60 days*
2 *of receipt of such complaints.*

3 “(4) *EXCEPTION.—The Secretary shall waive the*
4 *penalties described under paragraph (1) with respect*
5 *to a facility or provider (including a provider of air*
6 *ambulance services) who does not knowingly violate,*
7 *and should not have reasonably known it violated,*
8 *section 2799B–1 or 2799B–2 (or, in the case of a pro-*
9 *vider of air ambulance services, section 2799B–5)*
10 *with respect to a participant, beneficiary, or enrollee,*
11 *if such facility or provider, within 30 days of the vio-*
12 *lation, withdraws the bill that was in violation of*
13 *such provision and reimburses the health plan or en-*
14 *rollee, as applicable, in an amount equal to the dif-*
15 *ference between the amount billed and the amount al-*
16 *lowed to be billed under the provision, plus interest,*
17 *at an interest rate determined by the Secretary.*

18 “(5) *HARDSHIP EXEMPTION.—The Secretary*
19 *may establish a hardship exemption to the penalties*
20 *under this subsection.*

21 “(c) *CONTINUED APPLICABILITY OF STATE LAW.—The*
22 *sections specified in subsection (a)(1) shall not be construed*
23 *to supersede any provision of State law which establishes,*
24 *implements, or continues in effect any requirement or pro-*
25 *hibition except to the extent that such requirement or prohi-*

1 *bition prevents the application of a requirement or prohibi-*
2 *tion of such a section.”.*

3 *(b) SECRETARY OF LABOR ENFORCEMENT.—*

4 *(1) IN GENERAL.—Part 5 of subtitle B of title I*
5 *of the Employee Retirement Income Security Act of*
6 *1974 (29 U.S.C. 1131 et seq.) is amended by adding*
7 *at the end the following new section:*

8 **“SEC. 522. COORDINATION OF ENFORCEMENT REGARDING**
9 **VIOLATIONS OF CERTAIN HEALTH CARE PRO-**
10 **VIDER REQUIREMENTS; COMPLAINT PROC-**
11 **ESS.**

12 *“(a) INVESTIGATING VIOLATIONS.—Upon receiving a*
13 *notice from a State or the Secretary of Health and Human*
14 *Services of violations of sections 2799B–1, 2799B–2, or*
15 *2799B–5 of the Public Health Service Act, the Secretary*
16 *of Labor shall identify patterns of such violations with re-*
17 *spect to participants or beneficiaries under a group health*
18 *plan or group health insurance coverage offered by a health*
19 *insurance issuer and conduct an investigation pursuant to*
20 *section 504 where appropriate, as determined by the Sec-*
21 *retary. The Secretary shall coordinate with States and the*
22 *Secretary of Health and Human Services, in accordance*
23 *with section 506 and with section 104 of Health Insurance*
24 *Portability and Accountability Act of 1996, where appro-*
25 *priate, as determined by the Secretary, to ensure that ap-*

1 *appropriate measures have been taken to correct such viola-*
2 *tions retrospectively and prospectively with respect to par-*
3 *ticipants or beneficiaries under a group health plan or*
4 *group health insurance coverage offered by a health insur-*
5 *ance issuer.*

6 “(b) *COMPLAINT PROCESS.*— *Not later than January*
7 *1, 2022, the Secretary shall ensure a process under which*
8 *the Secretary—*

9 “(1) *may receive complaints from participants*
10 *and beneficiaries of group health plans or group*
11 *health insurance coverage offered by a health insur-*
12 *ance issuer relating to alleged violations of the sec-*
13 *tions specified in subsection (a); and*

14 “(2) *transmits such complaints to States or the*
15 *Secretary of Health and Human Services (as deter-*
16 *mined appropriate by the Secretary) for potential en-*
17 *forcement actions.”.*

18 (2) *TECHNICAL AMENDMENT.*—*The table of con-*
19 *tents in section 1 of the Employee Retirement Income*
20 *Security Act of 1974 (29 U.S.C. 1001 et seq.) is*
21 *amended by inserting after the item relating to sec-*
22 *tion 521 the following new item:*

*“Sec. 522. Coordination of enforcement regarding violations of certain health care
provider requirements; complaint process.”.*

1 **SEC. 105. ENDING SURPRISE AIR AMBULANCE BILLS.**

2 (a) *GROUP HEALTH PLANS AND INDIVIDUAL AND*
3 *GROUP HEALTH INSURANCE COVERAGE.*—

4 (1) *PHSA AMENDMENTS.*—*Part D of title XXVII*
5 *of the Public Health Service Act, as added and*
6 *amended by section 102 and further amended by the*
7 *previous provisions of this title, is further amended*
8 *by inserting after section 2799A–1 the following:*

9 **“SEC. 2799A–2. ENDING SURPRISE AIR AMBULANCE BILLS.**

10 “(a) *IN GENERAL.*—*In the case of a participant, bene-*
11 *ficiary, or enrollee who is in a group health plan or group*
12 *or individual health insurance coverage offered by a health*
13 *insurance issuer and who receives air ambulance services*
14 *from a nonparticipating provider (as defined in section*
15 *2799A–1(a)(3)(G)) with respect to such plan or coverage,*
16 *if such services would be covered if provided by a partici-*
17 *pating provider (as defined in such section) with respect*
18 *to such plan or coverage—*

19 (1) *the cost-sharing requirement with respect to*
20 *such services shall be the same requirement that would*
21 *apply if such services were provided by such a par-*
22 *ticipating provider, and any coinsurance or deduct-*
23 *ible shall be based on rates that would apply for such*
24 *services if they were furnished by such a partici-*
25 *pating provider;*

1 “(2) such cost-sharing amounts shall be counted
2 towards the in-network deductible and in-network
3 out-of-pocket maximum amount under the plan or
4 coverage for the plan year (and such in-network de-
5 ductible shall be applied) with respect to such items
6 and services so furnished in the same manner as if
7 such cost-sharing payments were with respect to items
8 and services furnished by a participating provider;
9 and

10 “(3) the group health plan or health insurance
11 issuer, respectively, shall—

12 “(A) not later than 30 calendar days after
13 the bill for such services is transmitted by such
14 provider, send to the provider, an initial pay-
15 ment or notice of denial of payment; and

16 “(B) pay a total plan or coverage payment,
17 in accordance with, if applicable, subsection
18 (b)(6), directly to such provider furnishing such
19 services to such participant, beneficiary, or en-
20 rollee that is, with application of any initial
21 payment under subparagraph (A), equal to the
22 amount by which the out-of-network rate (as de-
23 fined in section 2799A-1(a)(3)(K)) for such serv-
24 ices and year involved exceeds the cost-sharing
25 amount imposed under the plan or coverage, re-

1 *spectively, for such services (as determined in ac-*
2 *cordance with paragraphs (1) and (2)).*

3 “(b) *DETERMINATION OF OUT-OF-NETWORK RATES TO*
4 *BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RES-*
5 *OLUTION PROCESS.—*

6 “(1) *DETERMINATION THROUGH OPEN NEGOTIA-*
7 *TION.—*

8 “(A) *IN GENERAL.—With respect to air am-*
9 *bulance services furnished in a year by a non-*
10 *participating provider, with respect to a group*
11 *health plan or health insurance issuer offering*
12 *group or individual health insurance coverage,*
13 *and for which a payment is required to be made*
14 *by the plan or coverage pursuant to subsection*
15 *(a)(3), the provider or plan or coverage may,*
16 *during the 30-day period beginning on the day*
17 *the provider receives an initial payment or a no-*
18 *tice of denial of payment from the plan or cov-*
19 *erage regarding a claim for payment for such*
20 *service, initiate open negotiations under this*
21 *paragraph between such provider and plan or*
22 *coverage for purposes of determining, during the*
23 *open negotiation period, an amount agreed on*
24 *by such provider, and such plan or coverage for*
25 *payment (including any cost-sharing) for such*

1 *service. For purposes of this subsection, the open*
2 *negotiation period, with respect to air ambulance*
3 *services, is the 30-day period beginning on the*
4 *date of initiation of the negotiations with respect*
5 *to such services.*

6 “(B) *ACCESSING INDEPENDENT DISPUTE*
7 *RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.*—*In the case of open negotiations pur-*
8 *suant to subparagraph (A), with respect to air*
9 *ambulance services, that do not result in a deter-*
10 *mination of an amount of payment for such*
11 *services by the last day of the open negotiation*
12 *period described in such subparagraph with re-*
13 *spect to such services, the provider or group*
14 *health plan or health insurance issuer offering*
15 *group or individual health insurance coverage*
16 *that was party to such negotiations may, during*
17 *the 4-day period beginning on the day after such*
18 *open negotiation period, initiate the independent*
19 *dispute resolution process under paragraph (2)*
20 *with respect to such item or service. The inde-*
21 *pendent dispute resolution process shall be initi-*
22 *ated by a party pursuant to the previous sen-*
23 *tence by submission to the other party and to the*
24 *Secretary of a notification (containing such in-*
25 *formation).*

1 *formation as specified by the Secretary) and for*
2 *purposes of this subsection, the date of initiation*
3 *of such process shall be the date of such submis-*
4 *sion or such other date specified by the Secretary*
5 *pursuant to regulations that is not later than the*
6 *date of receipt of such notification by both the*
7 *other party and the Secretary.*

8 *“(2) INDEPENDENT DISPUTE RESOLUTION PROC-*
9 *ESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIA-*
10 *TIONS.—*

11 *“(A) ESTABLISHMENT.—Not later than 1*
12 *year after the date of the enactment of this sub-*
13 *section, the Secretary, jointly with the Secretary*
14 *of Labor and the Secretary of the Treasury, shall*
15 *establish by regulation one independent dispute*
16 *resolution process (referred to in this subsection*
17 *as the ‘IDR process’) under which, in the case of*
18 *air ambulance services with respect to which a*
19 *provider or group health plan or health insur-*
20 *ance issuer offering group or individual health*
21 *insurance coverage submits a notification under*
22 *paragraph (1)(B) (in this subsection referred to*
23 *as a ‘qualified IDR air ambulance services’), a*
24 *certified IDR entity under paragraph (4) deter-*
25 *mines, subject to subparagraph (B) and in ac-*

1 *cordance with the succeeding provisions of this*
2 *subsection, the amount of payment under the*
3 *plan or coverage for such services furnished by*
4 *such provider.*

5 “(B) *AUTHORITY TO CONTINUE NEGOTIA-*
6 *TIONS.—Under the independent dispute resolu-*
7 *tion process, in the case that the parties to a de-*
8 *termination for qualified IDR air ambulance*
9 *services agree on a payment amount for such*
10 *services during such process but before the date*
11 *on which the entity selected with respect to such*
12 *determination under paragraph (4) makes such*
13 *determination under paragraph (5), such*
14 *amount shall be treated for purposes of section*
15 *2799A–1(a)(3)(K)(ii) as the amount agreed to by*
16 *such parties for such services. In the case of an*
17 *agreement described in the previous sentence, the*
18 *independent dispute resolution process shall pro-*
19 *vide for a method to determine how to allocate*
20 *between the parties to such determination the*
21 *payment of the compensation of the entity se-*
22 *lected with respect to such determination.*

23 “(C) *CLARIFICATION.—A nonparticipating*
24 *provider may not, with respect to an item or*
25 *service furnished by such provider, submit a no-*

1 *tification under paragraph (1)(B) if such pro-*
2 *vider is exempt from the requirement under sub-*
3 *section (a) of section 2799B–2 with respect to*
4 *such item or service pursuant to subsection (b) of*
5 *such section.*

6 “(3) *TREATMENT OF BATCHING OF SERVICES.*—

7 *The provisions of section 2799A–1(c)(3) shall apply*
8 *with respect to a notification submitted under this*
9 *subsection with respect to air ambulance services in*
10 *the same manner and to the same extent such provi-*
11 *sions apply with respect to a notification submitted*
12 *under section 2799A–1(c) with respect to items and*
13 *services described in such section.*

14 “(4) *IDR ENTITIES.*—

15 “(A) *ELIGIBILITY.*—*An IDR entity certified*
16 *under this subsection is an IDR entity certified*
17 *under section 2799A–1(c)(4).*

18 “(B) *SELECTION OF CERTIFIED IDR ENTI-*
19 *TY.*—*The provisions of subparagraph (F) of sec-*
20 *tion 2799A–1(c)(4) shall apply with respect to*
21 *selecting an IDR entity certified pursuant to*
22 *subparagraph (A) with respect to the determina-*
23 *tion of the amount of payment under this sub-*
24 *section of air ambulance services in the same*
25 *manner as such provisions apply with respect to*

1 *selecting an IDR entity certified under such sec-*
2 *tion with respect to the determination of the*
3 *amount of payment under section 2799A–1(c) of*
4 *an item or service. An entity selected pursuant*
5 *to the previous sentence to make a determination*
6 *described in such sentence shall be referred to in*
7 *this subsection as the ‘certified IDR entity’ with*
8 *respect to such determination.*

9 “(5) *PAYMENT DETERMINATION.*—

10 “(A) *IN GENERAL.*—*Not later than 30 days*
11 *after the date of selection of the certified IDR en-*
12 *tity with respect to a determination for qualified*
13 *IDR ambulance services, the certified IDR entity*
14 *shall—*

15 “(i) *taking into account the consider-*
16 *ations specified in subparagraph (C), select*
17 *one of the offers submitted under subpara-*
18 *graph (B) to be the amount of payment for*
19 *such services determined under this sub-*
20 *section for purposes of subsection (a)(3);*
21 *and*

22 “(ii) *notify the provider or facility and*
23 *the group health plan or health insurance*
24 *issuer offering group or individual health*

1 *insurance coverage party to such determina-*
2 *tion of the offer selected under clause (i).*

3 “(B) *SUBMISSION OF OFFERS.*—*Not later*
4 *than 10 days after the date of selection of the cer-*
5 *tified IDR entity with respect to a determination*
6 *for qualified IDR air ambulance services, the*
7 *provider and the group health plan or health in-*
8 *surance issuer offering group or individual*
9 *health insurance coverage party to such deter-*
10 *mination—*

11 *“(i) shall each submit to the certified*
12 *IDR entity with respect to such determina-*
13 *tion—*

14 *“(I) an offer for a payment*
15 *amount for such services furnished by*
16 *such provider; and*

17 *“(II) such information as re-*
18 *quested by the certified IDR entity re-*
19 *lating to such offer; and*

20 *“(ii) may each submit to the certified*
21 *IDR entity with respect to such determina-*
22 *tion any information relating to such offer*
23 *submitted by either party, including infor-*
24 *mation relating to any circumstance de-*
25 *scribed in subparagraph (C)(ii).*

1 “(C) *CONSIDERATIONS IN DETERMINA-*
2 *TION.—*

3 “(i) *IN GENERAL.—In determining*
4 *which offer is the payment to be applied*
5 *pursuant to this paragraph, the certified*
6 *IDR entity, with respect to the determina-*
7 *tion for a qualified IDR air ambulance*
8 *service shall consider—*

9 “(I) *the qualifying payment*
10 *amounts (as defined in section 2799A-*
11 *1(a)(3)(E)) for the applicable year for*
12 *items or services that are comparable*
13 *to the qualified IDR air ambulance*
14 *service and that are furnished in the*
15 *same geographic region (as defined by*
16 *the Secretary for purposes of such sub-*
17 *section) as such qualified IDR air am-*
18 *bulance service; and*

19 “(II) *subject to clause (iii), infor-*
20 *mation on any circumstance described*
21 *in clause (ii), such information as re-*
22 *quested in subparagraph (B)(i)(II),*
23 *and any additional information pro-*
24 *vided in subparagraph (B)(ii).*

1 “(i) *ADDITIONAL CIRCUMSTANCES.*—
2 *For purposes of clause (i)(II), the cir-*
3 *cumstances described in this clause are,*
4 *with respect to air ambulance services in-*
5 *cluded in the notification submitted under*
6 *paragraph (1)(B) of a nonparticipating*
7 *provider, group health plan, or health in-*
8 *surance issuer the following:*

9 “(I) *The quality and outcomes*
10 *measurements of the provider that fur-*
11 *nished such services.*

12 “(II) *The acuity of the individual*
13 *receiving such services or the com-*
14 *plexity of furnishing such services to*
15 *such individual.*

16 “(III) *The training, experience,*
17 *and quality of the medical personnel*
18 *that furnished such services.*

19 “(IV) *Ambulance vehicle type, in-*
20 *cluding the clinical capability level of*
21 *such vehicle.*

22 “(V) *Population density of the*
23 *pick up location (such as urban, subur-*
24 *ban, rural, or frontier).*

1 “(VI) *Demonstrations of good*
2 *faith efforts (or lack of good faith ef-*
3 *forts) made by the nonparticipating*
4 *provider or nonparticipating facility*
5 *or the plan or issuer to enter into net-*
6 *work agreements and, if applicable,*
7 *contracted rates between the provider*
8 *and the plan or issuer, as applicable,*
9 *during the previous 4 plan years.*

10 “(iii) *PROHIBITION ON CONSIDERATION*
11 *OF CERTAIN FACTORS.—In determining*
12 *which offer is the payment amount to be*
13 *applied with respect to qualified IDR air*
14 *ambulance services furnished by a provider,*
15 *the certified IDR entity with respect to such*
16 *determination shall not consider usual and*
17 *customary charges, the amount that would*
18 *have been billed by such provider with re-*
19 *spect to such services had the provisions of*
20 *section 2799B–5 not applied, or the pay-*
21 *ment or reimbursement rate for such serv-*
22 *ices furnished by such provider payable by*
23 *a public payor, including under the Medi-*
24 *care program under title XVIII of the So-*
25 *cial Security Act, under the Medicaid pro-*

1 *gram under title XIX of such Act, under the*
2 *Children’s Health Insurance Program under*
3 *title XXI of such Act, under the TRICARE*
4 *program under chapter 55 of title 10,*
5 *United States Code, or under chapter 17 of*
6 *title 38, United States Code.*

7 “(D) *EFFECTS OF DETERMINATION.*—*The*
8 *provisions of section 2799A–1(c)(5)(E)) shall*
9 *apply with respect to a determination of a cer-*
10 *tified IDR entity under subparagraph (A), the*
11 *notification submitted with respect to such deter-*
12 *mination, the services with respect to such notifi-*
13 *cation, and the parties to such notification in*
14 *the same manner as such provisions apply with*
15 *respect to a determination of a certified IDR en-*
16 *tity under section 2799A–1(c)(5)(E), the notifi-*
17 *cation submitted with respect to such determina-*
18 *tion, the items and services with respect to such*
19 *notification, and the parties to such notification.*

20 “(E) *COSTS OF INDEPENDENT DISPUTE*
21 *RESOLUTION PROCESS.*—*The provisions of sec-*
22 *tion 2799A–1(c)(5)(F) shall apply to a notifica-*
23 *tion made under this subsection, the parties to*
24 *such notification, and a determination under*
25 *subparagraph (A) in the same manner and to*

1 *the same extent such provisions apply to a noti-*
2 *fication under section 2799A–1(c), the parties to*
3 *such notification and a determination made*
4 *under section 2799A–1(c)(5)(A).*

5 “(6) *TIMING OF PAYMENT.*—*The total plan or*
6 *coverage payment required pursuant to subsection*
7 *(a)(3), with respect to qualified IDR air ambulance*
8 *services for which a determination is made under*
9 *paragraph (5)(A) or with respect to an air ambulance*
10 *service for which a payment amount is determined*
11 *under open negotiations under paragraph (1), shall*
12 *be made directly to the nonparticipating provider not*
13 *later than 30 days after the date on which such deter-*
14 *mination is made.*

15 “(7) *PUBLICATION OF INFORMATION RELATING*
16 *TO THE IDR PROCESS.*—

17 “(A) *IN GENERAL.*—*For each calendar*
18 *quarter in 2022 and each calendar quarter in a*
19 *subsequent year, the Secretary shall publish on*
20 *the public website of the Department of Health*
21 *and Human Services—*

22 “(i) *the number of notifications sub-*
23 *mitted under the IDR process during such*
24 *calendar quarter;*

1 “(ii) the number of such notifications
2 with respect to which a final determination
3 was made under paragraph (5)(A);

4 “(iii) the information described in sub-
5 paragraph (B) with respect to each notifica-
6 tion with respect to which such a deter-
7 mination was so made.

8 “(iv) the number of times the payment
9 amount determined (or agreed to) under
10 this subsection exceeds the qualifying pay-
11 ment amount;

12 “(v) the amount of expenditures made
13 by the Secretary during such calendar quar-
14 ter to carry out the IDR process;

15 “(vi) the total amount of fees paid
16 under paragraph (8) during such calendar
17 quarter; and

18 “(vii) the total amount of compensa-
19 tion paid to certified IDR entities under
20 paragraph (5)(E) during such calendar
21 quarter.

22 “(B) INFORMATION WITH RESPECT TO RE-
23 QUESTS.—For purposes of subparagraph (A), the
24 information described in this subparagraph is,
25 with respect to a notification under the IDR

1 *process of a nonparticipating provider, group*
2 *health plan, or health insurance issuer offering*
3 *group or individual health insurance coverage—*

4 “(i) *a description of each air ambu-*
5 *lance service included in such notification;*

6 “(ii) *the geography in which the serv-*
7 *ices included in such notification were pro-*
8 *vided;*

9 “(iii) *the amount of the offer submitted*
10 *under paragraph (2) by the group health*
11 *plan or health insurance issuer (as applica-*
12 *ble) and by the nonparticipating provider*
13 *expressed as a percentage of the qualifying*
14 *payment amount;*

15 “(iv) *whether the offer selected by the*
16 *certified IDR entity under paragraph (5) to*
17 *be the payment applied was the offer sub-*
18 *mitted by such plan or issuer (as applica-*
19 *ble) or by such provider and the amount of*
20 *such offer so selected expressed as a percent-*
21 *age of the qualifying payment amount;*

22 “(v) *ambulance vehicle type, including*
23 *the clinical capability level of such vehicle;*

24 “(vi) *the identity of the group health*
25 *plan or health insurance issuer or air am-*

1 *balance provider with respect to such notifi-*
2 *cation;*

3 “(vii) *the length of time in making*
4 *each determination;*

5 “(viii) *the compensation paid to the*
6 *certified IDR entity with respect to the set-*
7 *tlement or determination; and*

8 “(ix) *any other information specified*
9 *by the Secretary.*

10 “(C) *IDR ENTITY REQUIREMENTS.—For*
11 *2022 and each subsequent year, an IDR entity,*
12 *as a condition of certification as an IDR entity,*
13 *shall submit to the Secretary such information*
14 *as the Secretary determines necessary for the*
15 *Secretary to carry out the provisions of this*
16 *paragraph.*

17 “(D) *CLARIFICATION.—The Secretary shall*
18 *ensure the public reporting under this paragraph*
19 *does not contain information that would disclose*
20 *privileged or confidential information of a group*
21 *health plan or health insurance issuer offering*
22 *group or individual health insurance coverage or*
23 *of a provider or facility.*

24 “(8) *ADMINISTRATIVE FEE.—*

1 “(A) *IN GENERAL.*—Each party to a deter-
2 mination under paragraph (5) to which an enti-
3 ty is selected under paragraph (4) in a year
4 shall pay to the Secretary, at such time and in
5 such manner as specified by the Secretary, a fee
6 for participating in the IDR process with respect
7 to such determination in an amount described in
8 subparagraph (B) for such year.

9 “(B) *AMOUNT OF FEE.*—The amount de-
10 scribed in this subparagraph for a year is an
11 amount established by the Secretary in a man-
12 ner such that the total amount of fees paid under
13 this paragraph for such year is estimated to be
14 equal to the amount of expenditures estimated to
15 be made by the Secretary for such year in car-
16 rying out the IDR process.

17 “(9) *WAIVER AUTHORITY.*—The Secretary may
18 modify any deadline or other timing requirement
19 specified under this subsection (other than the estab-
20 lishment date for the IDR process under paragraph
21 (2)(A) and other than under paragraph (6)) in cases
22 of extenuating circumstances, as specified by the Sec-
23 retary, or to ensure that all claims that occur during
24 a 90-day period applied through paragraph (5)(D),
25 but with respect to which a notification is not per-

1 *mitted by reason of such paragraph to be submitted*
2 *under paragraph (1)(B) during such period, are eligi-*
3 *ble for the IDR process.*

4 *“(c) DEFINITIONS.—For purposes of this section:*

5 *“(1) AIR AMBULANCE SERVICE.—The term ‘air*
6 *ambulance service’ means medical transport by heli-*
7 *copter or airplane for patients.*

8 *“(2) QUALIFYING PAYMENT AMOUNT.—The term*
9 *‘qualifying payment amount’ has the meaning given*
10 *such term in section 2799A–1(a)(3).*

11 *“(3) NONPARTICIPATING PROVIDER.—The term*
12 *‘nonparticipating provider’ has the meaning given*
13 *such term in section 2799A–1(a)(3).”.*

14 *(2) ERISA AMENDMENT.—*

15 *(A) IN GENERAL.—Subpart B of part 7 of*
16 *title I of the Employee Retirement Income Secu-*
17 *rity Act of 1974 (29 U.S.C. 1185 et seq.), as*
18 *amended by section 102(b) and further amended*
19 *by the previous provisions of this title, is further*
20 *amended by inserting after section 716 the fol-*
21 *lowing:*

22 **“SEC. 717. ENDING SURPRISE AIR AMBULANCE BILLS.**

23 *“(a) IN GENERAL.—In the case of a participant or*
24 *beneficiary who is in a group health plan or group health*
25 *insurance coverage offered by a health insurance issuer and*

1 *who receives air ambulance services from a nonpartici-*
2 *pating provider (as defined in section 716(a)(3)(G)) with*
3 *respect to such plan or coverage, if such services would be*
4 *covered if provided by a participating provider (as defined*
5 *in such section) with respect to such plan or coverage—*

6 “(1) *the cost-sharing requirement with respect to*
7 *such services shall be the same requirement that would*
8 *apply if such services were provided by such a partici-*
9 *participating provider, and any coinsurance or deduct-*
10 *ible shall be based on rates that would apply for such*
11 *services if they were furnished by such a partici-*
12 *pating provider;*

13 “(2) *such cost-sharing amounts shall be counted*
14 *towards the in-network deductible and in-network*
15 *out-of-pocket maximum amount under the plan or*
16 *coverage for the plan year (and such in-network de-*
17 *ductible shall be applied) with respect to such items*
18 *and services so furnished in the same manner as if*
19 *such cost-sharing payments were with respect to items*
20 *and services furnished by a participating provider;*
21 *and*

22 “(3) *the group health plan or health insurance*
23 *issuer, respectively, shall—*

24 “(A) *not later than 30 calendar days after*
25 *the bill for such services is transmitted by such*

1 *provider, send to the provider, an initial pay-*
2 *ment or notice of denial of payment; and*

3 *“(B) pay a total plan or coverage payment,*
4 *in accordance with, if applicable, subsection*
5 *(b)(6), directly to such provider furnishing such*
6 *services to such participant, beneficiary, or en-*
7 *rollee that is, with application of any initial*
8 *payment under subparagraph (A), equal to the*
9 *amount by which the out-of-network rate (as de-*
10 *defined in section 716(a)(3)(K)) for such services*
11 *and year involved exceeds the cost-sharing*
12 *amount imposed under the plan or coverage, re-*
13 *spectively, for such services (as determined in ac-*
14 *cordance with paragraphs (1) and (2)).*

15 *“(b) DETERMINATION OF OUT-OF-NETWORK RATES TO*
16 *BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RES-*
17 *OLUTION PROCESS.—*

18 *“(1) DETERMINATION THROUGH OPEN NEGOTIA-*
19 *TION.—*

20 *“(A) IN GENERAL.—With respect to air am-*
21 *bulance services furnished in a year by a non-*
22 *participating provider, with respect to a group*
23 *health plan or health insurance issuer offering*
24 *group health insurance coverage, and for which*
25 *a payment is required to be made by the plan*

1 *or coverage pursuant to subsection (a)(3), the*
2 *provider or plan or coverage may, during the 30-*
3 *day period beginning on the day the provider re-*
4 *ceives a payment or a statement of denial of*
5 *payment from the plan or coverage regarding a*
6 *claim for payment for such service, initiate open*
7 *negotiations under this paragraph between such*
8 *provider and plan or coverage for purposes of de-*
9 *termining, during the open negotiation period,*
10 *an amount agreed on by such provider, and such*
11 *plan or coverage for payment (including any*
12 *cost-sharing) for such service. For purposes of*
13 *this subsection, the open negotiation period, with*
14 *respect to air ambulance services, is the 30-day*
15 *period beginning on the date of initiation of the*
16 *negotiations with respect to such services.*

17 *“(B) ACCESSING INDEPENDENT DISPUTE*
18 *RESOLUTION PROCESS IN CASE OF FAILED NEGO-*
19 *TATIONS.—In the case of open negotiations pur-*
20 *suant to subparagraph (A), with respect to air*
21 *ambulance services, that do not result in a deter-*
22 *mination of an amount of payment for such*
23 *services by the last day of the open negotiation*
24 *period described in such subparagraph with re-*
25 *spect to such services, the provider or group*

1 *health plan or health insurance issuer offering*
2 *group health insurance coverage that was party*
3 *to such negotiations may, during the 4-day pe-*
4 *riod beginning on the day after such open nego-*
5 *tiation period, initiate the independent dispute*
6 *resolution process under paragraph (2) with re-*
7 *spect to such item or service. The independent*
8 *dispute resolution process shall be initiated by a*
9 *party pursuant to the previous sentence by sub-*
10 *mission to the other party and to the Secretary*
11 *of a notification (containing such information as*
12 *specified by the Secretary) and for purposes of*
13 *this subsection, the date of initiation of such*
14 *process shall be the date of such submission or*
15 *such other date specified by the Secretary pursu-*
16 *ant to regulations that is not later than the date*
17 *of receipt of such notification by both the other*
18 *party and the Secretary.*

19 *“(2) INDEPENDENT DISPUTE RESOLUTION PROC-*
20 *ESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIA-*
21 *TIONS.—*

22 *“(A) ESTABLISHMENT.—Not later than 1*
23 *year after the date of the enactment of this sub-*
24 *section, the Secretary, jointly with the Secretary*
25 *of Health and Human Services and the Sec-*

1 *retary of the Treasury, shall establish by regula-*
2 *tion one independent dispute resolution process*
3 *(referred to in this subsection as the ‘IDR proc-*
4 *ess’) under which, in the case of air ambulance*
5 *services with respect to which a provider or*
6 *group health plan or health insurance issuer of-*
7 *fering group health insurance coverage submits a*
8 *notification under paragraph (1)(B) (in this*
9 *subsection referred to as a ‘qualified IDR air*
10 *ambulance services’), a certified IDR entity*
11 *under paragraph (4) determines, subject to sub-*
12 *paragraph (B) and in accordance with the suc-*
13 *ceeding provisions of this subsection, the amount*
14 *of payment under the plan or coverage for such*
15 *services furnished by such provider.*

16 *“(B) AUTHORITY TO CONTINUE NEGOTIA-*
17 *TIONS.—Under the independent dispute resolu-*
18 *tion process, in the case that the parties to a de-*
19 *termination for qualified IDR air ambulance*
20 *services agree on a payment amount for such*
21 *services during such process but before the date*
22 *on which the entity selected with respect to such*
23 *determination under paragraph (4) makes such*
24 *determination under paragraph (5), such*
25 *amount shall be treated for purposes of section*

1 716(a)(3)(K)(ii) as the amount agreed to by such
2 parties for such services. In the case of an agree-
3 ment described in the previous sentence, the inde-
4 pendent dispute resolution process shall provide
5 for a method to determine how to allocate be-
6 tween the parties to such determination the pay-
7 ment of the compensation of the entity selected
8 with respect to such determination.

9 “(C) CLARIFICATION.—A nonparticipating
10 provider may not, with respect to an item or
11 service furnished by such provider, submit a no-
12 tification under paragraph (1)(B) if such pro-
13 vider is exempt from the requirement under sub-
14 section (a) of section 2799B-2 of the Public
15 Health Service Act with respect to such item or
16 service pursuant to subsection (b) of such section.

17 “(3) TREATMENT OF BATCHING OF SERVICES.—
18 The provisions of section 716(c)(3) shall apply with
19 respect to a notification submitted under this sub-
20 section with respect to air ambulance services in the
21 same manner and to the same extent such provisions
22 apply with respect to a notification submitted under
23 section 716(c) with respect to items and services de-
24 scribed in such section.

25 “(4) IDR ENTITIES.—

1 “(A) *ELIGIBILITY.*—*An IDR entity certified*
2 *under this subsection is an IDR entity certified*
3 *under section 716(c)(4).*

4 “(B) *SELECTION OF CERTIFIED IDR ENTI-*
5 *TY.*—*The provisions of subparagraph (F) of sec-*
6 *tion 716(c)(4) shall apply with respect to select-*
7 *ing an IDR entity certified pursuant to subpara-*
8 *graph (A) with respect to the determination of*
9 *the amount of payment under this subsection of*
10 *air ambulance services in the same manner as*
11 *such provisions apply with respect to selecting*
12 *an IDR entity certified under such section with*
13 *respect to the determination of the amount of*
14 *payment under section 716(c) of an item or serv-*
15 *ice. An entity selected pursuant to the previous*
16 *sentence to make a determination described in*
17 *such sentence shall be referred to in this sub-*
18 *section as the ‘certified IDR entity’ with respect*
19 *to such determination.*

20 “(5) *PAYMENT DETERMINATION.*—

21 “(A) *IN GENERAL.*—*Not later than 30 days*
22 *after the date of selection of the certified IDR en-*
23 *tity with respect to a determination for qualified*
24 *IDR ambulance services, the certified IDR entity*
25 *shall—*

1 “(i) taking into account the consider-
2 ations specified in subparagraph (C), select
3 one of the offers submitted under subpara-
4 graph (B) to be the amount of payment for
5 such services determined under this sub-
6 section for purposes of subsection (a)(3);
7 and

8 “(ii) notify the provider or facility and
9 the group health plan or health insurance
10 issuer offering group health insurance cov-
11 erage party to such determination of the
12 offer selected under clause (i).

13 “(B) SUBMISSION OF OFFERS.—Not later
14 than 10 days after the date of selection of the cer-
15 tified IDR entity with respect to a determination
16 for qualified IDR air ambulance services, the
17 provider and the group health plan or health in-
18 surance issuer offering group health insurance
19 coverage party to such determination—

20 “(i) shall each submit to the certified
21 IDR entity with respect to such determina-
22 tion—

23 “(I) an offer for a payment
24 amount for such services furnished by
25 such provider; and

1 “(II) such information as re-
2 quested by the certified IDR entity re-
3 lating to such offer; and

4 “(ii) may each submit to the certified
5 IDR entity with respect to such determina-
6 tion any information relating to such offer
7 submitted by either party, including infor-
8 mation relating to any circumstance de-
9 scribed in subparagraph (C)(ii).

10 “(C) CONSIDERATIONS IN DETERMINA-
11 TION.—

12 “(i) IN GENERAL.—In determining
13 which offer is the payment to be applied
14 pursuant to this paragraph, the certified
15 IDR entity, with respect to the determina-
16 tion for a qualified IDR air ambulance
17 service shall consider—

18 “(I) the qualifying payment
19 amounts (as defined in section
20 716(a)(3)(E)) for the applicable year
21 for items and services that are com-
22 parable to the qualified IDR air ambu-
23 lance service and that are furnished in
24 the same geographic region (as defined
25 by the Secretary for purposes of such

1 *subsection) as such qualified IDR air*
2 *ambulance service; and*

3 *“(II) subject to clause (iii), infor-*
4 *mation on any circumstance described*
5 *in clause (ii), such information as re-*
6 *quested in subparagraph (B)(i)(II),*
7 *and any additional information pro-*
8 *vided in subparagraph (B)(ii).*

9 *“(ii) ADDITIONAL CIRCUMSTANCES.—*
10 *For purposes of clause (i)(II), the cir-*
11 *cumstances described in this clause are,*
12 *with respect to air ambulance services in-*
13 *cluded in the notification submitted under*
14 *paragraph (1)(B) of a nonparticipating*
15 *provider, group health plan, or health in-*
16 *surance issuer the following:*

17 *“(I) The quality and outcomes*
18 *measurements of the provider that fur-*
19 *nished such services.*

20 *“(II) The acuity of the individual*
21 *receiving such services or the com-*
22 *plexity of furnishing such services to*
23 *such individual.*

1 “(III) *The training, experience,*
2 *and quality of the medical personnel*
3 *that furnished such services.*

4 “(IV) *Ambulance vehicle type, in-*
5 *cluding the clinical capability level of*
6 *such vehicle.*

7 “(V) *Population density of the*
8 *pick up location (such as urban, subur-*
9 *ban, rural, or frontier).*

10 “(VI) *Demonstrations of good*
11 *faith efforts (or lack of good faith ef-*
12 *forts) made by the nonparticipating*
13 *provider or nonparticipating facility*
14 *or the plan or issuer to enter into net-*
15 *work agreements and, if applicable,*
16 *contracted rates between the provider*
17 *and the plan or issuer, as applicable,*
18 *during the previous 4 plan years.*

19 “(iii) *PROHIBITION ON CONSIDERATION*
20 *OF CERTAIN FACTORS.—In determining*
21 *which offer is the payment amount to be*
22 *applied with respect to qualified IDR air*
23 *ambulance services furnished by a provider,*
24 *the certified IDR entity with respect to such*
25 *determination shall not consider usual and*

1 *customary charges, the amount that would*
2 *have been billed by such provider with re-*
3 *spect to such services had the provisions of*
4 *section 2799B–5 of the Public Health Serv-*
5 *ice Act not applied, or the payment or re-*
6 *imbursement rate for such services furnished*
7 *by such provider payable by a public payor,*
8 *including under the Medicare program*
9 *under title XVIII of the Social Security Act,*
10 *under the Medicaid program under title*
11 *XIX of such Act, under the Children’s*
12 *Health Insurance Program under title XXI*
13 *of such Act, under the TRICARE program*
14 *under chapter 55 of title 10, United States*
15 *Code, or under chapter 17 of title 38,*
16 *United States Code.*

17 *“(D) EFFECTS OF DETERMINATION.—The*
18 *provisions of section 716(c)(5)(E)) shall apply*
19 *with respect to a determination of a certified*
20 *IDR entity under subparagraph (A), the notifi-*
21 *cation submitted with respect to such determina-*
22 *tion, the services with respect to such notifica-*
23 *tion, and the parties to such notification in the*
24 *same manner as such provisions apply with re-*
25 *spect to a determination of a certified IDR enti-*

1 *ty under section 716(c)(5)(E), the notification*
2 *submitted with respect to such determination, the*
3 *items and services with respect to such notifica-*
4 *tion, and the parties to such notification.*

5 *“(E) COSTS OF INDEPENDENT DISPUTE*
6 *RESOLUTION PROCESS.—The provisions of sec-*
7 *tion 716(c)(5)(F) shall apply to a notification*
8 *made under this subsection, the parties to such*
9 *notification, and a determination under sub-*
10 *paragraph (A) in the same manner and to the*
11 *same extent such provisions apply to a notifica-*
12 *tion under section 716(c), the parties to such no-*
13 *tification and a determination made under sec-*
14 *tion 716(c)(5)(A).*

15 *“(6) TIMING OF PAYMENT.—The total plan or*
16 *coverage payment required pursuant to subsection*
17 *(a)(3), with respect to qualified IDR air ambulance*
18 *services for which a determination is made under*
19 *paragraph (5)(A) or with respect to air ambulance*
20 *services for which a payment amount is determined*
21 *under open negotiations under paragraph (1), shall*
22 *be made directly to the nonparticipating provider not*
23 *later than 30 days after the date on which such deter-*
24 *mination is made.*

1 “(7) *PUBLICATION OF INFORMATION RELATING*
2 *TO THE IDR PROCESS.*—

3 “(A) *IN GENERAL.*—*For each calendar*
4 *quarter in 2022 and each calendar quarter in a*
5 *subsequent year, the Secretary shall publish on*
6 *the public website of the Department of Labor—*

7 “(i) *the number of notifications sub-*
8 *mitted under the IDR process during such*
9 *calendar quarter;*

10 “(ii) *the number of such notifications*
11 *with respect to which a final determination*
12 *was made under paragraph (5)(A);*

13 “(iii) *the information described in sub-*
14 *paragraph (B) with respect to each notifica-*
15 *tion with respect to which such a deter-*
16 *mination was so made.*

17 “(iv) *the number of times the payment*
18 *amount determined (or agreed to) under*
19 *this subsection exceeds the qualifying pay-*
20 *ment amount;*

21 “(v) *the amount of expenditures made*
22 *by the Secretary during such calendar quar-*
23 *ter to carry out the IDR process;*

1 “(vi) the total amount of fees paid
2 under paragraph (8) during such calendar
3 quarter; and

4 “(vii) the total amount of compensa-
5 tion paid to certified IDR entities under
6 paragraph (5)(E) during such calendar
7 quarter.

8 “(B) INFORMATION WITH RESPECT TO RE-
9 QUESTS.—For purposes of subparagraph (A), the
10 information described in this subparagraph is,
11 with respect to a notification under the IDR
12 process of a nonparticipating provider, group
13 health plan, or health insurance issuer offering
14 group health insurance coverage—

15 “(i) a description of each air ambu-
16 lance service included in such notification;

17 “(ii) the geography in which the serv-
18 ices included in such notification were pro-
19 vided;

20 “(iii) the amount of the offer submitted
21 under paragraph (2) by the group health
22 plan or health insurance issuer (as applica-
23 ble) and by the nonparticipating provider
24 expressed as a percentage of the qualifying
25 payment amount;

1 “(iv) whether the offer selected by the
2 certified IDR entity under paragraph (5) to
3 be the payment applied was the offer sub-
4 mitted by such plan or issuer (as applica-
5 ble) or by such provider and the amount of
6 such offer so selected expressed as a percent-
7 age of the qualifying payment amount;

8 “(v) ambulance vehicle type, including
9 the clinical capability level of such vehicle;

10 “(vi) the identity of the group health
11 plan or health insurance issuer or air am-
12 bulance provider with respect to such notifi-
13 cation;

14 “(vii) the length of time in making
15 each determination;

16 “(viii) the compensation paid to the
17 certified IDR entity with respect to the set-
18 tlement or determination; and

19 “(ix) any other information specified
20 by the Secretary.

21 “(C) *IDR ENTITY REQUIREMENTS.*—For
22 2022 and each subsequent year, an IDR entity,
23 as a condition of certification as an IDR entity,
24 shall submit to the Secretary such information
25 as the Secretary determines necessary for the

1 *Secretary to carry out the provisions of this*
2 *paragraph.*

3 “(D) *CLARIFICATION.*—*The Secretary shall*
4 *ensure the public reporting under this paragraph*
5 *does not contain information that would disclose*
6 *privileged or confidential information of a group*
7 *health plan or health insurance issuer offering*
8 *group or individual health insurance coverage or*
9 *of a provider or facility.*

10 “(8) *ADMINISTRATIVE FEE.*—

11 “(A) *IN GENERAL.*—*Each party to a deter-*
12 *mination under paragraph (5) to which an enti-*
13 *ty is selected under paragraph (4) in a year*
14 *shall pay to the Secretary, at such time and in*
15 *such manner as specified by the Secretary, a fee*
16 *for participating in the IDR process with respect*
17 *to such determination in an amount described in*
18 *subparagraph (B) for such year.*

19 “(B) *AMOUNT OF FEE.*—*The amount de-*
20 *scribed in this subparagraph for a year is an*
21 *amount established by the Secretary in a man-*
22 *ner such that the total amount of fees paid under*
23 *this paragraph for such year is estimated to be*
24 *equal to the amount of expenditures estimated to*

1 *be made by the Secretary for such year in car-*
2 *rying out the IDR process.*

3 “(9) *WAIVER AUTHORITY.*—*The Secretary may*
4 *modify any deadline or other timing requirement*
5 *specified under this subsection (other than the estab-*
6 *lishment date for the IDR process under paragraph*
7 *(2)(A) and other than under paragraph (6)) in cases*
8 *of extenuating circumstances, as specified by the Sec-*
9 *retary, or to ensure that all claims that occur during*
10 *a 90-day period applied through paragraph (5)(D),*
11 *but with respect to which a notification is not per-*
12 *mitted by reason of such paragraph to be submitted*
13 *under paragraph (1)(B) during such period, are eligi-*
14 *ble for the IDR process.*

15 “(c) *DEFINITION.*—*For purposes of this section:*

16 “(1) *AIR AMBULANCE SERVICES.*—*The term ‘air*
17 *ambulance service’ means medical transport by heli-*
18 *copter or airplane for patients.*

19 “(2) *QUALIFYING PAYMENT AMOUNT.*—*The term*
20 *‘qualifying payment amount’ has the meaning given*
21 *such term in section 716(a)(3).*

22 “(3) *NONPARTICIPATING PROVIDER.*—*The term*
23 *‘nonparticipating provider’ has the meaning given*
24 *such term in section 716(a)(3).”.*

25 (3) *IRC AMENDMENTS.*—

1 (A) *IN GENERAL.*—Subchapter B of chapter
2 100 of the Internal Revenue Code of 1986, as
3 amended by section 102(c) and further amended
4 by the previous provisions of this title, is further
5 amended by inserting after section 9816 the fol-
6 lowing:

7 **“SEC. 9817. ENDING SURPRISE AIR AMBULANCE BILLS.**

8 “(a) *IN GENERAL.*—In the case of a participant or
9 beneficiary in a group health plan who receives air ambu-
10 lance services from a nonparticipating provider (as defined
11 in section 9816(a)(3)(G)) with respect to such plan, if such
12 services would be covered if provided by a participating
13 provider (as defined in such section) with respect to such
14 plan—

15 “(1) the cost-sharing requirement with respect to
16 such services shall be the same requirement that would
17 apply if such services were provided by such a par-
18 ticipating provider, and any coinsurance or deduct-
19 ible shall be based on rates that would apply for such
20 services if they were furnished by such a partici-
21 pating provider;

22 “(2) such cost-sharing amounts shall be counted
23 towards the in-network deductible and in-network
24 out-of-pocket maximum amount under the plan for
25 the plan year (and such in-network deductible shall

1 *be applied) with respect to such items and services so*
2 *furnished in the same manner as if such cost-sharing*
3 *payments were with respect to items and services fur-*
4 *nished by a participating provider; and*

5 *“(3) the group health plan shall—*

6 *“(A) not later than 30 calendar days after*
7 *the bill for such services is transmitted by such*
8 *provider, send to the provider, an initial pay-*
9 *ment or notice of denial of payment; and*

10 *“(B) pay a total plan payment, in accord-*
11 *ance with, if applicable, subsection (b)(6), di-*
12 *rectly to such provider furnishing such services*
13 *to such participant, beneficiary, or enrollee that*
14 *is, with application of any initial payment*
15 *under subparagraph (A), equal to the amount by*
16 *which the out-of-network rate (as defined in sec-*
17 *tion 9816(a)(3)(K)) for such services and year*
18 *involved exceeds the cost-sharing amount im-*
19 *posed under the plan for such services (as deter-*
20 *mined in accordance with paragraphs (1) and*
21 *(2)).*

22 *“(b) DETERMINATION OF OUT-OF-NETWORK RATES TO*
23 *BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RES-*
24 *OLUTION PROCESS.—*

1 “(1) *DETERMINATION THROUGH OPEN NEGOTIA-*
2 *TION.*—

3 “(A) *IN GENERAL.*—*With respect to air am-*
4 *bulance services furnished in a year by a non-*
5 *participating provider, with respect to a group*
6 *health plan, and for which a payment is re-*
7 *quired to be made by the plan pursuant to sub-*
8 *section (a)(3), the provider or plan may, during*
9 *the 30-day period beginning on the day the pro-*
10 *vider receives a payment or a statement of de-*
11 *denial of payment from the plan regarding a claim*
12 *for payment for such service, initiate open nego-*
13 *tiations under this paragraph between such pro-*
14 *vider and plan for purposes of determining, dur-*
15 *ing the open negotiation period, an amount*
16 *agreed on by such provider, and such plan for*
17 *payment (including any cost-sharing) for such*
18 *service. For purposes of this subsection, the open*
19 *negotiation period, with respect to air ambulance*
20 *services, is the 30-day period beginning on the*
21 *date of initiation of the negotiations with respect*
22 *to such services.*

23 “(B) *ACCESSING INDEPENDENT DISPUTE*
24 *RESOLUTION PROCESS IN CASE OF FAILED NEGO-*
25 *TATIONS.*—*In the case of open negotiations pur-*

1 suant to subparagraph (A), with respect to air
2 ambulance services, that do not result in a deter-
3 mination of an amount of payment for such
4 services by the last day of the open negotiation
5 period described in such subparagraph with re-
6 spect to such services, the provider or group
7 health plan that was party to such negotiations
8 may, during the 4-day period beginning on the
9 day after such open negotiation period, initiate
10 the independent dispute resolution process under
11 paragraph (2) with respect to such services. The
12 independent dispute resolution process shall be
13 initiated by a party pursuant to the previous
14 sentence by submission to the other party and to
15 the Secretary of a notification (containing such
16 information as specified by the Secretary) and
17 for purposes of this subsection, the date of initi-
18 ation of such process shall be the date of such
19 submission or such other date specified by the
20 Secretary pursuant to regulations that is not
21 later than the date of receipt of such notification
22 by both the other party and the Secretary.

23 “(2) INDEPENDENT DISPUTE RESOLUTION PROC-
24 ESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIA-
25 TIONS.—

1 “(A) *ESTABLISHMENT.*—Not later than 1
2 year after the date of the enactment of this sub-
3 section, the Secretary, jointly with the Secretary
4 of Health and Human Services and the Sec-
5 retary of Labor, shall establish by regulation one
6 independent dispute resolution process (referred
7 to in this subsection as the ‘IDR process’) under
8 which, in the case of air ambulance services with
9 respect to which a provider or group health plan
10 submits a notification under paragraph (1)(B)
11 (in this subsection referred to as a ‘qualified
12 IDR air ambulance services’), a certified IDR
13 entity under paragraph (4) determines, subject
14 to subparagraph (B) and in accordance with the
15 succeeding provisions of this subsection, the
16 amount of payment under the plan for such serv-
17 ices furnished by such provider.

18 “(B) *AUTHORITY TO CONTINUE NEGOTIA-*
19 *TIONS.*—Under the independent dispute resolu-
20 tion process, in the case that the parties to a de-
21 termination for qualified IDR air ambulance
22 services agree on a payment amount for such
23 services during such process but before the date
24 on which the entity selected with respect to such
25 determination under paragraph (4) makes such

1 *determination under paragraph (5), such*
2 *amount shall be treated for purposes of section*
3 *9816(a)(3)(K)(ii) as the amount agreed to by*
4 *such parties for such services. In the case of an*
5 *agreement described in the previous sentence, the*
6 *independent dispute resolution process shall pro-*
7 *vide for a method to determine how to allocate*
8 *between the parties to such determination the*
9 *payment of the compensation of the entity se-*
10 *lected with respect to such determination.*

11 “(C) *CLARIFICATION.*—*A nonparticipating*
12 *provider may not, with respect to an item or*
13 *service furnished by such provider, submit a no-*
14 *tification under paragraph (1)(B) if such pro-*
15 *vider is exempt from the requirement under sub-*
16 *section (a) of section 2799B–2 of the Public*
17 *Health Service Act with respect to such item or*
18 *service pursuant to subsection (b) of such section.*

19 “(3) *TREATMENT OF BATCHING OF SERVICES.*—
20 *The provisions of section 9816(c)(3) shall apply with*
21 *respect to a notification submitted under this sub-*
22 *section with respect to air ambulance services in the*
23 *same manner and to the same extent such provisions*
24 *apply with respect to a notification submitted under*

1 *section 9816(c) with respect to items and services de-*
2 *scribed in such section.*

3 *“(4) IDR ENTITIES.—*

4 *“(A) ELIGIBILITY.—An IDR entity certified*
5 *under this subsection is an IDR entity certified*
6 *under section 9816(c)(4).*

7 *“(B) SELECTION OF CERTIFIED IDR ENTI-*
8 *TY.—The provisions of subparagraph (F) of sec-*
9 *tion 9816(c)(4) shall apply with respect to select-*
10 *ing an IDR entity certified pursuant to subpara-*
11 *graph (A) with respect to the determination of*
12 *the amount of payment under this subsection of*
13 *air ambulance services in the same manner as*
14 *such provisions apply with respect to selecting*
15 *an IDR entity certified under such section with*
16 *respect to the determination of the amount of*
17 *payment under section 9816(c) of an item or*
18 *service. An entity selected pursuant to the pre-*
19 *vious sentence to make a determination described*
20 *in such sentence shall be referred to in this sub-*
21 *section as the ‘certified IDR entity’ with respect*
22 *to such determination.*

23 *“(5) PAYMENT DETERMINATION.—*

24 *“(A) IN GENERAL.—Not later than 30 days*
25 *after the date of selection of the certified IDR en-*

1 *tity with respect to a determination for qualified*
2 *IDR ambulance services, the certified IDR entity*
3 *shall—*

4 *“(i) taking into account the consider-*
5 *ations specified in subparagraph (C), select*
6 *one of the offers submitted under subpara-*
7 *graph (B) to be the amount of payment for*
8 *such services determined under this sub-*
9 *section for purposes of subsection (a)(3);*
10 *and*

11 *“(ii) notify the provider or facility and*
12 *the group health plan party to such deter-*
13 *mination of the offer selected under clause*
14 *(i).*

15 *“(B) SUBMISSION OF OFFERS.—Not later*
16 *than 10 days after the date of selection of the cer-*
17 *tified IDR entity with respect to a determination*
18 *for qualified IDR air ambulance services, the*
19 *provider and the group health plan party to such*
20 *determination—*

21 *“(i) shall each submit to the certified*
22 *IDR entity with respect to such determina-*
23 *tion—*

1 “(I) *an offer for a payment*
2 *amount for such services furnished by*
3 *such provider; and*

4 “(II) *such information as re-*
5 *quested by the certified IDR entity re-*
6 *lating to such offer; and*

7 “(ii) *may each submit to the certified*
8 *IDR entity with respect to such determina-*
9 *tion any information relating to such offer*
10 *submitted by either party, including infor-*
11 *mation relating to any circumstance de-*
12 *scribed in subparagraph (C)(ii).*

13 “(C) *CONSIDERATIONS IN DETERMINA-*
14 *TION.—*

15 “(i) *IN GENERAL.—In determining*
16 *which offer is the payment to be applied*
17 *pursuant to this paragraph, the certified*
18 *IDR entity, with respect to the determina-*
19 *tion for a qualified IDR air ambulance*
20 *service shall consider—*

21 “(I) *the qualifying payment*
22 *amounts (as defined in section*
23 *9816(a)(3)(E)) for the applicable year*
24 *for items or services that are com-*
25 *parable to the qualified IDR air ambu-*

1 *lance service and that are furnished in*
2 *the same geographic region (as defined*
3 *by the Secretary for purposes of such*
4 *subsection) as such qualified IDR air*
5 *ambulance service; and*

6 *“(II) subject to clause (iii), infor-*
7 *mation on any circumstance described*
8 *in clause (ii), such information as re-*
9 *quested in subparagraph (B)(i)(II),*
10 *and any additional information pro-*
11 *vided in subparagraph (B)(ii).*

12 *“(ii) ADDITIONAL CIRCUMSTANCES.—*
13 *For purposes of clause (i)(II), the cir-*
14 *cumstances described in this clause are,*
15 *with respect to air ambulance services in-*
16 *cluded in the notification submitted under*
17 *paragraph (1)(B) of a nonparticipating*
18 *provider, or group health plan the fol-*
19 *lowing:*

20 *“(I) The quality and outcomes*
21 *measurements of the provider that fur-*
22 *nished such services.*

23 *“(II) The acuity of the individual*
24 *receiving such services or the com-*

1 *plexity of furnishing such services to*
2 *such individual.*

3 *“(III) The training, experience,*
4 *and quality of the medical personnel*
5 *that furnished such services.*

6 *“(IV) Ambulance vehicle type, in-*
7 *cluding the clinical capability level of*
8 *such vehicle.*

9 *“(V) Population density of the*
10 *pick up location (such as urban, subur-*
11 *ban, rural, or frontier).*

12 *“(VI) Demonstrations of good*
13 *faith efforts (or lack of good faith ef-*
14 *forts) made by the nonparticipating*
15 *provider or nonparticipating facility*
16 *or the plan to enter into network agree-*
17 *ments and, if applicable, contracted*
18 *rates between the provider and the*
19 *plan during the previous 4 plan years.*

20 *“(iii) PROHIBITION ON CONSIDERATION*
21 *OF CERTAIN FACTORS.—In determining*
22 *which offer is the payment amount to be*
23 *applied with respect to qualified IDR air*
24 *ambulance services furnished by a provider,*
25 *the certified IDR entity with respect to such*

1 *determination shall not consider usual and*
2 *customary charges, the amount that would*
3 *have been billed by such provider with re-*
4 *spect to such services had the provisions of*
5 *section 2799B–5 of the Public Health Serv-*
6 *ice Act not applied, or the payment or re-*
7 *imbursement rate for such services furnished*
8 *by such provider payable by a public payor,*
9 *including under the Medicare program*
10 *under title XVIII of the Social Security Act,*
11 *under the Medicaid program under title*
12 *XIX of such Act, under the Children’s*
13 *Health Insurance Program under title XXI*
14 *of such Act, under the TRICARE program*
15 *under chapter 55 of title 10, United States*
16 *Code, or under chapter 17 of title 38,*
17 *United States Code.*

18 “(D) *EFFECTS OF DETERMINATION.*—*The*
19 *provisions of section 9816(c)(5)(E)) shall apply*
20 *with respect to a determination of a certified*
21 *IDR entity under subparagraph (A), the notifi-*
22 *cation submitted with respect to such determina-*
23 *tion, the services with respect to such notifica-*
24 *tion, and the parties to such notification in the*
25 *same manner as such provisions apply with re-*

1 *spect to a determination of a certified IDR enti-*
2 *ty under section 9816(c)(5)(E), the notification*
3 *submitted with respect to such determination, the*
4 *items and services with respect to such notifica-*
5 *tion, and the parties to such notification.*

6 “(E) *COSTS OF INDEPENDENT DISPUTE*
7 *RESOLUTION PROCESS.—The provisions of sec-*
8 *tion 9816(c)(5)(F) shall apply to a notification*
9 *made under this subsection, the parties to such*
10 *notification, and a determination under sub-*
11 *paragraph (A) in the same manner and to the*
12 *same extent such provisions apply to a notifica-*
13 *tion under section 9816(c), the parties to such*
14 *notification and a determination made under*
15 *section 9816(c)(5)(A).*

16 “(6) *TIMING OF PAYMENT.—The total plan pay-*
17 *ment required pursuant to subsection (a)(3), with re-*
18 *spect to qualified IDR air ambulance services for*
19 *which a determination is made under paragraph*
20 *(5)(A) or with respect to air ambulance services for*
21 *which a payment amount is determined under open*
22 *negotiations under paragraph (1), shall be made di-*
23 *rectly to the nonparticipating provider not later than*
24 *30 days after the date on which such determination*
25 *is made.*

1 “(7) *PUBLICATION OF INFORMATION RELATING*
2 *TO THE IDR PROCESS.*—

3 “(A) *IN GENERAL.*—*For each calendar*
4 *quarter in 2022 and each calendar quarter in a*
5 *subsequent year, the Secretary shall publish on*
6 *the public website of the Department of the*
7 *Treasury—*

8 “(i) *the number of notifications sub-*
9 *mitted under the IDR process during such*
10 *calendar quarter;*

11 “(ii) *the number of such notifications*
12 *with respect to which a final determination*
13 *was made under paragraph (5)(A);*

14 “(iii) *the information described in sub-*
15 *paragraph (B) with respect to each notifica-*
16 *tion with respect to which such a deter-*
17 *mination was so made.*

18 “(iv) *the number of times the payment*
19 *amount determined (or agreed to) under*
20 *this subsection exceeds the qualifying pay-*
21 *ment amount;*

22 “(v) *the amount of expenditures made*
23 *by the Secretary during such calendar quar-*
24 *ter to carry out the IDR process;*

1 “(vi) the total amount of fees paid
2 under paragraph (8) during such calendar
3 quarter; and

4 “(vii) the total amount of compensa-
5 tion paid to certified IDR entities under
6 paragraph (5)(E) during such calendar
7 quarter.

8 “(B) INFORMATION WITH RESPECT TO RE-
9 QUESTS.—For purposes of subparagraph (A), the
10 information described in this subparagraph is,
11 with respect to a notification under the IDR
12 process of a nonparticipating provider, or group
13 health plan—

14 “(i) a description of each air ambu-
15 lance service included in such notification;

16 “(ii) the geography in which the serv-
17 ices included in such notification were pro-
18 vided;

19 “(iii) the amount of the offer submitted
20 under paragraph (2) by the group health
21 plan and by the nonparticipating provider
22 expressed as a percentage of the qualifying
23 payment amount;

24 “(iv) whether the offer selected by the
25 certified IDR entity under paragraph (5) to

1 *be the payment applied was the offer sub-*
2 *mitted by such plan or issuer (as applica-*
3 *ble) or by such provider and the amount of*
4 *such offer so selected expressed as a percent-*
5 *age of the qualifying payment amount;*

6 *“(v) ambulance vehicle type, including*
7 *the clinical capability level of such vehicle;*

8 *“(vi) the identity of the group health*
9 *plan or health insurance issuer or air am-*
10 *bulance provider with respect to such notifi-*
11 *cation;*

12 *“(vii) the length of time in making*
13 *each determination;*

14 *“(viii) the compensation paid to the*
15 *certified IDR entity with respect to the set-*
16 *tlement or determination; and*

17 *“(ix) any other information specified*
18 *by the Secretary.*

19 *“(C) IDR ENTITY REQUIREMENTS.—For*
20 *2022 and each subsequent year, an IDR entity,*
21 *as a condition of certification as an IDR entity,*
22 *shall submit to the Secretary such information*
23 *as the Secretary determines necessary for the*
24 *Secretary to carry out the provisions of this*
25 *paragraph.*

1 “(D) *CLARIFICATION.*—*The Secretary shall*
2 *ensure the public reporting under this paragraph*
3 *does not contain information that would disclose*
4 *privileged or confidential information of a group*
5 *health plan or health insurance issuer offering*
6 *group or individual health insurance coverage or*
7 *of a provider or facility.*

8 “(8) *ADMINISTRATIVE FEE.*—

9 “(A) *IN GENERAL.*—*Each party to a deter-*
10 *mination under paragraph (5) to which an enti-*
11 *ty is selected under paragraph (4) in a year*
12 *shall pay to the Secretary, at such time and in*
13 *such manner as specified by the Secretary, a fee*
14 *for participating in the IDR process with respect*
15 *to such determination in an amount described in*
16 *subparagraph (B) for such year.*

17 “(B) *AMOUNT OF FEE.*—*The amount de-*
18 *scribed in this subparagraph for a year is an*
19 *amount established by the Secretary in a man-*
20 *ner such that the total amount of fees paid under*
21 *this paragraph for such year is estimated to be*
22 *equal to the amount of expenditures estimated to*
23 *be made by the Secretary for such year in car-*
24 *rying out the IDR process.*

1 “(9) *WAIVER AUTHORITY.*—*The Secretary may*
2 *modify any deadline or other timing requirement*
3 *specified under this subsection (other than the estab-*
4 *lishment date for the IDR process under paragraph*
5 *(2)(A) and other than under paragraph (6)) in cases*
6 *of extenuating circumstances, as specified by the Sec-*
7 *retary, or to ensure that all claims that occur during*
8 *a 90-day period applied through paragraph (5)(D),*
9 *but with respect to which a notification is not per-*
10 *mitted by reason of such paragraph to be submitted*
11 *under paragraph (1)(B) during such period, are eligi-*
12 *ble for the IDR process.*

13 “(c) *DEFINITIONS.*—*For purposes of this section:*

14 “(1) *AIR AMBULANCE SERVICES.*—*The term ‘air*
15 *ambulance service’ means medical transport by heli-*
16 *copter or airplane for patients.*

17 “(2) *QUALIFYING PAYMENT AMOUNT.*—*The term*
18 *‘qualifying payment amount’ has the meaning given*
19 *such term in section 9816(a)(3).*

20 “(3) *NONPARTICIPATING PROVIDER.*—*The term*
21 *‘nonparticipating provider’ has the meaning given*
22 *such term in section 9816(a)(3).”.*

23 “(B) *CLERICAL AMENDMENT.*—*The table of*
24 *sections for subchapter B of chapter 100 of the*
25 *Internal Revenue Code of 1986, as amended by*

1 *section 102(c)(3), is further amended by insert-*
2 *ing after the item relating to section 9816 the*
3 *following new item:*

“Sec. 9817. Ending surprise air ambulance bills.”.

4 (4) *EFFECTIVE DATE.—The amendments made*
5 *by this subsection shall apply with respect to plan*
6 *years beginning on or after January 1, 2022.*

7 (b) *AIR AMBULANCE PROVIDER BALANCE BILLING.—*
8 *Part E of title XXVII of the Public Health Service Act,*
9 *as added and amended by section 104, is further amended*
10 *by adding at the end the following new section:*

11 **“SEC. 2799B-5. AIR AMBULANCE SERVICES.**

12 *“In the case of a participant, beneficiary, or enrollee*
13 *with benefits under a group health plan or group or indi-*
14 *vidual health insurance coverage offered by a health insur-*
15 *ance issuer and who is furnished in a plan year beginning*
16 *on or after January 1, 2022, air ambulance services (for*
17 *which benefits are available under such plan or coverage)*
18 *from a nonparticipating provider (as defined in section*
19 *2799A-1(a)(3)(G)) with respect to such plan or coverage,*
20 *such provider shall not bill, and shall not hold liable, such*
21 *participant, beneficiary, or enrollee for a payment amount*
22 *for such service furnished by such provider that is more*
23 *than the cost-sharing amount for such service (as deter-*
24 *mined in accordance with paragraphs (1) and (2) of section*
25 *2799A-2(a), section 717(a) of the Employee Retirement In-*

1 *come Security Act of 1974, or section 9817(a) of the Inter-*
2 *nal Revenue Code of 1986, as applicable).”.*

3 **SEC. 106. REPORTING REQUIREMENTS REGARDING AIR AM-**
4 **BULANCE SERVICES.**

5 *(a) REPORTING REQUIREMENTS FOR PROVIDERS OF*
6 *AIR AMBULANCE SERVICES.—*

7 *(1) IN GENERAL.—A provider of air ambulance*
8 *services shall submit to the Secretary of Health and*
9 *Human Services and the Secretary of Transpor-*
10 *tation—*

11 *(A) not later than the date that is 90 days*
12 *after the last day of the first calendar year be-*
13 *ginning on or after the date on which a final*
14 *rule is promulgated pursuant to the rulemaking*
15 *described in subsection (d), the information de-*
16 *scribed in paragraph (2) with respect to such*
17 *plan year; and*

18 *(B) not later than the date that is 90 days*
19 *after the last day of the plan year immediately*
20 *succeeding the plan year described in subpara-*
21 *graph (A), such information with respect to such*
22 *immediately succeeding plan year.*

23 *(2) INFORMATION DESCRIBED.—For purposes of*
24 *paragraph (1), information described in this para-*

1 *graph, with respect to a provider of air ambulance*
2 *services, is each of the following:*

3 *(A) Cost data, as determined appropriate*
4 *by the Secretary of Health and Human Services,*
5 *in consultation with the Secretary of Transpor-*
6 *tation, for air ambulance services furnished by*
7 *such provider, separated to the maximum extent*
8 *possible by air transportation costs associated*
9 *with furnishing such air ambulance services and*
10 *costs of medical services and supplies associated*
11 *with furnishing such air ambulance services.*

12 *(B) The number and location of all air am-*
13 *bulance bases operated by such provider.*

14 *(C) The number and type of aircraft oper-*
15 *ated by such provider.*

16 *(D) The number of air ambulance trans-*
17 *ports, disaggregated by payor mix, including—*

18 *(i)(I) group health plans;*

19 *(II) health insurance issuers; and*

20 *(III) State and Federal Government*
21 *payors; and*

22 *(ii) uninsured individuals.*

23 *(E) The number of claims of such provider*
24 *that have been denied payment by a group*

1 *health plan or health insurance issuer and the*
2 *reasons for any such denials.*

3 *(F) The number of emergency and non-*
4 *emergency air ambulance transports,*
5 *disaggregated by air ambulance base and type of*
6 *aircraft.*

7 *(G) Such other information regarding air*
8 *ambulance services as the Secretary of Health*
9 *and Human Services may specify.*

10 ***(b) REPORTING REQUIREMENTS FOR GROUP HEALTH***
11 ***PLANS AND HEALTH INSURANCE ISSUERS.—***

12 *(1) PHSA.—Part D of title XXVII of the Public*
13 *Health Service Act, as added by section 102(a)(1), is*
14 *amended by adding after section 2799A–7, as added*
15 *by section 102(a)(2)(A) of this Act, the following new*
16 *section:*

17 ***“SEC. 2799A–8. AIR AMBULANCE REPORT REQUIREMENTS.***

18 ***“(a) IN GENERAL.—Each group health plan and***
19 ***health insurance issuer offering group or individual health***
20 ***insurance coverage shall submit to the Secretary, jointly***
21 ***with the Secretary of Labor and the Secretary of the Treas-***
22 ***ury—***

23 ***“(1) not later than the date that is 90 days after***
24 ***the last day of the first calendar year beginning on***
25 ***or after the date on which a final rule is promulgated***

1 *pursuant to the rulemaking described in section*
2 *106(d) of the No Surprises Act, the information de-*
3 *scribed in subsection (b) with respect to such plan*
4 *year; and*

5 *“(2) not later than the date that is 90 days after*
6 *the last day of the calendar year immediately suc-*
7 *ceeding the plan year described in paragraph (1),*
8 *such information with respect to such immediately*
9 *succeeding plan year.*

10 *“(b) INFORMATION DESCRIBED.—For purposes of sub-*
11 *section (a), information described in this subsection, with*
12 *respect to a group health plan or a health insurance issuer*
13 *offering group or individual health insurance coverage, is*
14 *each of the following:*

15 *“(1) Claims data for air ambulance services fur-*
16 *nished by providers of such services, disaggregated by*
17 *each of the following factors:*

18 *“(A) Whether such services were furnished*
19 *on an emergent or nonemergent basis.*

20 *“(B) Whether the provider of such services*
21 *is part of a hospital-owned or sponsored pro-*
22 *gram, municipality-sponsored program, hospital*
23 *independent partnership (hybrid) program, inde-*
24 *pendent program, or tribally operated program*
25 *in Alaska.*

1 “(C) Whether the transport in which the
2 services were furnished originated in a rural or
3 urban area.

4 “(D) The type of aircraft (such as rotor
5 transport or fixed wing transport) used to fur-
6 nish such services.

7 “(E) Whether the provider of such services
8 has a contract with the plan or issuer, as appli-
9 cable, to furnish such services under the plan or
10 coverage, respectively.

11 “(2) Such other information regarding providers
12 of air ambulance services as the Secretary may speci-
13 fy.”.

14 (2) *ERISA*.—

15 (A) *IN GENERAL*.—Subpart B of part 7 of
16 title I of the Employee Retirement Income Secu-
17 rity Act of 1974 (29 U.S.C. 1185 et seq.) is
18 amended by adding after section 722, as added
19 by section 102(b)(2)(A) of this Act, the following
20 new section:

21 **“SEC. 723. AIR AMBULANCE REPORT REQUIREMENTS.**

22 “(a) *IN GENERAL*.—Each group health plan and
23 health insurance issuer offering group health insurance cov-
24 erage shall submit to the Secretary, jointly with the Sec-

1 *retary of Health and Human Services and the Secretary*
2 *of the Treasury—*

3 “(1) *not later than the date that is 90 days after*
4 *the last day of the first calendar year beginning on*
5 *or after the date on which a final rule is promulgated*
6 *pursuant to the rulemaking described in section*
7 *106(d) of the No Surprises Act, the information de-*
8 *scribed in subsection (b) with respect to such plan*
9 *year; and*

10 “(2) *not later than the date that is 90 days after*
11 *the last day of the plan year immediately succeeding*
12 *the calendar year described in paragraph (1), such*
13 *information with respect to such immediately suc-*
14 *ceeding plan year.*

15 “(b) *INFORMATION DESCRIBED.—For purposes of sub-*
16 *section (a), information described in this subsection, with*
17 *respect to a group health plan or a health insurance issuer*
18 *offering group health insurance coverage, is each of the fol-*
19 *lowing:*

20 “(1) *Claims data for air ambulance services fur-*
21 *nished by providers of such services, disaggregated by*
22 *each of the following factors:*

23 “(A) *Whether such services were furnished*
24 *on an emergent or nonemergent basis.*

1 “(B) Whether the provider of such services
2 is part of a hospital-owned or sponsored pro-
3 gram, municipality-sponsored program, hospital
4 independent partnership (hybrid) program, inde-
5 pendent program, or tribally operated program
6 in Alaska.

7 “(C) Whether the transport in which the
8 services were furnished originated in a rural or
9 urban area.

10 “(D) The type of aircraft (such as rotor
11 transport or fixed wing transport) used to fur-
12 nish such services.

13 “(E) Whether the provider of such services
14 has a contract with the plan or issuer, as appli-
15 cable, to furnish such services under the plan or
16 coverage, respectively.

17 “(2) Such other information regarding providers
18 of air ambulance services as the Secretary may speci-
19 fy.”.

20 (B) CLERICAL AMENDMENT.—The table of
21 contents of the Employee Retirement Income Se-
22 curity Act of 1974 is amended by adding after
23 the item relating to section 722, as added by sec-
24 tion 102(b) the following:

 “Sec. 723. Air ambulance report requirements.”.

25 (3) IRC.—

1 (A) *IN GENERAL.*—Subchapter B of chapter
2 100 of the Internal Revenue Code of 1986 is
3 amended by adding after section 9822, as added
4 by section 102(c)(2)(A) of this Act, the following
5 new section:

6 **“SEC. 9823. AIR AMBULANCE REPORT REQUIREMENTS.**

7 “(a) *IN GENERAL.*—Each group health plan shall sub-
8 mit to the Secretary, jointly with the Secretary of Labor
9 and the Secretary of Health and Human Services—

10 “(1) not later than the date that is 90 days after
11 the last day of the first calendar year beginning on
12 or after the date on which a final rule is promulgated
13 pursuant to the rulemaking described in section
14 106(d) of the No Surprises Act, the information de-
15 scribed in subsection (b) with respect to such plan
16 year; and

17 “(2) not later than the date that is 90 days after
18 the last day of the calendar year immediately suc-
19 ceeding the plan year described in paragraph (1),
20 such information with respect to such immediately
21 succeeding plan year.

22 “(b) *INFORMATION DESCRIBED.*—For purposes of sub-
23 section (a), information described in this subsection, with
24 respect to a group health plan is each of the following:

1 “(1) Claims data for air ambulance services fur-
2 nished by providers of such services, disaggregated by
3 each of the following factors:

4 “(A) Whether such services were furnished
5 on an emergent or nonemergent basis.

6 “(B) Whether the provider of such services
7 is part of a hospital-owned or sponsored pro-
8 gram, municipality-sponsored program, hospital
9 independent partnership (hybrid) program, inde-
10 pendent program, or tribally operated program
11 in Alaska.

12 “(C) Whether the transport in which the
13 services were furnished originated in a rural or
14 urban area.

15 “(D) The type of aircraft (such as rotor
16 transport or fixed wing transport) used to fur-
17 nish such services.

18 “(E) Whether the provider of such services
19 has a contract with the plan or issuer, as appli-
20 cable, to furnish such services under the plan or
21 coverage, respectively.

22 “(2) Such other information regarding providers
23 of air ambulance services as the Secretary may speci-
24 fy.”.

1 (B) *CLERICAL AMENDMENT.*—*The table of*
2 *sections for subchapter B of chapter 100 of the*
3 *Internal Revenue Code of 1986 is amended by*
4 *adding after the item relating to section 9822, as*
5 *added by section 102(c), the following new item:*

“Sec. 9823. Air ambulance report requirements.”.

6 (c) *PUBLICATION OF COMPREHENSIVE REPORT.*—

7 (1) *IN GENERAL.*—*Not later than the date that*
8 *is one year after the date described in subsection*
9 *(a)(2) of section 2799A–8 of the Public Health Service*
10 *Act, of section 723 of the Employee Retirement In-*
11 *come Security Act of 1974, and of section 9823 of the*
12 *Internal Revenue Code of 1986, as such sections are*
13 *added by subsection (b), the Secretary of Health and*
14 *Human Services, in consultation with the Secretary*
15 *of Transportation (referred to in this section as the*
16 *“Secretaries”), shall develop, and make publicly*
17 *available (subject to paragraph (3)), a comprehensive*
18 *report summarizing the information submitted under*
19 *subsection (a) and the amendments made by sub-*
20 *section (b) and including each of the following:*

21 (A) *The percentage of providers of air am-*
22 *bulance services that are part of a hospital-*
23 *owned or sponsored program, municipality-spon-*
24 *sored program, hospital-independent partnership*
25 *(hybrid) program, or independent program.*

1 (B) *An assessment of the extent of competi-*
2 *tion among providers of air ambulance services*
3 *on the basis of price and services offered, and*
4 *any changes in such competition over time.*

5 (C) *An assessment of the average charges for*
6 *air ambulance services, amounts paid by group*
7 *health plans and health insurance issuers offer-*
8 *ing group or individual health insurance cov-*
9 *erage to providers of air ambulance services for*
10 *furnishing such services, and amounts paid out-*
11 *of-pocket by consumers, and any changes in such*
12 *amounts paid over time.*

13 (D) *An assessment of the presence of air*
14 *ambulance bases in, or with the capability to*
15 *serve, rural areas, and the relative growth in air*
16 *ambulance bases in rural and urban areas over*
17 *time.*

18 (E) *Any evidence of gaps in rural access to*
19 *providers of air ambulance services.*

20 (F) *The percentage of providers of air am-*
21 *bulance services that have contracts with group*
22 *health plans or health insurance issuers offering*
23 *group or individual health insurance coverage to*
24 *furnish such services under such plans or cov-*
25 *erage, respectively.*

1 (G) *An assessment of whether there are in-*
2 *stances of unfair, deceptive, or predatory prac-*
3 *tices by providers of air ambulance services in*
4 *collecting payments from patients to whom such*
5 *services are furnished, such as referral of such*
6 *patients to collections, lawsuits, and liens or*
7 *wage garnishment actions.*

8 (H) *An assessment of whether there are,*
9 *within the air ambulance industry, instances of*
10 *unreasonable industry concentration, excessive*
11 *market domination, or other conditions that*
12 *would allow at least one provider of air ambu-*
13 *lance services to unreasonably increase prices or*
14 *exclude competition in air ambulance services in*
15 *a given geographic region.*

16 (I) *An assessment of the frequency of pa-*
17 *tient balance billing, patient referrals to collec-*
18 *tions, lawsuits to collect balance bills, and liens*
19 *or wage garnishment actions by providers of air*
20 *ambulance services as part of a collections proc-*
21 *ess across hospital-owned or sponsored programs,*
22 *municipality-sponsored programs, hospital-inde-*
23 *pendent partnership (hybrid) programs, tribally*
24 *operated programs in Alaska, or independent*
25 *programs, providers of air ambulance services*

1 *operated by public agencies (such as a State or*
2 *county health department), and other inde-*
3 *pendent providers of air ambulance services.*

4 *(J) An assessment of the frequency of claims*
5 *appeals made by providers of air ambulance*
6 *services to group health plans or health insur-*
7 *ance issuers offering group or individual health*
8 *insurance coverage with respect to air ambulance*
9 *services furnished to enrollees of such plans or*
10 *coverage, respectively.*

11 *(K) Any other cost, quality, or other data*
12 *relating to air ambulance services or the air am-*
13 *bulance industry, as determined necessary and*
14 *appropriate by the Secretaries.*

15 (2) *OTHER SOURCES OF INFORMATION.—The*
16 *Secretaries may incorporate information from inde-*
17 *pendent experts or third-party sources in developing*
18 *the comprehensive report required under paragraph*
19 *(1).*

20 (3) *PROTECTION OF PROPRIETARY INFORMA-*
21 *TION.—The Secretaries may not make publicly avail-*
22 *able under this subsection any proprietary informa-*
23 *tion.*

24 (d) *RULEMAKING.—Not later than the date that is one*
25 *year after the date of the enactment of this Act, the Sec-*

1 *retary of Health and Human Services, in consultation with*
2 *the Secretary of Transportation, shall, through notice and*
3 *comment rulemaking, specify the form and manner in*
4 *which reports described in subsection (a) and in the amend-*
5 *ments made by subsection (b) shall be submitted to such*
6 *Secretaries, taking into consideration (as applicable and to*
7 *the extent feasible) any recommendations included in the*
8 *report submitted by the Advisory Committee on Air Ambu-*
9 *lance and Patient Billing under section 418(e) of the FAA*
10 *Reauthorization Act of 2018 (Public Law 115–254; 49*
11 *U.S.C. 42301 note prec.).*

12 *(e) CIVIL MONEY PENALTIES.—*

13 *(1) IN GENERAL.—Subject to paragraph (2), a*
14 *provider of air ambulance services who fails to submit*
15 *all information required under subsection (a)(2) by*
16 *the date described in subparagraph (A) or (B) of sub-*
17 *section (a)(1), as applicable, shall be subject to a civil*
18 *money penalty of not more than \$10,000.*

19 *(2) EXCEPTION.—In the case of a provider of air*
20 *ambulance services that submits only some of the in-*
21 *formation required under subsection (a)(2) by the*
22 *date described in subparagraph (A) or (B) of sub-*
23 *section (a)(1), as applicable, the Secretary of Health*
24 *and Human Services may waive the civil money pen-*
25 *alty imposed under paragraph (1) if such provider*

1 *demonstrates a good faith effort (as defined by the*
2 *Secretary pursuant to regulation) in working with*
3 *the Secretary to submit the remaining information*
4 *required under subsection (a)(2).*

5 (3) *PROCEDURE.—The provisions of section*
6 *1128A of the Social Security Act (42 U.S.C. 1320a–*
7 *7a), other than subsections (a) and (b) and the first*
8 *sentence of subsection (c)(1), shall apply to civil*
9 *money penalties under this subsection in the same*
10 *manner as such provisions apply to a penalty or pro-*
11 *ceeding under such section.*

12 (f) *UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR*
13 *METHODS OF COMPETITION.—The Secretary of Transpor-*
14 *tation may use any information submitted under subsection*
15 *(a) in determining whether a provider of air ambulance*
16 *services has violated section 41712(a) of title 49, United*
17 *States Code.*

18 (g) *ADVISORY COMMITTEE ON AIR AMBULANCE QUAL-*
19 *ITY AND PATIENT SAFETY.—*

20 (1) *ESTABLISHMENT.—Not later than the date*
21 *that is 60 days after the date of the enactment of this*
22 *Act, the Secretary of Health and Human Services*
23 *and the Secretary of Transportation, shall establish*
24 *an Advisory Committee on Air Ambulance Quality*
25 *and Patient Safety (referred to in this subsection as*

1 *the “Committee” for the purpose of reviewing options*
2 *to establish quality, patient safety, and clinical capa-*
3 *bility standards for each clinical capability level of*
4 *air ambulances.*

5 (2) *MEMBERSHIP.—The Committee shall be com-*
6 *posed of the following members:*

7 (A) *The Secretary of Health and Human*
8 *Services, or a designee of the Secretary, who*
9 *shall serve as the Chair of the Committee.*

10 (B) *The Secretary of Transportation, or a*
11 *designee of the Secretary.*

12 (C) *One representative, to be appointed by*
13 *the Secretary of Health and Human Services, of*
14 *each of the following:*

15 (i) *State health insurance regulators.*

16 (ii) *Health care providers.*

17 (iii) *Group health plans and health in-*
18 *surance issuers offering group or individual*
19 *health insurance coverage.*

20 (iv) *Patient advocacy groups.*

21 (v) *Accrediting bodies with experience*
22 *in quality measures.*

23 (D) *Three representatives of the air ambu-*
24 *lance industry, to be appointed by the Secretary*
25 *of Transportation.*

1 (E) *Additional three representatives not*
2 *covered under subparagraphs (A) through (D), as*
3 *determined necessary and appropriate by the*
4 *Secretary of Health and Human Services and*
5 *Secretary of Transportation.*

6 (3) *FIRST MEETING.*—*Not later than the date*
7 *that is 90 days after the date of the enactment of this*
8 *Act, the Committee shall hold its first meeting.*

9 (4) *DUTIES.*—*The Committee shall study and*
10 *make recommendations, as appropriate, to Congress*
11 *regarding each of the following with respect to air*
12 *ambulance services:*

13 (A) *Qualifications of different clinical capa-*
14 *bility levels and tiering of such levels.*

15 (B) *Patient safety and quality standards.*

16 (C) *Options for improving service reli-*
17 *ability during poor weather, night conditions, or*
18 *other adverse conditions.*

19 (D) *Differences between air ambulance vehi-*
20 *cle types, services, and technologies, and other*
21 *flight capability standards, and the impact of*
22 *such differences on patient safety.*

23 (E) *Clinical triage criteria for air ambu-*
24 *lances.*

1 (5) *REPORT.*—Not later than the date that is
2 180 days after the date of the first meeting of the
3 Committee, the Committee, in consultation with rel-
4 evant experts and stakeholders, as appropriate, shall
5 develop and make publicly available a report on any
6 recommendations submitted to Congress under para-
7 graph (4). The Committee may update such report, as
8 determined appropriate by the Committee.

9 (h) *DEFINITIONS.*—In this section, the terms “group
10 health plan”, “health insurance coverage”, “individual
11 health insurance coverage”, “group health insurance cov-
12 erage”, and “health insurance issuer” have the meanings
13 given such terms in section 2791 of the Public Health Serv-
14 ice Act (42 U.S.C. 300gg–91).

15 **SEC. 107. TRANSPARENCY REGARDING IN-NETWORK AND**
16 **OUT-OF-NETWORK DEDUCTIBLES AND OUT-**
17 **OF-POCKET LIMITATIONS.**

18 (a) *PHSA.*—Section 2799A–1 of the Public Health
19 Service Act, as added by section 102(a) and amended by
20 section 103, is further amended by adding at the end the
21 following new subsection:

22 “(e) *TRANSPARENCY REGARDING IN-NETWORK AND*
23 *OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET*
24 *LIMITATIONS.*—A group health plan or a health insurance
25 issuer offering group or individual health insurance cov-

1 *erage and providing or covering any benefit with respect*
2 *to items or services shall include, in clear writing, on any*
3 *physical or electronic plan or insurance identification card*
4 *issued to the participants, beneficiaries, or enrollees in the*
5 *plan or coverage the following:*

6 “(1) *Any deductible applicable to such plan or*
7 *coverage.*

8 “(2) *Any out-of-pocket maximum limitation ap-*
9 *plicable to such plan or coverage.*

10 “(3) *A telephone number and Internet website*
11 *address through which such individual may seek con-*
12 *sumer assistance information, such as information re-*
13 *lated to hospitals and urgent care facilities that have*
14 *in effect a contractual relationship with such plan or*
15 *coverage for furnishing items and services under such*
16 *plan or coverage”.*

17 **(b) ERISA.**—*Section 716 of the Employee Retirement*
18 *Income Security Act of 1974, as added by section 102(b)*
19 *and amended by section 103, is further amended by adding*
20 *at the end the following new subsection:*

21 “(e) **TRANSPARENCY REGARDING IN-NETWORK AND**
22 **OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET**
23 **LIMITATIONS.**—*A group health plan or a health insurance*
24 *issuer offering group health insurance coverage and pro-*
25 *viding or covering any benefit with respect to items or serv-*

1 *ices shall include, in clear writing, on any physical or elec-*
2 *tronic plan or insurance identification card issued to the*
3 *participants or beneficiaries in the plan or coverage the fol-*
4 *lowing:*

5 “(1) *Any deductible applicable to such plan or*
6 *coverage.*”

7 “(2) *Any out-of-pocket maximum limitation ap-*
8 *plicable to such plan or coverage.*”

9 “(3) *A telephone number and Internet website*
10 *address through which such individual may seek con-*
11 *sumer assistance information, such as information re-*
12 *lated to hospitals and urgent care facilities that have*
13 *in effect a contractual relationship with such plan or*
14 *coverage for furnishing items and services under such*
15 *plan or coverage”.*

16 (c) *IRC.—Section 9816 of the Internal Revenue Code*
17 *of 1986, as added by section 102(c) and amended by section*
18 *103, is further amended by adding at the end the following*
19 *new subsection:*

20 “(e) *TRANSPARENCY REGARDING IN-NETWORK AND*
21 *OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET*
22 *LIMITATIONS.—A group health plan providing or covering*
23 *any benefit with respect to items or services shall include,*
24 *in clear writing, on any physical or electronic plan or in-*

1 *urance identification card issued to the participants or*
2 *beneficiaries in the plan the following:*

3 *“(1) Any deductible applicable to such plan.*

4 *“(2) Any out-of-pocket maximum limitation ap-*
5 *plicable to such plan.*

6 *“(3) A telephone number and Internet website*
7 *address through which such individual may seek con-*
8 *sumer assistance information, such as information re-*
9 *lated to hospitals and urgent care facilities that have*
10 *in effect a contractual relationship with such plan for*
11 *furnishing items and services under such plan.”.*

12 *(d) EFFECTIVE DATE.—The amendments made by this*
13 *subsection shall apply with respect to plan years beginning*
14 *on or after January 1, 2022.*

15 **SEC. 108. IMPLEMENTING PROTECTIONS AGAINST PRO-**
16 **VIDER DISCRIMINATION.**

17 *Not later than January 1, 2022, the Secretary of*
18 *Health and Human Services, the Secretary of Labor, and*
19 *the Secretary of the Treasury shall issue a proposed rule*
20 *implementing the protections of section 2706(a) of the Pub-*
21 *lic Health Service Act (42 U.S.C. 300gg-5(a)). The Secre-*
22 *taries shall accept and consider public comments on any*
23 *proposed rule issued pursuant to this subsection for a period*
24 *of 60 days after the date of such issuance. Not later than*
25 *6 months after the date of the conclusion of the comment*

1 *period, the Secretaries shall issue a final rule implementing*
2 *the protections of section 2706(a) of the Public Health Serv-*
3 *ice Act (42 U.S.C. 300gg-5(a)).*

4 **SEC. 109. REPORTS.**

5 *(a) REPORTS IN CONSULTATION WITH FTC AND*
6 *AG.—Not later than January 1, 2023, and annually there-*
7 *after for each of the following 4 years, the Secretary of*
8 *Health and Human Services, in consultation with the Fed-*
9 *eral Trade Commission and the Attorney General, shall—*

10 *(1) conduct a study on the effects of the provi-*
11 *sions of, including amendments made by, this Act*
12 *on—*

13 *(A) any patterns of vertical or horizontal*
14 *integration of health care facilities, providers,*
15 *group health plans, or health insurance issuers*
16 *offering group or individual health insurance*
17 *coverage;*

18 *(B) overall health care costs; and*

19 *(C) access to health care items and services,*
20 *including specialty services, in rural areas and*
21 *health professional shortage areas, as defined in*
22 *section 332 of the Public Health Service Act (42*
23 *U.S.C. 254e);*

24 *(2) for purposes of the reports under paragraph*
25 *(3), in consultation with the Secretary of Labor and*

1 *the Secretary of the Treasury, make recommendations*
2 *for the effective enforcement of subsections*
3 *(a)(1)(C)(iv) and (b)(1)(C) of section 2799A–1 of the*
4 *Public Health Service Act, subsections (a)(1)(C)(iv)*
5 *and (b)(1)(C) of section 716 of the Employee Retirement*
6 *Income Security Act of 1974, and subsections*
7 *(a)(1)(C)(iv) and (b)(1)(C) of section 9816 of the In-*
8 *ternal Revenue Code of 1986, including with respect*
9 *to potential challenges to addressing anti-competitive*
10 *consolidation of health care facilities, providers, group*
11 *health plans, or health insurance issuers offering*
12 *group or individual health insurance coverage; and*

13 *(3) submit a report on such study and including*
14 *such recommendations to the Committees on Energy*
15 *and Commerce; on Education and Labor; on Ways*
16 *and Means; and on the Judiciary of the House of*
17 *Representatives and the Committees on Health, Edu-*
18 *cation, Labor, and Pensions; on Commerce, Science,*
19 *and Transportation; on Finance; and on the Judici-*
20 *ary of the Senate.*

21 ***(b) GAO REPORT ON IMPACT OF SURPRISE BILLING***
22 ***PROVISIONS.—Not later than January 1, 2025, the Comp-***
23 ***troller General of the United States shall submit to Congress***
24 ***a report summarizing the effects of the provisions of this***
25 ***Act, including the amendments made by such provisions,***

1 *on changes during the period since the date on the enact-*
2 *ment of this Act in health care provider networks of group*
3 *health plans and group and individual health insurance*
4 *coverage offered by a health insurance issuer, in fee sched-*
5 *ules and amounts for health care services, and to contracted*
6 *rates under such plans or coverage. Such report shall—*

7 (1) *to the extent practicable, sample a statis-*
8 *tically significant group of national health care pro-*
9 *viders;*

10 (2) *examine—*

11 (A) *provider network participation, includ-*
12 *ing nonparticipating providers furnishing items*
13 *and services at participating facilities;*

14 (B) *health care provider group network par-*
15 *ticipation, including specialty, size, and owner-*
16 *ship;*

17 (C) *the impact of State surprise billing*
18 *laws and network adequacy standards on par-*
19 *ticipation of health care providers and facilities*
20 *in provider networks of group health plans and*
21 *of group and individual health insurance cov-*
22 *erage offered by health insurance issuers; and*

23 (D) *access to providers, including in rural*
24 *and medically underserved communities and*
25 *health professional shortage areas (as defined in*

1 *section 332 of the Public Health Service Act),*
2 *and the extent of provider shortages in such com-*
3 *munities and areas;*

4 *(3) to the extent practicable, sample a statis-*
5 *tically significant group of national health insurance*
6 *plans and issuers and examine—*

7 *(A) the effects of the provisions of, including*
8 *amendments made by, this Act on premiums and*
9 *out-of-pocket costs with respect to group health*
10 *plans or group or individual health insurance*
11 *coverage;*

12 *(B) the adequacy of provider networks with*
13 *respect to such plans or coverage; and*

14 *(C) categories of providers of ancillary serv-*
15 *ices, as defined in section 2799B–2(b)(2) of the*
16 *Public Health Service Act, for which such plans*
17 *have no or a limited number of in-network pro-*
18 *viders; and*

19 *(4) such other relevant effects of such provisions*
20 *and amendments.*

21 *(c) GAO REPORT ON ADEQUACY OF PROVIDER NET-*
22 *WORKS.—Not later than January 1, 2023, the Comptroller*
23 *General of the United States shall submit to Congress, and*
24 *make publicly available, a report on the adequacy of pro-*
25 *vider networks in group health plans and group and indi-*

1 *vidual health insurance coverage, including legislative rec-*
2 *ommendations to improve the adequacy of such networks.*

3 *(d) GAO REPORT ON IDR PROCESS AND POTENTIAL*
4 *FINANCIAL RELATIONSHIPS.—Not later than December 31,*
5 *2023, the Comptroller General of the United States shall*
6 *conduct a study and submit to Congress a report on the*
7 *IDR process established under this section. Such study and*
8 *report shall include an analysis of potential financial rela-*
9 *tionships between providers and facilities that utilize the*
10 *IDR process established by the amendments made by this*
11 *Act and private equity investment firms.*

12 **SEC. 110. CONSUMER PROTECTIONS THROUGH APPLICA-**
13 **TION OF HEALTH PLAN EXTERNAL REVIEW IN**
14 **CASES OF CERTAIN SURPRISE MEDICAL**
15 **BILLS.**

16 *(a) IN GENERAL.—In applying the provisions of sec-*
17 *tion 2719(b) of the Public Health Service Act (42 U.S.C.*
18 *300gg–19(b)) to group health plans and health insurance*
19 *issuers offering group or individual health insurance cov-*
20 *erage, the Secretary of Health and Human Services, Sec-*
21 *retary of Labor, and Secretary of the Treasury, shall re-*
22 *quire, beginning not later than January 1, 2022, the exter-*
23 *nal review process described in paragraph (1) of such sec-*
24 *tion to apply with respect to any adverse determination by*
25 *such a plan or issuer under section 2799A-1 or 2799A-2,*

1 *section 716 or 717 of the Employee Retirement Income Se-*
2 *curity Act of 1974, or section 9816 or 9817 of the Internal*
3 *Revenue Code of 1986, including with respect to whether*
4 *an item or service that is the subject to such a determina-*
5 *tion is an item or service to which such respective section*
6 *applies.*

7 (b) *DEFINITIONS.*—*The terms “group health plan”;*
8 *“health insurance issuer”;* *“group health insurance cov-*
9 *erage”, and “individual health insurance coverage” have*
10 *the meanings given such terms in section 2791 of the Public*
11 *Health Service Act (42 U.S.C. 300gg–91), section 733 of*
12 *the Employee Retirement Income Security Act (29 U.S.C.*
13 *1191b), and section 9832 of the Internal Revenue Code, as*
14 *applicable.*

15 **SEC. 111. CONSUMER PROTECTIONS THROUGH HEALTH**
16 **PLAN REQUIREMENT FOR FAIR AND HONEST**
17 **ADVANCE COST ESTIMATE.**

18 (a) *PHSA AMENDMENT.*—*Section 2799A–1 of the*
19 *Public Health Service Act (42 U.S.C. 300gg–19a), as added*
20 *by section 102 and as further amended by the previous pro-*
21 *visions of this title, is further amended by adding at the*
22 *end the following new subsection:*

23 “(f) *ADVANCED EXPLANATION OF BENEFITS.*—

24 “(1) *IN GENERAL.*—*For plan years beginning on*
25 *or after January 1, 2022, each group health plan, or*

1 *a health insurance issuer offering group or individual*
2 *health insurance coverage shall, with respect to a no-*
3 *tification submitted under section 2799B–6 by a*
4 *health care provider or health care facility to the plan*
5 *or issuer for a participant, beneficiary, or enrollee*
6 *under plan or coverage scheduled to receive an item*
7 *or service from the provider or facility (or authorized*
8 *representative of such participant, beneficiary, or en-*
9 *rollee), not later than 1 business day (or, in the case*
10 *such item or service was so scheduled at least 10 busi-*
11 *ness days before such item or service is to be furnished*
12 *(or in the case of a request made to such plan or cov-*
13 *erage by such participant, beneficiary, or enrollee), 3*
14 *business days) after the date on which the plan or*
15 *coverage receives such notification (or such request),*
16 *provide to the participant, beneficiary, or enrollee*
17 *(through mail or electronic means, as requested by the*
18 *participant, beneficiary, or enrollee) a notification*
19 *(in clear and understandable language) including the*
20 *following:*

21 “(A) Whether or not the provider or facility
22 is a participating provider or a participating
23 facility with respect to the plan or coverage with
24 respect to the furnishing of such item or service
25 and—

1 “(i) in the case the provider or facility
2 is a participating provider or facility with
3 respect to the plan or coverage with respect
4 to the furnishing of such item or service, the
5 contracted rate under such plan or coverage
6 for such item or service (based on the billing
7 and diagnostic codes provided by such pro-
8 vider or facility); and

9 “(ii) in the case the provider or facil-
10 ity is a nonparticipating provider or facil-
11 ity with respect to such plan or coverage, a
12 description of how such individual may ob-
13 tain information on providers and facilities
14 that, with respect to such plan or coverage,
15 are participating providers and facilities, if
16 any.

17 “(B) The good faith estimate included in
18 the notification received from the provider or fa-
19 cility (if applicable) based on such codes.

20 “(C) A good faith estimate of the amount
21 the plan or coverage is responsible for paying for
22 items and services included in the estimate de-
23 scribed in subparagraph (B).

24 “(D) A good faith estimate of the amount of
25 any cost-sharing for which the participant, bene-

1 *ficiary, or enrollee would be responsible for such*
2 *item or service (as of the date of such notifica-*
3 *tion).*

4 *“(E) A good faith estimate of the amount*
5 *that the participant, beneficiary, or enrollee has*
6 *incurred toward meeting the limit of the finan-*
7 *cial responsibility (including with respect to*
8 *deductibles and out-of-pocket maximums) under*
9 *the plan or coverage (as of the date of such noti-*
10 *fication).*

11 *“(F) In the case such item or service is sub-*
12 *ject to a medical management technique (includ-*
13 *ing concurrent review, prior authorization, and*
14 *step-therapy or fail-first protocols) for coverage*
15 *under the plan or coverage, a disclaimer that*
16 *coverage for such item or service is subject to*
17 *such medical management technique.*

18 *“(G) A disclaimer that the information pro-*
19 *vided in the notification is only an estimate*
20 *based on the items and services reasonably ex-*
21 *pected, at the time of scheduling (or requesting)*
22 *the item or service, to be furnished and is subject*
23 *to change.*

24 *“(H) Any other information or disclaimer*
25 *the plan or coverage determines appropriate that*

1 *is consistent with information and disclaimers*
2 *required under this section.*

3 “(2) *AUTHORITY TO MODIFY TIMING REQUIRE-*
4 *MENTS IN THE CASE OF SPECIFIED ITEMS AND SERV-*
5 *ICES.—*

6 “(A) *IN GENERAL.—In the case of a partici-*
7 *part, beneficiary, or enrollee scheduled to receive*
8 *an item or service that is a specified item or*
9 *service (as defined in subparagraph (B)), the*
10 *Secretary may modify any timing requirements*
11 *relating to the provision of the notification de-*
12 *scribed in paragraph (1) to such participant,*
13 *beneficiary, or enrollee with respect to such item*
14 *or service. Any modification made by the Sec-*
15 *retary pursuant to the previous sentence may not*
16 *result in the provision of such notification after*
17 *such participant, beneficiary, or enrollee has*
18 *been furnished such item or service.*

19 “(B) *SPECIFIED ITEM OR SERVICE DE-*
20 *FINED.—For purposes of subparagraph (A), the*
21 *term ‘specified item or service’ means an item or*
22 *service that has low utilization or significant*
23 *variation in costs (such as when furnished as*
24 *part of a complex treatment), as specified by the*
25 *Secretary.”.*

1 **(b) IRC AMENDMENTS.**—*Section 9816 of the Internal*
2 *Revenue Code of 1986, as added by section 102 and further*
3 *amended by the previous provisions of this title, is further*
4 *amended by inserting after subsection (e) the following new*
5 *subsection:*

6 **“(f) ADVANCED EXPLANATION OF BENEFITS.**—

7 **“(1) IN GENERAL.**—*For plan years beginning on*
8 *or after January 1, 2022, each group health plan*
9 *shall, with respect to a notification submitted under*
10 *section 2799B–6 of the Public Health Service Act by*
11 *a health care provider or health care facility to the*
12 *plan for a participant or beneficiary under plan*
13 *scheduled to receive an item or service from the pro-*
14 *vider or facility (or authorized representative of such*
15 *participant or beneficiary), not later than 1 business*
16 *day (or, in the case such item or service was so sched-*
17 *uled at least 10 business days before such item or*
18 *service is to be furnished (or in the case of a request*
19 *made to such plan or coverage by such participant or*
20 *beneficiary), 3 business days) after the date on which*
21 *the plan receives such notification (or such request),*
22 *provide to the participant or beneficiary (through*
23 *mail or electronic means, as requested by the partici-*
24 *part or beneficiary) a notification (in clear and un-*
25 *derstandable language) including the following:*

1 “(A) Whether or not the provider or facility
2 is a participating provider or a participating
3 facility with respect to the plan with respect to
4 the furnishing of such item or service and—

5 “(i) in the case the provider or facility
6 is a participating provider or facility with
7 respect to the plan or coverage with respect
8 to the furnishing of such item or service, the
9 contracted rate under such plan for such
10 item or service (based on the billing and di-
11 agnostic codes provided by such provider or
12 facility); and

13 “(ii) in the case the provider or facil-
14 ity is a nonparticipating provider or facil-
15 ity with respect to such plan, a description
16 of how such individual may obtain infor-
17 mation on providers and facilities that,
18 with respect to such plan, are participating
19 providers and facilities, if any.

20 “(B) The good faith estimate included in
21 the notification received from the provider or fa-
22 cility (if applicable) based on such codes.

23 “(C) A good faith estimate of the amount
24 the plan is responsible for paying for items and

1 *services included in the estimate described in*
2 *subparagraph (B).*

3 “(D) *A good faith estimate of the amount of*
4 *any cost-sharing for which the participant or*
5 *beneficiary would be responsible for such item or*
6 *service (as of the date of such notification).*

7 “(E) *A good faith estimate of the amount*
8 *that the participant or beneficiary has incurred*
9 *toward meeting the limit of the financial respon-*
10 *sibility (including with respect to deductibles*
11 *and out-of-pocket maximums) under the plan (as*
12 *of the date of such notification).*

13 “(F) *In the case such item or service is sub-*
14 *ject to a medical management technique (includ-*
15 *ing concurrent review, prior authorization, and*
16 *step-therapy or fail-first protocols) for coverage*
17 *under the plan, a disclaimer that coverage for*
18 *such item or service is subject to such medical*
19 *management technique.*

20 “(G) *A disclaimer that the information pro-*
21 *vided in the notification is only an estimate*
22 *based on the items and services reasonably ex-*
23 *pected, at the time of scheduling (or requesting)*
24 *the item or service, to be furnished and is subject*
25 *to change.*

1 “(H) Any other information or disclaimer
2 the plan determines appropriate that is con-
3 sistent with information and disclaimers re-
4 quired under this section.

5 “(2) *AUTHORITY TO MODIFY TIMING REQUIRE-*
6 *MENTS IN THE CASE OF SPECIFIED ITEMS AND SERV-*
7 *ICES.—*

8 “(A) *IN GENERAL.—In the case of a partici-*
9 *part or beneficiary scheduled to receive an item*
10 *or service that is a specified item or service (as*
11 *defined in subparagraph (B)), the Secretary may*
12 *modify any timing requirements relating to the*
13 *provision of the notification described in para-*
14 *graph (1) to such participant or beneficiary with*
15 *respect to such item or service. Any modification*
16 *made by the Secretary pursuant to the previous*
17 *sentence may not result in the provision of such*
18 *notification after such participant or beneficiary*
19 *has been furnished such item or service.*

20 “(B) *SPECIFIED ITEM OR SERVICE DE-*
21 *FINED.—For purposes of subparagraph (A), the*
22 *term ‘specified item or service’ means an item or*
23 *service that has low utilization or significant*
24 *variation in costs (such as when furnished as*

1 *part of a complex treatment), as specified by the*
2 *Secretary.”.*

3 (c) *ERISA AMENDMENTS.—Section 716 of the Em-*
4 *ployee Retirement Income Security Act of 1974, as added*
5 *by section 102 and further amended by the previous amend-*
6 *ments of this title, is further amended by adding at the end*
7 *the following new subsection:*

8 “(f) *ADVANCED EXPLANATION OF BENEFITS.—*

9 “(1) *IN GENERAL.—For plan years beginning on*
10 *or after January 1, 2022, each group health plan, or*
11 *a health insurance issuer offering group health insur-*
12 *ance coverage shall, with respect to a notification sub-*
13 *mitted under section 2799B–6 of the Public Health*
14 *Service Act by a health care provider or health care*
15 *facility to the plan or issuer for a participant or ben-*
16 *eficiary under plan or coverage scheduled to receive*
17 *an item or service from the provider or facility (or*
18 *authorized representative of such participant or bene-*
19 *ficiary), not later than 1 business day (or, in the case*
20 *such item or service was so scheduled at least 10 busi-*
21 *ness days before such item or service is to be furnished*
22 *(or in the case of a request made to such plan or cov-*
23 *erage by such participant or beneficiary), 3 business*
24 *days) after the date on which the plan or coverage re-*
25 *ceives such notification (or such request), provide to*

1 *the participant or beneficiary (through mail or elec-*
2 *tronic means, as requested by the participant or bene-*
3 *ficiary) a notification (in clear and understandable*
4 *language) including the following:*

5 *“(A) Whether or not the provider or facility*
6 *is a participating provider or a participating*
7 *facility with respect to the plan or coverage with*
8 *respect to the furnishing of such item or service*
9 *and—*

10 *“(i) in the case the provider or facility*
11 *is a participating provider or facility with*
12 *respect to the plan or coverage with respect*
13 *to the furnishing of such item or service, the*
14 *contracted rate under such plan for such*
15 *item or service (based on the billing and di-*
16 *agnostic codes provided by such provider or*
17 *facility); and*

18 *“(ii) in the case the provider or facil-*
19 *ity is a nonparticipating provider or facil-*
20 *ity with respect to such plan or coverage, a*
21 *description of how such individual may ob-*
22 *tain information on providers and facilities*
23 *that, with respect to such plan or coverage,*
24 *are participating providers and facilities, if*
25 *any.*

1 “(B) *The good faith estimate included in*
2 *the notification received from the provider or fa-*
3 *ility (if applicable) based on such codes.*

4 “(C) *A good faith estimate of the amount*
5 *the health plan is responsible for paying for*
6 *items and services included in the estimate de-*
7 *scribed in subparagraph (B).*

8 “(D) *A good faith estimate of the amount of*
9 *any cost-sharing for which the participant or*
10 *beneficiary would be responsible for such item or*
11 *service (as of the date of such notification).*

12 “(E) *A good faith estimate of the amount*
13 *that the participant or beneficiary has incurred*
14 *toward meeting the limit of the financial respon-*
15 *sibility (including with respect to deductibles*
16 *and out-of-pocket maximums) under the plan or*
17 *coverage (as of the date of such notification).*

18 “(F) *In the case such item or service is sub-*
19 *ject to a medical management technique (includ-*
20 *ing concurrent review, prior authorization, and*
21 *step-therapy or fail-first protocols) for coverage*
22 *under the plan or coverage, a disclaimer that*
23 *coverage for such item or service is subject to*
24 *such medical management technique.*

1 “(G) *A disclaimer that the information pro-*
2 *vided in the notification is only an estimate*
3 *based on the items and services reasonably ex-*
4 *pected, at the time of scheduling (or requesting)*
5 *the item or service, to be furnished and is subject*
6 *to change.*

7 “(H) *Any other information or disclaimer*
8 *the plan or coverage determines appropriate that*
9 *is consistent with information and disclaimers*
10 *required under this section.*

11 “(2) *AUTHORITY TO MODIFY TIMING REQUIRE-*
12 *MENTS IN THE CASE OF SPECIFIED ITEMS AND SERV-*
13 *ICES.—*

14 “(A) *IN GENERAL.—In the case of a partici-*
15 *part or beneficiary scheduled to receive an item*
16 *or service that is a specified item or service (as*
17 *defined in subparagraph (B)), the Secretary may*
18 *modify any timing requirements relating to the*
19 *provision of the notification described in para-*
20 *graph (1) to such participant or beneficiary with*
21 *respect to such item or service. Any modification*
22 *made by the Secretary pursuant to the previous*
23 *sentence may not result in the provision of such*
24 *notification after such participant or beneficiary*
25 *has been furnished such item or service.*

1 “(B) *SPECIFIED ITEM OR SERVICE DE-*
2 *FINED.—For purposes of subparagraph (A), the*
3 *term ‘specified item or service’ means an item or*
4 *service that has low utilization or significant*
5 *variation in costs (such as when furnished as*
6 *part of a complex treatment), as specified by the*
7 *Secretary.”.*

8 **SEC. 112. PATIENT PROTECTIONS THROUGH TRANS-**
9 **PARENCY AND PATIENT-PROVIDER DISPUTE**
10 **RESOLUTION.**

11 *Part E of title XXVII of the Public Health Service Act*
12 *(42 U.S.C. 300gg et seq.), as added by section 104 and fur-*
13 *ther amended by the previous provisions of this title, is fur-*
14 *ther amended by adding at the end the following new sec-*
15 *tions:*

16 **“SEC. 2799B-6. PROVISION OF INFORMATION UPON RE-**
17 **QUEST AND FOR SCHEDULED APPOINT-**
18 **MENTS.**

19 *“Each health care provider and health care facility*
20 *shall, beginning January 1, 2022, in the case of an indi-*
21 *vidual who schedules an item or service to be furnished to*
22 *such individual by such provider or facility at least 3 busi-*
23 *ness days before the date such item or service is to be so*
24 *furnished, not later than 1 business day after the date of*
25 *such scheduling (or, in the case of such an item or service*

1 *scheduled at least 10 business days before the date such item*
2 *or service is to be so furnished (or if requested by the indi-*
3 *vidual), not later than 3 business days after the date of*
4 *such scheduling or such request)—*

5 “(1) *inquire if such individual is enrolled in a*
6 *group health plan, group or individual health insur-*
7 *ance coverage offered by a health insurance issuer, or*
8 *a Federal health care program (and if is so enrolled*
9 *in such plan or coverage, seeking to have a claim for*
10 *such item or service submitted to such plan or cov-*
11 *erage); and*

12 “(2) *provide a notification (in clear and under-*
13 *standable language) of the good faith estimate of the*
14 *expected charges for furnishing such item or service*
15 *(including any item or service that is reasonably ex-*
16 *pected to be provided in conjunction with such sched-*
17 *uled item or service and such an item or service rea-*
18 *sonably expected to be so provided by another health*
19 *care provider or health care facility), with the ex-*
20 *pected billing and diagnostic codes for any such item*
21 *or service, to—*

22 “(A) *in the case the individual is enrolled*
23 *in such a plan or such coverage (and is seeking*
24 *to have a claim for such item or service sub-*

1 mitted to such plan or coverage), such plan or
2 issuer of such coverage; and

3 “(B) in the case the individual is not de-
4 scribed in subparagraph (A) and not enrolled in
5 a Federal health care program, the individual.

6 **“SEC. 2799B-7. PATIENT-PROVIDER DISPUTE RESOLUTION.**

7 “(a) *IN GENERAL.*—Not later than January 1, 2022,
8 the Secretary shall establish a process (in this subsection
9 referred to as the ‘patient-provider dispute resolution proc-
10 ess’) under which an uninsured individual, with respect to
11 an item or service, who received, pursuant to section
12 2799B-6, from a health care provider or health care facility
13 a good-faith estimate of the expected charges for furnishing
14 such item or service to such individual and who after being
15 furnished such item or service by such provider or facility
16 is billed by such provider or facility for such item or service
17 for charges that are substantially in excess of such estimate,
18 may seek a determination from a selected dispute resolution
19 entity for the charges to be paid by such individual (in lieu
20 of such amount so billed) to such provider or facility for
21 such item or service. For purposes of this subsection, the
22 term ‘uninsured individual’ means, with respect to an item
23 or service, an individual who does not have benefits for such
24 item or service under a group health plan, group or indi-
25 vidual health insurance coverage offered by a health insur-

1 *ance issuer, Federal health care program (as defined in sec-*
2 *tion 1128B(f) of the Social Security Act), or a health bene-*
3 *fits plan under chapter 89 of title 5, United States Code*
4 *(or an individual who has benefits for such item or service*
5 *under a group health plan or individual or group health*
6 *insurance coverage offered by a health insurance issuer, but*
7 *who does not seek to have a claim for such item or service*
8 *submitted to such plan or coverage).*

9 “(b) *SELECTION OF ENTITIES.*—*Under the patient-*
10 *provider dispute resolution process, the Secretary shall,*
11 *with respect to a determination sought by an individual*
12 *under subsection (a), with respect to charges to be paid by*
13 *such individual to a health care provider or health care fa-*
14 *cility described in such paragraph for an item or service*
15 *furnished to such individual by such provider or facility,*
16 *provide for—*

17 “(1) *a method to select to make such determina-*
18 *tion an entity certified under subsection (d) that—*

19 “(A) *is not a party to such determination*
20 *or an employee or agent of such party;*

21 “(B) *does not have a material familial, fi-*
22 *nancial, or professional relationship with such a*
23 *party; and*

1 “(C) does not otherwise have a conflict of
2 interest with such a party (as determined by the
3 Secretary); and

4 “(2) the provision of a notification of such selec-
5 tion to the individual and the provider or facility (as
6 applicable) party to such determination.

7 *An entity selected pursuant to the previous sentence to make*
8 *a determination described in such sentence shall be referred*
9 *to in this subsection as the ‘selected dispute resolution enti-*
10 *ty’ with respect to such determination.*

11 “(c) *ADMINISTRATIVE FEE.*—*The Secretary shall es-*
12 *tablish a fee to participate in the patient-provider dispute*
13 *resolution process in such a manner as to not create a bar-*
14 *rier to an uninsured individual’s access to such process.*

15 “(d) *CERTIFICATION.*—*The Secretary shall establish or*
16 *recognize a process to certify entities under this subpara-*
17 *graph. Such process shall ensure that an entity so certified*
18 *satisfies at least the criteria specified in section 2799A-*
19 *1(c).”.*

20 **SEC. 113. ENSURING CONTINUITY OF CARE.**

21 “(a) *PUBLIC HEALTH SERVICE ACT.*—*Title XXVII of*
22 *the Public Health Service Act (42 U.S.C. 300gg et seq.) is*
23 *amended, in the part D, as added and amended by section*
24 *102(a) and further amended by the previous provisions of*

1 *this title, by inserting after section 2799A–2 the following*
2 *new section:*

3 **“SEC. 2799A-3. CONTINUITY OF CARE.**

4 “(a) *ENSURING CONTINUITY OF CARE WITH RESPECT*
5 *TO TERMINATIONS OF CERTAIN CONTRACTUAL RELATION-*
6 *SHIPS RESULTING IN CHANGES IN PROVIDER NETWORK*
7 *STATUS.—*

8 “(1) *IN GENERAL.—In the case of an individual*
9 *with benefits under a group health plan or group or*
10 *individual health insurance coverage offered by a*
11 *health insurance issuer and with respect to a health*
12 *care provider or facility that has a contractual rela-*
13 *tionship with such plan or such issuer (as applicable)*
14 *for furnishing items and services under such plan or*
15 *such coverage, if, while such individual is a con-*
16 *tinuing care patient (as defined in subsection (b))*
17 *with respect to such provider or facility—*

18 “(A) *such contractual relationship is termi-*
19 *nated (as defined in subsection (b));*

20 “(B) *benefits provided under such plan or*
21 *such health insurance coverage with respect to*
22 *such provider or facility are terminated because*
23 *of a change in the terms of the participation of*
24 *such provider or facility in such plan or cov-*
25 *erage; or*

1 “(C) a contract between such group health
2 plan and a health insurance issuer offering
3 health insurance coverage in connection with
4 such plan is terminated, resulting in a loss of
5 benefits provided under such plan with respect to
6 such provider or facility;

7 *the plan or issuer, respectively, shall meet the require-*
8 *ments of paragraph (2) with respect to such indi-*
9 *vidual.*

10 “(2) *REQUIREMENTS.—The requirements of this*
11 *paragraph are that the plan or issuer—*

12 “(A) *notify each individual enrolled under*
13 *such plan or coverage who is a continuing care*
14 *patient with respect to a provider or facility at*
15 *the time of a termination described in paragraph*
16 *(1) affecting such provider or facility on a time-*
17 *ly basis of such termination and such individ-*
18 *ual’s right to elect continued transitional care*
19 *from such provider or facility under this section;*

20 “(B) *provide such individual with an op-*
21 *portunity to notify the plan or issuer of the indi-*
22 *vidual’s need for transitional care; and*

23 “(C) *permit the patient to elect to continue*
24 *to have benefits provided under such plan or*
25 *such coverage, under the same terms and condi-*

1 *tions as would have applied and with respect to*
2 *such items and services as would have been cov-*
3 *ered under such plan or coverage had such termi-*
4 *nation not occurred, with respect to the course of*
5 *treatment furnished by such provider or facility*
6 *relating to such individual's status as a con-*
7 *tinuing care patient during the period beginning*
8 *on the date on which the notice under subpara-*
9 *graph (A) is provided and ending on the earlier*
10 *of—*

11 *“(i) the 90-day period beginning on*
12 *such date; or*

13 *“(ii) the date on which such individual*
14 *is no longer a continuing care patient with*
15 *respect to such provider or facility.*

16 *“(b) DEFINITIONS.—In this section:*

17 *“(1) CONTINUING CARE PATIENT.—The term*
18 *‘continuing care patient’ means an individual who,*
19 *with respect to a provider or facility—*

20 *“(A) is undergoing a course of treatment for*
21 *a serious and complex condition from the pro-*
22 *vider or facility;*

23 *“(B) is undergoing a course of institutional*
24 *or inpatient care from the provider or facility;*

1 “(C) is scheduled to undergo nonelective
2 surgery from the provider, including receipt of
3 postoperative care from such provider or facility
4 with respect to such a surgery;

5 “(D) is pregnant and undergoing a course
6 of treatment for the pregnancy from the provider
7 or facility; or

8 “(E) is or was determined to be terminally
9 ill (as determined under section 1861(dd)(3)(A)
10 of the Social Security Act) and is receiving
11 treatment for such illness from such provider or
12 facility.

13 “(2) *SERIOUS AND COMPLEX CONDITION.*—The
14 term ‘serious and complex condition’ means, with re-
15 spect to a participant, beneficiary, or enrollee under
16 a group health plan or group or individual health in-
17 surance coverage—

18 “(A) in the case of an acute illness, a condi-
19 tion that is serious enough to require specialized
20 medical treatment to avoid the reasonable possi-
21 bility of death or permanent harm; or

22 “(B) in the case of a chronic illness or con-
23 dition, a condition that is—

24 “(i) is life-threatening, degenerative,
25 potentially disabling, or congenital; and

1 “(i) requires specialized medical care
2 over a prolonged period of time.

3 “(3) *TERMINATED*.—The term ‘terminated’ in-
4 cludes, with respect to a contract, the expiration or
5 nonrenewal of the contract, but does not include a ter-
6 mination of the contract for failure to meet applicable
7 quality standards or for fraud.”.

8 (b) *INTERNAL REVENUE CODE*.—

9 (1) *IN GENERAL*.—Subchapter B of chapter 100
10 of the Internal Revenue Code of 1986, as amended by
11 sections 102(c) and 105(a)(3), is further amended by
12 inserting after section 9817 the following new section:

13 **“SEC. 9818. CONTINUITY OF CARE.**

14 “(a) *ENSURING CONTINUITY OF CARE WITH RESPECT*
15 *TO TERMINATIONS OF CERTAIN CONTRACTUAL RELATION-*
16 *SHIPS RESULTING IN CHANGES IN PROVIDER NETWORK*
17 *STATUS*.—

18 “(1) *IN GENERAL*.—In the case of an individual
19 with benefits under a group health plan and with re-
20 spect to a health care provider or facility that has a
21 contractual relationship with such plan for furnishing
22 items and services under such plan, if, while such in-
23 dividual is a continuing care patient (as defined in
24 subsection (b)) with respect to such provider or facil-
25 ity—

1 “(A) such contractual relationship is termi-
2 nated (as defined in paragraph (b));

3 “(B) benefits provided under such plan with
4 respect to such provider or facility are termi-
5 nated because of a change in the terms of the
6 participation of such provider or facility in such
7 plan; or

8 “(C) a contract between such group health
9 plan and a health insurance issuer offering
10 health insurance coverage in connection with
11 such plan is terminated, resulting in a loss of
12 benefits provided under such plan with respect to
13 such provider or facility;

14 the plan shall meet the requirements of paragraph (2)
15 with respect to such individual.

16 “(2) REQUIREMENTS.—The requirements of this
17 paragraph are that the plan—

18 “(A) notify each individual enrolled under
19 such plan who is a continuing care patient with
20 respect to a provider or facility at the time of a
21 termination described in paragraph (1) affecting
22 such provider on a timely basis of such termi-
23 nation and such individual’s right to elect con-
24 tinued transitional care from such provider or
25 facility under this section;

1 “(B) provide such individual with an op-
2 portunity to notify the plan of the individual’s
3 need for transitional care; and

4 “(C) permit the patient to elect to continue
5 to have benefits provided under such plan, under
6 the same terms and conditions as would have ap-
7 plied and with respect to such items and services
8 as would have been covered under such plan had
9 such termination not occurred, with respect to
10 the course of treatment furnished by such pro-
11 vider or facility relating to such individual’s sta-
12 tus as a continuing care patient during the pe-
13 riod beginning on the date on which the notice
14 under subparagraph (A) is provided and ending
15 on the earlier of—

16 “(i) the 90-day period beginning on
17 such date; or

18 “(ii) the date on which such individual
19 is no longer a continuing care patient with
20 respect to such provider or facility.

21 “(b) DEFINITIONS.—In this section:

22 “(1) CONTINUING CARE PATIENT.—The term
23 ‘continuing care patient’ means an individual who,
24 with respect to a provider or facility—

1 “(A) is undergoing a course of treatment for
2 a serious and complex condition from the pro-
3 vider or facility;

4 “(B) is undergoing a course of institutional
5 or inpatient care from the provider or facility;

6 “(C) is scheduled to undergo nonelective
7 surgery from the provider or facility, including
8 receipt of postoperative care from such provider
9 or facility with respect to such a surgery;

10 “(D) is pregnant and undergoing a course
11 of treatment for the pregnancy from the provider
12 or facility; or

13 “(E) is or was determined to be terminally
14 ill (as determined under section 1861(dd)(3)(A)
15 of the Social Security Act) and is receiving
16 treatment for such illness from such provider or
17 facility.

18 “(2) *SERIOUS AND COMPLEX CONDITION.*—The
19 term ‘serious and complex condition’ means, with re-
20 spect to a participant or beneficiary under a group
21 health plan—

22 “(A) in the case of an acute illness, a condi-
23 tion that is serious enough to require specialized
24 medical treatment to avoid the reasonable possi-
25 bility of death or permanent harm; or

1 “(B) *in the case of a chronic illness or con-*
2 *dition, a condition that—*

3 “(i) *is life-threatening, degenerative,*
4 *potentially disabling, or congenital; and*

5 “(ii) *requires specialized medical care*
6 *over a prolonged period of time.*

7 “(3) *TERMINATED.—The term ‘terminated’ in-*
8 *cludes, with respect to a contract, the expiration or*
9 *nonrenewal of the contract, but does not include a ter-*
10 *mination of the contract for failure to meet applicable*
11 *quality standards or for fraud.”.*

12 (2) *CLERICAL AMENDMENT.—The table of sec-*
13 *tions for such subchapter, as amended by the previous*
14 *sections, is further amended by inserting after the*
15 *item relating to section 9817 the following new item:*

 “*Sec. 9818. Continuity of care.*”.

16 (c) *EMPLOYEE RETIREMENT INCOME SECURITY*
17 *ACT.—*

18 (1) *IN GENERAL.—Subpart B of part 7 of sub-*
19 *title B of title I of the Employee Retirement Income*
20 *Security Act of 1974 (29 U.S.C. 1185 et seq.), as*
21 *amended by section 102(c) and further amended by*
22 *the previous provisions of this title, is further amend-*
23 *ed by inserting after section 717 the following new*
24 *section:*

1 **“SEC. 718. CONTINUITY OF CARE.**

2 “(a) *ENSURING CONTINUITY OF CARE WITH RESPECT*
3 *TO TERMINATIONS OF CERTAIN CONTRACTUAL RELATION-*
4 *SHIPS RESULTING IN CHANGES IN PROVIDER NETWORK*
5 *STATUS.*—

6 “(1) *IN GENERAL.*—*In the case of an individual*
7 *with benefits under a group health plan or group*
8 *health insurance coverage offered by a health insur-*
9 *ance issuer and with respect to a health care provider*
10 *or facility that has a contractual relationship with*
11 *such plan or such issuer (as applicable) for furnishing*
12 *items and services under such plan or such coverage,*
13 *if, while such individual is a continuing care patient*
14 *(as defined in subsection (b)) with respect to such*
15 *provider or facility—*

16 “(A) *such contractual relationship is termi-*
17 *nated (as defined in paragraph (b));*

18 “(B) *benefits provided under such plan or*
19 *such health insurance coverage with respect to*
20 *such provider or facility are terminated because*
21 *of a change in the terms of the participation of*
22 *the provider or facility in such plan or coverage;*
23 *or*

24 “(C) *a contract between such group health*
25 *plan and a health insurance issuer offering*
26 *health insurance coverage in connection with*

1 *such plan is terminated, resulting in a loss of*
2 *benefits provided under such plan with respect to*
3 *such provider or facility;*

4 *the plan or issuer, respectively, shall meet the require-*
5 *ments of paragraph (2) with respect to such indi-*
6 *vidual.*

7 “(2) *REQUIREMENTS.*—*The requirements of this*
8 *paragraph are that the plan or issuer—*

9 “(A) *notify each individual enrolled under*
10 *such plan or coverage who is a continuing care*
11 *patient with respect to a provider or facility at*
12 *the time of a termination described in paragraph*
13 *(1) affecting such provider or facility on a time-*
14 *ly basis of such termination and such individ-*
15 *ual’s right to elect continued transitional care*
16 *from such provider or facility under this section;*

17 “(B) *provide such individual with an op-*
18 *portunity to notify the plan or issuer of the indi-*
19 *vidual’s need for transitional care; and*

20 “(C) *permit the patient to elect to continue*
21 *to have benefits provided under such plan or*
22 *such coverage, under the same terms and condi-*
23 *tions as would have applied and with respect to*
24 *such items and services as would have been cov-*
25 *ered under such plan or coverage had such termi-*

1 *nation not occurred, with respect to the course of*
2 *treatment furnished by such provider or facility*
3 *relating to such individual's status as a con-*
4 *tinuing care patient during the period beginning*
5 *on the date on which the notice under subpara-*
6 *graph (A) is provided and ending on the earlier*
7 *of—*

8 *“(i) the 90-day period beginning on*
9 *such date; or*

10 *“(ii) the date on which such individual*
11 *is no longer a continuing care patient with*
12 *respect to such provider or facility.*

13 *“(b) DEFINITIONS.—In this section:*

14 *“(1) CONTINUING CARE PATIENT.—The term*
15 *‘continuing care patient’ means an individual who,*
16 *with respect to a provider or facility—*

17 *“(A) is undergoing a course of treatment for*
18 *a serious and complex condition from the pro-*
19 *vider or facility;*

20 *“(B) is undergoing a course of institutional*
21 *or inpatient care from the provider or facility;*

22 *“(C) is scheduled to undergo nonelective*
23 *surgery from the provide or facility, including*
24 *receipt of postoperative care from such provider*
25 *or facility with respect to such a surgery;*

1 “(D) is pregnant and undergoing a course
2 of treatment for the pregnancy from the provider
3 or facility; or

4 “(E) is or was determined to be terminally
5 ill (as determined under section 1861(dd)(3)(A)
6 of the Social Security Act) and is receiving
7 treatment for such illness from such provider or
8 facility.

9 “(2) *SERIOUS AND COMPLEX CONDITION.*—The
10 term ‘serious and complex condition’ means, with re-
11 spect to a participant or beneficiary under a group
12 health plan or group health insurance coverage—

13 “(A) in the case of an acute illness, a condi-
14 tion that is serious enough to require specialized
15 medical treatment to avoid the reasonable possi-
16 bility of death or permanent harm; or

17 “(B) in the case of a chronic illness or con-
18 dition, a condition that—

19 “(i) is life-threatening, degenerative,
20 potentially disabling, or congenital; and

21 “(ii) requires specialized medical care
22 over a prolonged period of time.

23 “(3) *TERMINATED.*—The term ‘terminated’ in-
24 cludes, with respect to a contract, the expiration or
25 nonrenewal of the contract, but does not include a ter-

1 *mination of the contract for failure to meet applicable*
2 *quality standards or for fraud.”.*

3 (2) *CLERICAL AMENDMENT.—The table of con-*
4 *tents in section 1 of the Employee Retirement Income*
5 *Security Act of 1974 is amended by inserting after*
6 *the item relating to section 716 the following new*
7 *item:*

 “*Sec. 718. Continuity of care.*”.

8 (d) *PROVIDER REQUIREMENT.—Part E of title XXVII*
9 *of the Public Health Service Act (42 U.S.C. 300gg et seq.),*
10 *as added by section 104 and further amended by the pre-*
11 *vious provisions of this title, is further amended by adding*
12 *at the end the following new section:*

13 **“SEC. 2799B–8. CONTINUITY OF CARE.**

14 “*A health care provider or health care facility shall,*
15 *in the case of an individual furnished items and services*
16 *by such provider or facility for which coverage is provided*
17 *under a group health plan or group or individual health*
18 *insurance coverage pursuant to section 2799A–3, section*
19 *9818 of the Internal Revenue Code of 1986, or section 718*
20 *of the Employee Retirement Income Security Act of 1974—*

21 “*(1) accept payment from such plan or such*
22 *issuer (as applicable) (and cost-sharing from such in-*
23 *dividual, if applicable, in accordance with subsection*
24 *(a)(2)(C) of such section 2799A–3, 9818, or 718) for*

1 *such items and services as payment in full for such*
2 *items and services; and*

3 “(2) *continue to adhere to all policies, proce-*
4 *dures, and quality standards imposed by such plan or*
5 *issuer with respect to such individual and such items*
6 *and services in the same manner as if such termi-*
7 *nation had not occurred.”.*

8 *(e) EFFECTIVE DATE.—The amendments made by sub-*
9 *sections (a), (b), and (c) shall apply with respect to plan*
10 *years beginning on or after January 1, 2022.*

11 **SEC. 114. MAINTENANCE OF PRICE COMPARISON TOOL.**

12 *(a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of*
13 *the Public Health Service Act (42 U.S.C. 300gg et seq.) is*
14 *amended, in part D, as added and amended by section 102*
15 *and further amended by the previous provisions of this title,*
16 *by inserting after section 2799A–3 the following new sec-*
17 *tion:*

18 **“SEC. 2799A–4. MAINTENANCE OF PRICE COMPARISON**
19 **TOOL.**

20 *“A group health plan or a health insurance issuer of-*
21 *fering group or individual health insurance coverage shall*
22 *offer price comparison guidance by telephone and make*
23 *available on the Internet website of the plan or issuer a*
24 *price comparison tool that (to the extent practicable) allows*
25 *an individual enrolled under such plan or coverage, with*

1 *respect to such plan year, such geographic region, and par-*
2 *ticipating providers with respect to such plan or coverage,*
3 *to compare the amount of cost-sharing that the individual*
4 *would be responsible for paying under such plan or coverage*
5 *with respect to the furnishing of a specific item or service*
6 *by any such provider.”.*

7 (b) *INTERNAL REVENUE CODE.—*

8 (1) *IN GENERAL.—*Subchapter B of chapter 100
9 of the Internal Revenue Code of 1986, as amended by
10 sections 102, 105, and 113, is further amended by in-
11 serting after section 9818 the following new section:

12 **“SEC. 9819. MAINTENANCE OF PRICE COMPARISON TOOL.**

13 “A group health plan shall offer price comparison
14 guidance by telephone and make available on the Internet
15 website of the plan or issuer a price comparison tool that
16 (to the extent practicable) allows an individual enrolled
17 under such plan, with respect to such plan year, such geo-
18 graphic region, and participating providers with respect to
19 such plan or coverage, to compare the amount of cost-shar-
20 ing that the individual would be responsible for paying
21 under such plan with respect to the furnishing of a specific
22 item or service by any such provider.”.

23 (2) *CLERICAL AMENDMENT.—*The table of sec-
24 tions for such subchapter, as amended by the previous

1 sections, is further amended by inserting after the
2 item relating to section 9818 the following new item:

“Sec. 9819. Maintenance of price comparison tool.”.

3 (c) *EMPLOYEE RETIREMENT INCOME SECURITY*
4 *ACT.*—

5 (1) *IN GENERAL.*—Subpart B of part 7 of sub-
6 title B of title I of the *Employee Retirement Income*
7 *Security Act of 1974* (29 U.S.C. 1185 et seq.), as
8 amended by sections 102, 105, and 113, is further
9 amended by inserting after section 718 the following
10 new section:

11 **“SEC. 719. MAINTENANCE OF PRICE COMPARISON TOOL.**

12 “A group health plan or a health insurance issuer of-
13 fering group health insurance coverage shall offer price com-
14 parison guidance by telephone and make available on the
15 Internet website of the plan or issuer a price comparison
16 tool that (to the extent practicable) allows an individual
17 enrolled under such plan or coverage, with respect to such
18 plan year, such geographic region, and participating pro-
19 viders with respect to such plan or coverage, to compare
20 the amount of cost-sharing that the individual would be re-
21 sponsible for paying under such plan or coverage with re-
22 spect to the furnishing of a specific item or service by any
23 such provider.”.

24 (2) *CLERICAL AMENDMENT.*—The table of con-
25 tents in section 1 of the *Employee Retirement Income*

1 *Security Act of 1974, as amended by the previous*
2 *provisions of this title, is further amended by insert-*
3 *ing after the item relating to section 716 the following*
4 *new item:*

 “*Sec. 719. Maintenance of price comparison tool.*”

5 *(d) EFFECTIVE DATE.—The amendments made by this*
6 *section shall apply with respect to plan years beginning on*
7 *or after January 1, 2022.*

8 **SEC. 115. STATE ALL PAYER CLAIMS DATABASES.**

9 *(a) GRANTS TO STATES.—Part B of title III of the*
10 *Public Health Service Act (42 U.S.C. 243 et seq.) is amend-*
11 *ed by adding at the end the following:*

12 **“SEC. 320B. STATE ALL PAYER CLAIMS DATABASES.**

13 *“(a) IN GENERAL.—The Secretary shall make one-time*
14 *grants to eligible States for the purposes described in sub-*
15 *section (b).*

16 *“(b) USES.—A State may use a grant received under*
17 *subsection (a) for one of the following purposes:*

18 *“(1) To establish a State All Payer Claims*
19 *Database.*

20 *“(2) To improve an existing State All Payer*
21 *Claims Databases.*

22 *“(c) ELIGIBILITY.—To be eligible to receive a grant*
23 *under subsection (a), a State shall submit to the Secretary*
24 *an application at such time, in such manner, and con-*
25 *taining such information as the Secretary specifies, includ-*

1 *ing, with respect to a State All Payer Claims Database,*
2 *at least specifics on how the State will ensure uniform data*
3 *collection and the privacy and security of such data.*

4 “(d) *GRANT PERIOD AND AMOUNT.*—*Grants awarded*
5 *under this section shall be for a period of 3-years, and in*
6 *an amount of \$2,500,000, of which \$1,000,000 shall be made*
7 *available to the State for each of the first 2 years of the*
8 *grant period, and \$500,000 shall be made available to the*
9 *State for the third year of the grant period.*

10 “(e) *AUTHORIZED USERS.*—

11 “(1) *APPLICATION.*—*An entity desiring author-*
12 *ization for access to a State All Payer Claims Data-*
13 *base that has received a grant under this section shall*
14 *submit to the State All Payer Claims Database an*
15 *application for such access, which shall include—*

16 “(A) *in the case of an entity requesting ac-*
17 *cess for research purposes—*

18 “(i) *a description of the uses and meth-*
19 *odologies for evaluating health system per-*
20 *formance using such data; and*

21 “(ii) *documentation of approval of the*
22 *research by an institutional review board, if*
23 *applicable for a particular plan of research;*
24 *or*

1 “(B) *in the case of an entity such as an em-*
2 *ployer, health insurance issuer, third-party ad-*
3 *ministrator, or health care provider, requesting*
4 *access for the purpose of quality improvement or*
5 *cost-containment, a description of the intended*
6 *uses for such data.*

7 “(2) *REQUIREMENTS.—*

8 “(A) *ACCESS FOR RESEARCH PURPOSES.—*
9 *Upon approval of an application for research*
10 *purposes under paragraph (1)(A), the authorized*
11 *user shall enter into a data use and confiden-*
12 *tiality agreement with the State All Payer*
13 *Claims Database that has received a grant under*
14 *this subsection, which shall include a prohibition*
15 *on attempts to reidentify and disclose individ-*
16 *ually identifiable health information and propri-*
17 *etary financial information.*

18 “(B) *CUSTOMIZED REPORTS.—Employers*
19 *and employer organizations may request cus-*
20 *tomized reports from a State All Payer Claims*
21 *Database that has received a grant under this*
22 *section, at cost, subject to the requirements of*
23 *this section with respect to privacy, security, and*
24 *proprietary financial information.*

1 “(C) *NON-CUSTOMIZED REPORTS.*—*A State*
2 *All Payer Claims Database that has received a*
3 *grant under this section shall make available to*
4 *all authorized users aggregate data sets available*
5 *through the State All Payer Claims Database,*
6 *free of charge.*

7 “(3) *WAIVERS.*—*The Secretary may waive the*
8 *requirements of this subsection of a State All Payer*
9 *Claims Database to provide access of entities to such*
10 *database if such State All Payer Claims Database is*
11 *substantially in compliance with this subsection.*

12 “(f) *EXPANDED ACCESS.*—

13 “(1) *MULTI-STATE APPLICATIONS.*—*The Sec-*
14 *retary may prioritize applications submitted by a*
15 *State whose application demonstrates that the State*
16 *will work with other State All Payer Claims Data-*
17 *bases to establish a single application for access to*
18 *data by authorized users across multiple States.*

19 “(2) *EXPANSION OF DATA SETS.*—*The Secretary*
20 *may prioritize applications submitted by a State*
21 *whose application demonstrates that the State will*
22 *implement the reporting format for self-insured group*
23 *health plans described in section 735 of the Employee*
24 *Retirement Income Security Act of 1974.*

25 “(g) *DEFINITIONS.*—*In this section—*

1 “(1) the term ‘individually identifiable health
2 information’ has the meaning given such term in sec-
3 tion 1171(6) of the Social Security Act;

4 “(2) the term ‘proprietary financial information’
5 means data that would disclose the terms of a specific
6 contract between an individual health care provider
7 or facility and a specific group health plan, managed
8 care entity (as defined in section 1932(a)(1)(B) of the
9 Social Security Act) or other managed care organiza-
10 tion, or health insurance issuer offering group or in-
11 dividual health insurance coverage; and

12 “(3) the term ‘State All Payer Claims Database’
13 means, with respect to a State, a database that may
14 include medical claims, pharmacy claims, dental
15 claims, and eligibility and provider files, which are
16 collected from private and public payers.

17 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—To carry
18 out this section, there is authorized to be appropriated
19 \$50,000,000 for each of fiscal years 2022 and 2023, and
20 \$25,000,000 for fiscal year 2024, to remain available until
21 expended.”.

22 **(b) STANDARDIZED REPORTING FORMAT.**—

23 Subpart C of part 7 of subtitle B of title I of the
24 *Employee Retirement Income Security Act of 1974*

1 (29 U.S.C. 1191 et seq.) is amended by adding at the
2 end the following:

3 **“SEC. 735. STANDARDIZED REPORTING FORMAT.**

4 “(a) *IN GENERAL.*—Not later than 1 year after the
5 date of enactment of this section, the Secretary shall estab-
6 lish (and periodically update) a standardized reporting for-
7 mat for the voluntary reporting, by group health plans to
8 State All Payer Claims Databases, of medical claims, phar-
9 macy claims, dental claims, and eligibility and provider
10 files that are collected from private and public payers, and
11 shall provide guidance to States on the process by which
12 States may collect such data from such plans in the stand-
13 ardized reporting format.

14 “(b) *CONSULTATION.*—

15 “(1) *ADVISORY COMMITTEE.*—Not later than 90
16 days after the date of enactment of this section, the
17 Secretary shall convene an Advisory Committee (re-
18 ferred to in this section as the ‘Committee’), con-
19 sisting of 15 members to advise the Secretary regard-
20 ing the format and guidance described in paragraph
21 (1).

22 “(2) *MEMBERSHIP.*—

23 “(A) *APPOINTMENT.*—In accordance with
24 subparagraph (B), not later than 90 days after
25 the date of enactment this section, the Secretary,

1 *in coordination with the Secretary of Health and*
2 *Human Services, shall appoint under subpara-*
3 *graph (B)(iii), and the Comptroller General of*
4 *the United States shall appoint under subpara-*
5 *graph (B)(iv), members who have distinguished*
6 *themselves in the fields of health services re-*
7 *search, health economics, health informatics,*
8 *data privacy and security, or the governance of*
9 *State All Payer Claims Databases, or who rep-*
10 *resent organizations likely to submit data to or*
11 *use the database, including patients, employers,*
12 *or employee organizations that sponsor group*
13 *health plans, health care providers, health insur-*
14 *ance issuers, or third-party administrators of*
15 *group health plans. Such members shall serve 3-*
16 *year terms on a staggered basis. Vacancies on the*
17 *Committee shall be filled by appointment con-*
18 *sistent with this paragraph not later than 3*
19 *months after the vacancy arises.*

20 “(B) COMPOSITION.—*The Committee shall*
21 *be comprised of—*

22 “(i) *the Assistant Secretary of Em-*
23 *ployee Benefits and Security Administra-*
24 *tion of the Department of Labor, or a des-*
25 *ignee of such Assistant Secretary;*

1 “(ii) *the Assistant Secretary for Plan-*
2 *ning and Evaluation of the Department of*
3 *Health and Human Services, or a designee*
4 *of such Assistant Secretary;*

5 “(iii) *members appointed by the Sec-*
6 *retary, in coordination with the Secretary*
7 *of Health and Human Services, includ-*
8 *ing—*

9 “(I) *1 member to serve as the*
10 *chair of the Committee;*

11 “(II) *1 representative of the Cen-*
12 *ters for Medicare & Medicaid Services;*

13 “(III) *1 representative of the*
14 *Agency for Healthcare Research and*
15 *Quality;*

16 “(IV) *1 representative of the Of-*
17 *fice for Civil Rights of the Department*
18 *of Health and Human Services with*
19 *expertise in data privacy and security;*

20 “(V) *1 representative of the Na-*
21 *tional Center for Health Statistics;*

22 “(VI) *1 representative of the Of-*
23 *fice of the National Coordinator for*
24 *Health Information Technology; and*

1 “(VII) 1 representative of a State
2 *All-Payer Claims Database;*

3 “(iv) members appointed by the Comp-
4 troller General of the United States, includ-
5 ing—

6 “(I) 1 representative of an em-
7 ployer that sponsors a group health
8 plan;

9 “(II) 1 representative of an em-
10 ployee organization that sponsors a
11 group health plan;

12 “(III) 1 academic researcher with
13 expertise in health economics or health
14 services research;

15 “(IV) 1 consumer advocate; and

16 “(V) 2 additional members.

17 “(3) *REPORT.*—Not later than 180 days after the
18 date of enactment of this section, the Committee shall
19 report to the Secretary, the Committee on Health,
20 Education, Labor, and Pensions of the Senate, and
21 the Committee on Energy and Commerce and the
22 Committee on Education and Labor of the House of
23 Representatives. Such report shall include rec-
24 ommendations on the establishment of the format and
25 guidance described in subsection (a).

1 “(c) *STATE ALL PAYER CLAIMS DATABASE.*—*In this*
2 *section, the term ‘State All Payer Claims Database’ means,*
3 *with respect to a State, a database that may include med-*
4 *ical claims, pharmacy claims, dental claims, and eligibility*
5 *and provider files, which are collected from private and*
6 *public payers.*

7 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*
8 *out this section, there are authorized to be appropriated*
9 *\$5,000,000 for fiscal year 2021, to remain available until*
10 *expended or, if sooner, until the date described in subsection*
11 *(e).*

12 “(e) *SUNSET.*—*Beginning on the date on which the re-*
13 *port is submitted under subsection (b)(3), subsection (b)*
14 *shall have no force or effect.”.*

15 **SEC. 116. PROTECTING PATIENTS AND IMPROVING THE AC-**
16 **CURACY OF PROVIDER DIRECTORY INFORMA-**
17 **TION.**

18 “(a) *PHSA.*—*Part D of title XXVII of the Public*
19 *Health Service Act (42 U.S.C. 300gg et seq.), as added and*
20 *amended by section 102 and further amended by the pre-*
21 *vious provisions of this title, is further amended by insert-*
22 *ing after section 2799A–4 the following:*

1 **“SEC. 2799A-5. PROTECTING PATIENTS AND IMPROVING**
2 **THE ACCURACY OF PROVIDER DIRECTORY IN-**
3 **FORMATION.**

4 *“(a) PROVIDER DIRECTORY INFORMATION REQUIRE-*
5 *MENTS.—*

6 *“(1) IN GENERAL.—For plan years beginning on*
7 *or after January 1, 2022, each group health plan and*
8 *health insurance issuer offering group or individual*
9 *health insurance coverage shall—*

10 *“(A) establish the verification process de-*
11 *scribed in paragraph (2);*

12 *“(B) establish the response protocol de-*
13 *scribed in paragraph (3);*

14 *“(C) establish the database described in*
15 *paragraph (4); and*

16 *“(D) include in any directory (other than*
17 *the database described in subparagraph (C)) con-*
18 *taining provider directory information with re-*
19 *spect to such plan or such coverage the informa-*
20 *tion described in paragraph (5).*

21 *“(2) VERIFICATION PROCESS.—The verification*
22 *process described in this paragraph is, with respect to*
23 *a group health plan or a health insurance issuer of-*
24 *fering group or individual health insurance coverage,*
25 *a process—*

1 “(A) under which, not less frequently than
2 once every 90 days, such plan or such issuer (as
3 applicable) verifies and updates the provider di-
4 rectory information included on the database de-
5 scribed in paragraph (4) of such plan or issuer
6 of each health care provider and health care fa-
7 cility included in such database;

8 “(B) that establishes a procedure for the re-
9 moval of such a provider or facility with respect
10 to which such plan or issuer has been unable to
11 verify such information during a period speci-
12 fied by the plan or issuer; and

13 “(C) that provides for the update of such
14 database within 2 business days of such plan or
15 issuer receiving from such a provider or facility
16 information pursuant to section 2799B-9.

17 “(3) *RESPONSE PROTOCOL.*—The response pro-
18 tocol described in this paragraph is, in the case of an
19 individual enrolled under a group health plan or
20 group or individual health insurance coverage offered
21 by a health insurance issuer who requests information
22 through a telephone call or electronic, web-based, or
23 Internet-based means on whether a health care pro-
24 vider or health care facility has a contractual rela-
25 tionship to furnish items and services under such

1 *plan or such coverage, a protocol under which such*
2 *plan or such issuer (as applicable), in the case such*
3 *request is made through a telephone call—*

4 *“(A) responds to such individual as soon as*
5 *practicable and in no case later than 1 business*
6 *day after such call is received, through a written*
7 *electronic or print (as requested by such indi-*
8 *vidual) communication; and*

9 *“(B) retains such communication in such*
10 *individual’s file for at least 2 years following*
11 *such response.*

12 *“(4) DATABASE.—The database described in this*
13 *paragraph is, with respect to a group health plan or*
14 *health insurance issuer offering group or individual*
15 *health insurance coverage, a database on the public*
16 *website of such plan or issuer that contains—*

17 *“(A) a list of each health care provider and*
18 *health care facility with which such plan or such*
19 *issuer has a direct or indirect contractual rela-*
20 *tionship for furnishing items and services under*
21 *such plan or such coverage; and*

22 *“(B) provider directory information with*
23 *respect to each such provider and facility.*

24 *“(5) INFORMATION.—The information described*
25 *in this paragraph is, with respect to a print directory*

1 *containing provider directory information with re-*
2 *spect to a group health plan or individual or group*
3 *health insurance coverage offered by a health insur-*
4 *ance issuer, a notification that such information con-*
5 *tained in such directory was accurate as of the date*
6 *of publication of such directory and that an indi-*
7 *vidual enrolled under such plan or such coverage*
8 *should consult the database described in paragraph*
9 *(4) with respect to such plan or such coverage or con-*
10 *tact such plan or the issuer of such coverage to obtain*
11 *the most current provider directory information with*
12 *respect to such plan or such coverage.*

13 “(6) *DEFINITION.*—*For purposes of this sub-*
14 *section, the term ‘provider directory information’ in-*
15 *cludes, with respect to a group health plan and a*
16 *health insurance issuer offering group or individual*
17 *health insurance coverage, the name, address, spe-*
18 *cialty, telephone number, and digital contact infor-*
19 *mation of each health care provider or health care fa-*
20 *cility with which such plan or such issuer has a con-*
21 *tractual relationship for furnishing items and services*
22 *under such plan or such coverage.*

23 “(7) *RULE OF CONSTRUCTION.*—*Nothing in this*
24 *section shall be construed to preempt any provision of*
25 *State law relating to health care provider directories.*

1 “(b) *COST-SHARING FOR SERVICES PROVIDED BASED*
2 *ON RELIANCE ON INCORRECT PROVIDER NETWORK INFOR-*
3 *MATION.*—

4 “(1) *IN GENERAL.*—*For plan years beginning on*
5 *or after January 1, 2022, in the case of an item or*
6 *service furnished to a participant, beneficiary, or en-*
7 *rollee of a group health plan or group or individual*
8 *health insurance coverage offered by a health insur-*
9 *ance issuer by a nonparticipating provider or a non-*
10 *participating facility, if such item or service would*
11 *otherwise be covered under such plan or coverage if*
12 *furnished by a participating provider or partici-*
13 *pating facility and if either of the criteria described*
14 *in paragraph (2) applies with respect to such partici-*
15 *phant, beneficiary, or enrollee and item or service, the*
16 *plan or coverage—*

17 “(A) *shall not impose on such participant,*
18 *beneficiary, or enrollee a cost-sharing amount for*
19 *such item or service so furnished that is greater*
20 *than the cost-sharing amount that would apply*
21 *under such plan or coverage had such item or*
22 *service been furnished by a participating pro-*
23 *vider; and*

24 “(B) *shall apply the deductible or out-of-*
25 *pocket maximum, if any, that would apply if*

1 *such services were furnished by a participating*
2 *provider or a participating facility.*

3 “(2) *CRITERIA DESCRIBED.—For purposes of*
4 *paragraph (1), the criteria described in this para-*
5 *graph, with respect to an item or service furnished to*
6 *a participant, beneficiary, or enrollee of a group*
7 *health plan or group or individual health insurance*
8 *coverage offered by a health insurance issuer by a*
9 *nonparticipating provider or a nonparticipating fa-*
10 *cility, are the following:*

11 “(A) *The participant, beneficiary, or en-*
12 *rollee received through a database, provider di-*
13 *rectory, or response protocol described in sub-*
14 *section (a) information with respect to such item*
15 *and service to be furnished and such information*
16 *provided that the provider was a participating*
17 *provider or facility was a participating facility,*
18 *with respect to the plan for furnishing such item*
19 *or service.*

20 “(B) *The information was not provided, in*
21 *accordance with subsection (a), to the partici-*
22 *pant, beneficiary, or enrollee and the partici-*
23 *pant, beneficiary, or enrollee requested through*
24 *the response protocol described in subsection*
25 *(a)(3) of the plan or coverage information on*

1 *whether the provider was a participating pro-*
2 *vider or facility was a participating facility*
3 *with respect to the plan for furnishing such item*
4 *or service and was informed through such pro-*
5 *ocol that the provider was such a participating*
6 *provider or facility was such a participating fa-*
7 *cility.*

8 “(c) *DISCLOSURE ON PATIENT PROTECTIONS AGAINST*
9 *BALANCE BILLING.—For plan years beginning on or after*
10 *January 1, 2022, each group health plan and health insur-*
11 *ance issuer offering group or individual health insurance*
12 *coverage shall make publicly available, post on a public*
13 *website of such plan or issuer, and include on each expla-*
14 *nation of benefits for an item or service with respect to*
15 *which the requirements under section 2799A–1 applies—*

16 “(1) *information in plain language on—*

17 “(A) *the requirements and prohibitions ap-*
18 *plied under sections 2799B–1 and 2799B–2 (re-*
19 *lating to prohibitions on balance billing in cer-*
20 *tain circumstances);*

21 “(B) *if provided for under applicable State*
22 *law, any other requirements on providers and fa-*
23 *cilities regarding the amounts such providers*
24 *and facilities may, with respect to an item or*
25 *service, charge a participant, beneficiary, or en-*

1 “(1) *IN GENERAL.*—*For plan years beginning on*
2 *or after January 1, 2022, each group health plan and*
3 *health insurance issuer offering group health insur-*
4 *ance coverage shall—*

5 “(A) *establish the verification process de-*
6 *scribed in paragraph (2);*

7 “(B) *establish the response protocol de-*
8 *scribed in paragraph (3);*

9 “(C) *establish the database described in*
10 *paragraph (4); and*

11 “(D) *include in any directory (other than*
12 *the database described in subparagraph (C)) con-*
13 *taining provider directory information with re-*
14 *spect to such plan or such coverage the informa-*
15 *tion described in paragraph (5).*

16 “(2) *VERIFICATION PROCESS.*—*The verification*
17 *process described in this paragraph is, with respect to*
18 *a group health plan or a health insurance issuer of-*
19 *fering group health insurance coverage, a process—*

20 “(A) *under which, not less frequently than*
21 *once every 90 days, such plan or such issuer (as*
22 *applicable) verifies and updates the provider di-*
23 *rectory information included on the database de-*
24 *scribed in paragraph (4) of such plan or issuer*

1 of each health care provider and health care fa-
2 cility included in such database;

3 “(B) that establishes a procedure for the re-
4 moval of such a provider or facility with respect
5 to which such plan or issuer has been unable to
6 verify such information during a period speci-
7 fied by the plan or issuer; and

8 “(C) that provides for the update of such
9 database within 2 business days of such plan or
10 issuer receiving from such a provider or facility
11 information pursuant to section 2799B–9 of the
12 Public Health Service Act.

13 “(3) *RESPONSE PROTOCOL.*—The response pro-
14 tocol described in this paragraph is, in the case of an
15 individual enrolled under a group health plan or
16 group health insurance coverage offered by a health
17 insurance issuer who requests information through a
18 telephone call or electronic, web-based, or Internet-
19 based means on whether a health care provider or
20 health care facility has a contractual relationship to
21 furnish items and services under such plan or such
22 coverage, a protocol under which such plan or such
23 issuer (as applicable), in the case such request is
24 made through a telephone call—

1 “(A) responds to such individual as soon as
2 practicable and in no case later than 1 business
3 day after such call is received, through a written
4 electronic or print (as requested by such indi-
5 vidual) communication; and

6 “(B) retains such communication in such
7 individual’s file for at least 2 years following
8 such response.

9 “(4) DATABASE.—The database described in this
10 paragraph is, with respect to a group health plan or
11 health insurance issuer offering group health insur-
12 ance coverage, a database on the public website of
13 such plan or issuer that contains—

14 “(A) a list of each health care provider and
15 health care facility with which such plan or such
16 issuer has a direct or indirect contractual rela-
17 tionship for furnishing items and services under
18 such plan or such coverage; and

19 “(B) provider directory information with
20 respect to each such provider and facility.

21 “(5) INFORMATION.—The information described
22 in this paragraph is, with respect to a print directory
23 containing provider directory information with re-
24 spect to a group health plan or group health insur-
25 ance coverage offered by a health insurance issuer, a

1 *notification that such information contained in such*
2 *directory was accurate as of the date of publication*
3 *of such directory and that an individual enrolled*
4 *under such plan or such coverage should consult the*
5 *database described in paragraph (4) with respect to*
6 *such plan or such coverage or contact such plan or the*
7 *issuer of such coverage to obtain the most current pro-*
8 *vider directory information with respect to such plan*
9 *or such coverage.*

10 “(6) *DEFINITION.*—*For purposes of this sub-*
11 *section, the term ‘provider directory information’ in-*
12 *cludes, with respect to a group health plan and a*
13 *health insurance issuer offering group health insur-*
14 *ance coverage, the name, address, specialty, telephone*
15 *number, and digital contact information of each*
16 *health care provider or health care facility with which*
17 *such plan or such issuer has a contractual relation-*
18 *ship for furnishing items and services under such*
19 *plan or such coverage.*

20 “(7) *RULE OF CONSTRUCTION.*—*Nothing in this*
21 *section shall be construed to preempt any provision of*
22 *State law relating to health care provider directories,*
23 *to the extent such State law applies to such plan, cov-*
24 *erage, or issuer, subject to section 514.*

1 “(b) *COST-SHARING FOR SERVICES PROVIDED BASED*
2 *ON RELIANCE ON INCORRECT PROVIDER NETWORK INFOR-*
3 *MATION.*—

4 “(1) *IN GENERAL.*—*For plan years beginning on*
5 *or after January 1, 2022, in the case of an item or*
6 *service furnished to a participant or beneficiary of a*
7 *group health plan or group health insurance coverage*
8 *offered by a health insurance issuer by a nonparticipating*
9 *provider or a nonparticipating facility, if*
10 *such item or service would otherwise be covered under*
11 *such plan or coverage if furnished by a participating*
12 *provider or participating facility and if either of the*
13 *criteria described in paragraph (2) applies with re-*
14 *spect to such participant or beneficiary and item or*
15 *service, the plan or coverage—*

16 “(A) *shall not impose on such participant*
17 *or beneficiary a cost-sharing amount for such*
18 *item or service so furnished that is greater than*
19 *the cost-sharing amount that would apply under*
20 *such plan or coverage had such item or service*
21 *been furnished by a participating provider; and*

22 “(B) *shall apply the deductible or out-of-*
23 *pocket maximum, if any, that would apply if*
24 *such services were furnished by a participating*
25 *provider or a participating facility.*

1 “(2) *CRITERIA DESCRIBED.*—*For purposes of*
2 *paragraph (1), the criteria described in this para-*
3 *graph, with respect to an item or service furnished to*
4 *a participant or beneficiary of a group health plan*
5 *or group health insurance coverage offered by a health*
6 *insurance issuer by a nonparticipating provider or a*
7 *nonparticipating facility, are the following:*

8 “(A) *The participant or beneficiary received*
9 *through a database, provider directory, or re-*
10 *sponse protocol described in subsection (a) infor-*
11 *mation with respect to such item and service to*
12 *be furnished and such information provided that*
13 *the provider was a participating provider or fa-*
14 *ility was a participating facility, with respect*
15 *to the plan for furnishing such item or service.*

16 “(B) *The information was not provided, in*
17 *accordance with subsection (a), to the partici-*
18 *pant or beneficiary and the participant or bene-*
19 *ficiary requested through the response protocol*
20 *described in subsection (a)(3) of the plan or cov-*
21 *erage information on whether the provider was a*
22 *participating provider or facility was a partici-*
23 *pating facility with respect to the plan for fur-*
24 *nishing such item or service and was informed*
25 *through such protocol that the provider was such*

1 *a participating provider or facility was such a*
2 *participating facility.*

3 “(c) *DISCLOSURE ON PATIENT PROTECTIONS AGAINST*
4 *BALANCE BILLING.*—*For plan years beginning on or after*
5 *January 1, 2022, each group health plan and health insur-*
6 *ance issuer offering group health insurance coverage shall*
7 *make publicly available, post on a public website of such*
8 *plan or issuer, and include on each explanation of benefits*
9 *for an item or service with respect to which the require-*
10 *ments under section 716 applies—*

11 “(1) *information in plain language on—*

12 “(A) *the requirements and prohibitions ap-*
13 *plied under sections 2799B–1 and 2799B–2 of*
14 *the Public Health Service Act (relating to prohi-*
15 *bitions on balance billing in certain cir-*
16 *cumstances);*

17 “(B) *if provided for under applicable State*
18 *law, any other requirements on providers and fa-*
19 *ilities regarding the amounts such providers*
20 *and facilities may, with respect to an item or*
21 *service, charge a participant or beneficiary of*
22 *such plan or coverage with respect to which such*
23 *a provider or facility does not have a contractual*
24 *relationship for furnishing such item or service*
25 *under the plan or coverage after receiving pay-*

1 *ment from the plan or coverage for such item or*
2 *service and any applicable cost sharing payment*
3 *from such participant or beneficiary; and*

4 “(C) *the requirements applied under section*
5 *716; and*

6 “(2) *information on contacting appropriate*
7 *State and Federal agencies in the case that an indi-*
8 *vidual believes that such a provider or facility has*
9 *violated any requirement described in paragraph (1)*
10 *with respect to such individual.”.*

11 *(c) IRC.—Subchapter B of chapter 100 of the Internal*
12 *Revenue Code of 1986, as amended by sections 102, 105,*
13 *113, and 114, is further amended by inserting after section*
14 *9819 the following:*

15 **“SEC. 9820. PROTECTING PATIENTS AND IMPROVING THE**
16 **ACCURACY OF PROVIDER DIRECTORY INFOR-**
17 **MATION.**

18 “(a) *PROVIDER DIRECTORY INFORMATION REQUIRE-*
19 *MENTS.—*

20 “(1) *IN GENERAL.—For plan years beginning on*
21 *or after January 1, 2022, each group health plan*
22 *shall—*

23 “(A) *establish the verification process de-*
24 *scribed in paragraph (2);*

1 “(B) establish the response protocol de-
2 scribed in paragraph (3);

3 “(C) establish the database described in
4 paragraph (4); and

5 “(D) include in any directory (other than
6 the database described in subparagraph (C)) con-
7 taining provider directory information with re-
8 spect to such plan the information described in
9 paragraph (5).

10 “(2) VERIFICATION PROCESS.—The verification
11 process described in this paragraph is, with respect to
12 a group health plan, a process—

13 “(A) under which, not less frequently than
14 once every 90 days, such plan verifies and up-
15 dates the provider directory information in-
16 cluded on the database described in paragraph
17 (4) of such plan or issuer of each health care
18 provider and health care facility included in
19 such database;

20 “(B) that establishes a procedure for the re-
21 moval of such a provider or facility with respect
22 to which such plan or issuer has been unable to
23 verify such information during a period speci-
24 fied by the plan or issuer; and

1 “(C) that provides for the update of such
2 database within 2 business days of such plan or
3 issuer receiving from such a provider or facility
4 information pursuant to section 2799B–9 of the
5 Public Health Service Act.

6 “(3) *RESPONSE PROTOCOL.*—The response pro-
7 tocol described in this paragraph is, in the case of an
8 individual enrolled under a group health plan who
9 requests information through a telephone call or elec-
10 tronic, web-based, or Internet-based means on whether
11 a health care provider or health care facility has a
12 contractual relationship to furnish items and services
13 under such plan, a protocol under which such plan or
14 such issuer (as applicable), in the case such request
15 is made through a telephone call—

16 “(A) responds to such individual as soon as
17 practicable and in no case later than 1 business
18 day after such call is received, through a written
19 electronic or print (as requested by such indi-
20 vidual) communication; and

21 “(B) retains such communication in such
22 individual’s file for at least 2 years following
23 such response.

24 “(4) *DATABASE.*—The database described in this
25 paragraph is, with respect to a group health plan, a

1 *database on the public website of such plan or issuer*
2 *that contains—*

3 *“(A) a list of each health care provider and*
4 *health care facility with which such plan or such*
5 *issuer has a direct or indirect contractual rela-*
6 *tionship for furnishing items and services under*
7 *such plan; and*

8 *“(B) provider directory information with*
9 *respect to each such provider and facility.*

10 *“(5) INFORMATION.—The information described*
11 *in this paragraph is, with respect to a print directory*
12 *containing provider directory information with re-*
13 *spect to a group health plan, a notification that such*
14 *information contained in such directory was accurate*
15 *as of the date of publication of such directory and*
16 *that an individual enrolled under such plan should*
17 *consult the database described in paragraph (4) with*
18 *respect to such plan or contact such plan to obtain*
19 *the most current provider directory information with*
20 *respect to such plan.*

21 *“(6) DEFINITION.—For purposes of this sub-*
22 *section, the term ‘provider directory information’ in-*
23 *cludes, with respect to a group health plan, the name,*
24 *address, specialty, telephone number, and digital con-*
25 *tact information of each health care provider or*

1 *health care facility with which such plan has a con-*
2 *tractual relationship for furnishing items and services*
3 *under such plan.*

4 “(7) *RULE OF CONSTRUCTION.*—*Nothing in this*
5 *section shall be construed to preempt any provision of*
6 *State law relating to health care provider directories.*

7 “(b) *COST-SHARING FOR SERVICES PROVIDED BASED*
8 *ON RELIANCE ON INCORRECT PROVIDER NETWORK INFOR-*
9 *MATION.*—

10 “(1) *IN GENERAL.*—*For plan years beginning on*
11 *or after January 1, 2022, in the case of an item or*
12 *service furnished to a participant or beneficiary of a*
13 *group health plan by a nonparticipating provider or*
14 *a nonparticipating facility, if such item or service*
15 *would otherwise be covered under such plan if fur-*
16 *nished by a participating provider or participating*
17 *facility and if either of the criteria described in para-*
18 *graph (2) applies with respect to such participant or*
19 *beneficiary and item or service, the plan—*

20 “(A) *shall not impose on such participant*
21 *or beneficiary a cost-sharing amount for such*
22 *item or service so furnished that is greater than*
23 *the cost-sharing amount that would apply under*
24 *such plan had such item or service been fur-*
25 *nished by a participating provider; and*

1 “(B) shall apply the deductible or out-of-
2 pocket maximum, if any, that would apply if
3 such services were furnished by a participating
4 provider or a participating facility.

5 “(2) *CRITERIA DESCRIBED.*—For purposes of
6 paragraph (1), the criteria described in this para-
7 graph, with respect to an item or service furnished to
8 a participant or beneficiary of a group health plan
9 by a nonparticipating provider or a nonparticipating
10 facility, are the following:

11 “(A) The participant or beneficiary received
12 through a database, provider directory, or re-
13 sponse protocol described in subsection (a) infor-
14 mation with respect to such item and service to
15 be furnished and such information provided that
16 the provider was a participating provider or fa-
17 cility was a participating facility, with respect
18 to the plan for furnishing such item or service.

19 “(B) The information was not provided, in
20 accordance with subsection (a), to the partici-
21 pant or beneficiary and the participant or bene-
22 ficiary requested through the response protocol
23 described in subsection (a)(3) of the plan infor-
24 mation on whether the provider was a partici-
25 pating provider or facility was a participating

1 *facility with respect to the plan for furnishing*
2 *such item or service and was informed through*
3 *such protocol that the provider was such a par-*
4 *ticipating provider or facility was such a par-*
5 *ticipating facility.*

6 “(c) *DISCLOSURE ON PATIENT PROTECTIONS AGAINST*
7 *BALANCE BILLING.*—*For plan years beginning on or after*
8 *January 1, 2022, each group health plan shall make pub-*
9 *licly available, post on a public website of such plan or*
10 *issuer, and include on each explanation of benefits for an*
11 *item or service with respect to which the requirements under*
12 *section 9816 applies—*

13 “(1) *information in plain language on—*

14 “(A) *the requirements and prohibitions ap-*
15 *plied under sections 2799B–1 and 2799B–2 of*
16 *the Public Health Service Act (relating to prohi-*
17 *bitions on balance billing in certain cir-*
18 *cumstances);*

19 “(B) *if provided for under applicable State*
20 *law, any other requirements on providers and fa-*
21 *cilities regarding the amounts such providers*
22 *and facilities may, with respect to an item or*
23 *service, charge a participant or beneficiary of*
24 *such plan with respect to which such a provider*
25 *or facility does not have a contractual relation-*

1 *ship for furnishing such item or service under*
2 *the plan after receiving payment from the plan*
3 *for such item or service and any applicable cost*
4 *sharing payment from such participant or bene-*
5 *ficiary; and*

6 “(C) *the requirements applied under section*
7 *9816; and*

8 “(2) *information on contacting appropriate*
9 *State and Federal agencies in the case that an indi-*
10 *vidual believes that such a provider or facility has*
11 *violated any requirement described in paragraph (1)*
12 *with respect to such individual.”.*

13 (d) *CLERICAL AMENDMENTS.—*

14 (1) *ERISA.—The table of contents in section 1*
15 *of the Employee Retirement Income Security Act of*
16 *1974 (29 U.S.C. 1001 et seq.), as amended by the pre-*
17 *vious provisions of this title, is further amended by*
18 *inserting after the item relating to section 719 the fol-*
19 *lowing new item:*

 “720. *Protecting patients and improving the accuracy of provider directory infor-*
 mation.”.

20 (2) *IRC.—The table of sections for subchapter B*
21 *of chapter 100 of the Internal Revenue Code of 1986,*
22 *as amended by the previous provisions of this title, is*
23 *further amended by inserting after the item relating*
24 *to section 9819 the following new item:*

“9820. *Protecting patients and improving the accuracy of provider directory information.*”.

1 (e) *PROVIDER REQUIREMENTS.*—*Part E of title XXVII*
2 *of the Public Health Service Act (42 U.S.C. 300gg et seq.),*
3 *as added by section 104 and as further amended by the pre-*
4 *vious provisions of this title, is further amended by adding*
5 *at the end the following:*

6 **“SEC. 2799B-9. PROVIDER REQUIREMENTS TO PROTECT PA-**
7 **TIENTS AND IMPROVE THE ACCURACY OF**
8 **PROVIDER DIRECTORY INFORMATION.**

9 “(a) *PROVIDER BUSINESS PROCESSES.*—*Beginning*
10 *not later than January 1, 2022, each health care provider*
11 *and each health care facility shall have in place business*
12 *processes to ensure the timely provision of provider direc-*
13 *tory information to a group health plan or a health insur-*
14 *ance issuer offering group or individual health insurance*
15 *coverage to support compliance by such plans or issuers*
16 *with section 2799A-5(a)(1), section 720(a)(1) of the Em-*
17 *ployee Retirement Income Security Act of 1974, or section*
18 *9820(a)(1) of the Internal Revenue Code of 1986, as appli-*
19 *cable. Such providers shall submit provider directory infor-*
20 *mation to a plan or issuers, at a minimum—*

21 “(1) *when the provider or facility begins a net-*
22 *work agreement with a plan or with an issuer with*
23 *respect to certain coverage;*

1 “(2) when the provider or facility terminates a
2 network agreement with a plan or with an issuer
3 with respect to certain coverage;

4 “(3) when there are material changes to the con-
5 tent of provider directory information of the provider
6 or facility described in section 2799A–5(a)(1), section
7 720(a)(1) of the *Employee Retirement Income Secu-*
8 *rity Act of 1974*, or section 9820(a)(1) of the *Internal*
9 *Revenue Code of 1986*, as applicable; and

10 “(4) at any other time (including upon the re-
11 quest of such issuer or plan) determined appropriate
12 by the provider, facility, or the Secretary.

13 “(b) *REFUNDS TO ENROLLEES*.—If a health care pro-
14 vider submits a bill to an enrollee based on cost-sharing
15 for treatment or services provided by the health care pro-
16 vider that is in excess of the normal cost-sharing applied
17 for such treatment or services provided in-network, as pro-
18 hibited under section 2799A–5(b), section 720(b) of the *Em-*
19 *ployee Retirement Income Security Act of 1974*, or section
20 9820(b) of the *Internal Revenue Code of 1986*, as applicable,
21 and the enrollee pays such bill, the provider shall reimburse
22 the enrollee for the full amount paid by the enrollee in excess
23 of the in-network cost-sharing amount for the treatment or
24 services involved, plus interest, at an interest rate deter-
25 mined by the Secretary.

1 “(c) *LIMITATION.*—*Nothing in this section shall pro-*
2 *hibit a provider from requiring in the terms of a contract,*
3 *or contract termination, with a group health plan or health*
4 *insurance issuer—*

5 “(1) *that the plan or issuer remove, at the time*
6 *of termination of such contract, the provider from a*
7 *directory of the plan or issuer described in section*
8 *2799A–5(a), section 720(a) of the Employee Retirement*
9 *Income Security Act of 1974, or section 9820(a)*
10 *of the Internal Revenue Code of 1986, as applicable;*
11 *or*

12 “(2) *that the plan or issuer bear financial re-*
13 *sponsibility, including under section 2799A–5(b), sec-*
14 *tion 720(b) of the Employee Retirement Income Secu-*
15 *rity Act of 1974, or section 9820(b) of the Internal*
16 *Revenue Code of 1986, as applicable, for providing*
17 *inaccurate network status information to an enrollee.*

18 “(d) *DEFINITION.*—*For purposes of this section, the*
19 *term ‘provider directory information’ includes the names,*
20 *addresses, specialty, telephone numbers, and digital contact*
21 *information of individual health care providers, and the*
22 *names, addresses, telephone numbers, and digital contact*
23 *information of each medical group, clinic, or facility con-*
24 *tracted to participate in any of the networks of the group*
25 *health plan or health insurance coverage involved.*

1 (A) *Each relevant Federal agency, as deter-*
2 *mined by the Secretaries.*

3 (B) *State insurance regulators.*

4 (C) *Health insurance providers.*

5 (D) *Patient advocacy groups.*

6 (E) *Consumer advocacy groups.*

7 (F) *State and local governments.*

8 (G) *Physician specializing in emergency,*
9 *trauma, cardiac, or stroke.*

10 (H) *State Emergency Medical Services Offi-*
11 *cials.*

12 (I) *Emergency medical technicians, para-*
13 *medics, and other emergency medical services*
14 *personnel.*

15 (5) *Three representatives, to be appointed jointly*
16 *by the Secretaries, to represent the various segments*
17 *of the ground ambulance industry.*

18 (6) *Up to an additional 2 representatives other-*
19 *wise not described in paragraphs (1) through (5), as*
20 *determined necessary and appropriate by the Secre-*
21 *taries.*

22 (c) *CONSULTATION.—The advisory committee shall, as*
23 *appropriate, consult with relevant experts and stakeholders,*
24 *including those not otherwise included under subsection (b),*
25 *while conducting the review described in subsection (a).*

1 (d) *RECOMMENDATIONS.*—*The advisory committee*
2 *shall make recommendations with respect to disclosure of*
3 *charges and fees for ground ambulance services and insur-*
4 *ance coverage, consumer protection and enforcement au-*
5 *thorities of the Departments of Labor, Health and Human*
6 *Services, and the Treasury and State authorities, and the*
7 *prevention of balance billing to consumers. The rec-*
8 *ommendations shall address, at a minimum—*

9 (1) *options, best practices, and identified stand-*
10 *ards to prevent instances of balance billing;*

11 (2) *steps that can be taken by State legislatures,*
12 *State insurance regulators, State attorneys general,*
13 *and other State officials as appropriate, consistent*
14 *with current legal authorities regarding consumer*
15 *protection; and*

16 (3) *legislative options for Congress to prevent*
17 *balance billing.*

18 (e) *REPORT.*—*Not later than 180 days after the date*
19 *of the first meeting of the advisory committee, the advisory*
20 *committee shall submit to the Secretaries, and the Commit-*
21 *tees on Education and Labor, Energy and Commerce, and*
22 *Ways and Means of the House of Representatives and the*
23 *Committees on Finance and Health, Education, Labor, and*
24 *Pensions a report containing the recommendations made*
25 *under subsection (d).*

1 **SEC. 118. IMPLEMENTATION FUNDING.**

2 (a) *IN GENERAL.*—For the purposes described in sub-
3 section (b), there are appropriated, out of amounts in the
4 Treasury not otherwise appropriated, to the Secretary of
5 Health and Human Services, the Secretary of Labor, and
6 the Secretary of the Treasury, \$500,000,000 for fiscal year
7 2021, to remain available until expended through 2024.

8 (b) *PERMITTED PURPOSES.*—The purposes described
9 in this subsection are limited to the following purposes, in-
10 sofar as such purposes are to carry out the provisions of,
11 including the amendments made by, this title and title II:

12 (1) *Preparing, drafting, and issuing proposed*
13 *and final regulations or interim regulations.*

14 (2) *Preparing, drafting, and issuing guidance*
15 *and public information.*

16 (3) *Preparing and holding public meetings.*

17 (4) *Preparing, drafting, and publishing reports.*

18 (5) *Enforcement of such provisions.*

19 (6) *Reporting, collection, and analysis of data.*

20 (7) *Establishment and initial implementation of*
21 *the processes for independent dispute resolution and*
22 *implementation of patient-provider dispute resolution*
23 *under such provisions.*

24 (8) *Conducting audits.*

25 (9) *Other administrative duties necessary for im-*
26 *plementation of such provisions.*

1 (c) *TRANSPARENCY OF IMPLEMENTATION FUNDS.*—
 2 *Each Secretary described in subsection (a) shall annually*
 3 *submit to the Committees on Energy and Commerce, on*
 4 *Ways and Means, on Education and Labor, and on Appro-*
 5 *priations of the House of Representatives and on the Com-*
 6 *mittees on Health, Education, Labor, and Pensions and on*
 7 *Appropriations of the Senate a report on funds expended*
 8 *pursuant to funds appropriated under this section.*

9 **TITLE II—TRANSPARENCY**

10 **SEC. 201. INCREASING TRANSPARENCY BY REMOVING GAG**
 11 **CLAUSES ON PRICE AND QUALITY INFORMA-**
 12 **TION.**

13 (a) *PHSA.*—*Part D of title XXVII of the Public*
 14 *Health Service Act (42 U.S.C. 300gg et seq.), as added and*
 15 *amended by title I, is further amended by adding at the*
 16 *end the following:*

17 **“SEC. 2799A–9. INCREASING TRANSPARENCY BY REMOVING**
 18 **GAG CLAUSES ON PRICE AND QUALITY IN-**
 19 **FORMATION.**

20 **“(a) INCREASING PRICE AND QUALITY TRANSPARENCY**
 21 **FOR PLAN SPONSORS AND GROUP AND INDIVIDUAL MAR-**
 22 **KET CONSUMERS.**—

23 **“(1) GROUP HEALTH PLANS.**—*A group health*
 24 *plan or health insurance issuer offering group health*
 25 *insurance coverage may not enter into an agreement*

1 *with a health care provider, network or association of*
2 *providers, third-party administrator, or other service*
3 *provider offering access to a network of providers that*
4 *would directly or indirectly restrict a group health*
5 *plan or health insurance issuer offering such coverage*
6 *from—*

7 *“(A) providing provider-specific cost or*
8 *quality of care information or data, through a*
9 *consumer engagement tool or any other means, to*
10 *referring providers, the plan sponsor, enrollees,*
11 *or individuals eligible to become enrollees of the*
12 *plan or coverage;*

13 *“(B) electronically accessing de-identified*
14 *claims and encounter information or data for*
15 *each enrollee in the plan or coverage, upon re-*
16 *quest and consistent with the privacy regulations*
17 *promulgated pursuant to section 264(c) of the*
18 *Health Insurance Portability and Accountability*
19 *Act of 1996, the amendments made by the Ge-*
20 *netic Information Nondiscrimination Act of*
21 *2008, and the Americans with Disabilities Act of*
22 *1990, including, on a per claim basis—*

23 *“(i) financial information, such as the*
24 *allowed amount, or any other claim-related*

1 *financial obligations included in the pro-*
2 *vider contract;*

3 “(ii) *provider information, including*
4 *name and clinical designation;*

5 “(iii) *service codes; or*

6 “(iv) *any other data element included*
7 *in claim or encounter transactions; or*

8 “(C) *sharing information or data described*
9 *in subparagraph (A) or (B), or directing that*
10 *such data be shared, with a business associate as*
11 *defined in section 160.103 of title 45, Code of*
12 *Federal Regulations (or successor regulations),*
13 *consistent with the privacy regulations promul-*
14 *gated pursuant to section 264(c) of the Health*
15 *Insurance Portability and Accountability Act of*
16 *1996, the amendments made by the Genetic In-*
17 *formation Nondiscrimination Act of 2008, and*
18 *the Americans with Disabilities Act of 1990.*

19 “(2) *INDIVIDUAL HEALTH INSURANCE COV-*
20 *ERAGE.—A health insurance issuer offering indi-*
21 *vidual health insurance coverage may not enter into*
22 *an agreement with a health care provider, network or*
23 *association of providers, or other service provider of-*
24 *fering access to a network of providers that would di-*

1 *rectly or indirectly restrict the health insurance issuer*
2 *from—*

3 *“(A) providing provider-specific price or*
4 *quality of care information, through a consumer*
5 *engagement tool or any other means, to referring*
6 *providers, enrollees, or individuals eligible to be-*
7 *come enrollees of the plan or coverage; or*

8 *“(B) sharing, for plan design, plan admin-*
9 *istration, and plan, financial, legal, and quality*
10 *improvement activities, data described in sub-*
11 *paragraph (A) with a business associate as de-*
12 *finied in section 160.103 of title 45, Code of Fed-*
13 *eral Regulations (or successor regulations), con-*
14 *sistent with the privacy regulations promulgated*
15 *pursuant to section 264(c) of the Health Insur-*
16 *ance Portability and Accountability Act of 1996,*
17 *the amendments made by the Genetic Informa-*
18 *tion Nondiscrimination Act of 2008, and the*
19 *Americans with Disabilities Act of 1990.*

20 *“(3) CLARIFICATION REGARDING PUBLIC DISCLO-*
21 *SURE OF INFORMATION.—Nothing in paragraph*
22 *(1)(A) or (2)(A) prevents a health care provider, net-*
23 *work or association of providers, or other service pro-*
24 *vider from placing reasonable restrictions on the pub-*

1 *lic disclosure of the information described in such*
2 *paragraphs (1) and (2).*

3 “(4) *ATTESTATION.*—A group health plan or a
4 *health insurance issuer offering group or individual*
5 *health insurance coverage shall annually submit to*
6 *the Secretary an attestation that such plan or issuer*
7 *of such coverage is in compliance with the require-*
8 *ments of this subsection.*

9 “(5) *RULES OF CONSTRUCTION.*—Nothing in this
10 *section shall be construed to modify or eliminate ex-*
11 *isting privacy protections and standards under State*
12 *and Federal law. Nothing in this subsection shall be*
13 *construed to otherwise limit access by a group health*
14 *plan, plan sponsor, or health insurance issuer to data*
15 *as permitted under the privacy regulations promul-*
16 *gated pursuant to section 264(c) of the Health Insur-*
17 *ance Portability and Accountability Act of 1996, the*
18 *amendments made by the Genetic Information Non-*
19 *discrimination Act of 2008, and the Americans with*
20 *Disabilities Act of 1990.”*

21 “(b) *ERISA.*—Subpart B of part 7 of subtitle B of title
22 *I of the Employee Retirement Income Security Act of 1974*
23 *(29 U.S.C. 1185 et seq.), as amended by title I, is further*
24 *amended by adding at the end the following:*

1 **“SEC. 724. INCREASING TRANSPARENCY BY REMOVING GAG**
2 **CLAUSES ON PRICE AND QUALITY INFORMA-**
3 **TION.**

4 *“(a) INCREASING PRICE AND QUALITY TRANSPARENCY*
5 *FOR PLAN SPONSORS AND CONSUMERS.—*

6 *“(1) IN GENERAL.—A group health plan (or an*
7 *issuer of health insurance coverage offered in connec-*
8 *tion with such a plan) may not enter into an agree-*
9 *ment with a health care provider, network or associa-*
10 *tion of providers, third-party administrator, or other*
11 *service provider offering access to a network of pro-*
12 *viders that would directly or indirectly restrict a*
13 *group health plan or health insurance issuer offering*
14 *such coverage from—*

15 *“(A) providing provider-specific cost or*
16 *quality of care information or data, through a*
17 *consumer engagement tool or any other means, to*
18 *referring providers, the plan sponsor, partici-*
19 *pants or beneficiaries, or individuals eligible to*
20 *become participants or beneficiaries of the plan*
21 *or coverage;*

22 *“(B) electronically accessing de-identified*
23 *claims and encounter information or data for*
24 *each participant or beneficiary in the plan or*
25 *coverage, upon request and consistent with the*
26 *privacy regulations promulgated pursuant to*

1 *section 264(c) of the Health Insurance Port-*
2 *ability and Accountability Act of 1996, the*
3 *amendments made by the Genetic Information*
4 *Nondiscrimination Act of 2008, and the Ameri-*
5 *cans with Disabilities Act of 1990, including, on*
6 *a per claim basis—*

7 *“(i) financial information, such as the*
8 *allowed amount, or any other claim-related*
9 *financial obligations included in the pro-*
10 *vider contract;*

11 *“(ii) provider information, including*
12 *name and clinical designation;*

13 *“(iii) service codes; or*

14 *“(iv) any other data element included*
15 *in claim or encounter transactions; or*

16 *“(C) sharing information or data described*
17 *in subparagraph (A) or (B), or directing that*
18 *such data be shared, with a business associate as*
19 *defined in section 160.103 of title 45, Code of*
20 *Federal Regulations (or successor regulations),*
21 *consistent with the privacy regulations promul-*
22 *gated pursuant to section 264(c) of the Health*
23 *Insurance Portability and Accountability Act of*
24 *1996, the amendments made by the Genetic In-*

1 *formation Nondiscrimination Act of 2008, and*
2 *the Americans with Disabilities Act of 1990.*

3 “(2) *CLARIFICATION REGARDING PUBLIC DISCLO-*
4 *SURE OF INFORMATION.—Nothing in paragraph*
5 *(1)(A) prevents a health care provider, network or as-*
6 *sociation of providers, or other service provider from*
7 *placing reasonable restrictions on the public disclo-*
8 *sure of the information described in such paragraph*
9 *(1).*

10 “(3) *ATTESTATION.—A group health plan (or*
11 *health insurance coverage offered in connection with*
12 *such a plan) shall annually submit to the Secretary*
13 *an attestation that such plan or issuer of such cov-*
14 *erage is in compliance with the requirements of this*
15 *subsection.*

16 “(4) *RULES OF CONSTRUCTION.—Nothing in this*
17 *section shall be construed to modify or eliminate ex-*
18 *isting privacy protections and standards under State*
19 *and Federal law. Nothing in this subsection shall be*
20 *construed to otherwise limit access by a group health*
21 *plan, plan sponsor, or health insurance issuer to data*
22 *as permitted under the privacy regulations promul-*
23 *gated pursuant to section 264(c) of the Health Insur-*
24 *ance Portability and Accountability Act of 1996, the*
25 *amendments made by the Genetic Information Non-*

1 *discrimination Act of 2008, and the Americans with*
2 *Disabilities Act of 1990.”*

3 *(c) IRC.—Subchapter B of chapter 100 of the Internal*
4 *Revenue Code of 1986, as amended by title I, is further*
5 *amended by adding at the end the following:*

6 **“SEC. 9824. INCREASING TRANSPARENCY BY REMOVING**
7 **GAG CLAUSES ON PRICE AND QUALITY IN-**
8 **FORMATION.**

9 *“(a) INCREASING PRICE AND QUALITY TRANSPARENCY*
10 *FOR PLAN SPONSORS AND CONSUMERS.—*

11 *“(1) IN GENERAL.—A group health plan may*
12 *not enter into an agreement with a health care pro-*
13 *vider, network or association of providers, third-party*
14 *administrator, or other service provider offering ac-*
15 *cess to a network of providers that would directly or*
16 *indirectly restrict a group health plan from—*

17 *“(A) providing provider-specific cost or*
18 *quality of care information or data, through a*
19 *consumer engagement tool or any other means, to*
20 *referring providers, the plan sponsor, partici-*
21 *pants or beneficiaries, or individuals eligible to*
22 *become participants or beneficiaries of the plan;*

23 *“(B) electronically accessing de-identified*
24 *claims and encounter information or data for*
25 *each participant or beneficiary in the plan,*

1 upon request and consistent with the privacy
2 regulations promulgated pursuant to section
3 264(c) of the Health Insurance Portability and
4 Accountability Act of 1996, the amendments
5 made by the Genetic Information Non-
6 discrimination Act of 2008, and the Americans
7 with Disabilities Act of 1990, including, on a
8 per claim basis—

9 “(i) financial information, such as the
10 allowed amount, or any other claim-related
11 financial obligations included in the pro-
12 vider contract;

13 “(ii) provider information, including
14 name and clinical designation;

15 “(iii) service codes; or

16 “(iv) any other data element included
17 in claim or encounter transactions; or

18 “(C) sharing information or data described
19 in subparagraph (A) or (B), or directing that
20 such data be shared, with a business associate as
21 defined in section 160.103 of title 45, Code of
22 Federal Regulations (or successor regulations),
23 consistent with the privacy regulations promul-
24 gated pursuant to section 264(c) of the Health
25 Insurance Portability and Accountability Act of

1 *1996, the amendments made by the Genetic In-*
2 *formation Nondiscrimination Act of 2008, and*
3 *the Americans with Disabilities Act of 1990.*

4 “(2) *CLARIFICATION REGARDING PUBLIC DISCLO-*
5 *SURE OF INFORMATION.—Nothing in paragraph*
6 *(1)(A) prevents a health care provider, network or as-*
7 *sociation of providers, or other service provider from*
8 *placing reasonable restrictions on the public disclo-*
9 *sure of the information described in such paragraph*
10 *(1).*

11 “(3) *ATTESTATION.—A group health plan shall*
12 *annually submit to the Secretary an attestation that*
13 *such plan is in compliance with the requirements of*
14 *this subsection.*

15 “(4) *RULES OF CONSTRUCTION.—Nothing in this*
16 *section shall be construed to modify or eliminate ex-*
17 *isting privacy protections and standards under State*
18 *and Federal law. Nothing in this subsection shall be*
19 *construed to otherwise limit access by a group health*
20 *plan or plan sponsor to data as permitted under the*
21 *privacy regulations promulgated pursuant to section*
22 *264(c) of the Health Insurance Portability and Ac-*
23 *countability Act of 1996, the amendments made by*
24 *the Genetic Information Nondiscrimination Act of*

1 2008, and the Americans with Disabilities Act of
2 1990.”.

3 (d) *CLERICAL AMENDMENTS.*—

4 (1) *ERISA.*—The table of contents in section 1
5 of the Employee Retirement Income Security Act of
6 1974 (29 U.S.C. 1001 et seq.), as amended by title I,
7 is further amended by inserting after the item relat-
8 ing to section 723 the following new item:

“Sec. 724. Increasing transparency by removing gag clauses on price and quality information.”.

9 (2) *IRC.*—The table of sections for subchapter B
10 of chapter 100 of the Internal Revenue Code of 1986,
11 as amended by title I, is further amended by adding
12 at the end the following new item:

“Sec. 9824. Increasing transparency by removing gag clauses on price and quality information.”.

13 **SEC. 202. DISCLOSURE OF DIRECT AND INDIRECT COM-**
14 **PENSATION FOR BROKERS AND CONSULT-**
15 **ANTS TO EMPLOYER-SPONSORED HEALTH**
16 **PLANS AND ENROLLEES IN PLANS ON THE IN-**
17 **DIVIDUAL MARKET.**

18 (a) *GROUP HEALTH PLANS.*—Section 408(b)(2) of the
19 Employee Retirement Income Security Act of 1974 (29
20 U.S.C. 1108(b)(2)) is amended—

21 (1) by striking “(2) Contracting or making” and
22 inserting “(2)(A) Contracting or making”; and

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

1 “(B)(i) *No contract or arrangement for services*
2 *between a covered plan and a covered service pro-*
3 *vider, and no extension or renewal of such a contract*
4 *or arrangement, is reasonable within the meaning of*
5 *this paragraph unless the requirements of this clause*
6 *are met.*

7 “(ii)(I) *For purposes of this subparagraph:*

8 “(aa) *The term ‘covered plan’ means a*
9 *group health plan as defined section 733(a).*

10 “(bb) *The term ‘covered service provider’*
11 *means a service provider that enters into a con-*
12 *tract or arrangement with the covered plan and*
13 *reasonably expects \$1,000 (or such amount as the*
14 *Secretary may establish in regulations to ac-*
15 *count for inflation since the date of enactment of*
16 *the Consolidated Appropriations Act, 2021, as*
17 *appropriate) or more in compensation, direct or*
18 *indirect, to be received in connection with pro-*
19 *viding one or more of the following services, pur-*
20 *suant to the contract or arrangement, regardless*
21 *of whether such services will be performed, or*
22 *such compensation received, by the covered serv-*
23 *ice provider, an affiliate, or a subcontractor:*

24 “(AA) *Brokerage services, for which the*
25 *covered service provider, an affiliate, or a*

1 *subcontractor reasonably expects to receive*
2 *indirect compensation or direct compensa-*
3 *tion described in item (dd), provided to a*
4 *covered plan with respect to selection of in-*
5 *surance products (including vision and den-*
6 *tal), recordkeeping services, medical man-*
7 *agement vendor, benefits administration*
8 *(including vision and dental), stop-loss in-*
9 *surance, pharmacy benefit management*
10 *services, wellness services, transparency*
11 *tools and vendors, group purchasing organi-*
12 *zation preferred vendor panels, disease*
13 *management vendors and products, compli-*
14 *ance services, employee assistance programs,*
15 *or third party administration services.*

16 *“(BB) Consulting, for which the cov-*
17 *ered service provider, an affiliate, or a sub-*
18 *contractor reasonably expects to receive in-*
19 *direct compensation or direct compensation*
20 *described in item (dd), related to the devel-*
21 *opment or implementation of plan design,*
22 *insurance or insurance product selection*
23 *(including vision and dental), record-*
24 *keeping, medical management, benefits ad-*
25 *ministration selection (including vision and*

1 *dental), stop-loss insurance, pharmacy ben-*
2 *efit management services, wellness design*
3 *and management services, transparency*
4 *tools, group purchasing organization agree-*
5 *ments and services, participation in and*
6 *services from preferred vendor panels, dis-*
7 *ease management, compliance services, em-*
8 *ployee assistance programs, or third party*
9 *administration services.*

10 “(cc) *The term ‘affiliate’, with respect to a*
11 *covered service provider, means an entity that*
12 *directly or indirectly (through one or more inter-*
13 *mediaries) controls, is controlled by, or is under*
14 *common control with, such provider, or is an of-*
15 *ficer, director, or employee of, or partner in,*
16 *such provider.*

17 “(dd)(AA) *The term ‘compensation’ means*
18 *anything of monetary value, but does not include*
19 *non-monetary compensation valued at \$250 (or*
20 *such amount as the Secretary may establish in*
21 *regulations to account for inflation since the date*
22 *of enactment of the Consolidated Appropriations*
23 *Act, 2021, as appropriate) or less, in the aggre-*
24 *gate, during the term of the contract or arrange-*
25 *ment.*

1 “(BB) The term ‘direct compensation’
2 means compensation received directly from a
3 covered plan.

4 “(CC) The term ‘indirect compensation’
5 means compensation received from any source
6 other than the covered plan, the plan sponsor, the
7 covered service provider, or an affiliate. Com-
8 pensation received from a subcontractor is indi-
9 rect compensation, unless it is received in con-
10 nection with services performed under a contract
11 or arrangement with a subcontractor.

12 “(ee) The term ‘responsible plan fiduciary’
13 means a fiduciary with authority to cause the
14 covered plan to enter into, or extend or renew,
15 the contract or arrangement.

16 “(ff) The term ‘subcontractor’ means any
17 person or entity (or an affiliate of such person
18 or entity) that is not an affiliate of the covered
19 service provider and that, pursuant to a contract
20 or arrangement with the covered service provider
21 or an affiliate, reasonably expects to receive
22 \$1,000 (or such amount as the Secretary may es-
23 tablish in regulations to account for inflation
24 since the date of enactment of the Consolidated
25 Appropriations Act, 2021, as appropriate) or

1 *more in compensation for performing one or*
2 *more services described in item (bb) under a con-*
3 *tract or arrangement with the covered plan.*

4 “(II) For purposes of this subparagraph, a de-
5 scription of compensation or cost may be expressed as
6 a monetary amount, formula, or a per capita charge
7 for each enrollee or, if the compensation or cost can-
8 not reasonably be expressed in such terms, by any
9 other reasonable method, including a disclosure that
10 additional compensation may be earned but may not
11 be calculated at the time of contract if such a disclo-
12 sure includes a description of the circumstances under
13 which the additional compensation may be earned
14 and a reasonable and good faith estimate if the cov-
15 ered service provider cannot otherwise readily describe
16 compensation or cost and explains the methodology
17 and assumptions used to prepare such estimate. Any
18 such description shall contain sufficient information
19 to permit evaluation of the reasonableness of the com-
20 pensation or cost.

21 “(III) No person or entity is a ‘covered service
22 provider’ within the meaning of subclause (I)(bb) sole-
23 ly on the basis of providing services as an affiliate or
24 a subcontractor that is performing one or more of the
25 services described in subitem (AA) or (BB) of such

1 *subclause under the contract or arrangement with the*
2 *covered plan.*

3 *“(iii) A covered service provider shall disclose to*
4 *a responsible plan fiduciary, in writing, the fol-*
5 *lowing:*

6 *“(I) A description of the services to be pro-*
7 *vided to the covered plan pursuant to the con-*
8 *tract or arrangement.*

9 *“(II) If applicable, a statement that the cov-*
10 *ered service provider, an affiliate, or a subcon-*
11 *tractor will provide, or reasonably expects to*
12 *provide, services pursuant to the contract or ar-*
13 *rangement directly to the covered plan as a fidu-*
14 *ciary (within the meaning of section 3(21)).*

15 *“(III) A description of all direct compensa-*
16 *tion, either in the aggregate or by service, that*
17 *the covered service provider, an affiliate, or a*
18 *subcontractor reasonably expects to receive in*
19 *connection with the services described in sub-*
20 *clause (I).*

21 *“(IV)(aa) A description of all indirect com-*
22 *penensation that the covered service provider, an*
23 *affiliate, or a subcontractor reasonably expects to*
24 *receive in connection with the services described*
25 *in subclause (I)—*

1 “(AA) including compensation from a
2 vendor to a brokerage firm based on a struc-
3 ture of incentives not solely related to the
4 contract with the covered plan; and

5 “(BB) not including compensation re-
6 ceived by an employee from an employer on
7 account of work performed by the employee.

8 “(bb) A description of the arrangement be-
9 tween the payer and the covered service provider,
10 an affiliate, or a subcontractor, as applicable,
11 pursuant to which such indirect compensation is
12 paid.

13 “(cc) Identification of the services for which
14 the indirect compensation will be received, if ap-
15 plicable.

16 “(dd) Identification of the payer of the indi-
17 rect compensation.

18 “(V) A description of any compensation
19 that will be paid among the covered service pro-
20 vider, an affiliate, or a subcontractor, in connec-
21 tion with the services described in subclause (I)
22 if such compensation is set on a transaction
23 basis (such as commissions, finder’s fees, or other
24 similar incentive compensation based on business
25 placed or retained), including identification of

1 *the services for which such compensation will be*
2 *paid and identification of the payers and recipi-*
3 *ents of such compensation (including the status*
4 *of a payer or recipient as an affiliate or a sub-*
5 *contractor), regardless of whether such compensa-*
6 *tion also is disclosed pursuant to subclause (III)*
7 *or (IV).*

8 “(VI) *A description of any compensation*
9 *that the covered service provider, an affiliate, or*
10 *a subcontractor reasonably expects to receive in*
11 *connection with termination of the contract or*
12 *arrangement, and how any prepaid amounts*
13 *will be calculated and refunded upon such termi-*
14 *nation.*

15 “(iv) *A covered service provider shall disclose to*
16 *a responsible plan fiduciary, in writing a description*
17 *of the manner in which the compensation described in*
18 *clause (iii), as applicable, will be received.*

19 “(v)(I) *A covered service provider shall disclose*
20 *the information required under clauses (iii) and (iv)*
21 *to the responsible plan fiduciary not later than the*
22 *date that is reasonably in advance of the date on*
23 *which the contract or arrangement is entered into,*
24 *and extended or renewed.*

1 “(II) A covered service provider shall disclose
2 any change to the information required under clause
3 (iii) and (iv) as soon as practicable, but not later
4 than 60 days from the date on which the covered serv-
5 ice provider is informed of such change, unless such
6 disclosure is precluded due to extraordinary cir-
7 cumstances beyond the covered service provider’s con-
8 trol, in which case the information shall be disclosed
9 as soon as practicable.

10 “(vi)(I) Upon the written request of the respon-
11 sible plan fiduciary or covered plan administrator, a
12 covered service provider shall furnish any other infor-
13 mation relating to the compensation received in con-
14 nection with the contract or arrangement that is re-
15 quired for the covered plan to comply with the report-
16 ing and disclosure requirements under this Act.

17 “(II) The covered service provider shall disclose
18 the information required under clause (iii)(I) reason-
19 ably in advance of the date upon which such respon-
20 sible plan fiduciary or covered plan administrator
21 states that it is required to comply with the applica-
22 ble reporting or disclosure requirement, unless such
23 disclosure is precluded due to extraordinary cir-
24 cumstances beyond the covered service provider’s con-

1 *trol, in which case the information shall be disclosed*
2 *as soon as practicable.*

3 *“(vii) No contract or arrangement will fail to be*
4 *reasonable under this subparagraph solely because the*
5 *covered service provider, acting in good faith and*
6 *with reasonable diligence, makes an error or omission*
7 *in disclosing the information required pursuant to*
8 *clause (iii) (or a change to such information disclosed*
9 *pursuant to clause (v)(II)) or clause (vi), provided*
10 *that the covered service provider discloses the correct*
11 *information to the responsible plan fiduciary as soon*
12 *as practicable, but not later than 30 days from the*
13 *date on which the covered service provider knows of*
14 *such error or omission.*

15 *“(viii)(I) Pursuant to subsection (a), subpara-*
16 *graphs (C) and (D) of section 406(a)(1) shall not*
17 *apply to a responsible plan fiduciary, notwith-*
18 *standing any failure by a covered service provider to*
19 *disclose information required under clause (iii), if the*
20 *following conditions are met:*

21 *“(aa) The responsible plan fiduciary did*
22 *not know that the covered service provider failed*
23 *or would fail to make required disclosures and*
24 *reasonably believed that the covered service pro-*

1 *vider disclosed the information required to be*
2 *disclosed.*

3 *“(bb) The responsible plan fiduciary, upon*
4 *discovering that the covered service provider*
5 *failed to disclose the required information, re-*
6 *quests in writing that the covered service pro-*
7 *vider furnish such information.*

8 *“(cc) If the covered service provider fails to*
9 *comply with a written request described in sub-*
10 *clause (II) within 90 days of the request, the re-*
11 *sponsible plan fiduciary notifies the Secretary of*
12 *the covered service provider’s failure, in accord-*
13 *ance with subclauses (II) and (III).*

14 *“(II) A notice described in subclause (I)(cc) shall*
15 *contain—*

16 *“(aa) the name of the covered plan;*

17 *“(bb) the plan number used for the annual*
18 *report on the covered plan;*

19 *“(cc) the plan sponsor’s name, address, and*
20 *employer identification number;*

21 *“(dd) the name, address, and telephone*
22 *number of the responsible plan fiduciary;*

23 *“(ee) the name, address, phone number,*
24 *and, if known, employer identification number of*
25 *the covered service provider;*

1 “(ff) a description of the services provided
2 to the covered plan;

3 “(gg) a description of the information that
4 the covered service provider failed to disclose;

5 “(hh) the date on which such information
6 was requested in writing from the covered service
7 provider; and

8 “(ii) a statement as to whether the covered
9 service provider continues to provide services to
10 the plan.

11 “(III) A notice described in subclause (I)(cc)
12 shall be filed with the Department not later than 30
13 days following the earlier of—

14 “(aa) The covered service provider’s refusal
15 to furnish the information requested by the writ-
16 ten request described in subclause (I)(bb); or

17 “(bb) 90 days after the written request re-
18 ferred to in subclause (I)(cc) is made.

19 “(IV) If the covered service provider fails to com-
20 ply with the written request under subclause (I)(bb)
21 within 90 days of such request, the responsible plan
22 fiduciary shall determine whether to terminate or
23 continue the contract or arrangement under section
24 404. If the requested information relates to future
25 services and is not disclosed promptly after the end

1 of the 90-day period, the responsible plan fiduciary
2 shall terminate the contract or arrangement as expe-
3 ditiously as possible, consistent with such duty of
4 prudence.

5 “(ix) Nothing in this subparagraph shall be con-
6 strued to supersede any provision of State law that
7 governs disclosures by parties that provide the services
8 described in this section, except to the extent that such
9 law prevents the application of a requirement of this
10 section.”.

11 (b) *APPLICABILITY OF EXISTING REGULATIONS.*—
12 Nothing in the amendments made by subsection (a) shall
13 be construed to affect the applicability of section 2550.408b-
14 2 of title 29, Code of Federal Regulations (or any successor
15 regulations), with respect to any applicable entity other
16 than a covered plan or a covered service provider (as de-
17 fined in section 408(b)(2)(B)(ii) of the Employee Retire-
18 ment Income Security Act of 1974, as amended by sub-
19 section (a)).

20 (c) *INDIVIDUAL MARKET COVERAGE.*—Subpart 1 of
21 part B of title XXVII of the Public Health Service Act (42
22 U.S.C. 300gg-41 et seq.) is amended by adding at the end
23 the following:

1 **“SEC. 2746. DISCLOSURE TO ENROLLEES OF INDIVIDUAL**
2 **MARKET COVERAGE.**

3 “(a) *IN GENERAL.*—A health insurance issuer offering
4 individual health insurance coverage or a health insurance
5 issuer offering short-term limited duration insurance cov-
6 erage shall make disclosures to enrollees in such coverage,
7 as described in subsection (b), and reports to the Secretary,
8 as described in subsection (c), regarding direct or indirect
9 compensation provided by the issuer to an agent or broker
10 associated with enrolling individuals in such coverage.

11 “(b) *DISCLOSURE.*—A health insurance issuer de-
12 scribed in subsection (a) shall disclose to an enrollee the
13 amount of direct or indirect compensation provided to an
14 agent or broker for services provided by such agent or broker
15 associated with plan selection and enrollment. Such disclo-
16 sure shall be—

17 “(1) made prior to the individual finalizing
18 plan selection; and

19 “(2) included on any documentation confirming
20 the individual’s enrollment.

21 “(c) *REPORTING.*—A health insurance issuer described
22 in subsection (a) shall annually report to the Secretary,
23 prior to the beginning of open enrollment, any direct or
24 indirect compensation provided to an agent or broker asso-
25 ciated with enrolling individuals in such coverage.

1 “(d) *RULEMAKING.*—Not later than 1 year after the
2 date of enactment of the Consolidated Appropriations Act,
3 2021, the Secretary shall finalize, through notice-and-com-
4 ment rulemaking, the timing, form, and manner in which
5 issuers described in subsection (a) are required to make the
6 disclosures described in subsection (b) and the reports de-
7 scribed in subsection (c). Such rulemaking may also include
8 adjustments to notice requirements to reflect the different
9 processes for plan renewals, in order to provide enrollees
10 with full, timely information.”.

11 (d) *TRANSITION RULE.*—No contract executed prior to
12 the effective date described in subsection (e) by a group
13 health plan subject to the requirements of section
14 408(b)(2)(B) of the Employee Retirement Income Security
15 Act of 1974 (as amended by subsection (a)) or by a health
16 insurance issuer subject to the requirements of section 2746
17 of the Public Health Service Act (as added by subsection
18 (c)) shall be subject to the requirements of such section
19 408(b)(2)(B) or such section 2746, as applicable.

20 (e) *APPLICATION.*—The amendments made by sub-
21 sections (a) and (c) shall apply beginning 1 year after the
22 date of enactment of this Act.

23 **SEC. 203. STRENGTHENING PARITY IN MENTAL HEALTH**
24 **AND SUBSTANCE USE DISORDER BENEFITS.**

25 (a) *IN GENERAL.*—

1 (1) *PHSA.*—Section 2726(a) of the Public
2 *Health Service Act (42 U.S.C. 300gg–26(a)) is*
3 *amended by adding at the end the following:*

4 “(8) *COMPLIANCE REQUIREMENTS.*—

5 “(A) *NONQUANTITATIVE TREATMENT LIM-*
6 *TATION (NQTL) REQUIREMENTS.*—*In the case of a*
7 *group health plan or a health insurance issuer*
8 *offering group or individual health insurance*
9 *coverage that provides both medical and surgical*
10 *benefits and mental health or substance use dis-*
11 *order benefits and that imposes nonquantitative*
12 *treatment limitations (referred to in this section*
13 *as ‘NQTLs’) on mental health or substance use*
14 *disorder benefits, such plan or issuer shall per-*
15 *form and document comparative analyses of the*
16 *design and application of NQTLs and, beginning*
17 *45 days after the date of enactment of the Con-*
18 *solidated Appropriations Act, 2021, make avail-*
19 *able to the applicable State authority (or, as ap-*
20 *plicable, to the Secretary of Labor or the Sec-*
21 *retary of Health and Human Services), upon re-*
22 *quest, the comparative analyses and the fol-*
23 *lowing information:*

24 “(i) *The specific plan or coverage*
25 *terms or other relevant terms regarding the*

1 *NQTLs and a description of all mental*
2 *health or substance use disorder and med-*
3 *ical or surgical benefits to which each such*
4 *term applies in each respective benefits clas-*
5 *sification.*

6 “(ii) *The factors used to determine that*
7 *the NQTLs will apply to mental health or*
8 *substance use disorder benefits and medical*
9 *or surgical benefits.*

10 “(iii) *The evidentiary standards used*
11 *for the factors identified in clause (ii), when*
12 *applicable, provided that every factor shall*
13 *be defined, and any other source or evidence*
14 *relied upon to design and apply the NQTLs*
15 *to mental health or substance use disorder*
16 *benefits and medical or surgical benefits.*

17 “(iv) *The comparative analyses dem-*
18 *onstrating that the processes, strategies, evi-*
19 *dentiary standards, and other factors used*
20 *to apply the NQTLs to mental health or*
21 *substance use disorder benefits, as written*
22 *and in operation, are comparable to, and*
23 *are applied no more stringently than, the*
24 *processes, strategies, evidentiary standards,*
25 *and other factors used to apply the NQTLs*

1 to medical or surgical benefits in the bene-
2 fits classification.

3 “(v) *The specific findings and conclu-*
4 *sions reached by the group health plan or*
5 *health insurance issuer with respect to the*
6 *health insurance coverage, including any re-*
7 *sults of the analyses described in this sub-*
8 *paragraph that indicate that the plan or*
9 *coverage is or is not in compliance with*
10 *this section.*

11 “(B) *SECRETARY REQUEST PROCESS.—*

12 “(i) *SUBMISSION UPON REQUEST.—*
13 *The Secretary shall request that a group*
14 *health plan or a health insurance issuer of-*
15 *fering group or individual health insurance*
16 *coverage submit the comparative analyses*
17 *described in subparagraph (A) for plans*
18 *that involve potential violations of this sec-*
19 *tion or complaints regarding noncompli-*
20 *ance with this section that concern NQTLs*
21 *and any other instances in which the Sec-*
22 *retary determines appropriate. The Sec-*
23 *retary shall request not fewer than 20 such*
24 *analyses per year.*

1 “(ii) *ADDITIONAL INFORMATION.*—*In*
2 *instances in which the Secretary has con-*
3 *cluded that the group health plan or health*
4 *insurance issuer with respect to health in-*
5 *surance coverage has not submitted suffi-*
6 *cient information for the Secretary to re-*
7 *view the comparative analyses described in*
8 *subparagraph (A), as requested under clause*
9 *(i), the Secretary shall specify to the plan*
10 *or issuer the information the plan or issuer*
11 *must submit to be responsive to the request*
12 *under clause (i) for the Secretary to review*
13 *the comparative analyses described in sub-*
14 *paragraph (A) for compliance with this sec-*
15 *tion. Nothing in this paragraph shall re-*
16 *quire the Secretary to conclude that a group*
17 *health plan or health insurance issuer is in*
18 *compliance with this section solely based*
19 *upon the inspection of the comparative*
20 *analyses described in subparagraph (A), as*
21 *requested under clause (i).*

22 “(iii) *REQUIRED ACTION.*—

23 “(I) *IN GENERAL.*—*In instances*
24 *in which the Secretary has reviewed*
25 *the comparative analyses described in*

1 *subparagraph (A), as requested under*
2 *clause (i), and determined that the*
3 *group health plan or health insurance*
4 *issuer is not in compliance with this*
5 *section, the plan or issuer—*

6 *“(aa) shall specify to the Sec-*
7 *retary the actions the plan or*
8 *issuer will take to be in compli-*
9 *ance with this section and provide*
10 *to the Secretary additional com-*
11 *parative analyses described in*
12 *subparagraph (A) that dem-*
13 *onstrate compliance with this sec-*
14 *tion not later than 45 days after*
15 *the initial determination by the*
16 *Secretary that the plan or issuer*
17 *is not in compliance; and*

18 *“(bb) following the 45-day*
19 *corrective action period under*
20 *item (aa), if the Secretary makes*
21 *a final determination that the*
22 *plan or issuer still is not in com-*
23 *pliance with this section, not later*
24 *than 7 days after such determina-*
25 *tion, shall notify all individuals*

1 enrolled in the plan or applicable
2 health insurance coverage offered
3 by the issuer that the plan or
4 issuer, with respect to such cov-
5 erage, has been determined to be
6 not in compliance with this sec-
7 tion.

8 “(II) *EXEMPTION FROM DISCLO-*
9 *SURE.—Documents or communications*
10 *produced in connection with the Sec-*
11 *retary’s recommendations to a group*
12 *health plan or health insurance issuer*
13 *shall not be subject to disclosure pursu-*
14 *ant to section 552 of title 5, United*
15 *States Code.*

16 “(iv) *REPORT.—Not later than 1 year*
17 *after the date of enactment of this para-*
18 *graph, and not later than October 1 of each*
19 *year thereafter, the Secretary shall submit*
20 *to Congress, and make publicly available, a*
21 *report that contains—*

22 “(I) *a summary of the compara-*
23 *tive analyses requested under clause*
24 *(i), including the identity of each*
25 *group health plan or health insurance*

1 *issuer, with respect to particular health*
2 *insurance coverage that is determined*
3 *to be not in compliance after the final*
4 *determination by the Secretary de-*
5 *scribed in clause (iii)(I)(bb);*

6 *“(II) the Secretary’s conclusions*
7 *as to whether each group health plan*
8 *or health insurance issuer submitted*
9 *sufficient information for the Secretary*
10 *to review the comparative analyses re-*
11 *quested under clause (i) for compliance*
12 *with this section;*

13 *“(III) for each group health plan*
14 *or health insurance issuer that did sub-*
15 *mit sufficient information for the Sec-*
16 *retary to review the comparative anal-*
17 *yses requested under clause (i), the Sec-*
18 *retary’s conclusions as to whether and*
19 *why the plan or issuer is in compli-*
20 *ance with the requirements under this*
21 *section;*

22 *“(IV) the Secretary’s specifica-*
23 *tions described in clause (ii) for each*
24 *group health plan or health insurance*
25 *issuer that the Secretary determined*

1 *did not submit sufficient information*
2 *for the Secretary to review the com-*
3 *parative analyses requested under*
4 *clause (i) for compliance with this sec-*
5 *tion; and*

6 *“(V) the Secretary’s specifications*
7 *described in clause (iii) of the actions*
8 *each group health plan or health insur-*
9 *ance issuer that the Secretary deter-*
10 *mined is not in compliance with this*
11 *section must take to be in compliance*
12 *with this section, including the reason*
13 *why the Secretary determined the plan*
14 *or issuer is not in compliance.*

15 *“(C) COMPLIANCE PROGRAM GUIDANCE*
16 *DOCUMENT UPDATE PROCESS.—*

17 *“(i) IN GENERAL.—The Secretary shall*
18 *include instances of noncompliance that the*
19 *Secretary discovers upon reviewing the com-*
20 *parative analyses requested under subpara-*
21 *graph (B)(i) in the compliance program*
22 *guidance document described in paragraph*
23 *(6), as it is updated every 2 years, except*
24 *that such instances shall not disclose any*

1 *protected health information or individually*
2 *identifiable information.*

3 “(ii) *GUIDANCE AND REGULATIONS.—*
4 *Not later than 18 months after the date of*
5 *enactment of this paragraph, the Secretary*
6 *shall finalize any draft or interim guidance*
7 *and regulations relating to mental health*
8 *parity under this section. Such draft guid-*
9 *ance shall include guidance to clarify the*
10 *process and timeline for current and poten-*
11 *tial participants and beneficiaries (and au-*
12 *thorized representatives and health care*
13 *providers of such participants and bene-*
14 *ficiaries) with respect to plans to file com-*
15 *plaints of such plans or issuers being in*
16 *violation of this section, including guidance,*
17 *by plan type, on the relevant State, re-*
18 *gional, or national office with which such*
19 *complaints should be filed.*

20 “(iii) *STATE.—The Secretary shall*
21 *share information on findings of compliance*
22 *and noncompliance discovered upon review-*
23 *ing the comparative analyses requested*
24 *under subparagraph (B)(i) shall be shared*
25 *with the State where the group health plan*

1 *is located or the State where the health in-*
2 *surance issuer is licensed to do business for*
3 *coverage offered by a health insurance issuer*
4 *in the group market, in accordance with*
5 *paragraph (6)(B)(iii)(II).”.*

6 (2) *ERISA.*—Section 712(a) of the *Employee*
7 *Retirement Income Security Act of 1974 (29 U.S.C.*
8 *1185a(a)) is amended by adding at the end the fol-*
9 *lowing:*

10 “(6) *COMPLIANCE PROGRAM GUIDANCE DOCU-*
11 *MENT.*—

12 “(A) *IN GENERAL.*—*The Secretary, the Sec-*
13 *retary of Health and Human Services, and the*
14 *Secretary of the Treasury, in consultation with*
15 *the Inspector General of the Department of*
16 *Health and Human Services, the Inspector Gen-*
17 *eral of the Department of Labor, and the Inspec-*
18 *tor General of the Department of the Treasury,*
19 *shall issue a compliance program guidance docu-*
20 *ment to help improve compliance with this sec-*
21 *tion, section 2726 of the Public Health Service*
22 *Act, and section 9812 of the Internal Revenue*
23 *Code of 1986, as applicable. In carrying out this*
24 *paragraph, the Secretaries may take into consid-*
25 *eration the 2016 publication of the Department*

1 *of Health and Human Services and the Depart-*
2 *ment of Labor, entitled ‘Warning Signs - Plan*
3 *or Policy Non-Quantitative Treatment Limita-*
4 *tions (NQTLs) that Require Additional Analysis*
5 *to Determine Mental Health Parity Compliance’.*

6 “(B) *EXAMPLES ILLUSTRATING COMPLIANCE*
7 *AND NONCOMPLIANCE.—*

8 “(i) *IN GENERAL.—The compliance*
9 *program guidance document required under*
10 *this paragraph shall provide illustrative,*
11 *de-identified examples (that do not disclose*
12 *any protected health information or indi-*
13 *vidually identifiable information) of pre-*
14 *vious findings of compliance and non-*
15 *compliance with this section, section 2726 of*
16 *the Public Health Service Act, or section*
17 *9812 of the Internal Revenue Code of 1986,*
18 *as applicable, based on investigations of*
19 *violations of such sections, including—*

20 “(I) *examples illustrating require-*
21 *ments for information disclosures and*
22 *nonquantitative treatment limitations;*
23 *and*

1 “(II) descriptions of the violations
2 uncovered during the course of such in-
3 vestigations.

4 “(ii) *NONQUANTITATIVE TREATMENT*
5 *LIMITATIONS.*—To the extent that any ex-
6 ample described in clause (i) involves a
7 finding of compliance or noncompliance
8 with regard to any requirement for non-
9 quantitative treatment limitations, the ex-
10 ample shall provide sufficient detail to fully
11 explain such finding, including a full de-
12 scription of the criteria involved for approv-
13 ing medical and surgical benefits and the
14 criteria involved for approving mental
15 health and substance use disorder benefits.

16 “(iii) *ACCESS TO ADDITIONAL INFOR-*
17 *MATION REGARDING COMPLIANCE.*—In de-
18 veloping and issuing the compliance pro-
19 gram guidance document required under
20 this paragraph, the Secretaries specified in
21 subparagraph (A)—

22 “(I) shall enter into interagency
23 agreements with the Inspector General
24 of the Department of Health and
25 Human Services, the Inspector General

1 *of the Department of Labor, and the*
2 *Inspector General of the Department of*
3 *the Treasury to share findings of com-*
4 *pliance and noncompliance with this*
5 *section, section 2726 of the Public*
6 *Health Service Act, or section 9812 of*
7 *the Internal Revenue Code of 1986, as*
8 *applicable; and*

9 *“(II) shall seek to enter into an*
10 *agreement with a State to share infor-*
11 *mation on findings of compliance and*
12 *noncompliance with this section, sec-*
13 *tion 2726 of the Public Health Service*
14 *Act, or section 9812 of the Internal*
15 *Revenue Code of 1986, as applicable.*

16 “(C) *RECOMMENDATIONS.—The compliance*
17 *program guidance document shall include rec-*
18 *ommendations to advance compliance with this*
19 *section, section 2726 of the Public Health Service*
20 *Act, or section 9812 of the Internal Revenue*
21 *Code of 1986, as applicable, and encourage the*
22 *development and use of internal controls to mon-*
23 *itor adherence to applicable statutes, regulations,*
24 *and program requirements. Such internal con-*
25 *trols may include illustrative examples of non-*

1 *quantitative treatment limitations on mental*
2 *health and substance use disorder benefits, which*
3 *may fail to comply with this section, section*
4 *2726 of the Public Health Service Act, or section*
5 *9812 of the Internal Revenue Code of 1986, as*
6 *applicable, in relation to nonquantitative treat-*
7 *ment limitations on medical and surgical bene-*
8 *fits.*

9 *“(D) UPDATING THE COMPLIANCE PROGRAM*
10 *GUIDANCE DOCUMENT.—The Secretary, the Sec-*
11 *retary of Health and Human Services, and the*
12 *Secretary of the Treasury, in consultation with*
13 *the Inspector General of the Department of*
14 *Health and Human Services, the Inspector Gen-*
15 *eral of the Department of Labor, and the Inspec-*
16 *tor General of the Department of the Treasury,*
17 *shall update the compliance program guidance*
18 *document every 2 years to include illustrative,*
19 *de-identified examples (that do not disclose any*
20 *protected health information or individually*
21 *identifiable information) of previous findings of*
22 *compliance and noncompliance with this section,*
23 *section 2726 of the Public Health Service Act, or*
24 *section 9812 of the Internal Revenue Code of*
25 *1986, as applicable.*

1 “(7) *ADDITIONAL GUIDANCE.*—

2 “(A) *IN GENERAL.*—*The Secretary, the Sec-*
3 *retary of Health and Human Services, and the*
4 *Secretary of the Treasury shall issue guidance to*
5 *group health plans and health insurance issuers*
6 *offering group health insurance coverage to assist*
7 *such plans and issuers in satisfying the require-*
8 *ments of this section, section 2726 of the Public*
9 *Health Service Act, or section 9812 of the Inter-*
10 *nal Revenue Code of 1986, as applicable.*

11 “(B) *DISCLOSURE.*—

12 “(i) *GUIDANCE FOR PLANS AND*
13 *ISSUERS.*—*The guidance issued under this*
14 *paragraph shall include clarifying informa-*
15 *tion and illustrative examples of methods*
16 *that group health plans and health insur-*
17 *ance issuers offering group or individual*
18 *health insurance coverage may use for dis-*
19 *closing information to ensure compliance*
20 *with the requirements under this section,*
21 *section 2726 of the Public Health Service*
22 *Act, or section 9812 of the Internal Revenue*
23 *Code of 1986, as applicable, (and any regu-*
24 *lations promulgated pursuant to such sec-*
25 *tions, as applicable).*

1 “(i) *DOCUMENTS FOR PARTICIPANTS,*
2 *BENEFICIARIES, CONTRACTING PROVIDERS,*
3 *OR AUTHORIZED REPRESENTATIVES.—The*
4 *guidance issued under this paragraph shall*
5 *include clarifying information and illus-*
6 *trative examples of methods that group*
7 *health plans and health insurance issuers*
8 *offering group health insurance coverage*
9 *may use to provide any participant, bene-*
10 *ficiary, contracting provider, or authorized*
11 *representative, as applicable, with docu-*
12 *ments containing information that the*
13 *health plans or issuers are required to dis-*
14 *close to participants, beneficiaries, con-*
15 *tracting providers, or authorized representa-*
16 *tives to ensure compliance with this section,*
17 *section 2726 of the Public Health Service*
18 *Act, or section 9812 of the Internal Revenue*
19 *Code of 1986, as applicable, compliance*
20 *with any regulation issued pursuant to such*
21 *respective section, or compliance with any*
22 *other applicable law or regulation. Such*
23 *guidance shall include information that is*
24 *comparative in nature with respect to—*

1 “(I) *nonquantitative treatment*
2 *limitations for both medical and sur-*
3 *gical benefits and mental health and*
4 *substance use disorder benefits;*

5 “(II) *the processes, strategies, evi-*
6 *dentiary standards, and other factors*
7 *used to apply the limitations described*
8 *in subclause (I); and*

9 “(III) *the application of the limi-*
10 *tations described in subclause (I) to en-*
11 *sure that such limitations are applied*
12 *in parity with respect to both medical*
13 *and surgical benefits and mental*
14 *health and substance use disorder bene-*
15 *fits.*

16 “(C) *NONQUANTITATIVE TREATMENT LIM-*
17 *TATIONS.—The guidance issued under this para-*
18 *graph shall include clarifying information and*
19 *illustrative examples of methods, processes, strat-*
20 *egies, evidentiary standards, and other factors*
21 *that group health plans and health insurance*
22 *issuers offering group health insurance coverage*
23 *may use regarding the development and applica-*
24 *tion of nonquantitative treatment limitations to*
25 *ensure compliance with this section, section 2726*

1 *of the Public Health Service Act, or section 9812*
2 *of the Internal Revenue Code of 1986, as appli-*
3 *cable, (and any regulations promulgated pursu-*
4 *ant to such respective section), including—*

5 *“(i) examples of methods of deter-*
6 *mining appropriate types of nonquantita-*
7 *tive treatment limitations with respect to*
8 *both medical and surgical benefits and men-*
9 *tal health and substance use disorder bene-*
10 *fits, including nonquantitative treatment*
11 *limitations pertaining to—*

12 *“(I) medical management stand-*
13 *ards based on medical necessity or ap-*
14 *propriateness, or whether a treatment*
15 *is experimental or investigative;*

16 *“(II) limitations with respect to*
17 *prescription drug formulary design;*
18 *and*

19 *“(III) use of fail-first or step ther-*
20 *apy protocols;*

21 *“(ii) examples of methods of deter-*
22 *mining—*

23 *“(I) network admission standards*
24 *(such as credentialing); and*

1 “(II) factors used in provider re-
2 imbursement methodologies (such as
3 service type, geographic market, de-
4 mand for services, and provider sup-
5 ply, practice size, training, experience,
6 and licensure) as such factors apply to
7 network adequacy;

8 “(iii) examples of sources of informa-
9 tion that may serve as evidentiary stand-
10 ards for the purposes of making determina-
11 tions regarding the development and appli-
12 cation of nonquantitative treatment limita-
13 tions;

14 “(iv) examples of specific factors, and
15 the evidentiary standards used to evaluate
16 such factors, used by such plans or issuers
17 in performing a nonquantitative treatment
18 limitation analysis;

19 “(v) examples of how specific evi-
20 dentiary standards may be used to deter-
21 mine whether treatments are considered ex-
22 perimental or investigative;

23 “(vi) examples of how specific evi-
24 dentiary standards may be applied to each
25 service category or classification of benefits;

1 “(vii) examples of methods of reaching
2 appropriate coverage determinations for
3 new mental health or substance use disorder
4 treatments, such as evidence-based early
5 intervention programs for individuals with
6 a serious mental illness and types of med-
7 ical management techniques;

8 “(viii) examples of methods of reaching
9 appropriate coverage determinations for
10 which there is an indirect relationship be-
11 tween the covered mental health or sub-
12 stance use disorder benefit and a traditional
13 covered medical and surgical benefit, such
14 as residential treatment or hospitalizations
15 involving voluntary or involuntary commit-
16 ment; and

17 “(ix) additional illustrative examples
18 of methods, processes, strategies, evidentiary
19 standards, and other factors for which the
20 Secretary determines that additional guid-
21 ance is necessary to improve compliance
22 with this section, section 2726 of the Public
23 Health Service Act, or section 9812 of the
24 Internal Revenue Code of 1986, as applica-
25 ble.

1 “(D) *PUBLIC COMMENT.*—Prior to issuing
2 any final guidance under this paragraph, the
3 Secretary shall provide a public comment period
4 of not less than 60 days during which any mem-
5 ber of the public may provide comments on a
6 draft of the guidance.

7 “(8) *COMPLIANCE REQUIREMENTS.*—

8 “(A) *NONQUANTITATIVE TREATMENT LIM-*
9 *TATION (NQTL) REQUIREMENTS.*—In the case of a
10 group health plan or a health insurance issuer
11 offering group health insurance coverage that
12 provides both medical and surgical benefits and
13 mental health or substance use disorder benefits
14 and that imposes nonquantitative treatment lim-
15 itations (referred to in this section as ‘NQTLs’)
16 on mental health or substance use disorder bene-
17 fits, such plan or issuer shall perform and docu-
18 ment comparative analyses of the design and ap-
19 plication of NQTLs and, beginning 45 days after
20 the date of enactment of the Consolidated Appro-
21 priations Act, 2021, make available to the Sec-
22 retary, upon request, the comparative analyses
23 and the following information:

24 “(i) *The specific plan or coverage*
25 *terms or other relevant terms regarding the*

1 *NQTLs, that applies to such plan or cov-*
2 *erage, and a description of all mental health*
3 *or substance use disorder and medical or*
4 *surgical benefits to which each such term*
5 *applies in each respective benefits classifica-*
6 *tion.*

7 *“(ii) The factors used to determine that*
8 *the NQTLs will apply to mental health or*
9 *substance use disorder benefits and medical*
10 *or surgical benefits.*

11 *“(iii) The evidentiary standards used*
12 *for the factors identified in clause (ii), when*
13 *applicable, provided that every factor shall*
14 *be defined, and any other source or evidence*
15 *relied upon to design and apply the NQTLs*
16 *to mental health or substance use disorder*
17 *benefits and medical or surgical benefits.*

18 *“(iv) The comparative analyses dem-*
19 *onstrating that the processes, strategies, evi-*
20 *dentiary standards, and other factors used*
21 *to apply the NQTLs to mental health or*
22 *substance use disorder benefits, as written*
23 *and in operation, are comparable to, and*
24 *are applied no more stringently than, the*
25 *processes, strategies, evidentiary standards,*

1 *and other factors used to apply the NQTLs*
2 *to medical or surgical benefits in the bene-*
3 *fits classification.*

4 “(v) *The specific findings and conclu-*
5 *sions reached by the group health plan or*
6 *health insurance issuer with respect to the*
7 *health insurance coverage, including any re-*
8 *sults of the analyses described in this sub-*
9 *paragraph that indicate that the plan or*
10 *coverage is or is not in compliance with*
11 *this section.*

12 “(B) *SECRETARY REQUEST PROCESS.—*

13 “(i) *SUBMISSION UPON REQUEST.—*
14 *The Secretary shall request that a group*
15 *health plan or a health insurance issuer of-*
16 *fering group health insurance coverage sub-*
17 *mit the comparative analyses described in*
18 *subparagraph (A) for plans that involve po-*
19 *tential violations of this section or com-*
20 *plaints regarding noncompliance with this*
21 *section that concern NQTLs and any other*
22 *instances in which the Secretary determines*
23 *appropriate. The Secretary shall request not*
24 *fewer than 20 such analyses per year.*

1 “(ii) *ADDITIONAL INFORMATION.*—*In*
2 *instances in which the Secretary has con-*
3 *cluded that the group health plan or health*
4 *insurance issuer with respect to group*
5 *health insurance coverage has not submitted*
6 *sufficient information for the Secretary to*
7 *review the comparative analyses described*
8 *in subparagraph (A), as requested under*
9 *clause (i), the Secretary shall specify to the*
10 *plan or issuer the information the plan or*
11 *issuer must submit to be responsive to the*
12 *request under clause (i) for the Secretary to*
13 *review the comparative analyses described*
14 *in subparagraph (A) for compliance with*
15 *this section. Nothing in this paragraph*
16 *shall require the Secretary to conclude that*
17 *a group health plan or health insurance*
18 *issuer is in compliance with this section*
19 *solely based upon the inspection of the com-*
20 *parative analyses described in subpara-*
21 *graph (A), as requested under clause (i).*

22 “(iii) *REQUIRED ACTION.*—

23 “(I) *IN GENERAL.*—*In instances*
24 *in which the Secretary has reviewed*
25 *the comparative analyses described in*

1 *subparagraph (A), as requested under*
2 *clause (i), and determined that the*
3 *group health plan or health insurance*
4 *issuer is not in compliance with this*
5 *section, the plan or issuer—*

6 *“(aa) shall specify to the Sec-*
7 *retary the actions the plan or*
8 *issuer will take to be in compli-*
9 *ance with this section and provide*
10 *to the Secretary additional com-*
11 *parative analyses described in*
12 *subparagraph (A) that dem-*
13 *onstrate compliance with this sec-*
14 *tion not later than 45 days after*
15 *the initial determination by the*
16 *Secretary that the plan or issuer*
17 *is not in compliance; and*

18 *“(bb) following the 45-day*
19 *corrective action period under*
20 *item (aa), if the Secretary makes*
21 *a final determination that the*
22 *plan or issuer still is not in com-*
23 *pliance with this section, not later*
24 *than 7 days after such determina-*
25 *tion, shall notify all individuals*

1 enrolled in the plan or applicable
2 health insurance coverage offered
3 by the issuer that the plan or
4 issuer, with respect to such cov-
5 erage, has been determined to be
6 not in compliance with this sec-
7 tion.

8 “(II) *EXEMPTION FROM DISCLO-*
9 *SURE.—Documents or communications*
10 *produced in connection with the Sec-*
11 *retary’s recommendations to a group*
12 *health plan or health insurance issuer*
13 *shall not be subject to disclosure pursu-*
14 *ant to section 552 of title 5, United*
15 *States Code.*

16 “(iv) *REPORT.—Not later than 1 year*
17 *after the date of enactment of this para-*
18 *graph, and not later than October 1 of each*
19 *year thereafter, the Secretary shall submit*
20 *to Congress, and make publicly available, a*
21 *report that contains—*

22 “(I) *a summary of the compara-*
23 *tive analyses requested under clause*
24 *(i), including the identity of each*
25 *group health plan or health insurance*

1 *issuer, with respect to certain health*
2 *insurance coverage that is determined*
3 *to be not in compliance after the final*
4 *determination by the Secretary de-*
5 *scribed in clause (iii)(I)(bb);*

6 *“(II) the Secretary’s conclusions*
7 *as to whether each group health plan*
8 *or health insurance issuer submitted*
9 *sufficient information for the Secretary*
10 *to review the comparative analyses re-*
11 *quested under clause (i) for compliance*
12 *with this section;*

13 *“(III) for each group health plan*
14 *or health insurance issuer that did sub-*
15 *mit sufficient information for the Sec-*
16 *retary to review the comparative anal-*
17 *yses requested under clause (i), the Sec-*
18 *retary’s conclusions as to whether and*
19 *why the plan or issuer is in compli-*
20 *ance with the disclosure requirements*
21 *under this section;*

22 *“(IV) the Secretary’s specifica-*
23 *tions described in clause (ii) for each*
24 *group health plan or health insurance*
25 *issuer that the Secretary determined*

1 *did not submit sufficient information*
2 *for the Secretary to review the com-*
3 *parative analyses requested under*
4 *clause (i) for compliance with this sec-*
5 *tion; and*

6 *“(V) the Secretary’s specifications*
7 *described in clause (iii) of the actions*
8 *each group health plan or health insur-*
9 *ance issuer that the Secretary deter-*
10 *mined is not in compliance with this*
11 *section must take to be in compliance*
12 *with this section, including the reason*
13 *why the Secretary determined the plan*
14 *or issuer is not in compliance.*

15 *“(C) COMPLIANCE PROGRAM GUIDANCE*
16 *DOCUMENT UPDATE PROCESS.—*

17 *“(i) IN GENERAL.—The Secretary shall*
18 *include instances of noncompliance that the*
19 *Secretary discovers upon reviewing the com-*
20 *parative analyses requested under subpara-*
21 *graph (B)(i) in the compliance program*
22 *guidance document described in paragraph*
23 *(6), as it is updated every 2 years, except*
24 *that such instances shall not disclose any*

1 *protected health information or individually*
2 *identifiable information.*

3 “(ii) *GUIDANCE AND REGULATIONS.*—

4 *Not later than 18 months after the date of*
5 *enactment of this paragraph, the Secretary*
6 *shall finalize any draft or interim guidance*
7 *and regulations relating to mental health*
8 *parity under this section. Such draft guid-*
9 *ance shall include guidance to clarify the*
10 *process and timeline for current and poten-*
11 *tial participants and beneficiaries (and au-*
12 *thorized representatives and health care*
13 *providers of such participants and bene-*
14 *ficiaries) with respect to plans to file com-*
15 *plaints of such plans or issuers being in*
16 *violation of this section, including guidance,*
17 *by plan type, on the relevant State, re-*
18 *gional, or national office with which such*
19 *complaints should be filed.*

20 “(iii) *STATE.*—*The Secretary shall*

21 *share information on findings of compliance*
22 *and noncompliance discovered upon review-*
23 *ing the comparative analyses requested*
24 *under subparagraph (B)(i) shall be shared*
25 *with the State where the group health plan*

1 *is located or the State where the health in-*
2 *surance issuer is licensed to do business for*
3 *coverage offered by a health insurance issuer*
4 *in the group market, in accordance with*
5 *paragraph (6)(B)(iii)(II).”.*

6 (3) *IRC.—Section 9812(a) of the Internal Rev-*
7 *enue Code of 1986 is amended by adding at the end*
8 *the following:*

9 “(6) *COMPLIANCE PROGRAM GUIDANCE DOCU-*
10 *MENT.—*

11 “(A) *IN GENERAL.—The Secretary, the Sec-*
12 *retary of Health and Human Services, and the*
13 *Secretary of Labor, in consultation with the In-*
14 *pector General of the Department of Health and*
15 *Human Services, the Inspector General of the*
16 *Department of Labor, and the Inspector General*
17 *of the Department of the Treasury, shall issue a*
18 *compliance program guidance document to help*
19 *improve compliance with this section, section*
20 *2726 of the Public Health Service Act, and sec-*
21 *tion 712 of the Employee Retirement Income Se-*
22 *curity Act of 1974, as applicable. In carrying*
23 *out this paragraph, the Secretaries may take*
24 *into consideration the 2016 publication of the*
25 *Department of Health and Human Services and*

1 *the Department of Labor, entitled ‘Warning*
2 *Signs - Plan or Policy Non-Quantitative Treat-*
3 *ment Limitations (NQTLs) that Require Addi-*
4 *tional Analysis to Determine Mental Health*
5 *Parity Compliance’.*

6 “(B) *EXAMPLES ILLUSTRATING COMPLIANCE*
7 *AND NONCOMPLIANCE.—*

8 “(i) *IN GENERAL.—The compliance*
9 *program guidance document required under*
10 *this paragraph shall provide illustrative,*
11 *de-identified examples (that do not disclose*
12 *any protected health information or indi-*
13 *vidually identifiable information) of pre-*
14 *vious findings of compliance and non-*
15 *compliance with this section, section 2726 of*
16 *the Public Health Service Act, or section*
17 *712 of the Employee Retirement Income Se-*
18 *curity Act of 1974, as applicable, based on*
19 *investigations of violations of such sections,*
20 *including—*

21 “(I) *examples illustrating require-*
22 *ments for information disclosures and*
23 *nonquantitative treatment limitations;*
24 *and*

1 “(II) descriptions of the violations
2 uncovered during the course of such in-
3 vestigations.

4 “(ii) *NONQUANTITATIVE TREATMENT*
5 *LIMITATIONS.*—To the extent that any ex-
6 ample described in clause (i) involves a
7 finding of compliance or noncompliance
8 with regard to any requirement for non-
9 quantitative treatment limitations, the ex-
10 ample shall provide sufficient detail to fully
11 explain such finding, including a full de-
12 scription of the criteria involved for approv-
13 ing medical and surgical benefits and the
14 criteria involved for approving mental
15 health and substance use disorder benefits.

16 “(iii) *ACCESS TO ADDITIONAL INFOR-*
17 *MATION REGARDING COMPLIANCE.*—In de-
18 veloping and issuing the compliance pro-
19 gram guidance document required under
20 this paragraph, the Secretaries specified in
21 subparagraph (A)—

22 “(I) shall enter into interagency
23 agreements with the Inspector General
24 of the Department of Health and
25 Human Services, the Inspector General

1 *of the Department of Labor, and the*
2 *Inspector General of the Department of*
3 *the Treasury to share findings of com-*
4 *pliance and noncompliance with this*
5 *section, section 2726 of the Public*
6 *Health Service Act, or section 712 of*
7 *the Employee Retirement Income Secu-*
8 *rity Act of 1974, as applicable; and*

9 *“(II) shall seek to enter into an*
10 *agreement with a State to share infor-*
11 *mation on findings of compliance and*
12 *noncompliance with this section, sec-*
13 *tion 2726 of the Public Health Service*
14 *Act, or section 712 of the Employee Re-*
15 *irement Income Security Act of 1974,*
16 *as applicable.*

17 *“(C) RECOMMENDATIONS.—The compliance*
18 *program guidance document shall include rec-*
19 *ommendations to advance compliance with this*
20 *section, section 2726 of the Public Health Service*
21 *Act, or section 712 of the Employee Retirement*
22 *Income Security Act of 1974, as applicable, and*
23 *encourage the development and use of internal*
24 *controls to monitor adherence to applicable stat-*
25 *utes, regulations, and program requirements.*

1 *Such internal controls may include illustrative*
2 *examples of nonquantitative treatment limita-*
3 *tions on mental health and substance use dis-*
4 *order benefits, which may fail to comply with*
5 *this section, section 2726 of the Public Health*
6 *Service Act, or section 712 of the Employee Re-*
7 *irement Income Security Act of 1974, as appli-*
8 *cable, in relation to nonquantitative treatment*
9 *limitations on medical and surgical benefits.*

10 *“(D) UPDATING THE COMPLIANCE PROGRAM*
11 *GUIDANCE DOCUMENT.—The Secretary, the Sec-*
12 *retary of Health and Human Services, and the*
13 *Secretary of Labor, in consultation with the In-*
14 *pector General of the Department of Health and*
15 *Human Services, the Inspector General of the*
16 *Department of Labor, and the Inspector General*
17 *of the Department of the Treasury, shall update*
18 *the compliance program guidance document*
19 *every 2 years to include illustrative, de-identified*
20 *examples (that do not disclose any protected*
21 *health information or individually identifiable*
22 *information) of previous findings of compliance*
23 *and noncompliance with this section, section*
24 *2726 of the Public Health Service Act, or section*

1 712 of the *Employee Retirement Income Security*
2 *Act of 1974, as applicable.*

3 “(7) *ADDITIONAL GUIDANCE.*—

4 “(A) *IN GENERAL.*—*The Secretary, the Sec-*
5 *retary of Health and Human Services, and the*
6 *Secretary of Labor shall issue guidance to group*
7 *health plans to assist such plans in satisfying*
8 *the requirements of this section, section 2726 of*
9 *the Public Health Service Act, or section 712 of*
10 *the Employee Retirement Income Security Act of*
11 *1974, as applicable.*

12 “(B) *DISCLOSURE.*—

13 “(i) *GUIDANCE FOR PLANS.*—*The guid-*
14 *ance issued under this paragraph shall in-*
15 *clude clarifying information and illus-*
16 *trative examples of methods that group*
17 *health plans may use for disclosing infor-*
18 *mation to ensure compliance with the re-*
19 *quirements under this section, section 2726*
20 *of the Public Health Service Act, or section*
21 *712 of the Employee Retirement Income Se-*
22 *curity Act of 1974, as applicable, (and any*
23 *regulations promulgated pursuant to such*
24 *sections, as applicable).*

1 “(i) *DOCUMENTS FOR PARTICIPANTS,*
2 *BENEFICIARIES, CONTRACTING PROVIDERS,*
3 *OR AUTHORIZED REPRESENTATIVES.—The*
4 *guidance issued under this paragraph shall*
5 *include clarifying information and illus-*
6 *trative examples of methods that group*
7 *health plans may use to provide any partic-*
8 *ipant, beneficiary, contracting provider, or*
9 *authorized representative, as applicable,*
10 *with documents containing information*
11 *that the health plans are required to disclose*
12 *to participants, beneficiaries, contracting*
13 *providers, or authorized representatives to*
14 *ensure compliance with this section, section*
15 *2726 of the Public Health Service Act, or*
16 *section 712 of the Employee Retirement In-*
17 *come Security Act of 1974, as applicable,*
18 *compliance with any regulation issued pur-*
19 *suant to such respective section, or compli-*
20 *ance with any other applicable law or regu-*
21 *lation. Such guidance shall include infor-*
22 *mation that is comparative in nature with*
23 *respect to—*

24 “(I) *nonquantitative treatment*
25 *limitations for both medical and sur-*

1 *gical benefits and mental health and*
2 *substance use disorder benefits;*

3 *“(II) the processes, strategies, evi-*
4 *dentiary standards, and other factors*
5 *used to apply the limitations described*
6 *in subclause (I); and*

7 *“(III) the application of the limi-*
8 *tations described in subclause (I) to en-*
9 *sure that such limitations are applied*
10 *in parity with respect to both medical*
11 *and surgical benefits and mental*
12 *health and substance use disorder bene-*
13 *fits.*

14 *“(C) NONQUANTITATIVE TREATMENT LIM-*
15 *TATIONS.—The guidance issued under this para-*
16 *graph shall include clarifying information and*
17 *illustrative examples of methods, processes, strat-*
18 *egies, evidentiary standards, and other factors*
19 *that group health plans may use regarding the*
20 *development and application of nonquantitative*
21 *treatment limitations to ensure compliance with*
22 *this section, section 2726 of the Public Health*
23 *Service Act, or section 712 of the Employee Re-*
24 *irement Income Security Act of 1974, as appli-*

1 *cable, (and any regulations promulgated pursu-*
2 *ant to such respective section), including—*

3 *“(i) examples of methods of deter-*
4 *mining appropriate types of nonquantita-*
5 *tive treatment limitations with respect to*
6 *both medical and surgical benefits and men-*
7 *tal health and substance use disorder bene-*
8 *fits, including nonquantitative treatment*
9 *limitations pertaining to—*

10 *“(I) medical management stand-*
11 *ards based on medical necessity or ap-*
12 *propriateness, or whether a treatment*
13 *is experimental or investigative;*

14 *“(II) limitations with respect to*
15 *prescription drug formulary design;*
16 *and*

17 *“(III) use of fail-first or step ther-*
18 *apy protocols;*

19 *“(ii) examples of methods of deter-*
20 *mining—*

21 *“(I) network admission standards*
22 *(such as credentialing); and*

23 *“(II) factors used in provider re-*
24 *imbursement methodologies (such as*
25 *service type, geographic market, de-*

1 *mand for services, and provider sup-*
2 *ply, practice size, training, experience,*
3 *and licensure) as such factors apply to*
4 *network adequacy;*

5 “(iii) *examples of sources of informa-*
6 *tion that may serve as evidentiary stand-*
7 *ards for the purposes of making determina-*
8 *tions regarding the development and appli-*
9 *cation of nonquantitative treatment limita-*
10 *tions;*

11 “(iv) *examples of specific factors, and*
12 *the evidentiary standards used to evaluate*
13 *such factors, used by such plans in per-*
14 *forming a nonquantitative treatment limi-*
15 *tation analysis;*

16 “(v) *examples of how specific evi-*
17 *dentiary standards may be used to deter-*
18 *mine whether treatments are considered ex-*
19 *perimental or investigative;*

20 “(vi) *examples of how specific evi-*
21 *dentiary standards may be applied to each*
22 *service category or classification of benefits;*

23 “(vii) *examples of methods of reaching*
24 *appropriate coverage determinations for*
25 *new mental health or substance use disorder*

1 *treatments, such as evidence-based early*
2 *intervention programs for individuals with*
3 *a serious mental illness and types of med-*
4 *ical management techniques;*

5 *“(viii) examples of methods of reaching*
6 *appropriate coverage determinations for*
7 *which there is an indirect relationship be-*
8 *tween the covered mental health or sub-*
9 *stance use disorder benefit and a traditional*
10 *covered medical and surgical benefit, such*
11 *as residential treatment or hospitalizations*
12 *involving voluntary or involuntary commit-*
13 *ment; and*

14 *“(ix) additional illustrative examples*
15 *of methods, processes, strategies, evidentiary*
16 *standards, and other factors for which the*
17 *Secretary determines that additional guid-*
18 *ance is necessary to improve compliance*
19 *with this section, section 2726 of the Public*
20 *Health Service Act, or section 712 of the*
21 *Employee Retirement Income Security Act*
22 *of 1974, as applicable.*

23 *“(D) PUBLIC COMMENT.—Prior to issuing*
24 *any final guidance under this paragraph, the*
25 *Secretary shall provide a public comment period*

1 *of not less than 60 days during which any mem-*
2 *ber of the public may provide comments on a*
3 *draft of the guidance.*

4 “(8) *COMPLIANCE REQUIREMENTS.*—

5 “(A) *NONQUANTITATIVE TREATMENT LIM-*
6 *TATION (NQTL) REQUIREMENTS.*—*In the case of a*
7 *group health plan that provides both medical*
8 *and surgical benefits and mental health or sub-*
9 *stance use disorder benefits and that imposes*
10 *nonquantitative treatment limitations (referred*
11 *to in this section as ‘NQTLs’) on mental health*
12 *or substance use disorder benefits, such plan*
13 *shall perform and document comparative anal-*
14 *yses of the design and application of NQTLs*
15 *and, beginning 45 days after the date of enact-*
16 *ment of the Consolidated Appropriations Act,*
17 *2021, make available to the Secretary, upon re-*
18 *quest, the comparative analyses and the fol-*
19 *lowing information:*

20 “(i) *The specific plan terms or other*
21 *relevant terms regarding the NQTLs and a*
22 *description of all mental health or substance*
23 *use disorder and medical or surgical bene-*
24 *fits to which each such term applies in each*
25 *respective benefits classification.*

1 “(ii) *The factors used to determine that*
2 *the NQTLs will apply to mental health or*
3 *substance use disorder benefits and medical*
4 *or surgical benefits.*

5 “(iii) *The evidentiary standards used*
6 *for the factors identified in clause (ii), when*
7 *applicable, provided that every factor shall*
8 *be defined, and any other source or evidence*
9 *relied upon to design and apply the NQTLs*
10 *to mental health or substance use disorder*
11 *benefits and medical or surgical benefits.*

12 “(iv) *The comparative analyses dem-*
13 *onstrating that the processes, strategies, evi-*
14 *dentiary standards, and other factors used*
15 *to apply the NQTLs to mental health or*
16 *substance use disorder benefits, as written*
17 *and in operation, are comparable to, and*
18 *are applied no more stringently than, the*
19 *processes, strategies, evidentiary standards,*
20 *and other factors used to apply the NQTLs*
21 *to medical or surgical benefits in the bene-*
22 *fits classification.*

23 “(v) *A disclosure of the specific find-*
24 *ings and conclusions reached by the group*
25 *health plan, including any results of the*

1 *analyses described in this subparagraph*
2 *that indicate that the plan is or is not in*
3 *compliance with this section.*

4 *“(B) SECRETARY REQUEST PROCESS.—*

5 *“(i) SUBMISSION UPON REQUEST.—*

6 *The Secretary shall request that a group*
7 *health plan submit the comparative anal-*
8 *yses described in subparagraph (A) for*
9 *plans that involve potential violations of*
10 *this section or complaints regarding non-*
11 *compliance with this section that concern*
12 *NQTLs and any other instances in which*
13 *the Secretary determines appropriate. The*
14 *Secretary shall request not fewer than 20*
15 *such analyses per year.*

16 *“(ii) ADDITIONAL INFORMATION.—In*
17 *instances in which the Secretary has con-*
18 *cluded that the group health plan has not*
19 *submitted sufficient information for the Sec-*
20 *retary to review the comparative analyses*
21 *described in subparagraph (A), as requested*
22 *under clause (i), the Secretary shall specify*
23 *to the plan the information the plan must*
24 *submit to be responsive to the request under*
25 *clause (i) for the Secretary to review the*

1 *comparative analyses described in subpara-*
2 *graph (A) for compliance with this section.*
3 *Nothing in this paragraph shall require the*
4 *Secretary to conclude that a group health*
5 *plan is in compliance with this section sole-*
6 *ly based upon the inspection of the com-*
7 *parative analyses described in subpara-*
8 *graph (A), as requested under clause (i).*

9 “(iii) *REQUIRED ACTION.*—

10 “(I) *IN GENERAL.*—*In instances*
11 *in which the Secretary has reviewed*
12 *the comparative analyses described in*
13 *subparagraph (A), as requested under*
14 *clause (i), and determined that the*
15 *group health plan is not in compliance*
16 *with this section, the plan—*

17 “(aa) *shall specify to the Sec-*
18 *retary the actions the plan will*
19 *take to be in compliance with this*
20 *section and provide to the Sec-*
21 *retary additional comparative*
22 *analyses described in subpara-*
23 *graph (A) that demonstrate com-*
24 *pliance with this section not later*
25 *than 45 days after the initial de-*

1 *termination by the Secretary that*
2 *the plan is not in compliance;*
3 *and*

4 “(bb) *following the 45-day*
5 *corrective action period under*
6 *item (aa), if the Secretary makes*
7 *a final determination that the*
8 *plan still is not in compliance*
9 *with this section, not later than 7*
10 *days after such determination,*
11 *shall notify all individuals en-*
12 *rolled in the plan that the plan*
13 *has been determined to be not in*
14 *compliance with this section.*

15 “(II) *EXEMPTION FROM DISCLO-*
16 *SURE.—Documents or communications*
17 *produced in connection with the Sec-*
18 *retary’s recommendations to a group*
19 *health plan shall not be subject to dis-*
20 *closure pursuant to section 552 of title*
21 *5, United States Code.*

22 “(iv) *REPORT.—Not later than 1 year*
23 *after the date of enactment of this para-*
24 *graph, and not later than October 1 of each*
25 *year thereafter, the Secretary shall submit*

1 to Congress, and make publicly available, a
2 report that contains—

3 “(I) a summary of the compara-
4 tive analyses requested under clause
5 (i), including the identity of each
6 group plan that is determined to be
7 not in compliance after the final deter-
8 mination by the Secretary described in
9 clause (iii)(I)(bb);

10 “(II) the Secretary’s conclusions
11 as to whether each group health plan
12 submitted sufficient information for the
13 Secretary to review the comparative
14 analyses requested under clause (i) for
15 compliance with this section;

16 “(III) for each group health plan
17 that did submit sufficient information
18 for the Secretary to review the com-
19 parative analyses requested under
20 clause (i), the Secretary’s conclusions
21 as to whether and why the plan is in
22 compliance with the disclosure require-
23 ments under this section;

24 “(IV) the Secretary’s specifica-
25 tions described in clause (ii) for each

1 *group health plan that the Secretary*
2 *determined did not submit sufficient*
3 *information for the Secretary to review*
4 *the comparative analyses requested*
5 *under clause (i) for compliance with*
6 *this section; and*

7 “(V) *the Secretary’s specifications*
8 *described in clause (iii) of the actions*
9 *each group health plan that the Sec-*
10 *retary determined is not in compliance*
11 *with this section must take to be in*
12 *compliance with this section, including*
13 *the reason why the Secretary deter-*
14 *mined the plan is not in compliance.*

15 “(C) *COMPLIANCE PROGRAM GUIDANCE*
16 *DOCUMENT UPDATE PROCESS.—*

17 “(i) *IN GENERAL.—The Secretary shall*
18 *include instances of noncompliance that the*
19 *Secretary discovers upon reviewing the com-*
20 *parative analyses requested under subpara-*
21 *graph (B)(i) in the compliance program*
22 *guidance document described in paragraph*
23 *(6), as it is updated every 2 years, except*
24 *that such instances shall not disclose any*

1 *protected health information or individually*
2 *identifiable information.*

3 “(ii) *GUIDANCE AND REGULATIONS.—*
4 *Not later than 18 months after the date of*
5 *enactment of this paragraph, the Secretary*
6 *shall finalize any draft or interim guidance*
7 *and regulations relating to mental health*
8 *parity under this section. Such draft guid-*
9 *ance shall include guidance to clarify the*
10 *process and timeline for current and poten-*
11 *tial participants and beneficiaries (and au-*
12 *thorized representatives and health care*
13 *providers of such participants and bene-*
14 *ficiaries) with respect to plans to file com-*
15 *plaints of such plans being in violation of*
16 *this section, including guidance, by plan*
17 *type, on the relevant State, regional, or na-*
18 *tional office with which such complaints*
19 *should be filed.*

20 “(iii) *STATE.—The Secretary shall*
21 *share information on findings of compliance*
22 *and noncompliance discovered upon review-*
23 *ing the comparative analyses requested*
24 *under subparagraph (B)(i) shall be shared*
25 *with the State where the group health plan*

1 is located, in accordance with paragraph
2 (6)(B)(iii)(II).”.

3 (4) *MEDICAID AND CHIP COMPLIANCE.*—

4 (A) *MEDICAID MANAGED CARE ORGANIZA-*
5 *TIONS.*—Section 1932(b)(8) of the Social Secu-
6 *rity Act (42 U.S.C. 1396u–2(b)(8)) is amended*
7 *by adding at the end the following new sentence:*
8 *“In applying the previous sentence with respect*
9 *to requirements under paragraph (8) of section*
10 *2726(a) of the Public Health Service Act, a Med-*
11 *icaid managed care organization (or a prepaid*
12 *inpatient health plan (as defined by the Sec-*
13 *retary) or prepaid ambulatory health plan (as*
14 *defined by the Secretary) that offers services to*
15 *enrollees of a Medicaid managed care organiza-*
16 *tion) shall be treated as in compliance with such*
17 *requirements if the Medicaid managed care orga-*
18 *nization (or prepaid inpatient health plan or*
19 *prepaid ambulatory health plan) is in compli-*
20 *ance with subpart K of part 438 of title 42, Code*
21 *of Federal Regulations, and section 438.3(n) of*
22 *such title, or any successor regulation.”.*

23 (B) *OTHER BENCHMARK BENEFIT PACK-*
24 *AGES OR BENCHMARK EQUIVALENT COVERAGE.*—

1 *Section 1937(b)(6)(A) of such Act (42 U.S.C.*
2 *1396u-7(b)(6)(A)) is amended—*

3 *(i) by striking “section 2705(a)” and*
4 *inserting “section 2726(a)”;* and

5 *(ii) by adding at the end the following*
6 *new sentence: “In applying the previous*
7 *sentence with respect to requirements under*
8 *paragraph (8) of section 2726(a) of the*
9 *Public Health Service Act, a benchmark*
10 *benefit package or benchmark equivalent*
11 *coverage described in such sentence shall be*
12 *treated as in compliance with such require-*
13 *ments if the State plan under this title or*
14 *the benchmark benefit package or benefit*
15 *equivalent coverage, as applicable, is in*
16 *compliance with subpart C of part 440 of*
17 *title 42, Code of Federal Regulations, or*
18 *any successor regulation.”.*

19 *(C) STATE CHILD HEALTH PLANS.—Section*
20 *2103(c)(7)(A) of the Social Security Act (42*
21 *U.S.C. 1397cc(c)(7)(A)) is amended—*

22 *(i) by striking “section 2705(a)” and*
23 *inserting “section 2726(a)”;* and

24 *(ii) by adding at the end the following*
25 *new sentence: “In applying the previous*

1 *a group health plan or health insurance issuer offering*
2 *group or individual health insurance coverage (except for*
3 *a church plan) shall submit to the Secretary, the Secretary*
4 *of Labor, and the Secretary of the Treasury the following*
5 *information with respect to the health plan or coverage in*
6 *the previous plan year:*

7 “(1) *The beginning and end dates of the plan*
8 *year.*

9 “(2) *The number of enrollees.*

10 “(3) *Each State in which the plan or coverage*
11 *is offered.*

12 “(4) *The 50 brand prescription drugs most fre-*
13 *quently dispensed by pharmacies for claims paid by*
14 *the plan or coverage, and the total number of paid*
15 *claims for each such drug.*

16 “(5) *The 50 most costly prescription drugs with*
17 *respect to the plan or coverage by total annual spend-*
18 *ing, and the annual amount spent by the plan or cov-*
19 *erage for each such drug.*

20 “(6) *The 50 prescription drugs with the greatest*
21 *increase in plan expenditures over the plan year pre-*
22 *ceding the plan year that is the subject of the report,*
23 *and, for each such drug, the change in amounts ex-*
24 *pended by the plan or coverage in each such plan*
25 *year.*

1 “(7) *Total spending on health care services by*
2 *such group health plan or health insurance coverage,*
3 *broken down by—*

4 “(A) *the type of costs, including—*

5 “(i) *hospital costs;*

6 “(ii) *health care provider and clinical*
7 *service costs, for primary care and specialty*
8 *care separately;*

9 “(iii) *costs for prescription drugs; and*

10 “(iv) *other medical costs, including*
11 *wellness services; and*

12 “(B) *spending on prescription drugs by—*

13 “(i) *the health plan or coverage; and*

14 “(ii) *the enrollees.*

15 “(8) *The average monthly premium—*

16 “(A) *paid by employers on behalf of enroll-*
17 *ees, as applicable; and*

18 “(B) *paid by enrollees.*

19 “(9) *Any impact on premiums by rebates, fees,*
20 *and any other remuneration paid by drug manufac-*
21 *turers to the plan or coverage or its administrators or*
22 *service providers, with respect to prescription drugs*
23 *prescribed to enrollees in the plan or coverage, includ-*
24 *ing—*

1 “(A) the amounts so paid for each thera-
2 peutic class of drugs; and

3 “(B) the amounts so paid for each of the 25
4 drugs that yielded the highest amount of rebates
5 and other remuneration under the plan or cov-
6 erage from drug manufacturers during the plan
7 year.

8 “(10) Any reduction in premiums and out-of-
9 pocket costs associated with rebates, fees, or other re-
10 muneration described in paragraph (9).

11 “(b) *REPORT.*—Not later than 18 months after the date
12 on which the first report is required under subsection (a)
13 and biannually thereafter, the Secretary, acting through the
14 Assistant Secretary of Planning and Evaluation and in co-
15 ordination with the Inspector General of the Department
16 of Health and Human Services, shall make available on the
17 internet website of the Department of Health and Human
18 Services a report on prescription drug reimbursements
19 under group health plans and group and individual health
20 insurance coverage, prescription drug pricing trends, and
21 the role of prescription drug costs in contributing to pre-
22 mium increases or decreases under such plans or coverage,
23 aggregated in such a way as no drug or plan specific infor-
24 mation will be made public.

1 “(4) *The 50 brand prescription drugs most fre-*
2 *quently dispensed by pharmacies for claims paid by*
3 *the plan or coverage, and the total number of paid*
4 *claims for each such drug.*

5 “(5) *The 50 most costly prescription drugs with*
6 *respect to the plan or coverage by total annual spend-*
7 *ing, and the annual amount spent by the plan or cov-*
8 *erage for each such drug.*

9 “(6) *The 50 prescription drugs with the greatest*
10 *increase in plan expenditures over the plan year pre-*
11 *ceding the plan year that is the subject of the report,*
12 *and, for each such drug, the change in amounts ex-*
13 *pended by the plan or coverage in each such plan*
14 *year.*

15 “(7) *Total spending on health care services by*
16 *such group health plan or health insurance coverage,*
17 *broken down by—*

18 “(A) *the type of costs, including—*

19 “(i) *hospital costs;*

20 “(ii) *health care provider and clinical*
21 *service costs, for primary care and specialty*
22 *care separately;*

23 “(iii) *costs for prescription drugs; and*

24 “(iv) *other medical costs, including*
25 *wellness services; and*

1 “(B) spending on prescription drugs by—
2 “(i) the health plan or coverage; and
3 “(ii) the participants and bene-
4 ficiaries.

5 “(8) The average monthly premium—

6 “(A) paid by employers on behalf of partici-
7 pants and beneficiaries, as applicable; and

8 “(B) paid by participants and beneficiaries.

9 “(9) Any impact on premiums by rebates, fees,
10 and any other remuneration paid by drug manufac-
11 turers to the plan or coverage or its administrators or
12 service providers, with respect to prescription drugs
13 prescribed to participants or beneficiaries in the plan
14 or coverage, including—

15 “(A) the amounts so paid for each thera-
16 peutic class of drugs; and

17 “(B) the amounts so paid for each of the 25
18 drugs that yielded the highest amount of rebates
19 and other remuneration under the plan or cov-
20 erage from drug manufacturers during the plan
21 year.

22 “(10) Any reduction in premiums and out-of-
23 pocket costs associated with rebates, fees, or other re-
24 muneration described in paragraph (9).

1 *retary of Health and Human Services, and the Secretary*
2 *of Labor the following information with respect to the health*
3 *plan in the previous plan year:*

4 “(1) *The beginning and end dates of the plan*
5 *year.*

6 “(2) *The number of participants and bene-*
7 *ficiaries.*

8 “(3) *Each State in which the plan is offered.*

9 “(4) *The 50 brand prescription drugs most fre-*
10 *quently dispensed by pharmacies for claims paid by*
11 *the plan, and the total number of paid claims for*
12 *each such drug.*

13 “(5) *The 50 most costly prescription drugs with*
14 *respect to the plan by total annual spending, and the*
15 *annual amount spent by the plan for each such drug.*

16 “(6) *The 50 prescription drugs with the greatest*
17 *increase in plan expenditures over the plan year pre-*
18 *ceding the plan year that is the subject of the report,*
19 *and, for each such drug, the change in amounts ex-*
20 *pended by the plan in each such plan year.*

21 “(7) *Total spending on health care services by*
22 *such group health plan, broken down by—*

23 “(A) *the type of costs, including—*

24 “(i) *hospital costs;*

1 “(ii) health care provider and clinical
2 service costs, for primary care and specialty
3 care separately;

4 “(iii) costs for prescription drugs; and

5 “(iv) other medical costs, including
6 wellness services; and

7 “(B) spending on prescription drugs by—

8 “(i) the health plan; and

9 “(ii) the participants and bene-
10 ficiaries.

11 “(8) The average monthly premium—

12 “(A) paid by employers on behalf of partici-
13 pants and beneficiaries, as applicable; and

14 “(B) paid by participants and beneficiaries.

15 “(9) Any impact on premiums by rebates, fees,
16 and any other remuneration paid by drug manufac-
17 turers to the plan or its administrators or service pro-
18 viders, with respect to prescription drugs prescribed
19 to participants or beneficiaries in the plan, includ-
20 ing—

21 “(A) the amounts so paid for each thera-
22 peutic class of drugs; and

23 “(B) the amounts so paid for each of the 25
24 drugs that yielded the highest amount of rebates

1 *and other remuneration under the plan from*
2 *drug manufacturers during the plan year.*

3 “(10) *Any reduction in premiums and out-of-*
4 *pocket costs associated with rebates, fees, or other re-*
5 *muneration described in paragraph (9).*”

6 “(b) *REPORT.—Not later than 18 months after the date*
7 *on which the first report is required under subsection (a)*
8 *and biannually thereafter, the Secretary, acting in coordi-*
9 *nation with the Inspector General of the Department of the*
10 *Treasury, shall make available on the internet website of*
11 *the Department of the Treasury a report on prescription*
12 *drug reimbursements under group health plans, prescrip-*
13 *tion drug pricing trends, and the role of prescription drug*
14 *costs in contributing to premium increases or decreases*
15 *under such plans, aggregated in such a way as no drug*
16 *or plan specific information will be made public.*”

17 “(c) *PRIVACY PROTECTIONS.—No confidential or trade*
18 *secret information submitted to the Secretary under sub-*
19 *section (a) shall be included in the report under subsection*
20 *(b).”.*”

21 (d) *CLERICAL AMENDMENTS.—*

22 (1) *ERISA.—The table of contents in section 1*
23 *of the Employee Retirement Income Security Act of*
24 *1974 (29 U.S.C. 1001 et seq.), as amended by section*

1 201, is further amended by inserting after the item
2 relating to section 724 the following new item:

“Sec. 725. Reporting on pharmacy benefits and drug costs.”.

3 (2) IRC.—The table of sections for subchapter B
4 of chapter 100 of the Internal Revenue Code of 1986,
5 as amended by section 201, is further amended by
6 adding at the end the following new item:

“Sec. 9825. Reporting on pharmacy benefits and drug costs.”.

7 **TITLE III—PUBLIC HEALTH**
8 **PROVISIONS**

9 **Subtitle A—Extenders Provisions**

10 **SEC. 301. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
11 **THE NATIONAL HEALTH SERVICE CORPS, AND**
12 **TEACHING HEALTH CENTERS THAT OPERATE**
13 **GME PROGRAMS.**

14 (a) COMMUNITY HEALTH CENTERS.—Section
15 10503(b)(1)(F) of the Patient Protection and Affordable
16 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by strik-
17 ing “, \$4,000,000,000 for fiscal year 2019, \$4,000,000,000
18 for fiscal year 2020, and \$865,753,425 for the period begin-
19 ning on October 1, 2020, and ending on December 18,
20 2020” and inserting “and \$4,000,000,000 for each of fiscal
21 years 2019 through 2023”.

22 (b) NATIONAL HEALTH SERVICE CORPS.—Section
23 10503(b)(2)(H) of the Patient Protection and Affordable
24 Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended by strik-

1 ing “ \$67,095,890 for the period beginning on October 1,
2 2020, and ending on December 18, 2020” and inserting “
3 \$310,000,000 for each of fiscal years 2021 through 2023”.

4 (c) *TEACHING HEALTH CENTERS THAT OPERATE*
5 *GRADUATE MEDICAL EDUCATION PROGRAMS.*—Section
6 340H(g)(1) of the Public Health Service Act (42 U.S.C.
7 256h(g)(1)) is amended—

8 (1) by inserting “and” after “2017,”; and

9 (2) by striking “fiscal year 2020, and
10 \$27,379,452 for the period beginning on October 1,
11 2020, and ending on December 18, 2020” and insert-
12 ing “2023”.

13 (d) *APPLICATION OF PROVISIONS.*—Amounts appro-
14 priated pursuant to the amendments made by this section
15 for fiscal years 2021 through 2023 shall be subject to the
16 requirements contained in Public Law 116–94 for funds for
17 programs authorized under sections 330 through 340 of the
18 Public Health Service Act.

19 (e) *CONFORMING AMENDMENTS.*—Paragraph (4) of
20 section 3014(h) of title 18, United States Code, as amended
21 by section 1201(e) of the Further Continuing Appropria-
22 tions Act, 2021, and Other Extensions Act, is amended by
23 striking “and section 1201(d) of the Further Continuing
24 Appropriations Act, 2021, and Other Extensions Act” and
25 inserting “, section 1201(d) of the Further Continuing Ap-

1 *ropriations Act, 2021, and Other Extensions Act, and sec-*
2 *tion 301(d) of division BB of the Consolidated Appropria-*
3 *tions Act, 2021.”.*

4 **SEC. 302. DIABETES PROGRAMS.**

5 (a) *TYPE I.*—Section 330B(b)(2)(D) of the Public
6 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended
7 by striking “2020, and \$32,465,753 for the period beginning
8 on October 1, 2020, and ending on December 18, 2020” and
9 inserting “2023”.

10 (b) *INDIANS.*—Section 330C(c)(2)(D) of the Public
11 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended
12 by striking “2020, and \$32,465,753 for the period beginning
13 on October 1, 2020, and ending on December 18, 2020” and
14 inserting “2023”.

15 ***Subtitle B—Strengthening Public***
16 ***Health***

17 **SEC. 311. IMPROVING AWARENESS OF DISEASE PREVEN-**
18 **TION.**

19 (a) *IN GENERAL.*—The Public Health Service Act is
20 amended by striking section 313 of such Act (42 U.S.C. 245)
21 and inserting the following:

22 **“SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPOR-**
23 **TANCE OF VACCINATIONS.**

24 “(a) *IN GENERAL.*—The Secretary, acting through the
25 Director of the Centers for Disease Control and Prevention

1 *and in coordination with other offices and agencies, as ap-*
2 *propriate, shall award competitive grants or contracts to*
3 *one or more public or private entities to carry out a na-*
4 *tional, evidence-based campaign to increase awareness and*
5 *knowledge of the safety and effectiveness of vaccines for the*
6 *prevention and control of diseases, combat misinformation*
7 *about vaccines, and disseminate scientific and evidence-*
8 *based vaccine-related information, with the goal of increas-*
9 *ing rates of vaccination across all ages, as applicable, par-*
10 *ticularly in communities with low rates of vaccination, to*
11 *reduce and eliminate vaccine-preventable diseases.*

12 “(b) *CONSULTATION.*—*In carrying out the campaign*
13 *under this section, the Secretary shall consult with appro-*
14 *priate public health and medical experts, including the Na-*
15 *tional Academy of Medicine and medical and public health*
16 *associations and nonprofit organizations, in the develop-*
17 *ment, implementation, and evaluation of the evidence-based*
18 *public awareness campaign.*

19 “(c) *REQUIREMENTS.*—*The campaign under this sec-*
20 *tion shall—*

21 “(1) *be a nationwide, evidence-based media and*
22 *public engagement initiative;*

23 “(2) *include the development of resources for*
24 *communities with low rates of vaccination, including*

1 *culturally and linguistically appropriate resources, as*
2 *applicable;*

3 *“(3) include the dissemination of vaccine infor-*
4 *mation and communication resources to public health*
5 *departments, health care providers, and health care*
6 *facilities, including such providers and facilities that*
7 *provide prenatal and pediatric care;*

8 *“(4) be complementary to, and coordinated with,*
9 *any other Federal, State, local, or Tribal efforts, as*
10 *appropriate; and*

11 *“(5) assess the effectiveness of communication*
12 *strategies to increase rates of vaccination.*

13 *“(d) ADDITIONAL ACTIVITIES.—The campaign under*
14 *this section may—*

15 *“(1) include the use of television, radio, the*
16 *internet, and other media and telecommunications*
17 *technologies;*

18 *“(2) include the use of in-person activities;*

19 *“(3) be focused to address specific needs of com-*
20 *munities and populations with low rates of vaccina-*
21 *tion; and*

22 *“(4) include the dissemination of scientific and*
23 *evidence-based vaccine-related information, such as—*

1 “(A) *advancements in evidence-based re-*
2 *search related to diseases that may be prevented*
3 *by vaccines and vaccine development;*

4 “(B) *information on vaccinations for indi-*
5 *viduals and communities, including individuals*
6 *for whom vaccines are not recommended by the*
7 *Advisory Committee for Immunization Practices,*
8 *and the effects of low vaccination rates within a*
9 *community on such individuals;*

10 “(C) *information on diseases that may be*
11 *prevented by vaccines; and*

12 “(D) *information on vaccine safety and the*
13 *systems in place to monitor vaccine safety.*

14 “(e) *EVALUATION.—The Secretary shall—*

15 “(1) *establish benchmarks and metrics to quan-*
16 *titatively measure and evaluate the awareness cam-*
17 *paign under this section;*

18 “(2) *conduct qualitative assessments regarding*
19 *the awareness campaign under this section; and*

20 “(3) *prepare and submit to the Committee on*
21 *Health, Education, Labor, and Pensions of the Senate*
22 *and Committee on Energy and Commerce of the*
23 *House of Representatives an evaluation of the aware-*
24 *ness campaign under this section.*

1 “(f) *SUPPLEMENT NOT SUPPLANT.*—Funds appro-
2 priated under this section shall be used to supplement and
3 not supplant other Federal, State, and local public funds
4 provided for activities described in this section.

5 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—There
6 are authorized to be appropriated to carry out this section
7 and subsections (k) and (n) of section 317, \$15,000,000 for
8 each of fiscal years 2021 through 2025.”.

9 (b) *GRANTS TO ADDRESS VACCINE-PREVENTABLE DIS-*
10 *EASES.*—Section 317 of the Public Health Service Act (42
11 U.S.C. 247b) is amended—

12 (1) in subsection (k)(1)—

13 (A) in subparagraph (C), by striking “;
14 and” and inserting a semicolon;

15 (B) in subparagraph (D), by striking the
16 period and inserting a semicolon; and

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

18 “(E) planning, implementation, and evaluation
19 of activities to address vaccine-preventable diseases,
20 including activities to—

21 “(i) identify communities at high risk of
22 outbreaks related to vaccine-preventable diseases,
23 including through improved data collection and
24 analysis;

1 “(ii) pilot innovative approaches to improve
2 vaccination rates in communities and among
3 populations with low rates of vaccination;

4 “(iii) reduce barriers to accessing vaccines
5 and evidence-based information about the health
6 effects of vaccines;

7 “(iv) partner with community organiza-
8 tions and health care providers to develop and
9 deliver evidence-based interventions, including
10 culturally and linguistically appropriate inter-
11 ventions, to increase vaccination rates;

12 “(v) improve delivery of evidence-based vac-
13 cine-related information to parents and others;
14 and

15 “(vi) improve the ability of State, local,
16 Tribal, and territorial public health departments
17 to engage communities at high risk for outbreaks
18 related to vaccine-preventable diseases, including,
19 as appropriate, with local educational agencies,
20 as defined in section 8101 of the Elementary and
21 Secondary Education Act of 1965; and

22 “(F) research related to strategies for improving
23 awareness of scientific and evidence-based vaccine-re-
24 lated information, including for communities with
25 low rates of vaccination, in order to understand bar-

1 *riers to vaccination, improve vaccination rates, and*
2 *assess the public health outcomes of such strategies.”;*
3 *and*

4 *(2) by adding at the end the following:*

5 *“(n) VACCINATION DATA.—The Secretary, acting*
6 *through the Director of the Centers for Disease Control and*
7 *Prevention, shall expand and enhance, and, as appropriate,*
8 *establish and improve, programs and conduct activities to*
9 *collect, monitor, and analyze vaccination coverage data to*
10 *assess levels of protection from vaccine-preventable diseases,*
11 *including by assessing factors contributing to underutiliza-*
12 *tion of vaccines and variations of such factors, and identi-*
13 *fying communities at high risk of outbreaks associated with*
14 *vaccine-preventable diseases.”.*

15 *(c) SUPPLEMENTAL GRANT FUNDS.—Section*
16 *330(d)(1) of the Public Health Service Act (42 U.S.C. 254b)*
17 *is amended—*

18 *(1) in subparagraph (F), by striking “and” at*
19 *the end;*

20 *(2) in subparagraph (G), by striking the period*
21 *and inserting “; and”; and*

22 *(3) by adding at the end the following:*

23 *“(H) improving access to recommended im-*
24 *munizations.”.*

1 (d) *UPDATE OF 2015 NVAC REPORT.*—*The National*
2 *Vaccine Advisory Committee established under section 2105*
3 *of the Public Health Service Act (42 U.S.C. 300aa–5) shall,*
4 *as appropriate, update the report entitled, “Assessing the*
5 *State of Vaccine Confidence in the United States: Rec-*
6 *ommendations from the National Vaccine Advisory Com-*
7 *mittee”, approved by the National Vaccine Advisory Com-*
8 *mittee on June 10, 2015, with respect to factors affecting*
9 *childhood vaccination.*

10 **SEC. 312. GUIDE ON EVIDENCE-BASED STRATEGIES FOR**
11 **PUBLIC HEALTH DEPARTMENT OBESITY PRE-**
12 **VENTION PROGRAMS.**

13 (a) *DEVELOPMENT AND DISSEMINATION OF AN EVI-*
14 *DENCE-BASED STRATEGIES GUIDE.*—*The Secretary of*
15 *Health and Human Services (referred to in this section as*
16 *the “Secretary”), acting through the Director of the Centers*
17 *for Disease Control and Prevention, not later than 2 years*
18 *after the date of enactment of this Act, may—*

19 (1) *develop a guide on evidence-based strategies*
20 *for State, territorial, and local health departments to*
21 *use to build and maintain effective obesity prevention*
22 *and reduction programs, and, in consultation with*
23 *Indian Tribes, Tribal organizations, and urban In-*
24 *Indian organizations, a guide on such evidence-based*
25 *strategies with respect to Indian Tribes and Tribal*

1 *organizations for such Indian Tribes and Tribal orga-*
2 *nizations to use for such purpose, both of which*
3 *guides shall—*

4 *(A) describe an integrated program struc-*
5 *ture for implementing interventions proven to be*
6 *effective in preventing and reducing the inci-*
7 *dence of obesity; and*

8 *(B) recommend—*

9 *(i) optimal resources, including staff-*
10 *ing and infrastructure, for promoting nutri-*
11 *tion and obesity prevention and reduction;*
12 *and*

13 *(ii) strategies for effective obesity pre-*
14 *vention programs for State, territorial, and*
15 *local health departments, Indian Tribes,*
16 *and Tribal organizations, including strate-*
17 *gies related to—*

18 *(I) the application of evidence-*
19 *based and evidence-informed practices*
20 *to prevent and reduce obesity rates;*

21 *(II) the development, implementa-*
22 *tion, and evaluation of obesity preven-*
23 *tion and reduction strategies for spe-*
24 *cific communities and populations;*

1 (III) demonstrated knowledge of
2 obesity prevention practices that reduce
3 associated preventable diseases, health
4 conditions, death, and health care
5 costs;

6 (IV) best practices for the coordi-
7 nation of efforts to prevent and reduce
8 obesity and related chronic diseases;

9 (V) addressing the underlying risk
10 factors and social determinants of
11 health that impact obesity rates; and

12 (VI) interdisciplinary coordina-
13 tion between relevant public health of-
14 ficials specializing in fields such as
15 nutrition, physical activity, epidemi-
16 ology, communications, and policy im-
17 plementation, and collaboration be-
18 tween public health officials, commu-
19 nity-based organizations, and others,
20 as appropriate; and

21 (2) disseminate the guides and current research,
22 evidence-based practices, tools, and educational mate-
23 rials related to obesity prevention, consistent with the
24 guides, to State, territorial, and local health depart-
25 ments, Indian Tribes, and Tribal organizations.

1 (b) *TECHNICAL ASSISTANCE.*—*The Secretary, acting*
 2 *through the Director of the Centers for Disease Control and*
 3 *Prevention, shall provide technical assistance to State, ter-*
 4 *ritorial, and local health departments, Indian Tribes, and*
 5 *Tribal organizations to support such health departments in*
 6 *implementing the guide developed under subsection (a)(1).*

7 (c) *INDIAN TRIBES; TRIBAL ORGANIZATIONS; URBAN*
 8 *INDIAN ORGANIZATIONS.*—*In this section—*

9 (1) *the terms “Indian Tribe” and “Tribal orga-*
 10 *nization” have the meanings given the terms “Indian*
 11 *tribe” and “tribal organization”, respectively, in sec-*
 12 *tion 4 of the Indian Self-Determination and Edu-*
 13 *cation Assistance Act (25 U.S.C. 5304); and*

14 (2) *the term “urban Indian organization” has*
 15 *the meaning given such term in section 4 of the In-*
 16 *dian Health Care Improvement Act (25 U.S.C. 1603).*

17 **SEC. 313. EXPANDING CAPACITY FOR HEALTH OUTCOMES.**

18 *Title III of the Public Health Service Act is amended*
 19 *by inserting after section 330M (42 U.S.C. 254c–19) the*
 20 *following:*

21 **“SEC. 330N. EXPANDING CAPACITY FOR HEALTH OUT-**
 22 **COMES.**

23 “(a) *DEFINITIONS.*—*In this section:*

24 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
 25 *ty’ means an entity that provides, or supports the*

1 *provision of, health care services in rural areas, fron-*
2 *tier areas, health professional shortage areas, or medi-*
3 *cally underserved areas, or to medically underserved*
4 *populations or Native Americans, including Indian*
5 *Tribes, Tribal organizations, and urban Indian orga-*
6 *nizations, and which may include entities leading, or*
7 *capable of leading, a technology-enabled collaborative*
8 *learning and capacity building model or engaging in*
9 *technology-enabled collaborative training of partici-*
10 *pants in such model.*

11 “(2) *HEALTH PROFESSIONAL SHORTAGE*
12 *AREA.*—*The term ‘health professional shortage area’*
13 *means a health professional shortage area designated*
14 *under section 332.*

15 “(3) *INDIAN TRIBE.*—*The terms ‘Indian Tribe’*
16 *and ‘Tribal organization’ have the meanings given*
17 *the terms ‘Indian tribe’ and ‘tribal organization’ in*
18 *section 4 of the Indian Self-Determination and Edu-*
19 *cation Assistance Act.*

20 “(4) *MEDICALLY UNDERSERVED POPULATION.*—
21 *The term ‘medically underserved population’ has the*
22 *meaning given the term in section 330(b)(3).*

23 “(5) *NATIVE AMERICANS.*—*The term ‘Native*
24 *Americans’ has the meaning given the term in section*

1 736 and includes Indian Tribes and Tribal organiza-
2 tions.

3 “(6) *TECHNOLOGY-ENABLED COLLABORATIVE*
4 *LEARNING AND CAPACITY BUILDING MODEL.*—The
5 term ‘technology-enabled collaborative learning and
6 capacity building model’ means a distance health
7 education model that connects health care profes-
8 sionals, and particularly specialists, with multiple
9 other health care professionals through simultaneous
10 interactive videoconferencing for the purpose of facili-
11 tating case-based learning, disseminating best prac-
12 tices, and evaluating outcomes.

13 “(7) *URBAN INDIAN ORGANIZATION.*—The term
14 ‘urban Indian organization’ has the meaning given
15 the term in section 4 of the Indian Health Care Im-
16 provement Act.

17 “(b) *PROGRAM ESTABLISHED.*—The Secretary shall,
18 as appropriate, award grants to evaluate, develop, and, as
19 appropriate, expand the use of technology-enabled collabo-
20 rative learning and capacity building models, to improve
21 retention of health care providers and increase access to
22 health care services, such as those to address chronic diseases
23 and conditions, infectious diseases, mental health, substance
24 use disorders, prenatal and maternal health, pediatric care,
25 pain management, palliative care, and other specialty care

1 *in rural areas, frontier areas, health professional shortage*
2 *areas, or medically underserved areas and for medically un-*
3 *derserved populations or Native Americans.*

4 “(c) *USE OF FUNDS.—*

5 “(1) *IN GENERAL.—Grants awarded under sub-*
6 *section (b) shall be used for—*

7 “(A) *the development and acquisition of in-*
8 *structional programming, and the training of*
9 *health care providers and other professionals that*
10 *provide or assist in the provision of services*
11 *through models described in subsection (b), such*
12 *as training on best practices for data collection*
13 *and leading or participating in such technology-*
14 *enabled activities consistent with technology-en-*
15 *abled collaborative learning and capacity-build-*
16 *ing models;*

17 “(B) *information collection and evaluation*
18 *activities to study the impact of such models on*
19 *patient outcomes and health care providers, and*
20 *to identify best practices for the expansion and*
21 *use of such models; or*

22 “(C) *other activities consistent with achiev-*
23 *ing the objectives of the grants awarded under*
24 *this section, as determined by the Secretary.*

1 “(2) *OTHER USES.*—*In addition to any of the*
2 *uses under paragraph (1), grants awarded under sub-*
3 *section (b) may be used for—*

4 “(A) *equipment to support the use and ex-*
5 *ansion of technology-enabled collaborative*
6 *learning and capacity building models, includ-*
7 *ing for hardware and software that enables dis-*
8 *tance learning, health care provider support, and*
9 *the secure exchange of electronic health informa-*
10 *tion; or*

11 “(B) *support for health care providers and*
12 *other professionals that provide or assist in the*
13 *provision of services through such models.*

14 “(d) *LENGTH OF GRANTS.*—*Grants awarded under*
15 *subsection (b) shall be for a period of up to 5 years.*

16 “(e) *GRANT REQUIREMENTS.*—*The Secretary may re-*
17 *quire entities awarded a grant under this section to collect*
18 *information on the effect of the use of technology-enabled*
19 *collaborative learning and capacity building models, such*
20 *as on health outcomes, access to health care services, quality*
21 *of care, and provider retention in areas and populations*
22 *described in subsection (b). The Secretary may award a*
23 *grant or contract to assist in the coordination of such mod-*
24 *els, including to assess outcomes associated with the use of*

1 *such models in grants awarded under subsection (b), includ-*
2 *ing for the purpose described in subsection (c)(1)(B).*

3 “(f) *APPLICATION.—An eligible entity that seeks to re-*
4 *ceive a grant under subsection (b) shall submit to the Sec-*
5 *retary an application, at such time, in such manner, and*
6 *containing such information as the Secretary may require.*
7 *Such application shall include plans to assess the effect of*
8 *technology-enabled collaborative learning and capacity*
9 *building models on patient outcomes and health care pro-*
10 *viders.*

11 “(g) *ACCESS TO BROADBAND.—In administering*
12 *grants under this section, the Secretary may coordinate*
13 *with other agencies to ensure that funding opportunities are*
14 *available to support access to reliable, high-speed internet*
15 *for grantees.*

16 “(h) *TECHNICAL ASSISTANCE.—The Secretary shall*
17 *provide (either directly through the Department of Health*
18 *and Human Services or by contract) technical assistance*
19 *to eligible entities, including recipients of grants under sub-*
20 *section (b), on the development, use, and evaluation of tech-*
21 *nology-enabled collaborative learning and capacity building*
22 *models in order to expand access to health care services pro-*
23 *vided by such entities, including for medically underserved*
24 *areas and to medically underserved populations or Native*
25 *Americans.*

1 “(i) *RESEARCH AND EVALUATION.*—*The Secretary, in*
2 *consultation with stakeholders with appropriate expertise*
3 *in such models, shall develop a strategic plan to research*
4 *and evaluate the evidence for such models. The Secretary*
5 *shall use such plan to inform the activities carried out*
6 *under this section.*

7 “(j) *REPORT BY SECRETARY.*—*Not later than 4 years*
8 *after the date of enactment of this section, the Secretary*
9 *shall prepare and submit to the Committee on Health, Edu-*
10 *cation, Labor, and Pensions of the Senate and the Com-*
11 *mittee on Energy and Commerce of the House of Represent-*
12 *atives, and post on the internet website of the Department*
13 *of Health and Human Services, a report including, at min-*
14 *imum—*

15 “(1) *a description of any new and continuing*
16 *grants awarded to entities under subsection (b) and*
17 *the specific purpose and amounts of such grants;*

18 “(2) *an overview of—*

19 “(A) *the evaluations conducted under sub-*
20 *sections (b);*

21 “(B) *technical assistance provided under*
22 *subsection (h); and*

23 “(C) *activities conducted by entities award-*
24 *ed grants under subsection (b); and*

1 *spect to the interoperability and improvement of*
2 *such systems (including as it relates to prepared-*
3 *ness for, prevention and detection of, and re-*
4 *sponse to public health emergencies); and*

5 *“(B) award grants or cooperative agree-*
6 *ments to State, local, Tribal, or territorial public*
7 *health departments for the expansion and mod-*
8 *ernization of public health data systems, to assist*
9 *public health departments and public health lab-*
10 *oratories in—*

11 *“(i) assessing current data infrastruc-*
12 *ture capabilities and gaps to—*

13 *“(I) improve and increase consist-*
14 *ency in data collection, storage, and*
15 *analysis; and*

16 *“(II) as appropriate, improve dis-*
17 *semination of public health-related in-*
18 *formation;*

19 *“(ii) improving secure public health*
20 *data collection, transmission, exchange,*
21 *maintenance, and analysis, including with*
22 *respect to demographic data, as appro-*
23 *priate;*

24 *“(iii) improving the secure exchange of*
25 *data between the Centers for Disease Con-*

1 *trol and Prevention, State, local, Tribal,*
2 *and territorial public health departments,*
3 *public health laboratories, public health or-*
4 *ganizations, and health care providers, in-*
5 *cluding by public health officials in mul-*
6 *tipl e jurisdictions within such State, as ap-*
7 *propriate, and by simplifying and sup-*
8 *porting reporting by health care providers,*
9 *as applicable, pursuant to State law, in-*
10 *cluding through the use of health informa-*
11 *tion technology;*

12 *“(iv) enhancing the interoperability of*
13 *public health data systems (including sys-*
14 *tems created or accessed by public health de-*
15 *partments) with health information tech-*
16 *nology, including with health information*
17 *technology certified under section*
18 *3001(c)(5);*

19 *“(v) supporting and training data sys-*
20 *tems, data science, and informatics per-*
21 *sonnel;*

22 *“(vi) supporting earlier disease and*
23 *health condition detection, such as through*
24 *near real-time data monitoring, to support*
25 *rapid public health responses;*

1 “(vii) supporting activities within the
2 applicable jurisdiction related to the expan-
3 sion and modernization of electronic case
4 reporting; and

5 “(viii) developing and disseminating
6 information related to the use and impor-
7 tance of public health data.

8 “(2) *DATA STANDARDS.*—In carrying out para-
9 graph (1), the Secretary, acting through the Director
10 of the Centers for Disease Control and Prevention,
11 shall, as appropriate and in consultation with the Of-
12 fice of the National Coordinator for Health Informa-
13 tion Technology, designate data and technology stand-
14 ards (including standards for interoperability) for
15 public health data systems, with deference given to
16 standards published by consensus-based standards de-
17 velopment organizations with public input and vol-
18 untary consensus-based standards bodies.

19 “(3) *PUBLIC-PRIVATE PARTNERSHIPS.*—The Sec-
20 retary may develop and utilize public-private part-
21 nerships for technical assistance, training, and re-
22 lated implementation support for State, local, Tribal,
23 and territorial public health departments, and the
24 Centers for Disease Control and Prevention, on the

1 *expansion and modernization of electronic case re-*
2 *porting and public health data systems, as applicable.*

3 “(b) *REQUIREMENTS.*—

4 “(1) *HEALTH INFORMATION TECHNOLOGY*
5 *STANDARDS.*—*The Secretary may not award a grant*
6 *or cooperative agreement under subsection (a)(1)(B)*
7 *unless the applicant uses or agrees to use standards*
8 *endorsed by the National Coordinator for Health In-*
9 *formation Technology pursuant to section 3001(c)(1)*
10 *or adopted by the Secretary under section 3004.*

11 “(2) *WAIVER.*—*The Secretary may waive the re-*
12 *quirement under paragraph (1) with respect to an*
13 *applicant if the Secretary determines that the activi-*
14 *ties under subsection (a)(1)(B) cannot otherwise be*
15 *carried out within the applicable jurisdiction.*

16 “(3) *APPLICATION.*—*A State, local, Tribal, or*
17 *territorial health department applying for a grant or*
18 *cooperative agreement under this section shall submit*
19 *an application to the Secretary at such time and in*
20 *such manner as the Secretary may require. Such ap-*
21 *plication shall include information describing—*

22 “(A) *the activities that will be supported by*
23 *the grant or cooperative agreement; and*

24 “(B) *how the modernization of the public*
25 *health data systems involved will support or im-*

1 *pact the public health infrastructure of the health*
2 *department, including a description of remain-*
3 *ing gaps, if any, and the actions needed to ad-*
4 *dress such gaps.*

5 “(c) *STRATEGY AND IMPLEMENTATION PLAN.*—*Not*
6 *later than 180 days after the date of enactment of this sec-*
7 *tion, the Secretary, acting through the Director of the Cen-*
8 *ters for Disease Control and Prevention, shall submit to the*
9 *Committee on Health, Education, Labor, and Pensions of*
10 *the Senate and the Committee on Energy and Commerce*
11 *of the House of Representatives a coordinated strategy and*
12 *an accompanying implementation plan that identifies and*
13 *demonstrates the measures the Secretary will utilize to—*

14 “(1) *update and improve applicable public*
15 *health data systems used by the Centers for Disease*
16 *Control and Prevention; and*

17 “(2) *carry out the activities described in this sec-*
18 *tion to support the improvement of State, local, Trib-*
19 *al, and territorial public health data systems.*

20 “(d) *CONSULTATION.*—*The Secretary, acting through*
21 *the Director of the Centers for Disease Control and Preven-*
22 *tion, shall consult with State, local, Tribal, and territorial*
23 *health departments, professional medical and public health*
24 *associations, associations representing hospitals or other*
25 *health care entities, health information technology experts,*

1 *and other appropriate public or private entities regarding*
2 *the plan and grant program to modernize public health*
3 *data systems pursuant to this section. Activities under this*
4 *subsection may include the provision of technical assistance*
5 *and training related to the exchange of information by such*
6 *public health data systems used by relevant health care and*
7 *public health entities at the local, State, Federal, Tribal,*
8 *and territorial levels, and the development and utilization*
9 *of public-private partnerships for implementation support*
10 *applicable to this section.*

11 “(e) *REPORT TO CONGRESS.*—*Not later than 1 year*
12 *after the date of enactment of this section, the Secretary*
13 *shall submit a report to the Committee on Health, Edu-*
14 *cation, Labor, and Pensions of the Senate and the Com-*
15 *mittee on Energy and Commerce of the House of Represent-*
16 *atives that includes—*

17 “(1) *a description of any barriers to—*

18 “(A) *public health authorities implementing*
19 *interoperable public health data systems and*
20 *electronic case reporting;*

21 “(B) *the exchange of information pursuant*
22 *to electronic case reporting;*

23 “(C) *reporting by health care providers*
24 *using such public health data systems, as appro-*
25 *priate, and pursuant to State law; or*

1 “(D) *improving demographic data collection*
2 *or analysis;*

3 “(2) *an assessment of the potential public health*
4 *impact of implementing electronic case reporting and*
5 *interoperable public health data systems; and*

6 “(3) *a description of the activities carried out*
7 *pursuant to this section.*

8 “(f) *ELECTRONIC CASE REPORTING.—In this section,*
9 *the term ‘electronic case reporting’ means the automated*
10 *identification, generation, and bilateral exchange of reports*
11 *of health events among electronic health record or health*
12 *information technology systems and public health authori-*
13 *ties.*

14 “(g) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
15 *out this section, there are authorized to be appropriated*
16 *\$100,000,000 for each of fiscal years 2021 through 2025.”.*

17 **SEC. 315. NATIVE AMERICAN SUICIDE PREVENTION.**

18 *Section 520E(b) of the Public Health Service Act (42*
19 *U.S.C. 290bb–36(b) is amended by inserting after para-*
20 *graph (3) the following:*

21 “(4) *CONSULTATION.—An entity described in*
22 *paragraph (1)(A) or (1)(B) that applies for a grant*
23 *or cooperative agreement under this section shall*
24 *agree to consult or confer with entities described in*
25 *paragraph (1)(C) and Native Hawaiian Health Care*

1 *Systems, as applicable, in the applicable State with*
2 *respect to the development and implementation of a*
3 *statewide early intervention strategy.”.*

4 **SEC. 316. REAUTHORIZATION OF THE YOUNG WOMEN’S**
5 **BREAST HEALTH EDUCATION AND AWARE-**
6 **NESS REQUIRES LEARNING YOUNG ACT OF**
7 **2009.**

8 *Section 399NN(h) of the Public Health Service Act (42*
9 *U.S.C. 280m(h)) is amended by striking “ \$4,900,000 for*
10 *each of fiscal years 2015 through 2019” and inserting “*
11 *\$9,000,000 for each of fiscal years 2022 through 2026”.*

12 **SEC. 317. REAUTHORIZATION OF SCHOOL-BASED HEALTH**
13 **CENTERS.**

14 *Section 399Z–1(l) of the Public Health Service Act (42*
15 *U.S.C. 280h–5(l)) is amended by striking “2010 through*
16 *2014” and inserting “2022 through 2026”.*

17 ***Subtitle C—FDA Amendments***

18 **SEC. 321. RARE PEDIATRIC DISEASE PRIORITY REVIEW**
19 **VOUCHER EXTENSION.**

20 *Section 529(b)(5) of the Federal Food, Drug, and Cos-*
21 *metic Act (21 U.S.C. 360ff(b)(5)) is amended—*

22 *(1) by striking “December 18, 2020” each place*
23 *it appears and inserting “September 30, 2024”; and*

24 *(2) in subparagraph (B), by striking “December*
25 *18, 2022” and inserting “September 30, 2026”.*

1 **SEC. 322. CONDITIONS OF USE FOR BIOSIMILAR BIOLOGI-**
2 **CAL PRODUCTS.**

3 *Section 351(k)(2)(A)(iii) of the Public Health Service*
4 *Act (42 U.S.C. 262(k)(2)(A)(iii)) is amended—*

5 *(1) in subclause (I), by striking “; and” and in-*
6 *serting a semicolon;*

7 *(2) in subclause (II), by striking the period and*
8 *inserting “; and”; and*

9 *(3) by adding at the end the following:*

10 *“(III) may include information to*
11 *show that the conditions of use pre-*
12 *scribed, recommended, or suggested in*
13 *the labeling proposed for the biological*
14 *product have been previously approved*
15 *for the reference product.”.*

16 **SEC. 323. ORPHAN DRUG CLARIFICATION.**

17 *Section 527(c) of the Federal Food, Drug, and Cos-*
18 *metic Act (21 U.S.C. 360cc(c)) is amended by adding at*
19 *the end the following:*

20 *“(3) APPLICABILITY.—This subsection applies to*
21 *any drug designated under section 526 for which an*
22 *application was approved under section 505 of this*
23 *Act or licensed under section 351 of the Public Health*
24 *Service Act after the date of enactment of the FDA*
25 *Reauthorization Act of 2017, regardless of the date on*
26 *which such drug was designated under section 526.”.*

1 **SEC. 324. MODERNIZING THE LABELING OF CERTAIN GE-**
2 **NERIC DRUGS.**

3 *Chapter V of the Federal Food, Drug, and Cosmetic*
4 *Act (21 U.S.C. 351 et seq.) is amended by inserting after*
5 *section 503C the following:*

6 **“SEC. 503D. PROCESS TO UPDATE LABELING FOR CERTAIN**
7 **GENERIC DRUGS.**

8 *“(a) DEFINITIONS.—For purposes of this section:*

9 *“(1) The term ‘covered drug’ means a drug ap-*
10 *proved under section 505(c)—*

11 *“(A) for which there are no unexpired pat-*
12 *ents included in the list under section 505(j)(7)*
13 *and no unexpired period of exclusivity;*

14 *“(B) for which the approval of the applica-*
15 *tion has been withdrawn for reasons other than*
16 *safety or effectiveness; and*

17 *“(C) for which—*

18 *“(i)(I) there is new scientific evidence*
19 *available pertaining to new or existing con-*
20 *ditions of use that is not reflected in the ap-*
21 *proved labeling;*

22 *“(II) the approved labeling does not re-*
23 *fect current legal and regulatory require-*
24 *ments for content or format; or*

1 “(III) there is a relevant accepted use
2 in clinical practice that is not reflected in
3 the approved labeling; and

4 “(ii) updating the approved labeling
5 would benefit the public health.

6 “(2) The term ‘period of exclusivity’, with respect
7 to a drug approved under section 505(c), means any
8 period of exclusivity under clause (ii), (iii), or (iv) of
9 section 505(c)(3)(E), clause (ii), (iii), or (iv) of sec-
10 tion 505(j)(5)(F), or section 505A, 505E, or 527.

11 “(3) The term ‘generic version’ means a drug ap-
12 proved under section 505(j) whose reference listed
13 drug is a covered drug.

14 “(4) The term ‘relevant accepted use’ means a
15 use for a drug in clinical practice that is supported
16 by scientific evidence that appears to the Secretary to
17 meet the standards for approval under section 505.

18 “(5) The term ‘selected drug’ means a covered
19 drug for which the Secretary has determined through
20 the process under subsection (c) that the labeling
21 should be changed.

22 “(b) IDENTIFICATION OF COVERED DRUGS.—The Sec-
23 retary may identify covered drugs for which labeling up-
24 dates would provide a public health benefit. To assist in

1 *identifying covered drugs, the Secretary may do one or both*
2 *of the following:*

3 “(1) *Enter into cooperative agreements or con-*
4 *tracts with public or private entities to review the*
5 *available scientific evidence concerning such drugs.*

6 “(2) *Seek public input concerning such drugs,*
7 *including input on whether there is a relevant accept-*
8 *ed use in clinical practice that is not reflected in the*
9 *approved labeling of such drugs or whether new sci-*
10 *entific evidence is available regarding the conditions*
11 *of use for such drug, by—*

12 “(A) *holding one or more public meetings;*

13 “(B) *opening a public docket for the sub-*
14 *mission of public comments; or*

15 “(C) *other means, as the Secretary deter-*
16 *mines appropriate.*

17 “(c) *SELECTION OF DRUGS FOR UPDATING.—If the*
18 *Secretary determines, with respect to a covered drug, that*
19 *the available scientific evidence meets the standards under*
20 *section 505 for adding or modifying information to the la-*
21 *beling or providing supplemental information to the label-*
22 *ing regarding the use of the covered drug, the Secretary may*
23 *initiate the process under subsection (d).*

24 “(d) *INITIATION OF THE PROCESS OF UPDATING.—If*
25 *the Secretary determines that labeling changes are appro-*

1 *priate for a selected drug pursuant to subsection (c), the*
2 *Secretary shall provide notice to the holders of approved*
3 *applications for a generic version of such drug that—*

4 “(1) *summarizes the findings supporting the de-*
5 *termination of the Secretary that the available sci-*
6 *entific evidence meets the standards under section 505*
7 *for adding or modifying information or providing*
8 *supplemental information to the labeling of the cov-*
9 *ered drug pursuant to subsection (c);*

10 “(2) *provides a clear statement regarding the ad-*
11 *ditional, modified, or supplemental information for*
12 *such labeling, according to the determination by the*
13 *Secretary (including, as applicable, modifications to*
14 *add the relevant accepted use to the labeling of the*
15 *drug as an additional indication for the drug); and*

16 “(3) *states whether the statement under para-*
17 *graph (2) applies to the selected drug as a class of*
18 *covered drugs or only to a specific drug product.*

19 “(e) *RESPONSE TO NOTIFICATION.—Within 30 days of*
20 *receipt of notification provided by the Secretary pursuant*
21 *to subsection (d), the holder of an approved application for*
22 *a generic version of the selected drug shall—*

23 “(1) *agree to change the approved labeling to re-*
24 *flect the additional, modified, or supplemental infor-*

1 *mation the Secretary has determined to be appro-*
2 *priate; or*

3 *“(2) notify the Secretary that the holder of the*
4 *approved application does not believe that the re-*
5 *quested labeling changes are warranted and submit a*
6 *statement detailing the reasons why such changes are*
7 *not warranted.*

8 *“(f) REVIEW OF APPLICATION HOLDER’S RE-*
9 *SPONSE.—*

10 *“(1) IN GENERAL.—Upon receipt of the applica-*
11 *tion holder’s response, the Secretary shall promptly*
12 *review each statement received under subsection (e)(2)*
13 *and determine which labeling changes pursuant to the*
14 *Secretary’s notice under subsection (d) are appro-*
15 *priate, if any. If the Secretary disagrees with the rea-*
16 *sons why such labeling changes are not warranted, the*
17 *Secretary shall provide opportunity for discussions*
18 *with the application holders to reach agreement on*
19 *whether the labeling for the covered drug should be*
20 *updated to reflect available scientific evidence, and if*
21 *so, the content of such labeling changes.*

22 *“(2) CHANGES TO LABELING.—After considering*
23 *all responses from the holder of an approved applica-*
24 *tion under paragraph (1) or (2) of subsection (e), and*
25 *any discussion under paragraph (1), the Secretary*

1 *may order such holder to make the labeling changes*
2 *the Secretary determines are appropriate. Such holder*
3 *of an approved application shall—*

4 “(A) *update its paper labeling for the drug*
5 *at the next printing of that labeling;*

6 “(B) *update any electronic labeling for the*
7 *drug within 30 days of such order; and*

8 “(C) *submit the revised labeling through the*
9 *form, ‘Supplement—Changes Being Effected’.*

10 “(g) *VIOLATION.—If the holder of an approved appli-*
11 *cation for the generic version of the selected drug does not*
12 *comply with the requirements of subsection (f)(2), such ge-*
13 *neric version of the selected drug shall be deemed to be mis-*
14 *branded under section 502.*

15 “(h) *LIMITATIONS; GENERIC DRUGS.—*

16 “(1) *IN GENERAL.—With respect to any labeling*
17 *change required under this section, the generic version*
18 *shall be deemed to have the same conditions of use*
19 *and the same labeling as its reference listed drug for*
20 *purposes of clauses (i) and (v) of section 505(j)(2)(A).*
21 *Any labeling change so required shall not have any*
22 *legal effect for the applicant that is different than the*
23 *legal effect that would have resulted if a supplemental*
24 *application had been submitted and approved to con-*

1 *form the labeling of the generic version to a change*
2 *in the labeling of the reference drug.*

3 “(2) *SUPPLEMENTAL APPLICATIONS.*—*Changes to*
4 *labeling made in accordance with this section shall*
5 *not be eligible for an exclusivity period under this*
6 *Act.*

7 “(3) *SELECTION OF DRUGS.*—*The Secretary shall*
8 *not identify a drug as a covered drug or select a drug*
9 *label for updating under subsection (b) or (c) solely*
10 *based on the availability of new safety information.*
11 *Upon identification of a drug as a covered drug*
12 *under subsection (b), the Secretary may then consider*
13 *the availability of new safety information (as defined*
14 *in section 505–1(b)) in determining whether the drug*
15 *is a selected drug and in determining what labeling*
16 *changes are appropriate.*

17 “(i) *RULES OF CONSTRUCTION.*—

18 “(1) *APPROVAL STANDARDS.*—*This section shall*
19 *not be construed as altering the applicability of the*
20 *standards for approval of an application under sec-*
21 *tion 505. No order shall be issued under this sub-*
22 *section unless the scientific evidence supporting the*
23 *changed labeling meets the standards for approval ap-*
24 *plicable to any change to labeling under section 505.*

1 “(2) *REMOVAL OF INFORMATION.*—*Nothing in*
2 *this section shall be construed to give the Secretary*
3 *additional authority to remove approved indications*
4 *for drugs, other than the authority described in this*
5 *section.*

6 “(3) *SECRETARY AUTHORITY.*—*Nothing in this*
7 *section shall be construed to limit the authority of the*
8 *Secretary to require labeling changes under section*
9 *505(o).*

10 “(4) *MAINTENANCE OF LABELING.*—*Nothing in*
11 *this section shall be construed to affect the responsi-*
12 *bility of the holder of an approved application under*
13 *section 505(j) to maintain its labeling in accordance*
14 *with existing requirements, including subpart B of*
15 *part 201 and sections 314.70 and 314.97 of title 21,*
16 *Code of Federal Regulations (or any successor regula-*
17 *tions).*

18 “(j) *REPORTS.*—*Not later than 4 years after the date*
19 *of the enactment of this section, and every 4 years there-*
20 *after, the Secretary shall prepare and submit to the Com-*
21 *mittee on Energy and Commerce of the House of Represent-*
22 *atives and the Committee on Health, Education, Labor, and*
23 *Pensions of the Senate, a report that—*

24 “(1) *describes the actions of the Secretary under*
25 *this section, including—*

1 “(A) the number of covered drugs and de-
2 scription of the types of drugs the Secretary has
3 selected for labeling changes and the rationale for
4 such recommended changes; and

5 “(B) the number of times the Secretary en-
6 tered into discussions concerning a disagreement
7 with an application holder or holders and a
8 summary of the decision regarding a labeling
9 change, if any; and

10 “(2) includes any recommendations of the Sec-
11 retary for modifying the program under this sec-
12 tion.”.

13 **SEC. 325. BIOLOGICAL PRODUCT PATENT TRANSPARENCY.**

14 (a) *IN GENERAL.*—Section 351(k) of the Public Health
15 Service Act (42 U.S.C. 262(k)) is amended by adding at
16 the end the following:

17 “(9) *PUBLIC LISTING.*—

18 “(A) *IN GENERAL.*—

19 “(i) *INITIAL PUBLICATION.*—Not later
20 than 180 days after the date of enactment
21 of this paragraph, the Secretary shall pub-
22 lish and make available to the public in a
23 searchable, electronic format—

24 “(I) a list of each biological prod-
25 uct, by nonproprietary name (proper

1 *name), for which, as of such date of en-*
2 *actment, a biologics license under sub-*
3 *section (a) or this subsection is in ef-*
4 *fect, or that, as of such date of enact-*
5 *ment, is deemed to be licensed under*
6 *this section pursuant to section*
7 *7002(e)(4) of the Biologics Price Com-*
8 *petition and Innovation Act of 2009;*

9 *“(II) the date of licensure of the*
10 *marketing application and the appli-*
11 *cation number; and*

12 *“(III) with respect to each biologi-*
13 *cal product described in subclause (I),*
14 *the licensure status, and, as available,*
15 *the marketing status.*

16 *“(ii) REVISIONS.—Every 30 days after*
17 *the publication of the first list under clause*
18 *(i), the Secretary shall revise the list to in-*
19 *clude each biological product which has been*
20 *licensed under subsection (a) or this sub-*
21 *section during the 30-day period or deemed*
22 *licensed under this section pursuant to sec-*
23 *tion 7002(e)(4) of the Biologics Price Com-*
24 *petition and Innovation Act of 2009.*

1 “(iii) *PATENT INFORMATION.*—Not
2 *later than 30 days after a list of patents*
3 *under subsection (l)(3)(A), or a supplement*
4 *to such list under subsection (l)(7), has been*
5 *provided by the reference product sponsor to*
6 *the subsection (k) applicant respecting a bi-*
7 *ological product included on the list pub-*
8 *lished under this subparagraph, the ref-*
9 *erence product sponsor shall provide such*
10 *list of patents (or supplement thereto) and*
11 *their corresponding expiry dates to the Sec-*
12 *retary, and the Secretary shall, in revisions*
13 *made under clause (ii), include such infor-*
14 *mation for such biological product. Within*
15 *30 days of providing any subsequent or*
16 *supplemental list of patents to any subse-*
17 *quent subsection (k) applicant under sub-*
18 *section (l)(3)(A) or (l)(7), the reference*
19 *product sponsor shall update the informa-*
20 *tion provided to the Secretary under this*
21 *clause with any additional patents from*
22 *such subsequent or supplemental list and*
23 *their corresponding expiry dates.*

24 “(iv) *LISTING OF EXCLUSIVITIES.*—For
25 *each biological product included on the list*

1 *published under this subparagraph, the Sec-*
2 *retary shall specify each exclusivity period*
3 *under paragraph (6) or paragraph (7) for*
4 *which the Secretary has determined such bi-*
5 *ological product to be eligible and that has*
6 *not concluded.*

7 “(B) *REVOCATION OR SUSPENSION OF LI-*
8 *CENSE.—If the license of a biological product is*
9 *determined by the Secretary to have been revoked*
10 *or suspended for safety, purity, or potency rea-*
11 *sons, it may not be published in the list under*
12 *subparagraph (A). If such revocation or suspen-*
13 *sion occurred after inclusion of such biological*
14 *product in the list published under subparagraph*
15 *(A), the reference product sponsor shall notify the*
16 *Secretary that—*

17 “(i) *the biological product shall be im-*
18 *mediately removed from such list for the*
19 *same period as the revocation or suspension;*
20 *and*

21 “(ii) *a notice of the removal shall be*
22 *published in the Federal Register.”.*

23 (b) *REVIEW AND REPORT ON TYPES OF INFORMATION*
24 *TO BE LISTED.—Not later than 3 years after the date of*

1 *enactment of this Act, the Secretary of Health and Human*
2 *Services shall—*

3 (1) *solicit public comment regarding the type of*
4 *information, if any, that should be added to or re-*
5 *moved from the list required by paragraph (9) of sec-*
6 *tion 351(k) of the Public Health Service Act (42*
7 *U.S.C. 262(k)), as added by subsection (a); and*

8 (2) *transmit to Congress an evaluation of such*
9 *comments, including any recommendations about the*
10 *types of information that should be added to or re-*
11 *moved from the list.*

12 ***Subtitle D—Technical Corrections***

13 ***SEC. 331. TECHNICAL CORRECTIONS.***

14 (a) *EDUCATION AND TRAINING RELATING TO GERI-*
15 *ATRICS.—Section 753(a)(7)(B) of the Public Health Service*
16 *Act (42 U.S.C. 294c(a)(7)(B)) is amended, in the matter*
17 *preceding clause (i), by striking “Title VII Health Care*
18 *Workforce Reauthorization Act of 2019” and inserting*
19 *“Coronavirus Aid, Relief, and Economic Security Act”.*

20 (b) *NURSING.—Section 851(d)(3) of the Public Health*
21 *Service Act (42 U.S.C. 297t(d)(3)) is amended by striking*
22 *“Title VIII Nursing Reauthorization Act” and inserting*
23 *“Coronavirus Aid, Relief, and Economic Security Act”.*

24 (c) *CITATION.—Section 3404(a)(9) of the Coronavirus*
25 *Aid, Relief, and Economic Security Act (Public Law 116–*

1 136) is amended by striking “section 846A (42 U.S.C.
 2 247n–1)” and inserting “section 846A (42 U.S.C. 297n–
 3 1)”.

4 (d) *EFFECTIVE DATE*.—The amendments made by
 5 subsections (a), (b), and (c) shall take effect as if included
 6 in the enactment of the Coronavirus Aid, Relief, and Eco-
 7 nomic Security Act (Public Law 116–136).

8 ***DIVISION CC—HEALTH***
 9 ***EXTENDERS***

10 ***SEC. 1. TABLE OF CONTENTS.***

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1 TITLE I—MEDICARE PROVISIONS

2 Subtitle A—Medicare Extenders

3 SEC. 101. EXTENSION OF THE WORK GEOGRAPHIC INDEX

4 FLOOR UNDER THE MEDICARE PROGRAM.

5 Section 1848(e)(1)(E) of the Social Security Act (42
6 U.S.C. 1395w-4(e)(1)(E)), as amended by section 3801 of
7 the CARES Act (Public Law 116-136), section 2201 of the
8 Continuing Appropriations Act, 2021 and Other Exten-
9 sions Act (Public Law 116-159), and section 1101 of the
10 Further Continuing Appropriations Act, 2021, and Other
11 Extensions Act, is amended by striking “December 19,
12 2020” and inserting “January 1, 2024”.

13 SEC. 102. EXTENSION OF FUNDING FOR QUALITY MEASURE

14 ENDORSEMENT, INPUT, AND SELECTION.

15 (a) EXTENSION.—Section 1890(d)(2) of the Social Se-
16 curity Act (42 U.S.C. 1395aaa(d)(2)), as amended by sec-

1 *tion 1103 of the Further Continuing Appropriations Act,*
2 *2021, and Other Extensions Act, is amended—*

3 (1) *in the first sentence, by striking “and for the*
4 *period beginning on October 1, 2020, and ending on*
5 *December 18, 2020, the amount equal to the pro rata*
6 *portion of the amount appropriated for such period*
7 *for fiscal year 2020” and inserting “ \$26,000,000 for*
8 *fiscal year 2021, \$20,000,000 for fiscal year 2022,*
9 *and \$20,000,000 for fiscal year 2023”;* and

10 (2) *in the third sentence, by striking “and 2020,*
11 *and for the period beginning on October 1, 2020, and*
12 *ending on December 18, 2020” and inserting “2020,*
13 *2021, 2022, and 2023”.*

14 (b) *ADDITIONAL REPORTING REQUIREMENTS.—Sec-*
15 *tion 1890 of the Social Security Act (42 U.S.C. 1395aaa)*
16 *is amended—*

17 (1) *in subsection (e)—*

18 (A) *by redesignating paragraphs (1)*
19 *through (6) as subparagraphs (A) through (F),*
20 *respectively;*

21 (B) *by striking “CONGRESS.—By not later*
22 *than” and inserting “CONGRESS.—*

23 *“(1) IN GENERAL.—By not later than”;*

24 (C) *in subparagraph (A), as redesignated*
25 *by this paragraph, by striking the last sentence;*

1 (D) in subparagraph (D), as so redesign-
2 nated, by striking “A description” and inserting
3 “Subject to paragraph (2)(B), a description”;

4 (E) in subparagraph (E), as so redesign-
5 nated, by striking “The amount” and inserting
6 “Subject to paragraph (2)(B), the amount”;

7 (F) in subparagraph (F), as so redesign-
8 nated, by striking “Estimates” and inserting
9 “Subject to paragraph (2)(B), estimates”; and

10 (G) by adding at the end the following new
11 paragraph:

12 “(2) *ADDITIONAL REQUIREMENTS FOR RE-*
13 *PORTS.—*

14 “(A) *ADDRESSING GAO REPORT.—Each of*
15 *the annual reports submitted in 2021 and 2022*
16 *pursuant to paragraph (1) shall also include the*
17 *following:*

18 “(i) *A comprehensive analysis detail-*
19 *ing the ways in which the Centers for Medi-*
20 *care & Medicaid Services has addressed*
21 *each of the recommendations set forth in the*
22 *report by the Government Accountability*
23 *Office (GAO–19–628) issued on September*
24 *19, 2019, and titled ‘Health Care Quality:*
25 *CMS Could More Effectively Ensure Its*

1 *Quality Measurement Activities Promote Its*
2 *Objectives’.*

3 “(ii) *A detailed description of—*

4 “(I) *any additional steps that the*
5 *Centers for Medicare & Medicaid Serv-*
6 *ices expects to take to address the find-*
7 *ings and recommendations set forth in*
8 *such report; and*

9 “(II) *the anticipated timing for*
10 *such steps.*

11 “(B) *ENSURING DETAILED INFORMATION.—*

12 “(i) *IN GENERAL.—In the case of an*
13 *annual report submitted in 2021 or a subse-*
14 *quent year pursuant to paragraph (1), the*
15 *information required under—*

16 “(I) *paragraph (1)(D) shall also*
17 *include detailed information on each of*
18 *the activities described in clause (ii);*

19 “(II) *paragraph (1)(E) shall also*
20 *include detailed information on the*
21 *specific amounts obligated or expended*
22 *on each of the activities described in*
23 *clause (ii); and*

24 “(III) *paragraph (1)(F) shall also*
25 *include detailed information on the*

1 *specific quality measurement activities*
2 *required and future funding needed for*
3 *each of the activities described in*
4 *clause (ii).*

5 “(ii) *ACTIVITIES DESCRIBED.*—*The ac-*
6 *tivities described in this clause are the fol-*
7 *lowing:*

8 “(I) *Measure selection activities.*

9 “(II) *Measure development activi-*
10 *ties.*

11 “(III) *Public reporting activities.*

12 “(IV) *Education and outreach ac-*
13 *tivities.*”; and

14 (2) *by adding at the end the following new sub-*
15 *section:*

16 “(f) *ADDITIONAL REPORTING BY THE SECRETARY TO*
17 *CONGRESS.*—

18 “(1) *IN GENERAL.*—*By not later than September*
19 *30 of each year (beginning with 2021), the Secretary*
20 *shall submit to Congress a report on the amount of*
21 *unobligated balances for appropriations relating to*
22 *quality measurement. Such report shall include de-*
23 *tailed plans on how the Secretary expects to expend*
24 *such unobligated balances in the upcoming fiscal*
25 *years.*

1 “(2) *SEPARATE REPORT.*—*The annual report re-*
2 *quired under paragraph (1) shall be separate from the*
3 *annual report required under subsection (e).*”.

4 “(c) *INPUT FOR REMOVAL OF MEASURES.*—*Section*
5 *1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b))*
6 *is amended by inserting after paragraph (3) the following*
7 *new paragraph:*

8 “(4) *REMOVAL OF MEASURES.*—*The entity may*
9 *provide input to the Secretary on quality and effi-*
10 *ciency measures described in paragraph (7)(B) that*
11 *could be considered for removal.*”.

12 “(d) *PRIORITIZATION OF MEASURE ENDORSEMENT.*—
13 *Section 1890(b) of the Social Security Act (42 U.S.C.*
14 *1395aaa(b)) is amended by adding at the end the following*
15 *new paragraph:*

16 “(9) *PRIORITIZATION OF MEASURE ENDORSE-*
17 *MENT.*—*The Secretary—*

18 “(A) *during the period beginning on the*
19 *date of the enactment of this paragraph and end-*
20 *ing on December 31, 2023, shall prioritize the*
21 *endorsement of measures relating to maternal*
22 *morbidity and mortality by the entity with a*
23 *contract under subsection (a) in connection with*
24 *endorsement of measures described in paragraph*
25 *(2); and*

1 “(B) on and after January 1, 2024, may
2 prioritize the endorsement of such measures by
3 such entity.”.

4 **SEC. 103. EXTENSION OF FUNDING OUTREACH AND ASSIST-**
5 **ANCE FOR LOW-INCOME PROGRAMS.**

6 (a) *STATE HEALTH INSURANCE PROGRAMS.*—Sub-
7 section (a)(1)(B) of section 119 of the Medicare Improve-
8 ments for Patients and Providers Act of 2008 (42 U.S.C.
9 1395b–3 note), as amended by section 3306 of the Patient
10 Protection and Affordable Care Act (Public Law 111–148),
11 section 610 of the American Taxpayer Relief Act of 2012
12 (Public Law 112–240), section 1110 of the Pathway for
13 SGR Reform Act of 2013 (Public Law 113–67), section 110
14 of the Protecting Access to Medicare Act of 2014 (Public
15 Law 113–93), section 208 of the Medicare Access and CHIP
16 Reauthorization Act of 2015 (Public Law 114–10), section
17 50207 of division E of the Bipartisan Budget Act of 2018
18 (Public Law 115–123), section 1402 of division B of the
19 Continuing Appropriations Act, 2020, and Health Extend-
20 ers Act of 2019 (Public Law 116–59), section 1402 of divi-
21 sion B of the Further Continuing Appropriations Act, 2020,
22 and Further Health Extenders Act of 2019 (Public Law
23 116–69), section 103 of division N of the Further Consoli-
24 dated Appropriations Act, 2020 (Public Law 116–94), sec-
25 tion 3803 of the CARES Act (Public Law 116–136), section

1 *2203 of the Continuing Appropriations Act, 2021 and*
2 *Other Extensions Act (Public Law 116–159), and section*
3 *1102 of the Further Continuing Appropriations Act, 2021,*
4 *and Other Extensions Act, is amended—*

5 *(1) in clause (x), by striking at the end “and”;*
6 *and*

7 *(2) by striking clause (xi) and inserting the fol-*
8 *lowing clauses:*

9 *“(xi) for fiscal year 2021, \$15,000,000;*

10 *“(xii) for fiscal year 2022,*
11 *\$15,000,000; and*

12 *“(xiii) for fiscal year 2023,*
13 *\$15,000,000.”.*

14 *(b) AREA AGENCIES ON AGING.—Subsection (b)(1)(B)*
15 *of such section 119, as so amended, is amended—*

16 *(1) in clause (x), by striking at the end “and”;*
17 *and*

18 *(2) by striking clause (xi) and inserting the fol-*
19 *lowing clauses:*

20 *“(xi) for fiscal year 2021, \$15,000,000;*

21 *“(xii) for fiscal year 2022,*
22 *\$15,000,000; and*

23 *“(xiii) for fiscal year 2023,*
24 *\$15,000,000.”.*

1 (c) *AGING AND DISABILITY RESOURCE CENTERS.*—
2 Subsection (c)(1)(B) of such section 119, as so amended,
3 is amended—

4 (1) in clause (x), by striking at the end “and”;
5 (2) by striking clause (xi) and inserting the fol-
6 lowing clauses:

7 “(xi) for fiscal year 2021, \$5,000,000;

8 “(xii) for fiscal year 2022, \$5,000,000;

9 and

10 “(xiii) for fiscal year 2023,
11 \$5,000,000.”.

12 (d) *CONTRACT WITH THE NATIONAL CENTER FOR*
13 *BENEFITS AND OUTREACH ENROLLMENT.*—Subsection
14 (d)(2) of such section 119, as so amended, is amended—

15 (1) in clause (x), by striking at the end “and”;

16 (2) by striking clause (xi) and inserting the fol-
17 lowing clauses:

18 “(xi) for fiscal year 2021, \$15,000,000;

19 “(xii) for fiscal year 2022,
20 \$15,000,000; and

21 “(xiii) for fiscal year 2023,
22 \$15,000,000.”.

1 **SEC. 104. EXTENSION OF MEDICARE PATIENT IVIG ACCESS**
2 **DEMONSTRATION PROJECT.**

3 (a) *EXTENSION OF DEMONSTRATION PROJECT.*—Sec-
4 *tion 101(b) of the Medicare IVIG Access and Strengthening*
5 *Medicare and Repaying Taxpayers Act of 2012 (42 U.S.C.*
6 *13951 note) is amended—*

7 (1) *by striking paragraph (1) and inserting the*
8 *following:*

9 “(1) *DURATION.*—*Beginning not later than one*
10 *year after the date of enactment of this Act, the Sec-*
11 *retary shall conduct the demonstration project for a*
12 *period of 3 years and, subject to the availability of*
13 *funds under subsection (g), the period beginning on*
14 *October 1, 2017, and ending on December 31, 2023.”;*
15 *and*

16 (2) *in paragraph (2)—*

17 (A) *by amending the first sentence to read*
18 *as follows: “The Secretary shall enroll for par-*
19 *ticipation in the demonstration project for the*
20 *period beginning on October 1, 2014, and ending*
21 *on September 30, 2020, not more than 4,000*
22 *Medicare beneficiaries who have been diagnosed*
23 *with primary immunodeficiency disease and for*
24 *the period beginning on October 1, 2014, and*
25 *ending on December 31, 2023, not more than*

1 6,500 Medicare beneficiaries who have been so
2 diagnosed.”; and

3 (B) by striking “December 31, 2020” and
4 inserting “December 31, 2023”.

5 (b) *UPDATED EVALUATION AND REPORT.*—Section
6 101(f) is amended—

7 (1) by redesignating paragraph (2) as para-
8 graph (3); and

9 (2) by inserting after paragraph (1) the fol-
10 lowing new paragraph:

11 “(2) *UPDATED EVALUATION AND REPORT.*—Not
12 later than 2 years after the date of the enactment of
13 *Consolidated Appropriations Act, 2021*, the Secretary
14 shall submit to Congress an updated report that con-
15 tains the following:

16 “(A) The total number of beneficiaries en-
17 rolled in the demonstration project during the
18 updated report period.

19 “(B) The total number of claims submitted
20 for services during the updated report period,
21 disaggregated by month.

22 “(C) An analysis of the impact of the dem-
23 onstration on beneficiary access to the in-home
24 administration of intravenous immune globin,
25 including the impact on beneficiary health.

1 “(D) *An analysis of the impact of in-home*
2 *administration of intravenous immune globin on*
3 *overall costs to Medicare, including the cost dif-*
4 *ferential between in-home administration of in-*
5 *travenous immune globin and administration of*
6 *intravenous immune globin in a healthcare facil-*
7 *ity.*

8 “(E) *To the extent practicable, a survey of*
9 *providers and enrolled beneficiaries that partici-*
10 *ipated in the demonstration project that identifies*
11 *barriers to accessing services, including reim-*
12 *bursement for items and services.*

13 “(F) *Recommendations to Congress on the*
14 *appropriateness of establishing a permanent*
15 *bundled services payment for the in-home ad-*
16 *ministration of intravenous immune globin for*
17 *Medicare beneficiaries.”.*

18 (c) *DEFINITION OF UPDATED REPORT PERIOD.*—Sec-
19 *tion 101(h) is amended by adding at the end the following*
20 *new paragraph:*

21 “(4) *UPDATED REPORT PERIOD.*—*The term ‘up-*
22 *dated report period’ means the period beginning on*
23 *October 1, 2014, and ending on September 30, 2020.”.*

1 **SEC. 105. EXTENDING THE INDEPENDENCE AT HOME MED-**
2 **ICAL PRACTICE DEMONSTRATION PROGRAM**
3 **UNDER THE MEDICARE PROGRAM.**

4 (a) *IN GENERAL.*—Section 1866E of the Social Secu-
5 rity Act (42 U.S.C. 1395cc–5) is amended—

6 (1) *in subsection (e)*—

7 (A) *in paragraph (1), by striking “7-year”*
8 *and inserting “10-year”; and*

9 (B) *in paragraph (5)*—

10 (i) *in the first sentence, by striking*
11 *“15,000” and inserting “20,000”;*

12 (ii) *in the second sentence, by striking*
13 *“sixth and seventh” and inserting “sixth*
14 *through tenth”; and*

15 (iii) *by adding at the end the following*
16 *new sentence: “An applicable beneficiary*
17 *that participates in the demonstration pro-*
18 *gram by reason of the increase from 15,000*
19 *to 20,000 in the first sentence of this para-*
20 *graph pursuant to the amendment made by*
21 *section 105 of division CC of the Consoli-*
22 *dated Appropriations Act, 2021 shall be*
23 *considered in the spending target estimates*
24 *under paragraph (1) of subsection (c) and*
25 *the incentive payment calculations under*
26 *paragraph (2) of such subsection for the*

1 *eighth through tenth years of such pro-*
 2 *gram.”; and*

3 (2) *in subsection (h), by inserting “and*
 4 *\$9,000,000 for fiscal year 2021” after “2015”.*

5 (b) *EFFECTIVE DATE.—The amendments made by sub-*
 6 *section (a) shall take effect as if included in the enactment*
 7 *of Public Law 111–148.*

8 ***Subtitle B—Other Medicare***
 9 ***Provisions***

10 ***SEC. 111. IMPROVING MEASUREMENTS UNDER THE***
 11 ***SKILLED NURSING FACILITY VALUE-BASED***
 12 ***PURCHASING PROGRAM UNDER THE MEDI-***
 13 ***CARE PROGRAM.***

14 (a) *IN GENERAL.—Section 1888(h) of the Social Secu-*
 15 *rity Act (42 U.S.C. 1395yy(h)) is amended—*

16 (1) *in paragraph (1), by adding at the end the*
 17 *following new subparagraph:*

18 “(C) *EXCLUSIONS.—With respect to pay-*
 19 *ments for services furnished on or after October*
 20 *1, 2022, this subsection shall not apply to a fa-*
 21 *cility for which there are not a minimum num-*
 22 *ber (as determined by the Secretary) of—*

23 *“(i) cases for the measures that apply*
 24 *to the facility for the performance period for*
 25 *the applicable fiscal year; or*

1 “(i) measures that apply to the facil-
2 ity for the performance period for the appli-
3 cable fiscal year.”;

4 (2) in paragraph (2)(A)—

5 (A) by striking “The Secretary shall apply”
6 and inserting “The Secretary—

7 “(i) shall apply”;

8 (B) by striking the period at the end and
9 inserting “; and”; and

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

11 “(ii) may, with respect to payments
12 for services furnished on or after October 1,
13 2023, apply additional measures deter-
14 mined appropriate by the Secretary, which
15 may include measures of functional status,
16 patient safety, care coordination, or patient
17 experience.

18 Subject to the succeeding sentence, in the case
19 that the Secretary applies additional measures
20 under clause (ii), the Secretary shall consider
21 and apply, as appropriate, quality measures
22 specified under section 1899B(c)(1). In no case
23 may the Secretary apply more than 10 measures
24 under this subparagraph.”;

1 (3) *in subparagraph (A) of each of paragraphs*
2 (3) and (4), *by striking “measure” and inserting*
3 “measures”; and

4 (4) *by adding at the end the following new para-*
5 *graph:*

6 “(12) *VALIDATION.—*

7 “(A) *IN GENERAL.—The Secretary shall*
8 *apply to the measures applied under this sub-*
9 *section and the data submitted under subsection*
10 *(e)(6) a process to validate such measures and*
11 *data, as appropriate, which may be similar to*
12 *the process specified in section*
13 *1886(b)(3)(B)(viii)(XI) for validating inpatient*
14 *hospital measures.*

15 “(B) *FUNDING.—For purposes of carrying*
16 *out this paragraph, the Secretary shall provide*
17 *for the transfer, from the Federal Hospital In-*
18 *surance Trust Fund established under section*
19 *1817, of \$5,000,000 to the Centers for Medicare*
20 *& Medicaid Services Program Management Ac-*
21 *count for each of fiscal years 2023 through 2025,*
22 *to remain available until expended.”.*

23 (b) *REPORT BY MEDPAC.—Not later than March 15,*
24 *2022, the Medicare Payment Advisory Commission shall*
25 *submit to Congress a report on establishing a prototype*

1 *value-based payment program under a unified prospective*
2 *payment system for post-acute care services under the Medi-*
3 *care program under title XVIII of the Social Security Act*
4 *(42 U.S.C. 1395 et seq.). Such report—*

5 (1) *shall—*

6 (A) *consider design elements such as—*

7 (i) *measures that are important to the*
8 *Medicare program and to beneficiaries*
9 *under such program;*

10 (ii) *methodologies for scoring provider*
11 *performance and effects on payment; and*

12 (iii) *other elements determined appro-*
13 *priate by the Commission; and*

14 (B) *analyze the effects of implementing such*
15 *prototype program; and*

16 (2) *may—*

17 (A) *discuss the possible effects, with respect*
18 *to the Medicare program, on program spending,*
19 *post-acute care providers, patient outcomes, and*
20 *other effects determined appropriate by the Com-*
21 *mission; and*

22 (B) *include recommendations with respect*
23 *to such prototype program, as determined appro-*
24 *priate by the Commission, to Congress and the*
25 *Secretary of Health and Human Services.*

1 **SEC. 112. PROVIDING THE MEDICARE PAYMENT ADVISORY**
2 **COMMISSION AND MEDICAID AND CHIP PAY-**
3 **MENT AND ACCESS COMMISSION WITH AC-**
4 **CESS TO CERTAIN DRUG PAYMENT INFORMA-**
5 **TION, INCLUDING CERTAIN REBATE INFOR-**
6 **MATION.**

7 *(a) ACCESS TO CERTAIN PART D PAYMENT DATA.—*
8 *Section 1860D–15(f) of the Social Security Act (42 U.S.C.*
9 *1395w–115(f)) is amended—*

10 *(1) in paragraph (2)—*

11 *(A) in subparagraph (A)(ii), by striking*
12 *“and” at the end;*

13 *(B) in subparagraph (B), by striking the*
14 *period at the end and inserting “; and”; and*

15 *(C) by inserting at the end the following*
16 *new subparagraph:*

17 *“(C) by the Executive Director of the Medi-*
18 *care Payment Advisory Commission for purposes*
19 *of monitoring, making recommendations for, and*
20 *analysis of the program under this title and by*
21 *the Executive Director of the Medicaid and*
22 *CHIP Payment and Access Commission for pur-*
23 *poses of monitoring, making recommendations*
24 *for, and analysis of the Medicaid program estab-*
25 *lished under title XIX and the Children’s Health*
26 *Insurance Program under title XXI.”; and*

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(3) *ADDITIONAL RESTRICTIONS ON DISCLOSURE*
4 *OF INFORMATION.—*

5 “(A) *IN GENERAL.—The Executive Direc-*
6 *tors described in paragraph (2)(C) shall not dis-*
7 *close any of the following information disclosed*
8 *to such Executive Directors or obtained by such*
9 *Executive Directors pursuant to such paragraph,*
10 *with respect to a prescription drug plan offered*
11 *by a PDP sponsor or an MA–PD plan offered by*
12 *an MA organization:*

13 “(i) *The specific amounts or the iden-*
14 *tity of the source of any rebates, discounts,*
15 *price concessions, or other forms of direct or*
16 *indirect remuneration under such prescrip-*
17 *tion drug plan or such MA–PD plan.*

18 “(ii) *Information submitted with the*
19 *bid submitted under section 1860D–11(b)*
20 *by such PDP sponsor or under section*
21 *1854(a) by such MA organization.*

22 “(iii) *In the case of such information*
23 *from prescription drug event records, infor-*
24 *mation in a form that would not be per-*
25 *mitted under section 423.505(m) of title 42,*

1 *Code of Federal Regulations, or any suc-*
2 *cessor regulation, if released by the Centers*
3 *for Medicare & Medicaid Services.*

4 “(B) *CLARIFICATION.—The restrictions on*
5 *disclosures described in subparagraph (A) shall*
6 *also apply to disclosures to individual Commis-*
7 *sioners of the Medicare Payment Advisory Com-*
8 *mission or of the Medicaid and CHIP Payment*
9 *and Access Commission.”.*

10 **(b) ACCESS TO CERTAIN REBATE AND PAYMENT DATA**
11 **UNDER MEDICARE AND MEDICAID.—Section 1927(b)(3)(D)**
12 **of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)) is**
13 **amended—**

14 (1) *in the matter before clause (i), by striking*
15 *“subsection (a)(6)(A)(ii)” and inserting “subsection*
16 *(a)(6)(A)”;*

17 (2) *in clause (v), by striking “and” at the end;*

18 (3) *in clause (vi), by striking the period at the*
19 *end and inserting “, and”;*

20 (4) *by inserting after clause (vi) the following*
21 *new clause:*

22 *“(vii) to permit the Executive Director*
23 *of the Medicare Payment Advisory Commis-*
24 *sion and the Executive Director of the Med-*
25 *icaid and CHIP Payment and Access Com-*

1 *mission to review the information pro-*
2 *vided.”;*

3 *(5) in the matter at the end, by striking*
4 *“1860D-4(c)(2)(E)” and inserting “1860D-*
5 *4(c)(2)(G)”;* and

6 *(6) by adding at the end the following new sen-*
7 *tences: “Any information disclosed to the Executive*
8 *Director of the Medicare Payment Advisory Commis-*
9 *sion or the Executive Director of the Medicaid and*
10 *CHIP Payment and Access Commission pursuant to*
11 *this subparagraph shall not be disclosed by either*
12 *such Executive Director in a form which discloses the*
13 *identity of a specific manufacturer or wholesaler or*
14 *prices charged for drugs by such manufacturer or*
15 *wholesaler. Such information also shall not be dis-*
16 *closed by either such Executive Director to individual*
17 *Commissioners of the Medicare Payment Advisory*
18 *Commission or of the Medicaid and CHIP Payment*
19 *and Access Commission in a form which discloses the*
20 *identity of a specific manufacturer or wholesaler or*
21 *prices charged for drugs by such manufacturer or*
22 *wholesaler.”.*

1 **SEC. 113. MORATORIUM ON PAYMENT UNDER THE MEDI-**
2 **CARE PHYSICIAN FEE SCHEDULE OF THE ADD**
3 **ON CODE FOR INHERENTLY COMPLEX EVAL-**
4 **UATION AND MANAGEMENT VISITS.**

5 (a) *IN GENERAL.*—*The Secretary of Health and*
6 *Human Services may not, prior to January 1, 2024, make*
7 *payment under the fee schedule under section 1848 of the*
8 *Social Security Act (42 U.S.C. 1395w–4) for services de-*
9 *scribed by Healthcare Common Procedure Coding System*
10 *(HCPCS) code G2211 (or any successor or substantially*
11 *similar code), as described in section II.F. of the final rule*
12 *filed by the Secretary with the Office of the Federal Register*
13 *for public inspection on December 2, 2020, and entitled*
14 *“Medicare Program; CY 2021 Payment Policies under the*
15 *Physician Fee Schedule and Other Changes to Part B Pay-*
16 *ment Policies; Medicare Shared Savings Program Require-*
17 *ments; Medicaid Promoting Interoperability Program Re-*
18 *quirements for Eligible Professionals; Quality Payment*
19 *Program; Coverage of Opioid Use Disorder Services Fur-*
20 *nished by Opioid Treatment Programs; Medicare Enroll-*
21 *ment of Opioid Treatment Programs; Electronic Pre-*
22 *scribing for Controlled Substances for a Covered Part D*
23 *Drug; Payment for Office/Outpatient Evaluation and Man-*
24 *agement Services; Hospital IQR Program; Establish New*
25 *Code Categories; Medicare Diabetes Prevention Program*
26 *(MDPP) Expanded Model Emergency Policy; Coding and*

1 *Payment for Virtual Check-in Services Interim Final Rule*
2 *Policy; Coding and Payment for Personal Protective Equip-*
3 *ment (PPE) Interim Final Rule Policy; Regulatory Revi-*
4 *sions in Response to the Public Health Emergency (PHE)*
5 *for COVID-19; and Finalization of Certain Provisions from*
6 *the March 31st , May 8th and September 2nd Interim Final*
7 *Rules in Response to the PHE for COVID-19”.*

8 (b) *IMPLEMENTATION.—Notwithstanding any other*
9 *provision of law, the Secretary may implement this section*
10 *by interim final rule, program instruction, or otherwise.*

11 **SEC. 114. TEMPORARY FREEZE OF APM PAYMENT INCEN-**
12 **TIVE THRESHOLDS.**

13 (a) *IN GENERAL.—Section 1833(z)(2) of the Social Se-*
14 *curity Act (42 U.S.C. 1395l(z)(2)) is amended—*

15 (1) *in subparagraph (B)—*

16 (A) *in the heading, by striking “AND 2022”*
17 *and inserting “THROUGH 2024”; and*

18 (B) *in the matter preceding clause (i), by*
19 *striking “2021 and 2022” and inserting “each of*
20 *2021 through 2024”;*

21 (2) *in subparagraph (C)—*

22 (A) *in the heading, by striking “2023” and*
23 *inserting “2025”; and*

24 (B) *in the matter preceding clause (i), by*
25 *striking “2023” and inserting “2025”; and*

1 (3) *in subparagraph (D), by adding at the end*
2 *the following: “With respect to 2023 and 2024, the*
3 *Secretary shall use the same percentage criteria for*
4 *counts of patients that are used in 2022.”.*

5 (b) *PARTIAL QUALIFYING APM PARTICIPANT MODI-*
6 *FICATIONS.—Section 1848(q)(1)(C)(iii) of the Social Secu-*
7 *rity Act (42 U.S.C. 1395w–4(q)(1)(C)(iii)) is amended—*

8 (1) *in subclause (II), in the matter preceding*
9 *item (aa), by striking “2021 and 2022” and inserting*
10 *“each of 2021 through 2024”; and*

11 (2) *in subclause (III), in the matter preceding*
12 *item (aa), by striking “2023” and inserting “2025”.*

13 (c) *EFFECTIVE DATE.—The amendments made by this*
14 *section shall take effect on the date of the enactment of this*
15 *Act.*

16 **SEC. 115. PERMITTING OCCUPATIONAL THERAPISTS TO**
17 **CONDUCT THE INITIAL ASSESSMENT VISIT**
18 **AND COMPLETE THE COMPREHENSIVE AS-**
19 **SESSMENT WITH RESPECT TO CERTAIN REHA-**
20 **BILITATION SERVICES FOR HOME HEALTH**
21 **AGENCIES UNDER THE MEDICARE PROGRAM.**

22 *Not later than January 1, 2022, the Secretary of*
23 *Health and Human Services shall revise subsections (a)(2)*
24 *and (b)(3) of section 484.55 of title 42, Code of Federal Reg-*
25 *ulations, or a successor regulation, to permit an occupa-*

1 *tional therapist to conduct the initial assessment visit and*
2 *to complete the comprehensive assessment (as such terms are*
3 *described in such subsections, respectively) for home health*
4 *services for an individual under title XVIII of the Social*
5 *Security Act (42 U.S.C. 1395 et seq.) if the home health*
6 *plan of care for such individual—*

7 (1) *does not initially include skilled nursing*
8 *care;*

9 (2) *includes occupational therapy; and*

10 (3) *includes physical therapy or speech language*
11 *pathology.*

12 **SEC. 116. CENTERS FOR MEDICARE & MEDICAID SERVICES**
13 **PROVIDER OUTREACH AND REPORTING ON**
14 **COGNITIVE ASSESSMENT AND CARE PLAN**
15 **SERVICES.**

16 (a) *OUTREACH.—The Secretary of Health and Human*
17 *Services (in this section referred to as the “Secretary”) shall*
18 *conduct outreach to physicians and appropriate non-physi-*
19 *cian practitioners participating under the Medicare pro-*
20 *gram under title XVIII of the Social Security Act (42*
21 *U.S.C. 1395 et seq.) with respect to Medicare payment for*
22 *cognitive assessment and care plan services furnished to in-*
23 *dividuals with cognitive impairment such as Alzheimer’s*
24 *disease and related dementias, identified as of January 1,*
25 *2018, by HCPCS code 99483, or any successor to such code*

1 *(in this section referred to as “cognitive assessment and care*
2 *plan services”). Such outreach shall include a comprehen-*
3 *sive, one-time education initiative to inform such physi-*
4 *cians and practitioners of the addition of such services as*
5 *a covered benefit under the Medicare program, including*
6 *the requirements for eligibility for such services.*

7 *(b) REPORTS.—*

8 *(1) HHS REPORT ON PROVIDER OUTREACH.—*
9 *Not later than one year after the date of enactment*
10 *of this Act, the Secretary of Health and Human Serv-*
11 *ices shall submit to the Committee on Ways and*
12 *Means and the Committee on Energy and Commerce*
13 *of the House of Representatives and the Committee on*
14 *Finance of the Senate a report on the outreach con-*
15 *ducted under subsection (a). Such report shall include*
16 *a description of the methods used for such outreach.*

17 *(2) GAO REPORT ON UTILIZATION RATES.—Not*
18 *later than 3 years after such date of enactment, the*
19 *Comptroller General of the United States shall submit*
20 *to the Committee on Ways and Means and the Com-*
21 *mittee on Energy and Commerce of the House of Rep-*
22 *resentatives and the Committee on Finance of the*
23 *Senate a report on the number of Medicare bene-*
24 *ficiaries who were furnished cognitive assessment and*
25 *care plan services for which payment was made under*

1 *title XVIII of the Social Security Act (42 U.S.C. 1395*
2 *et seq.). Such report shall include information on bar-*
3 *riers Medicare beneficiaries face to access such serv-*
4 *ices, and recommendations for such legislative and*
5 *administrative action as the Comptroller General*
6 *deems appropriate.*

7 **SEC. 117. CONTINUED COVERAGE OF CERTAIN TEMPORARY**
8 **TRANSITIONAL HOME INFUSION THERAPY**
9 **SERVICES.**

10 *(a) IN GENERAL.—Section 1861(iii)(3)(C) of the So-*
11 *cial Security Act (42 U.S.C. 1395x(iii)(3)(C)) is amended*
12 *by inserting after clause (ii) the following flush sentence:*

13 *“Clause (ii) shall not apply to a self-administered*
14 *drug or biological on a self-administered drug exclu-*
15 *sion list if such drug or biological was included as a*
16 *transitional home infusion drug under subparagraph*
17 *(A)(iii) of section 1834(u)(7) and was identified by a*
18 *HCPCS code described in subparagraph (C)(ii) of*
19 *such section.”.*

20 *(b) EFFECTIVE DATE.—The amendment made by sub-*
21 *section (a) shall apply to items and services furnished on*
22 *or after January 1, 2021.*

23 *(c) IMPLEMENTATION.—Notwithstanding any other*
24 *provision of law, the Secretary of Health and Human Serv-*

1 ices may implement the amendment made by subsection (a)
2 by interim final rule, program instruction, or otherwise.

3 **SEC. 118. TRANSITIONAL COVERAGE AND RETROACTIVE**
4 **MEDICARE PART D COVERAGE FOR CERTAIN**
5 **LOW-INCOME BENEFICIARIES.**

6 Section 1860D–14 of the Social Security Act (42
7 U.S.C. 1395w–114) is amended—

8 (1) by redesignating subsection (e) as subsection
9 (f); and

10 (2) by adding after subsection (d) the following
11 new subsection:

12 “(e) **LIMITED INCOME NEWLY ELIGIBLE TRANSITION**
13 **PROGRAM.**—

14 “(1) **IN GENERAL.**—Beginning not later than
15 January 1, 2024, the Secretary shall carry out a pro-
16 gram to provide transitional coverage for covered part
17 D drugs for LI NET eligible individuals in accord-
18 ance with this subsection.

19 “(2) **LI NET ELIGIBLE INDIVIDUAL DEFINED.**—
20 For purposes of this subsection, the term ‘LI NET eli-
21 gible individual’ means a part D eligible individual
22 who—

23 “(A) meets the requirements of clauses (ii)
24 and (iii) of subsection (a)(3)(A); and

1 “(B) has not yet enrolled in a prescription
2 drug plan or an MA–PD plan, or, who has so
3 enrolled, but with respect to whom coverage
4 under such plan has not yet taken effect.

5 “(3) TRANSITIONAL COVERAGE.—For purposes of
6 this subsection, the term ‘transitional coverage’ means
7 with respect to an LI NET eligible individual—

8 “(A) immediate access to covered part D
9 drugs at the point of sale during the period that
10 begins on the first day of the month such indi-
11 vidual is determined to meet the requirements of
12 clauses (ii) and (iii) of subsection (a)(3)(A) and
13 ends on the date that coverage under a prescrip-
14 tion drug plan or MA–PD plan takes effect with
15 respect to such individual; and

16 “(B) in the case of an LI NET eligible indi-
17 vidual who is a full-benefit dual eligible indi-
18 vidual (as defined in section 1935(c)(6)) or a re-
19 cipient of supplemental security income benefits
20 under title XVI, retroactive coverage (in the form
21 of reimbursement of the amounts that would
22 have been paid under this part had such indi-
23 vidual been enrolled in a prescription drug plan
24 or MA–PD plan) of covered part D drugs pur-

1 *chased by such individual during the period that*
2 *begins on the date that is the later of—*

3 *“(i) the date that such individual was*
4 *first eligible for a low-income subsidy under*
5 *this part; or*

6 *“(ii) the date that is 36 months prior*
7 *to the date such individual enrolls in a pre-*
8 *scription drug plan or MA–PD plan,*
9 *and ends on the date that coverage under such*
10 *plan takes effect.*

11 *“(4) PROGRAM ADMINISTRATION.—*

12 *“(A) POINT OF CONTACT.—The Secretary*
13 *shall, as determined appropriate by the Sec-*
14 *retary, administer the program under this sub-*
15 *section through a contract with a single program*
16 *administrator.*

17 *“(B) BENEFIT DESIGN.—The Secretary*
18 *shall ensure that the transitional coverage pro-*
19 *vided to LI NET eligible individuals under this*
20 *subsection—*

21 *“(i) provides access to all covered part*
22 *D drugs under an open formulary;*

23 *“(ii) permits all pharmacies deter-*
24 *mined by the Secretary to be in good stand-*
25 *ing to process claims under the program;*

1 “(iii) is consistent with such require-
2 ments as the Secretary considers necessary
3 to improve patient safety and ensure appro-
4 priate dispensing of medication; and

5 “(iv) meets such other requirements as
6 the Secretary may establish.

7 “(5) *RELATIONSHIP TO OTHER PROVISIONS OF*
8 *THIS TITLE; WAIVER AUTHORITY.—*

9 “(A) *IN GENERAL.—The following provi-*
10 *sions shall not apply with respect to the program*
11 *under this subsection:*

12 “(i) *Paragraphs (1) and (3)(B) of sec-*
13 *tion 1860D–4(a) (relating to dissemination*
14 *of general information; availability of infor-*
15 *mation on changes in formulary through*
16 *the internet).*

17 “(ii) *Subparagraphs (A) and (B) of*
18 *section 1860D–4(b)(3) (relating to require-*
19 *ments on development and application of*
20 *formularies; formulary development).*

21 “(iii) *Paragraphs (1)(C) and (2) of*
22 *section 1860D–4(c) (relating to medication*
23 *therapy management program).*

24 “(B) *WAIVER AUTHORITY.—The Secretary*
25 *may waive such other requirements of title XI*

1 *and this title as may be necessary to carry out*
2 *the purposes of the program established under*
3 *this subsection.*

4 “(6) *CONTRACTING AUTHORITY.*—*The authority*
5 *vested in the Secretary by this subsection may be per-*
6 *formed without regard to such provisions of law or*
7 *regulations relating to the making, performance,*
8 *amendment, or modification of contracts of the*
9 *United States as the Secretary may determine to be*
10 *inconsistent with the furtherance of the purpose of*
11 *this title.”.*

12 **SEC. 119. INCREASING THE USE OF REAL-TIME BENEFIT**
13 **TOOLS TO LOWER BENEFICIARY COSTS.**

14 *(a) REQUIRING PRESCRIPTION DRUG PLAN SPONSORS*
15 *AND MEDICARE ADVANTAGE ORGANIZATIONS TO INCLUDE*
16 *REAL-TIME BENEFIT INFORMATION UNDER MEDICARE*
17 *PART D.—Section 1860D–4 of the Social Security Act (42*
18 *U.S.C. 1395w–104) is amended—*

19 *(1) by redesignating subsection (m) (relating to*
20 *program integrity transparency measures), as added*
21 *by section 6063(c) of the Substance Use-Disorder Pre-*
22 *vention that Promotes Opioid Recovery and Treat-*
23 *ment for Patients and Communities Act (Public Law*
24 *115–271), as subsection (n); and*

1 (2) by adding at the end the following new sub-
2 section:

3 “(0) *REAL-TIME BENEFIT INFORMATION.*—

4 “(1) *IN GENERAL.*—After the Secretary has
5 adopted a standard under paragraph (3) for elec-
6 tronic real-time benefit tools, and at a time deter-
7 mined appropriate by the Secretary, a PDP sponsor
8 of a prescription drug plan shall implement one or
9 more of such tools that meet the requirements de-
10 scribed in paragraph (2).

11 “(2) *REQUIREMENTS.*—For purposes of para-
12 graph (1), the requirements described in this para-
13 graph, with respect to an electronic real-time benefit
14 tool, are that the tool is capable of—

15 “(A) *integrating with electronic prescribing*
16 *and electronic health record systems of pre-*
17 *scribing health care professionals for the trans-*
18 *mission of formulary and benefit information in*
19 *real time to such professionals; and*

20 “(B) *with respect to a covered part D drug,*
21 *transmitting such information specific to an in-*
22 *dividual enrolled in a prescription drug plan,*
23 *including the following:*

1 “(i) *A list of any clinically-appro-*
2 *priate alternatives to such drug included in*
3 *the formulary of such plan.*

4 “(ii) *Cost-sharing information and the*
5 *negotiated price for such drug and such al-*
6 *ternatives at multiple pharmacy options,*
7 *including the individual’s preferred phar-*
8 *macy and, as applicable, other retail phar-*
9 *macies and a mail order pharmacy.*

10 “(iii) *The formulary status of such*
11 *drug and such alternatives and any prior*
12 *authorization or other utilization manage-*
13 *ment requirements applicable to such drug*
14 *and such alternatives included in the for-*
15 *mulary of such plan.*

16 “(3) *STANDARDS.—In order to be treated (for*
17 *purposes of this subsection) as an electronic real-time*
18 *benefit tool described in paragraph (1), such tool shall*
19 *comply with technical standards adopted by the Sec-*
20 *retary in consultation with the National Coordinator*
21 *for Health Information Technology through notice*
22 *and comment rulemaking. Such technical standards*
23 *adopted by the Secretary shall be developed by a*
24 *standards development organization, such as the Na-*
25 *tional Council for Prescription Drug Programs, that*

1 *consults with stakeholders such as PDP sponsors,*
2 *Medicare Advantage organizations, beneficiary advo-*
3 *cates, health care professionals, and health informa-*
4 *tion technology software vendors.*

5 “(4) *RULES OF CONSTRUCTION.—Nothing in this*
6 *subsection shall be construed—*

7 “(A) *to prohibit the application of para-*
8 *graph (b)(7) of section 423.160 of title 42, Code*
9 *of Federal Regulations, as is to be added to such*
10 *section pursuant to the final rule published in*
11 *the Federal Register on May 23, 2019, and titled*
12 *‘Modernizing Part D and Medicare Advantage*
13 *To Lower Drug Prices and Reduce Out-of-Pocket*
14 *Expenses’ (84 Fed. Reg. 23832 through 23884);*
15 *or*

16 “(B) *to allow a PDP sponsor to use a real-*
17 *time benefit tool to steer an individual, without*
18 *the consent of the individual, to a particular*
19 *pharmacy or pharmacy type over their preferred*
20 *pharmacy or pharmacy type nor prohibit the*
21 *designation of an individual’s preferred phar-*
22 *macy under such tool.”.*

23 (b) *REQUIRING QUALIFIED ELECTRONIC HEALTH*
24 *RECORDS TO INCLUDE REAL-TIME BENEFIT TOOLS.—Sec-*

1 *tion 3000(13) of the Public Health Service Act (42 U.S.C.*
2 *300jj(13)) is amended—*

3 *(1) in subparagraph (A), by striking “and” at*
4 *the end;*

5 *(2) in subparagraph (B), by striking the period*
6 *and inserting “; and”; and*

7 *(3) by adding at the end the following:*

8 *“(C) includes, or is capable of including, a*
9 *real-time benefit tool that conveys patient-spe-*
10 *cific real-time cost and coverage information*
11 *with respect to prescription drugs that, with re-*
12 *spect to any health information technology cer-*
13 *tified for electronic prescribing, the technology*
14 *shall be capable of incorporating the information*
15 *described in clauses (i) through (iii) of para-*
16 *graph (2)(B) of section 1860D–4(o) of the Social*
17 *Security Act at a time specified by the Secretary*
18 *but not before the Secretary adopts a standard*
19 *for such tools as described in paragraph (1) of*
20 *such section.”.*

21 *(c) INCLUSION OF USE OF REAL-TIME ELECTRONIC*
22 *INFORMATION IN SHARED DECISION-MAKING UNDER*
23 *MIPS.—Section 1848(q)(2)(B)(iii)(IV) of the Social Secu-*
24 *rity Act (42 U.S.C. 1395w–4(q)(2)(B)(iii)(IV)) is amended*
25 *by adding at the end the following new sentences: “This sub-*

1 *category shall include as an activity, for performance peri-*
2 *ods beginning on or after January 1, 2022, use of a real-*
3 *time benefit tool as described in section 1860D–4(o). The*
4 *Secretary may establish this activity as a standalone or as*
5 *a component of another activity.”.*

6 **SEC. 120. BENEFICIARY ENROLLMENT SIMPLIFICATION.**

7 *(a) BENEFICIARY ENROLLMENT SIMPLIFICATION.—*

8 *(1) EFFECTIVE DATE OF COVERAGE.—Section*
9 *1838(a) of the Social Security Act (42 U.S.C.*
10 *1395q(a)) is amended—*

11 *(A) by amending paragraph (2) to read as*
12 *follows:*

13 *“(2)(A) in the case of an individual who enrolls*
14 *pursuant to subsection (d) of section 1837 before the*
15 *month in which he first satisfies paragraph (1) or (2)*
16 *of section 1836(a), the first day of such month,*

17 *“(B) in the case of an individual who first satis-*
18 *fies such paragraph in a month beginning before Jan-*
19 *uary 2023 and who enrolls pursuant to such sub-*
20 *section (d)—*

21 *“(i) in such month in which he first satis-*
22 *fies such paragraph, the first day of the month*
23 *following the month in which he so enrolls,*

24 *“(ii) in the month following such month in*
25 *which he first satisfies such paragraph, the first*

1 *day of the second month following the month in*
2 *which he so enrolls, or*

3 *“(iii) more than one month following such*
4 *month in which he satisfies such paragraph, the*
5 *first day of the third month following the month*
6 *in which he so enrolls,*

7 *“(C) in the case of an individual who first satis-*
8 *fies such paragraph in a month beginning on or after*
9 *January 1, 2023, and who enrolls pursuant to such*
10 *subsection (d) in such month in which he first satis-*
11 *fies such paragraph or in any subsequent month of*
12 *his initial enrollment period, the first day of the*
13 *month following the month in which he so enrolls, or*

14 *“(D) in the case of an individual who enrolls*
15 *pursuant to subsection (e) of section 1837 in a month*
16 *beginning—*

17 *“(i) before January 1, 2023, the July 1 fol-*
18 *lowing the month in which he so enrolls; or*

19 *“(ii) on or after January 1, 2023, the first*
20 *day of the month following the month in which*
21 *he so enrolls; or”;* and

22 *(B) by amending paragraph (3) to read as*
23 *follows:*

24 *“(3) in the case of an individual who is deemed*
25 *to have enrolled—*

1 “(A) on or before the last day of the third
2 month of his initial enrollment period, the first
3 day of the month in which he first meets the ap-
4 plicable requirements of section 1836(a) or July
5 1, 1973, whichever is later, or

6 “(B) on or after the first day of the fourth
7 month of his initial enrollment period, and
8 where such month begins—

9 “(i) before January 1, 2023, as pre-
10 scribed under subparagraphs (B)(i), (B)(ii),
11 (B)(iii), and (D)(i) of paragraph (2), or

12 “(ii) on or after January 1, 2023, as
13 prescribed under subparagraphs (C) and
14 (D)(ii) of paragraph (2).”.

15 (2) *SPECIAL ENROLLMENT PERIODS FOR EXCEP-*
16 *TIONAL CIRCUMSTANCES.—*

17 (A) *ENROLLMENT.—Section 1837 of the So-*
18 *cial Security Act (42 U.S.C. 1395p) is amended*
19 *by adding at the end the following new sub-*
20 *section:*

21 “(m) Beginning January 1, 2023, the Secretary may
22 establish special enrollment periods in the case of individ-
23 uals who satisfy paragraph (1) or (2) of section 1836(a)
24 and meet such exceptional conditions as the Secretary may
25 provide.”.

1 (B) *COVERAGE PERIOD.*—Section 1838 of
2 the Social Security Act (42 U.S.C. 1395q) is
3 amended by adding at the end the following new
4 subsection:

5 “(g) Notwithstanding subsection (a), in the case of an
6 individual who enrolls during a special enrollment period
7 pursuant to section 1837(m), the coverage period shall begin
8 on a date the Secretary provides in a manner consistent
9 (to the extent practicable) with protecting continuity of
10 health benefit coverage.”.

11 (C) *CONFORMING AMENDMENT.*—Title
12 XVIII of the Social Security Act (42 U.S.C.
13 1395 et seq.) is amended—

14 (i) in section 1818A(c)(3), by striking
15 “subsections (h) and (i) of section 1837”
16 and inserting “subsections (h), (i), and (m)
17 of section 1837”; and

18 (ii) in section 1839(b), in the first sen-
19 tence, by striking “or (l)” and inserting “,
20 (l), or (m)”.

21 (3) *TECHNICAL CORRECTION.*—Section 1839(b)
22 of the Social Security Act (42 U.S.C. 1395r(b)) is
23 amended by adding at the end the following new sen-
24 tence: “For purposes of determining any increase
25 under this subsection for individuals whose enroll-

1 *ment occurs on or after January 1, 2023, the second*
2 *sentence of this subsection shall be applied by sub-*
3 *stituting ‘close of the month’ for ‘close of the enroll-*
4 *ment period’ each place it appears.”.*

5 *(4) REPORT.—Not later than January 1, 2023,*
6 *the Secretary of Health and Human Services shall*
7 *submit to the Committee on Ways and Means and*
8 *Committee on Energy and Commerce of the House of*
9 *Representatives and the Committee on Finance and*
10 *Special Committee on Aging of the Senate a report on*
11 *how to align existing Medicare enrollment periods*
12 *under title XVIII of the Social Security Act, includ-*
13 *ing the general enrollment period under part B of*
14 *such title and the annual, coordinated election period*
15 *under the Medicare Advantage program under part C*
16 *of such title and under the prescription drug program*
17 *under part D of such title. Such report shall include*
18 *recommendations consistent with the goals of maxi-*
19 *mizing coverage continuity and choice and easing*
20 *beneficiary transition.*

21 *(b) FUNDING.—Section 1808 of the Social Security Act*
22 *(42 U.S.C. 1395b–9) is amended by adding the end the fol-*
23 *lowing new subsection:*

24 *“(e) FUNDING FOR IMPLEMENTATION OF BENEFICIARY*
25 *ENROLLMENT SIMPLIFICATION.—For purposes of carrying*

1 *out the provisions of and the amendments made by section*
2 *120 of division CC of the Consolidated Appropriations Act,*
3 *2021, the Secretary shall provide for the transfer, from the*
4 *Federal Hospital Insurance Trust Fund under section 1817*
5 *and the Federal Supplementary Medical Insurance Trust*
6 *Fund under section 1841 (in such proportion as the Sec-*
7 *retary determines appropriate), to the Centers for Medicare*
8 *& Medicaid Services Program Management Account, of*
9 *\$2,000,000 for each of fiscal years 2021 through 2030, to*
10 *remain available until expended.”.*

11 **SEC. 121. WAIVING BUDGET NEUTRALITY FOR OXYGEN**
12 **UNDER THE MEDICARE PROGRAM.**

13 *(a) IN GENERAL.—Section 1834(a)(9)(D)(ii) of the*
14 *Social Security Act (42 U.S.C. 1395m(a)(9)(D)(ii)), with*
15 *application of subsection (b), is amended by adding at the*
16 *end the following new sentence: “The requirement of the pre-*
17 *ceding sentence shall not apply beginning with the second*
18 *calendar quarter beginning on or after the date of the enact-*
19 *ment of this sentence.”.*

20 *(b) TECHNICAL CORRECTION.—*

21 *(1) IN GENERAL.—Section 4552(b) of the Bal-*
22 *anced Budget Act of 1997 (Public Law 105–33) is*
23 *amended by striking “section 1848(a)(9)” and insert-*
24 *ing “section 1834(a)(9)”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
2 *paragraph (1) shall take effect as if included in the*
3 *enactment of the Balanced Budget Act of 1997 (Public*
4 *Law 105–33).*

5 (c) *IMPLEMENTATION.*—*Notwithstanding any other*
6 *provision of law, the Secretary of Health and Human Serv-*
7 *ices may implement the amendments made by this section*
8 *by program instruction or otherwise.*

9 **SEC. 122. WAIVING MEDICARE COINSURANCE FOR CERTAIN**
10 **COLORECTAL CANCER SCREENING TESTS.**

11 (a) *IN GENERAL.*—*Section 1833(a) of the Social Secu-*
12 *rity Act (42 U.S.C. 1395l(a)) is amended—*

13 (1) *in the second sentence, by striking “section*
14 *1834(0)” and inserting “section 1834(o)”;*

15 (2) *by moving such second sentence 2 ems to the*
16 *left; and*

17 (3) *by inserting the following third sentence fol-*
18 *lowing such second sentence: “For services furnished*
19 *on or after January 1, 2022, paragraph (1)(Y) shall*
20 *apply with respect to a colorectal cancer screening*
21 *test regardless of the code that is billed for the estab-*
22 *lishment of a diagnosis as a result of the test, or for*
23 *the removal of tissue or other matter or other proce-*
24 *dure that is furnished in connection with, as a result*

1 *of, and in the same clinical encounter as the screening*
2 *test.”.*

3 ***(b) SPECIAL COINSURANCE RULE FOR CERTAIN***
4 ***TESTS.—Section 1833 of the Social Security Act (42 U.S.C.***
5 ***1395l) is amended—***

6 *(1) in subsection (a)(1)(Y), by inserting “subject*
7 *to subsection (dd),” before “with respect to”; and*

8 *(2) by adding at the end the following new sub-*
9 *section:*

10 ***“(dd) SPECIAL COINSURANCE RULE FOR CERTAIN***
11 ***COLORECTAL CANCER SCREENING TESTS.—***

12 ***“(1) IN GENERAL.—In the case of a colorectal***
13 ***cancer screening test to which paragraph (1)(Y) of***
14 ***subsection (a) would not apply but for the third sen-***
15 ***tence of such subsection that is furnished during a***
16 ***year beginning on or after January 1, 2022, and be-***
17 ***fore January 1, 2030, the amount paid shall be equal***
18 ***to the specified percent (as defined in paragraph (2))***
19 ***for such year of the lesser of the actual charge for the***
20 ***service or the amount determined under the fee sched-***
21 ***ule that applies to such test under this part (or, in***
22 ***the case such test is a covered OPD service (as defined***
23 ***in subsection (t)(1)(B)), the amount determined under***
24 ***subsection (t)).***

1 “(2) *SPECIFIED PERCENT DEFINED.*—For pur-
2 poses of paragraph (1), the term ‘specified percent’
3 means—

4 “(A) for 2022, 80 percent;

5 “(B) for 2023 through 2026, 85 percent;

6 and

7 “(C) for 2027 through 2029, 90 percent.”.

8 (c) *CONFORMING AMENDMENTS.*—Paragraphs (2) and
9 (3) of section 1834(d) of the Social Security Act (42 U.S.C.
10 1395m(d)) are each amended—

11 (1) in subparagraph (C)(ii), in the matter pre-
12 ceding subclause (I), by striking “Notwithstanding”
13 and inserting “Subject to section 1833(a)(1)(Y), but
14 notwithstanding”; and

15 (2) in subparagraph (D), by striking “If during”
16 and inserting “Subject to section 1833(a)(1)(Y), if
17 during”.

18 **SEC. 123. EXPANDING ACCESS TO MENTAL HEALTH SERV-**
19 **ICES FURNISHED THROUGH TELEHEALTH.**

20 (a) *TREATMENT OF MENTAL HEALTH SERVICES FUR-*
21 *NISHED THROUGH TELEHEALTH.*—Paragraph (7) of sec-
22 tion 1834(m) of the Social Security Act (42 U.S.C.
23 1395m(m)) is amended—

24 (1) by striking “DISORDER SERVICES FUR-

25 NISHED THROUGH TELEHEALTH.—The geographic”

1 *and inserting “DISORDER SERVICES AND MENTAL*
2 *HEALTH SERVICES FURNISHED THROUGH TELE-*
3 *HEALTH.—*

4 *“(A) IN GENERAL.—The geographic”;*

5 *(2) in subparagraph (A), as added by paragraph*
6 *(1), by inserting “or, on or after the first day after*
7 *the end of the emergency period described in section*
8 *1135(g)(1)(B), subject to subparagraph (B), to an eli-*
9 *gible telehealth individual for purposes of diagnosis,*
10 *evaluation, or treatment of a mental health disorder,*
11 *as determined by the Secretary,” after “as determined*
12 *by the Secretary,”; and*

13 *(3) by adding at the end the following new sub-*
14 *paragraph:*

15 *“(B) REQUIREMENTS FOR MENTAL HEALTH*
16 *SERVICES FURNISHED THROUGH TELE-*
17 *HEALTH.—*

18 *“(i) IN GENERAL.—Payment may not*
19 *be made under this paragraph for telehealth*
20 *services furnished by a physician or practi-*
21 *tioner to an eligible telehealth individual for*
22 *purposes of diagnosis, evaluation, or treat-*
23 *ment of a mental health disorder unless*
24 *such physician or practitioner furnishes an*
25 *item or service in person, without the use of*

1 *telehealth, for which payment is made*
2 *under this title (or would have been made*
3 *under this title if such individual were enti-*
4 *tled to, or enrolled for, benefits under this*
5 *title at the time such item or service is fur-*
6 *nished)—*

7 *“(I) within the 6-month period*
8 *prior to the first time such physician*
9 *or practitioner furnishes such a tele-*
10 *health service to the eligible telehealth*
11 *individual; and*

12 *“(II) during subsequent periods in*
13 *which such physician or practitioner*
14 *furnishes such telehealth services to the*
15 *eligible telehealth individual, at such*
16 *times as the Secretary determines ap-*
17 *propriate.*

18 *“(ii) CLARIFICATION.—This subpara-*
19 *graph shall not apply if payment would*
20 *otherwise be allowed—*

21 *“(I) under this paragraph (with*
22 *respect to telehealth services furnished*
23 *to an eligible telehealth individual with*
24 *a substance use disorder diagnosis for*
25 *purposes of treatment of such disorder*

1 or co-occurring mental health dis-
2 order); or

3 “(II) under this subsection with-
4 out application of this paragraph.”.

5 (b) *IMPLEMENTATION.*—Notwithstanding any other
6 provision of law, the Secretary may implement the provi-
7 sions of, or amendments made by, this section by interim
8 final rule, program instruction, or otherwise.

9 **SEC. 124. PUBLIC-PRIVATE PARTNERSHIP FOR HEALTH**
10 **CARE WASTE, FRAUD, AND ABUSE DETEC-**
11 **TION.**

12 (a) *IN GENERAL.*—Section 1128C(a) of the Social Se-
13 curity Act (42 U.S.C. 1320a–7c(a)) is amended by adding
14 at the end the following new paragraph:

15 “(6) *PUBLIC-PRIVATE PARTNERSHIP FOR WASTE,*
16 *FRAUD, AND ABUSE DETECTION.*—

17 “(A) *IN GENERAL.*—Under the program de-
18 scribed in paragraph (1), there is established a
19 public-private partnership (in this paragraph
20 referred to as the ‘partnership’) of health plans,
21 Federal and State agencies, law enforcement
22 agencies, health care anti-fraud organizations,
23 and any other entity determined appropriate by
24 the Secretary (in this paragraph referred to as

1 ‘partners’) for purposes of detecting and pre-
2 venting health care waste, fraud, and abuse.

3 “(B) *CONTRACT WITH TRUSTED THIRD*
4 *PARTY.—In carrying out the partnership, the*
5 *Secretary shall enter into a contract with a*
6 *trusted third party for purposes of carrying out*
7 *the duties of the partnership described in sub-*
8 *paragraph (C).*

9 “(C) *DUTIES OF PARTNERSHIP.—The part-*
10 *nership shall—*

11 “(i) *provide technical and operational*
12 *support to facilitate data sharing between*
13 *partners in the partnership;*

14 “(ii) *analyze data so shared to identify*
15 *fraudulent and aberrant billing patterns;*

16 “(iii) *conduct aggregate analyses of*
17 *health care data so shared across Federal,*
18 *State, and private health plans for purposes*
19 *of detecting fraud, waste, and abuse*
20 *schemes;*

21 “(iv) *identify outlier trends and poten-*
22 *tial vulnerabilities of partners in the part-*
23 *nership with respect to such schemes;*

1 “(v) refer specific cases of potential un-
2 lawful conduct to appropriate governmental
3 entities;

4 “(vi) convene, not less than annually,
5 meetings with partners in the partnership
6 for purposes of providing updates on the
7 partnership’s work and facilitating infor-
8 mation sharing between the partners;

9 “(vii) enter into data sharing and data
10 use agreements with partners in the part-
11 nership in such a manner so as to ensure
12 the partnership has access to data necessary
13 to identify waste, fraud, and abuse while
14 maintaining the confidentiality and integ-
15 rity of such data;

16 “(viii) provide partners in the partner-
17 ship with plan-specific, confidential feed-
18 back on any aberrant billing patterns or
19 potential fraud identified by the partner-
20 ship with respect to such partner;

21 “(ix) establish a process by which enti-
22 ties described in subparagraph (A) may
23 enter the partnership and requirements such
24 entities must meet to enter the partnership;

1 “(x) provide appropriate training, out-
2 reach, and education to partners based on
3 the results of data analyses described in
4 clauses (ii) and (iii); and

5 “(xi) perform such other duties as the
6 Secretary determines appropriate.

7 “(D) *SUBSTANCE USE DISORDER TREAT-*
8 *MENT ANALYSIS.*—Not later than 2 years after
9 the date of the enactment of the Consolidated Ap-
10 propriations Act, 2021, the trusted third party
11 with a contract in effect under subparagraph (B)
12 shall perform an analysis of aberrant or fraudu-
13 lent billing patterns and trends with respect to
14 providers and suppliers of substance use disorder
15 treatments from data shared with the partner-
16 ship.

17 “(E) *EXECUTIVE BOARD.*—

18 “(i) *EXECUTIVE BOARD COMPOSI-*
19 *TION.*—

20 “(I) *IN GENERAL.*—There shall be
21 an executive board of the partnership
22 comprised of representatives of the Fed-
23 eral Government and representatives of
24 the private sector selected by the Sec-
25 retary.

1 “(II) *CHAIRS.*—*The executive*
2 *board shall be co-chaired by one Fed-*
3 *eral Government official and one rep-*
4 *resentative from the private sector.*

5 “(ii) *MEETINGS.*—*The executive board*
6 *of the partnership shall meet at least once*
7 *per year.*

8 “(iii) *EXECUTIVE BOARD DUTIES.*—
9 *The duties of the executive board shall in-*
10 *clude the following:*

11 “(I) *Providing strategic direction*
12 *for the partnership, including member-*
13 *ship criteria and a mission statement.*

14 “(II) *Communicating with the*
15 *leadership of the Department of Health*
16 *and Human Services and the Depart-*
17 *ment of Justice and the various private*
18 *health sector associations.*

19 “(F) *REPORTS.*—*Not later than January 1,*
20 *2023, and every 2 years thereafter, the Secretary*
21 *shall submit to Congress and make available on*
22 *the public website of the Centers for Medicare &*
23 *Medicaid Services a report containing—*

24 “(i) *a review of activities conducted by*
25 *the partnership over the 2-year period end-*

1 *ing on the date of the submission of such re-*
2 *port, including any progress to any objec-*
3 *tives established by the partnership;*

4 *“(ii) any savings voluntarily reported*
5 *by health plans participating in the part-*
6 *nership attributable to the partnership dur-*
7 *ing such period;*

8 *“(iii) any savings to the Federal Gov-*
9 *ernment attributable to the partnership*
10 *during such period;*

11 *“(iv) any other outcomes attributable*
12 *to the partnership, as determined by the*
13 *Secretary, during such period; and*

14 *“(v) a strategic plan for the 2-year pe-*
15 *riod beginning on the day after the date of*
16 *the submission of such report, including a*
17 *description of any emerging fraud and*
18 *abuse schemes, trends, or practices that the*
19 *partnership intends to study during such*
20 *period.*

21 *“(G) FUNDING.—The partnership shall be*
22 *funded by amounts otherwise made available to*
23 *the Secretary for carrying out the program de-*
24 *scribed in paragraph (1).*

1 “(H) *TRANSITIONAL PROVISIONS.*—*To the*
2 *extent consistent with this subsection, all func-*
3 *tions, personnel, assets, liabilities, and adminis-*
4 *trative actions applicable on the date before the*
5 *date of the enactment of this paragraph to the*
6 *National Fraud Prevention Partnership estab-*
7 *lished on September 17, 2012, by charter of the*
8 *Secretary shall be transferred to the partnership*
9 *established under subparagraph (A) as of the*
10 *date of the enactment of this paragraph.*

11 “(I) *NONAPPLICABILITY OF FACA.*—*The pro-*
12 *visions of the Federal Advisory Committee Act*
13 *shall not apply to the partnership established by*
14 *subparagraph (A).*

15 “(J) *IMPLEMENTATION.*—*Notwithstanding*
16 *any other provision of law, the Secretary may*
17 *implement the partnership established by sub-*
18 *paragraph (A) by program instruction or other-*
19 *wise.*

20 “(K) *DEFINITION.*—*For purposes of this*
21 *paragraph, the term ‘trusted third party’ means*
22 *an entity that—*

23 “(i) *demonstrates the capability to*
24 *carry out the duties of the partnership de-*
25 *scribed in subparagraph (C);*

1 “(ii) *complies with such conflict of in-*
2 *terest standards determined appropriate by*
3 *the Secretary; and*

4 “(iii) *meets such other requirements as*
5 *the Secretary may prescribe.*”.

6 **(b) POTENTIAL EXPANSION OF PUBLIC-PRIVATE PART-**
7 *nership Analyses.*—*Not later than 2 years after the date*
8 *of the enactment of this Act, the Secretary of Health and*
9 *Human Services shall conduct a study and submit to Con-*
10 *gress a report on the feasibility of the partnership (as de-*
11 *scribed in section 1128C(a)(6) of the Social Security Act,*
12 *as added by subsection (a)) establishing a system to conduct*
13 *real-time data analysis to proactively identify ongoing as*
14 *well as emergent fraud trends for the entities participating*
15 *in the partnership and provide such entities with real-time*
16 *feedback on potentially fraudulent claims. Such report shall*
17 *include the estimated cost of and any potential barriers to*
18 *the partnership establishing such a system.*

19 **SEC. 125. MEDICARE PAYMENT FOR RURAL EMERGENCY**
20 **HOSPITAL SERVICES.**

21 **(a) IN GENERAL.**—

22 **(1) DEFINITIONS.**—*Section 1861 of the Social*
23 *Security Act (42 U.S.C. 1395x) is amended—*

24 **(A)** *in subsection (e), in the last sentence of*
25 *the matter following paragraph (9), by inserting*

1 *sidered a staffed emergency department if it meets the*
2 *following requirements:*

3 *“(i) The emergency department is staffed 24*
4 *hours a day, 7 days a week.*

5 *“(ii) A physician (as defined in section*
6 *1861(r)(1)), nurse practitioner, clinical nurse*
7 *specialist, or physician assistant (as those terms*
8 *are defined in section 1861(aa)(5)) is available*
9 *to furnish rural emergency hospital services in*
10 *the facility 24 hours a day.*

11 *“(iii) Applicable staffing and staffing re-*
12 *sponsibilities under section 485.631 of title 42,*
13 *Code of Federal Regulations (or any successor*
14 *regulation).*

15 *“(2) RURAL EMERGENCY HOSPITAL.—The term ‘rural*
16 *emergency hospital’ means a facility described in para-*
17 *graph (3) that—*

18 *“(A) is enrolled under section 1866(j), submits*
19 *the additional information described in paragraph*
20 *(4)(A) for purposes of such enrollment, and makes the*
21 *detailed transition plan described in clause (i) of such*
22 *paragraph available to the public, in a form and*
23 *manner determined appropriate by the Secretary;*

1 “(B) does not provide any acute care inpatient
2 services, other than those described in paragraph
3 (6)(A);

4 “(C) has in effect a transfer agreement with a
5 level I or level II trauma center;

6 “(D) meets—

7 “(i) licensure requirements as described in
8 paragraph (5);

9 “(ii) the requirements of a staffed emer-
10 gency department as described in paragraph
11 (1)(B);

12 “(iii) such staff training and certification
13 requirements as the Secretary may require;

14 “(iv) conditions of participation applicable
15 to—

16 “(I) critical access hospitals, with re-
17 spect to emergency services under section
18 485.618 of title 42, Code of Federal Regula-
19 tions (or any successor regulation); and

20 “(II) hospital emergency departments
21 under this title, as determined applicable by
22 the Secretary;

23 “(v) such other requirements as the Sec-
24 retary finds necessary in the interest of the

1 *health and safety of individuals who are fur-*
2 *nished rural emergency hospital services; and*

3 *“(vi) in the case where the rural emergency*
4 *hospital includes a distinct part unit of the facil-*
5 *ity that is licensed as a skilled nursing facility,*
6 *such distinct part meets the requirements appli-*
7 *cable to skilled nursing facilities under this title.*

8 *“(3) FACILITY DESCRIBED.—A facility described in*
9 *this paragraph is a facility that as of the date of the enact-*
10 *ment of this subsection—*

11 *“(A) was a critical access hospital; or*

12 *“(B) was a subsection (d) hospital (as defined in*
13 *section 1886(d)(1)(B)) with not more than 50 beds lo-*
14 *cated in a county (or equivalent unit of local govern-*
15 *ment) in a rural area (as defined in section*
16 *1886(d)(2)(D)), or was a subsection (d) hospital (as*
17 *so defined) with not more than 50 beds that was*
18 *treated as being located in a rural area pursuant to*
19 *section 1886(d)(8)(E).*

20 *“(4) ADDITIONAL INFORMATION.—*

21 *“(A) INFORMATION.—For purposes of paragraph*
22 *(2)(A), a facility that submits an application for en-*
23 *rollment under section 1866(j) as a rural emergency*
24 *hospital shall submit the following information at*

1 *such time and in such form as the Secretary may re-*
2 *quire:*

3 *“(i) An action plan for initiating rural*
4 *emergency hospital services (as defined in para-*
5 *graph (1)), including a detailed transition plan*
6 *that lists the specific services that the facility*
7 *will—*

8 *“(I) retain;*

9 *“(II) modify*

10 *“(III) add; and*

11 *“(IV) discontinue.*

12 *“(ii) A description of services that the facil-*
13 *ity intends to furnish on an outpatient basis*
14 *pursuant to paragraph (1)(A)(ii).*

15 *“(iii) Information regarding how the facil-*
16 *ity intends to use the additional facility pay-*
17 *ment provided under section 1834(x)(2), includ-*
18 *ing a description of the services covered under*
19 *this title that the additional facility payment*
20 *would be supporting, such as furnishing tele-*
21 *health services and ambulance services, including*
22 *operating the facility and maintaining the emer-*
23 *gency department to provide such services cov-*
24 *ered under this title.*

1 “(iv) Such other information as the Sec-
2 retary determines appropriate.

3 “(B) *EFFECT OF ENROLLMENT.*—Such enroll-
4 ment shall remain effective with respect to a facility
5 until such time as—

6 “(i) the facility elects to convert back to its
7 prior designation as a critical access hospital or
8 a subsection (d) hospital (as defined in section
9 1886(d)(1)(B)), subject to requirements applica-
10 ble under this title for such designation and in
11 accordance with procedures established by the
12 Secretary; or

13 “(ii) the Secretary determines the facility
14 does not meet the requirements applicable to a
15 rural emergency hospital under this subsection.

16 “(5) *LICENSURE.*—A facility may not operate as a
17 rural emergency hospital in a State unless the facility—

18 “(A) is located in a State that provides for the
19 licensing of such hospitals under State or applicable
20 local law; and

21 “(B)(i) is licensed pursuant to such law; or

22 “(ii) is approved by the agency of such State or
23 locality responsible for licensing hospitals, as meeting
24 the standards established for such licensing.

1 “(6) *DISCRETIONARY AUTHORITY.*—A rural emer-
2 *gency hospital may—*

3 “(A) *include a unit of the facility that is a dis-*
4 *tinct part licensed as a skilled nursing facility to fur-*
5 *nish post-hospital extended care services; and*

6 “(B) *be considered a hospital with less than 50*
7 *beds for purposes of the exception to the payment*
8 *limit for rural health clinics under section 1833(f).*

9 “(7) *QUALITY MEASUREMENT.*—

10 “(A) *IN GENERAL.*—*The Secretary shall establish*
11 *quality measurement reporting requirements for rural*
12 *emergency hospitals, which may include the use of a*
13 *small number of claims-based outcomes measures or*
14 *surveys of patients with respect to their experience in*
15 *the rural emergency hospital, in accordance with the*
16 *succeeding provisions of this paragraph.*

17 “(B) *QUALITY REPORTING BY RURAL EMER-*
18 *GENCY HOSPITALS.*—

19 “(i) *IN GENERAL.*—*With respect to each*
20 *year beginning with 2023, (or each year begin-*
21 *ning on or after the date that is one year after*
22 *one or more measures are first specified under*
23 *subparagraph (C)), a rural emergency hospital*
24 *shall submit data to the Secretary in accordance*
25 *with clause (ii).*

1 “(i) *SUBMISSION OF QUALITY DATA.*—With
2 *respect to each such year, a rural emergency hos-*
3 *pital shall submit to the Secretary data on qual-*
4 *ity measures specified under subparagraph (C).*
5 *Such data shall be submitted in a form and*
6 *manner, and at a time, specified by the Sec-*
7 *retary for purposes of this subparagraph.*

8 “(C) *QUALITY MEASURES.*—

9 “(i) *IN GENERAL.*—Subject to clause (ii),
10 *any measure specified by the Secretary under*
11 *this subparagraph must have been endorsed by*
12 *the entity with a contract under section 1890(a).*

13 “(ii) *EXCEPTION.*—In the case of a specified
14 *area or medical topic determined appropriate by*
15 *the Secretary for which a feasible and practical*
16 *measure has not been endorsed by the entity with*
17 *a contract under section 1890(a), the Secretary*
18 *may specify a measure that is not so endorsed as*
19 *long as due consideration is given to measures*
20 *that have been endorsed or adopted by a con-*
21 *sensus organization identified by the Secretary.*

22 “(iii) *CONSIDERATION OF LOW CASE VOL-*
23 *UME WHEN SPECIFYING PERFORMANCE MEAS-*
24 *URES.*—The Secretary shall, in the selection of
25 *measures specified under this subparagraph, take*

1 *into consideration ways to account for rural*
2 *emergency hospitals that lack sufficient case vol-*
3 *ume to ensure that the performance rates for*
4 *such measures are reliable.*

5 “(D) *PUBLIC AVAILABILITY OF DATA SUB-*
6 *MITTED.—The Secretary shall establish procedures for*
7 *making data submitted under subparagraph (B)*
8 *available to the public regarding the performance of*
9 *individual rural emergency hospitals. Such proce-*
10 *dures shall ensure that a rural emergency hospital*
11 *has the opportunity to review, and submit corrections*
12 *for, the data that is to be made public with respect*
13 *to the rural emergency hospital prior to such data*
14 *being made public. Such information shall be posted*
15 *on the Internet website of the Centers for Medicare &*
16 *Medicaid Services in an easily understandable format*
17 *as determined appropriate by the Secretary.*

18 “(8) *CLARIFICATION REGARDING APPLICATION OF*
19 *PROVISIONS RELATING TO OFF-CAMPUS OUTPATIENT DE-*
20 *PARTMENT OF A PROVIDER.—Nothing in this subsection,*
21 *section 1833(a)(10), or section 1834(x) shall affect the ap-*
22 *plication of paragraph (1)(B)(v) of section 1833(t), relating*
23 *to applicable items and services (as defined in subpara-*
24 *graph (A) of paragraph (21) of such section) that are fur-*

1 nished by an off-campus outpatient department of a pro-
2 vider (as defined in subparagraph (B) of such paragraph).

3 “(9) *IMPLEMENTATION.*—There shall be no adminis-
4 trative or judicial review under section 1869, 1878, or oth-
5 erwise of the following:

6 “(A) *The determination of whether a rural emer-*
7 *gency hospital meets the requirements of this sub-*
8 *section.*

9 “(B) *The establishment of requirements under*
10 *this subsection by the Secretary, including require-*
11 *ments described in paragraphs (2)(D), (4), and (7).*

12 “(C) *The determination of payment amounts*
13 *under section 1834(x), including the additional facil-*
14 *ity payment described in paragraph (2) of such sec-*
15 *tion.*”.

16 (2) *PAYMENT FOR RURAL EMERGENCY HOSPITAL*
17 *SERVICES.*—

18 (A) *IN GENERAL.*—Section 1833(a) of the
19 *Social Security Act (42 U.S.C. 1395l(a)) is*
20 *amended—*

21 (i) *in paragraph (8), by striking*
22 *“and” at the end;*

23 (ii) *in paragraph (9), by striking the*
24 *period at the end and inserting “; and”;*
25 *and*

1 (iii) by inserting after paragraph (9)
2 the following new paragraph:

3 “(10) with respect to rural emergency hospital
4 services furnished on or after January 1, 2023, the
5 amounts determined under section 1834(x).”.

6 (B) PAYMENT AMOUNT.—Section 1834 of
7 the Social Security Act (42 U.S.C. 1395m) is
8 amended by adding at the end the following sub-
9 section:

10 “(x) PAYMENT RULES RELATING TO RURAL EMER-
11 GENCY HOSPITALS.—

12 “(1) PAYMENT FOR RURAL EMERGENCY HOS-
13 PITAL SERVICES.—In the case of rural emergency hos-
14 pital services (as defined in section 1861(kkk)(1)),
15 furnished by a rural emergency hospital (as defined
16 in section 1861(kkk)(2)) on or after January 1, 2023,
17 the amount of payment for such services shall be
18 equal to the amount of payment that would otherwise
19 apply under section 1833(t) for covered OPD services
20 (as defined in section 1833(t)(1)(B) (other than clause
21 (ii) of such section)), increased by 5 percent to reflect
22 the higher costs incurred by such hospitals, and shall
23 include the application of any copayment amount de-
24 termined under section 1833(t)(8) as if such increase
25 had not occurred.

1 “(2) *ADDITIONAL FACILITY PAYMENT.*—

2 “(A) *IN GENERAL.*—*The Secretary shall*
3 *make monthly payments to a rural emergency*
4 *hospital in an amount that is equal to $\frac{1}{12}$ of the*
5 *annual additional facility payment specified in*
6 *subparagraph (B).*

7 “(B) *ANNUAL ADDITIONAL FACILITY PAY-*
8 *MENT AMOUNT.*—*The annual additional facility*
9 *payment amount specified in this subparagraph*
10 *is—*

11 “(i) *for 2023, a Medicare subsidy*
12 *amount determined under subparagraph*
13 *(C); and*

14 “(ii) *for 2024 and each subsequent*
15 *year, the amount determined under this*
16 *subparagraph for the preceding year, in-*
17 *creased by the hospital market basket per-*
18 *centage increase.*

19 “(C) *DETERMINATION OF MEDICARE SUB-*
20 *SIDY AMOUNT.*—*For purposes of subparagraph*
21 *(B)(i), the Medicare subsidy amount determined*
22 *under this subparagraph is an amount equal*
23 *to—*

24 “(i) *the excess (if any) of—*

1 “(I) *the total amount that the*
2 *Secretary determines was paid under*
3 *this title to all critical access hospitals*
4 *in 2019; over*

5 “(II) *the estimated total amount*
6 *that the Secretary determines would*
7 *have been paid under this title to such*
8 *hospitals in 2019 if payment were*
9 *made for inpatient hospital, outpatient*
10 *hospital, and skilled nursing facility*
11 *services under the applicable prospec-*
12 *tive payment systems for such services*
13 *during such year; divided by*

14 “(ii) *the total number of such hospitals*
15 *in 2019.*

16 “(D) *REPORTING ON USE OF THE ADDI-*
17 *TIONAL FACILITY PAYMENT.—A rural emergency*
18 *hospital receiving the additional facility pay-*
19 *ment under this paragraph shall maintain de-*
20 *tailed information as specified by the Secretary*
21 *as to how the facility has used the additional fa-*
22 *cility payments. Such information shall be made*
23 *available to the Secretary upon request.*

24 “(3) *PAYMENT FOR AMBULANCE SERVICES.—For*
25 *provisions relating to payment for ambulance services*

1 *furnished by an entity owned and operated by a rural*
2 *emergency hospital, see section 1834(l).*

3 “(4) *PAYMENT FOR POST-HOSPITAL EXTENDED*
4 *CARE SERVICES.—For provisions relating to payment*
5 *for post-hospital extended care services furnished by a*
6 *rural emergency hospital that has a unit that is a*
7 *distinct part licensed as a skilled nursing facility, see*
8 *section 1888(e).*

9 “(5) *SOURCE OF PAYMENTS.—*

10 “(A) *IN GENERAL.—Except as provided in*
11 *subparagraph (B), payments under this sub-*
12 *section shall be made from the Federal Supple-*
13 *mentary Medical Insurance Trust Fund under*
14 *section 1841.*

15 “(B) *ADDITIONAL FACILITY PAYMENT AND*
16 *POST-HOSPITAL EXTENDED CARE SERVICES.—*
17 *Payments under paragraph (2) shall be made*
18 *from the Federal Hospital Insurance Trust Fund*
19 *under section 1817.”.*

20 (b) *PROVIDER AGREEMENTS.—*

21 (1) *AGREEMENT WITH QIO.—Section 1866(a) of*
22 *the Social Security Act (42 U.S.C. 1395cc(a)) is*
23 *amended—*

1 (A) in paragraph (1)(F)(ii), by inserting
2 “rural emergency hospitals,” after “critical ac-
3 cess hospitals,”; and

4 (B) in paragraph (3)—

5 (i) in subparagraph (A), by inserting
6 “rural emergency hospital,” after “critical
7 access hospital,”;

8 (ii) in subparagraph (B), by inserting
9 “rural emergency hospital,” after “critical
10 access hospital,” each place it appears; and

11 (iii) in subparagraph (C)(i)(II), by
12 inserting “rural emergency hospitals,” after
13 “critical access hospitals,” each place it ap-
14 pears.

15 (2) *EMERGENCY MEDICAL TREATMENT AND*
16 *LABOR ACT.*—

17 (A) Section 1866(a)(1) of the Social Secu-
18 rity Act (42 U.S.C. 1395cc(a)(1)) is amended—

19 (i) in subparagraph (I)—

20 (I) in the matter preceding clause
21 (i), by striking “or critical access hos-
22 pital” and inserting “, critical access
23 hospital, or rural emergency hospital”;
24 and

1 (II) in clause (ii), by inserting “,
2 critical access hospital, or rural emer-
3 gency hospital” after “hospital”; and
4 (ii) in subparagraph (N)—

5 (I) in the matter preceding clause
6 (i), by striking “and critical access
7 hospitals” and inserting “, critical ac-
8 cess hospitals, and rural emergency
9 hospitals”;

10 (II) in clause (i), by striking “or
11 critical access hospital” and inserting
12 “, critical access hospital, or rural
13 emergency hospital”; and

14 (III) in clause (iv), by inserting
15 “, critical access hospital, or rural
16 emergency hospital” after “hospital”.

17 (B) Section 1867(e)(5) of such Act (42
18 U.S.C. 1395dd(e)(5)) is amended by inserting
19 “and a rural emergency hospital (as defined in
20 section 1861(kkk)(2))” before the period.

21 (c) TREATMENT AS TELEHEALTH ORIGINATING
22 SITE.—Section 1834(m)(4)(C)(ii) of the Social Security
23 Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding
24 at the end the following new subclause:

1 “(XI) A rural emergency hospital
2 (as defined in section 1861(kkk)(2)).”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) Section 1861(u) of the Social Security Act
5 (42 U.S.C. 1395x(u)) is amended by inserting “rural
6 emergency hospital,” after “critical access hospital,”.

7 (2) Section 1864 of the Social Security Act (42
8 U.S.C. 1395aa) is amended by inserting before the pe-
9 riod at the end of the first sentence “, or whether a
10 facility is a rural emergency hospital as defined in
11 section 1861(kkk)(2).

12 (e) STUDIES AND REPORTS.—

13 (1) STUDIES.—The Secretary of Health and
14 Human Services shall conduct 3 studies to evaluate
15 the impact of rural emergency hospitals on the avail-
16 ability of health care and health outcomes in rural
17 areas (as defined in section 1886(d)(2)(D) of the So-
18 cial Security Act (42 U.S.C. 1395ww(d)(2)(D))). The
19 Secretary shall conduct a study—

20 (A) 4 years after the date of the enactment
21 of this Act;

22 (B) 7 years after the date of the enactment
23 of this Act; and

24 (C) 10 years after the date of the enactment
25 of this Act.

1 (2) *REPORTS.*—Not later than 6 months after
2 each date that the Secretary of Health and Human
3 Services is required to conduct a study under para-
4 graph (1), the Secretary shall submit to Congress a
5 report containing the results of each such study.

6 (3) *FUNDING.*—For purposes of carrying out this
7 subsection, the Secretary of Health and Human Serv-
8 ices shall provide for the transfer, from the Federal
9 Hospital Insurance Trust Fund under section 1817 of
10 the Social Security Act (42 U.S.C. 1395i) and the
11 Federal Supplementary Medical Insurance Trust
12 Fund under section 1841 of such Act (42 U.S.C.
13 1395t), in such proportion as the Secretary deter-
14 mines appropriate, to the Centers for Medicare &
15 Medicaid Services Program Management Account, of
16 \$9,000,000. Amounts transferred under the preceding
17 sentence shall remain available until expended.

18 (f) *MEDPAC REVIEW OF PAYMENTS TO RURAL EMER-*
19 *GENCY HOSPITALS.*—Each report submitted by the Medi-
20 care Payment Advisory Commission under section
21 1805(b)(1)(C) of the Social Security Act (42 U.S.C. 1395b–
22 6(b)(1)(C)) (beginning with 2024), shall include a review
23 of payments to rural emergency hospitals under section
24 1834(x), as added by subsection (a).

1 (g) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to items and services furnished on or*
3 *after January 1, 2023.*

4 **SEC. 126. DISTRIBUTION OF ADDITIONAL RESIDENCY POSI-**
5 **TIONS.**

6 (a) *IN GENERAL.*—*Section 1886(h) of the Social Secu-*
7 *rity Act (42 U.S.C. 1395ww(h)) is amended—*

8 (1) *in paragraph (4)(F)(i), by striking “para-*
9 *graphs (7) and (8)” and inserting “paragraphs (7),*
10 *(8), and (9)”;*

11 (2) *in paragraph (4)(H)(i), by striking “para-*
12 *graphs (7) and (8)” and inserting “paragraphs (7),*
13 *(8), and (9)”;*

14 (3) *in paragraph (7)(E), by inserting “para-*
15 *graph (9),” after “paragraph (8),”; and*

16 (4) *by adding at the end the following new para-*
17 *graph:*

18 “(9) *DISTRIBUTION OF ADDITIONAL RESIDENCY*
19 *POSITIONS.—*

20 “(A) *ADDITIONAL RESIDENCY POSITIONS.—*

21 “(i) *IN GENERAL.*—*For fiscal year*
22 *2023, and for each succeeding fiscal year*
23 *until the aggregate number of full-time*
24 *equivalent residency positions distributed*
25 *under this paragraph is equal to the aggre-*

1 *gate number of such positions made avail-*
2 *able (as specified in clause (ii)(I)), the Sec-*
3 *retary shall, subject to the succeeding provi-*
4 *sions of this paragraph, increase the other-*
5 *wise applicable resident limit for each*
6 *qualifying hospital (as defined in subpara-*
7 *graph (F)) that submits a timely applica-*
8 *tion under this subparagraph by such num-*
9 *ber as the Secretary may approve effective*
10 *beginning July 1 of the fiscal year of the in-*
11 *crease.*

12 “(ii) *NUMBER AVAILABLE FOR DIS-*
13 *TRIBUTION.—*

14 “(I) *TOTAL NUMBER AVAIL-*
15 *ABLE.—The aggregate number of such*
16 *positions made available under this*
17 *paragraph shall be equal to 1,000.*

18 “(II) *ANNUAL LIMIT.—The aggre-*
19 *gate number of such positions so made*
20 *available shall not exceed 200 for a fis-*
21 *cal year.*

22 “(iii) *PROCESS FOR DISTRIBUTING PO-*
23 *SITIONS.—*

24 “(I) *ROUNDS OF APPLICATIONS.—*
25 *The Secretary shall initiate a separate*

1 *round of applications for an increase*
2 *under clause (i) for each fiscal year for*
3 *which such an increase is to be pro-*
4 *vided.*

5 “(II) *TIMING.*—*The Secretary*
6 *shall notify hospitals of the number of*
7 *positions distributed to the hospital*
8 *under this paragraph as a result of an*
9 *increase in the otherwise applicable*
10 *resident limit by January 31 of the fis-*
11 *cal year of the increase. Such increase*
12 *shall be effective beginning July 1 of*
13 *such fiscal year.*

14 “(B) *DISTRIBUTION.*—*For purposes of pro-*
15 *viding an increase in the otherwise applicable*
16 *resident limit under subparagraph (A), the fol-*
17 *lowing shall apply:*

18 “(i) *CONSIDERATIONS IN DISTRIBUTION.*—*In determining for which qualifying*
19 *hospitals such an increase is provided under*
20 *subparagraph (A), the Secretary shall take*
21 *into account the demonstrated likelihood of*
22 *the hospital filling the positions made avail-*
23 *able under this paragraph within the first*
24 *5 training years beginning after the date*
25

1 *the increase would be effective, as deter-*
2 *mined by the Secretary.*

3 “(ii) *MINIMUM DISTRIBUTION FOR*
4 *CERTAIN CATEGORIES OF HOSPITALS.—*

5 *With respect to the aggregate number of*
6 *such positions available for distribution*
7 *under this paragraph, the Secretary shall*
8 *distribute not less than 10 percent of such*
9 *aggregate number to each of the following*
10 *categories of hospitals:*

11 “(I) *Hospitals that are located in*
12 *a rural area (as defined in section*
13 *1886(d)(2)(D)) or are treated as being*
14 *located in a rural area pursuant to*
15 *section 1886(d)(8)(E).*

16 “(II) *Hospitals in which the ref-*
17 *erence resident level of the hospital (as*
18 *specified in subparagraph (F)(iii)) is*
19 *greater than the otherwise applicable*
20 *resident limit.*

21 “(III) *Hospitals in States with—*

22 “(aa) *new medical schools*
23 *that received ‘Candidate School’*
24 *status from the Liaison Com-*
25 *mittee on Medical Education or*

1 *that received ‘Pre-Accreditation’*
2 *status from the American Osteo-*
3 *pathic Association Commission on*
4 *Osteopathic College Accreditation*
5 *on or after January 1, 2000, and*
6 *that have achieved or continue to*
7 *progress toward ‘Full Accredita-*
8 *tion’ status (as such term is de-*
9 *finied by the Liaison Committee*
10 *on Medical Education) or toward*
11 *‘Accreditation’ status (as such*
12 *term is defined by the American*
13 *Osteopathic Association Commis-*
14 *sion on Osteopathic College Ac-*
15 *creditation); or*

16 *“(bb) additional locations*
17 *and branch campuses established*
18 *on or after January 1, 2000, by*
19 *medical schools with ‘Full Accred-*
20 *itation’ status (as such term is de-*
21 *finied by the Liaison Committee*
22 *on Medical Education) or ‘Accred-*
23 *itation’ status (as such term is de-*
24 *finied by the American Osteopathic*

1 *Association Commission on Osteo-*
2 *pathic College Accreditation).*

3 *“(IV) Hospitals that serve areas*
4 *designated as health professional short-*
5 *age areas under section 332(a)(1)(A) of*
6 *the Public Health Service Act, as deter-*
7 *mined by the Secretary.*

8 *“(C) LIMITATIONS.—*

9 *“(i) IN GENERAL.—A hospital may not*
10 *receive more than 25 additional full-time*
11 *equivalent residency positions under this*
12 *paragraph.*

13 *“(ii) PROHIBITION ON DISTRIBUTION*
14 *TO HOSPITALS WITHOUT AN INCREASE*
15 *AGREEMENT.—No increase in the otherwise*
16 *applicable resident limit of a hospital may*
17 *be made under this paragraph unless such*
18 *hospital agrees to increase the total number*
19 *of full-time equivalent residency positions*
20 *under the approved medical residency*
21 *training program of such hospital by the*
22 *number of such positions made available by*
23 *such increase under this paragraph.*

24 *“(D) APPLICATION OF PER RESIDENT*
25 *AMOUNTS FOR PRIMARY CARE AND NONPRIMARY*

1 *CARE.*—*With respect to additional residency po-*
2 *sitions in a hospital attributable to the increase*
3 *provided under this paragraph, the approved*
4 *FTE per resident amounts are deemed to be*
5 *equal to the hospital per resident amounts for*
6 *primary care and nonprimary care computed*
7 *under paragraph (2)(D) for that hospital.*

8 “(E) *PERMITTING FACILITIES TO APPLY AG-*
9 *GREGATION RULES.*—*The Secretary shall permit*
10 *hospitals receiving additional residency positions*
11 *attributable to the increase provided under this*
12 *paragraph to, beginning in the fifth year after*
13 *the effective date of such increase, apply such po-*
14 *sitions to the limitation amount under para-*
15 *graph (4)(F) that may be aggregated pursuant to*
16 *paragraph (4)(H) among members of the same*
17 *affiliated group.*

18 “(F) *DEFINITIONS.*—*In this paragraph:*

19 “(i) *OTHERWISE APPLICABLE RESI-*
20 *DENT LIMIT.*—*The term ‘otherwise applica-*
21 *ble resident limit’ means, with respect to a*
22 *hospital, the limit otherwise applicable*
23 *under subparagraphs (F)(i) and (H) of*
24 *paragraph (4) on the resident level for the*
25 *hospital determined without regard to this*

1 *paragraph but taking into account para-*
2 *graphs (7)(A), (7)(B), (8)(A), and (8)(B).*

3 “(ii) *QUALIFYING HOSPITAL.*—*The*
4 *term ‘qualifying hospital’ means a hospital*
5 *described in any of subclauses (I) through*
6 *(IV) of subparagraph (B)(i).*

7 “(iii) *REFERENCE RESIDENT LEVEL.*—
8 *The term ‘reference resident level’ means,*
9 *with respect to a hospital, the resident level*
10 *for the most recent cost reporting period of*
11 *the hospital ending on or before the date of*
12 *enactment of this paragraph, for which a*
13 *cost report has been settled (or, if not, sub-*
14 *mitted (subject to audit)), as determined by*
15 *the Secretary.*

16 “(iv) *RESIDENT LEVEL.*—*The term*
17 *‘resident level’ has the meaning given such*
18 *term in paragraph (7)(C)(i).”.*

19 **(b) *IME.***—*Section 1886(d)(5)(B) of the Social Secu-*
20 *arity Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—*

21 (1) *in clause (v), in the third sentence, by strik-*
22 *ing “and (h)(8)” and inserting “(h)(8), and (h)(9)”;*

23 (2) *by redesignating clause (x), as added by sec-*
24 *tion 5505(b) of the Patient Protection and Affordable*

1 *Care Act (Public Law 111–148), as clause (xi) and*
2 *moving such clause 4 ems to the left; and*

3 *(3) by adding after clause (xi), as redesignated*
4 *by subparagraph (A), the following new clause:*

5 *“(xi) For discharges occurring on or*
6 *after July 1, 2023, insofar as an additional*
7 *payment amount under this subparagraph*
8 *is attributable to resident positions distrib-*
9 *uted to a hospital under subsection (h)(9),*
10 *the indirect teaching adjustment factor shall*
11 *be computed in the same manner as pro-*
12 *vided under clause (ii) with respect to such*
13 *resident positions.”.*

14 *(c) PROHIBITION ON JUDICIAL REVIEW.—Section*
15 *1886(h)(7)(E) of the Social Security Act (42 U.S.C.*
16 *1395ww–4(h)(7)(E)) is amended by inserting “paragraph*
17 *(9),” after “paragraph (8),”.*

18 *(d) REPORTS.—*

19 *(1) IN GENERAL.—Not later than September 30,*
20 *2025, and again not later than September 30, 2027,*
21 *the Comptroller General of the United States (in this*
22 *subsection referred to as the “Comptroller General”)*
23 *shall conduct a study and submit to Congress a report*
24 *on—*

1 (A) *the distribution of additional full-time*
2 *equivalent resident positions under paragraph*
3 *(9) of section 1886(h) of the Social Security Act,*
4 *as added by subsection (a); and*

5 (B) *rural track and rotator programs under*
6 *such section.*

7 (2) *CONTENTS.—Each report described in para-*
8 *graph (1) shall include—*

9 (A) *a description of the distribution de-*
10 *scribed in paragraph (1)(A) and an analysis of*
11 *the use of such positions so distributed, including*
12 *a description of the effects of such distribution on*
13 *rural track and rotator programs;*

14 (B) *a specification, with respect to each hos-*
15 *pital that has received such a distribution, of*
16 *whether such hospital has abided by the agree-*
17 *ment described in paragraph (9)(C)(ii) of section*
18 *1886(h) of the Social Security Act, as added by*
19 *subsection (a); and*

20 (C) *to the extent practicable, a description*
21 *of—*

22 (i) *the type of program in which each*
23 *such position so distributed is being used;*

1 (ii) the total number of full-time equiv-
2 alent residency positions available in each
3 such program;

4 (iii) the number of instances in which
5 residents filling such positions so distrib-
6 uted treated individuals entitled to benefits
7 under part A, or enrolled under part B, of
8 title XVIII of the Social Security Act (42
9 U.S.C. 1395 et seq.);

10 (iv) the location where each resident
11 that filled a position so distributed went on
12 to practice.

13 **SEC. 127. PROMOTING RURAL HOSPITAL GME FUNDING OP-**
14 **PORTUNITY.**

15 Section 1886(h)(4)(H)(iv) of the Social Security Act
16 (42 U.S.C. 1395ww(h)(4)(iv)) is amended—

17 (1) by striking “(iv) NONRURAL HOSPITAL OP-
18 ERATING TRAINING PROGRAMS IN RURAL AREAS.—In
19 the case of” and inserting the following:

20 “(iv) TRAINING PROGRAMS IN RURAL
21 AREAS.—

22 “(I) COST REPORTING PERIODS
23 BEGINNING BEFORE OCTOBER 1, 2022.—
24 For cost reporting periods beginning

1 *before October 1, 2022, in the case of*”;
2 *and*

3 (2) *by adding at the end the following new sub-*
4 *clause:*

5 “(II) *COST REPORTING PERIODS*
6 *BEGINNING ON OR AFTER OCTOBER 1,*
7 *2022.—For cost reporting periods be-*
8 *ginning on or after October 1, 2022, in*
9 *the case of a hospital not located in a*
10 *rural area that established or estab-*
11 *lishes a medical residency training*
12 *program (or rural tracks) in a rural*
13 *area or establishes an accredited pro-*
14 *gram where greater than 50 percent of*
15 *the program occurs in a rural area, the*
16 *Secretary shall consistent with the*
17 *principles of subparagraphs (F) and*
18 *(G) and subject to paragraphs (7) and*
19 *(8), prescribe rules for the application*
20 *of such subparagraphs with respect to*
21 *such a program and, in accordance*
22 *with such rules, adjust in an appro-*
23 *priate manner the limitation under*
24 *subparagraph (F) for such hospital*
25 *and each such hospital located in a*

1 *rural area that participates in such a*
2 *training.”.*

3 **SEC. 128. FIVE-YEAR EXTENSION OF THE RURAL COMMU-**
4 **NITY HOSPITAL DEMONSTRATION PROGRAM.**

5 *(a) EXTENSION.—*

6 *(1) IN GENERAL.—Subsection (a)(5) of section*
7 *410A of the Medicare Prescription Drug, Improve-*
8 *ment, and Modernization Act of 2003 (Public Law*
9 *108–173; 42 U.S.C. 1395ww note), is amended by*
10 *striking “10-year extension period” and inserting*
11 *“15-year extension period”.*

12 *(2) CONFORMING AMENDMENTS FOR EXTEN-*
13 *SION.—*

14 *(A) EXTENSION OF DEMONSTRATION PE-*
15 *RIOD.—Subsection (g) of such section 410A is*
16 *amended—*

17 *(i) in the subsection heading, by strik-*
18 *ing “TEN-YEAR” and inserting “FIFTEEN-*
19 *YEAR”;*

20 *(ii) in paragraph (1)—*

21 *(I) by striking “additional 10-*
22 *year” and inserting “additional 15-*
23 *year”; and*

1 (ii) by striking “10-year exten-
2 sion period” and inserting “15-year
3 extension period”;

4 (iii) in paragraph (2), by striking “10-
5 year extension period” and inserting “15-
6 year extension period”;

7 (iv) in paragraph (3), by striking “10-
8 year extension period” and inserting “15-
9 year extension period”;

10 (v) in paragraph (4), by striking “10-
11 year extension period” each place it appears
12 and inserting “15-year extension period”;

13 (vi) in paragraph (5), by striking “10-
14 year extension period” and inserting “15-
15 year extension period”; and

16 (vii) in subparagraph (A) of para-
17 graph (6), by striking “10-year extension
18 period” and inserting “15-year extension
19 period”.

20 (B) *RULE FOR HOSPITALS THAT ARE NOT*
21 *ORIGINAL PARTICIPANTS IN THE DEMONSTRA-*
22 *TION.—Paragraph (5) of subsection (g) of such*
23 *section 410A is amended—*

24 (i) by striking “PROGRAM.—During”
25 and inserting “PROGRAM.—

- 1 “(A) *CURES ACT EXTENSION*.—During”;
2 *and*
- 3 (ii) *by adding at the end the following*
4 *new subparagraph:*
- 5 “(B) *ADDITIONAL EXTENSION*.—During the
6 *third 5 years of the 15-year extension period, the*
7 *Secretary shall apply the provisions of para-*
8 *graph (4) to rural community hospitals that are*
9 *not described in paragraph (4) but are partici-*
10 *pating in the demonstration program under this*
11 *section as of December 30, 2019, in a similar*
12 *manner as such provisions apply to rural com-*
13 *munity hospitals described in paragraph (4).”.*
- 14 (b) *CLARIFYING TECHNICAL AMENDMENTS*.—Such sec-
15 *tion 410A, as amended by subsection (a), is further amend-*
16 *ed—*
- 17 (1) *in subsection (a)(1), by inserting “of Health*
18 *and Human Services” after “Secretary”;*
- 19 (2) *in subsection (f)(1)(A)(iv) by inserting “of*
20 *the Social Security Act (42 U.S.C. 1395i–4)” after*
21 *“section 1820”; and*
- 22 (3) *in subsection (g)—*
- 23 (A) *in the heading of paragraph (4), by*
24 *striking “HOSPITALS IN DEMONSTRATION PRO-*
25 *GRAM ON DATE OF ENACTMENT” and inserting*

1 “*HOSPITALS PARTICIPATING IN THE DEM-*
2 *ONSTRATION PROGRAM DURING THE INITIAL 5-*
3 *YEAR PERIOD*”; and

4 *(B) in paragraph (6)(A), by striking “not*
5 *later than 120 days after the date of the enact-*
6 *ment of this paragraph” and inserting “not later*
7 *than April 12, 2017”.*

8 **SEC. 129. EXTENSION OF FRONTIER COMMUNITY HEALTH**
9 **INTEGRATION PROJECT DEMONSTRATION.**

10 *(a) IN GENERAL.—Subsection (f) of section 123 of the*
11 *Medicare Improvements for Patients and Providers Act of*
12 *2008 (42 U.S.C. 1395i–4 note) is amended—*

13 *(1) in paragraph (1), by striking “3-year period*
14 *beginning on October 1, 2009” and inserting “3-year*
15 *period beginning on August 1, 2016 (referred to in*
16 *this section as the ‘initial period’), and 5-year period*
17 *beginning on July 1, 2021 (referred to in this section*
18 *as the ‘extension period’);*

19 *(2) in paragraph (2)—*

20 *(A) by striking “PROJECT.—The demonstra-*
21 *tion” and inserting “PROJECT.—*

22 *“(A) INITIAL PERIOD.—During the initial*
23 *period, the demonstration”; and*

24 *(B) by adding at the end the following new*
25 *subparagraph:*

1 “(B) *EXTENSION PERIOD.*—During the ex-
2 tension period, the demonstration project under
3 this section shall be considered to have begun in
4 a State on the date during such period on which
5 the eligible counties selected to participate in the
6 demonstration project under subsection (d)(3)
7 begin operations in accordance with the require-
8 ments under the demonstration project.”; and
9 (3) by adding at the end the following new para-
10 graph:

11 “(3) *RE-ENTRY ON A ROLLING BASIS FOR EXTEN-*
12 *SION PERIOD.*—A critical access hospital partici-
13 pating in the demonstration project under this section
14 during the extension period shall begin such partici-
15 pation in the cost reporting year that begins on or
16 after July 1, 2021.”.

17 (b) *ELIGIBLE ENTITIES.*—Subsection (d)(1) of such
18 section 123 is amended—

19 (1) in subparagraph (B), in the matter pre-
20 ceding clause (i), by striking “In this section” and
21 inserting “Subject to subparagraph (C), in this sec-
22 tion”; and

23 (2) by adding at the end the following new sub-
24 paragraph:

1 “(C) *EXTENSION PERIOD.*—*An entity shall*
2 *only be eligible to participate in the demonstra-*
3 *tion project under this section during the exten-*
4 *sion period if the entity participated in the dem-*
5 *onstration project under this section during the*
6 *initial period.*”.

7 (c) *FUNDING.*—*Subsection (g)(1) of such section 123*
8 *is amended—*

9 (1) *in subparagraph (A)—*

10 (A) *by striking “IN GENERAL” and insert-*
11 *ing “INITIAL PERIOD”; and*

12 (B) *by inserting “with respect to the initial*
13 *period” before the period at the end; and*

14 (2) *by adding at the end the following new sub-*
15 *paragraph:*

16 “(C) *EXTENSION PERIOD.*—*The Secretary*
17 *shall provide for the transfer of \$10,000,000, in*
18 *appropriate part from the Federal Hospital In-*
19 *surance Trust Fund established under section*
20 *1817 of the Social Security Act (42 U.S.C.*
21 *1395i) and the Federal Supplementary Medical*
22 *Insurance Trust Fund established under section*
23 *1841 of such Act (42 U.S.C. 1395t), to the Cen-*
24 *ters for Medicare & Medicaid Services for the*
25 *purposes of carrying out its duties under the*

1 *demonstration project under this section with re-*
2 *spect to the extension period.”.*

3 **SEC. 130. IMPROVING RURAL HEALTH CLINIC PAYMENTS.**

4 *Section 1833(f) of the Social Security Act (42 U.S.C.*
5 *1395l(f)) is amended—*

6 *(1) in paragraph (2)—*

7 *(A) by inserting “(before April 1, 2021)”*
8 *after “in a subsequent year”; and*

9 *(B) by striking “this subsection” and in-*
10 *serting “this paragraph”;*

11 *(2) by redesignating paragraphs (1) and (2) as*
12 *subparagraphs (A) and (B), respectively;*

13 *(3) in the matter preceding subparagraph (A), as*
14 *redesignated by paragraph (2)—*

15 *(A) by inserting “(1)” after “(f)”;* and

16 *(B) by inserting “prior to April 1, 2021”*
17 *after “services provided”; and*

18 *(4) by adding at the end the following new para-*
19 *graphs:*

20 *“(2) In establishing limits under subsection (a) on*
21 *payment for rural health clinic services furnished on or*
22 *after April 1, 2021, by a rural health clinic (other than*
23 *a rural health clinic described in paragraph (3)(B)), the*
24 *Secretary shall establish such limit, for services provided—*

25 *“(A) in 2021, after March 31, at \$100 per visit;*

1 “(B) in 2022, at \$113 per visit;

2 “(C) in 2023, at \$126 per visit;

3 “(D) in 2024, at \$139 per visit;

4 “(E) in 2025, at \$152 per visit;

5 “(F) in 2026, at \$165 per visit;

6 “(G) in 2027, at \$178 per visit;

7 “(H) in 2028, at \$190 per visit; and

8 “(I) in a subsequent year, at the limit estab-
9 lished under this paragraph for the previous year in-
10 creased by the percentage increase in the MEI appli-
11 cable to primary care services furnished as of the first
12 day of such subsequent year.

13 “(3)(A) In establishing limits under subsection (a) on
14 payment for rural health clinic services furnished on or
15 after April 1, 2021, by a rural health clinic described in
16 subparagraph (B), the Secretary shall establish such limit,
17 with respect to each such rural health clinic, for services
18 provided—

19 “(i) in 2021, after March 31, at an amount
20 equal to the greater of—

21 “(I) the per visit payment amount applica-
22 ble to such rural health clinic for rural health
23 clinic services furnished in 2020, increased by
24 the percentage increase in the MEI applicable to

1 *primary care services furnished as of the first*
2 *day of 2021; or*

3 *“(II) the limit described in paragraph*
4 *(2)(A); and*

5 *“(ii) in a subsequent year, at an amount equal*
6 *to the greater of—*

7 *“(I) the amount established under clause*
8 *(i)(I) or this subclause for the previous year with*
9 *respect to such rural health clinic, increased by*
10 *the percentage increase in the MEI applicable to*
11 *primary care services furnished as of the first*
12 *day of such subsequent year; or*

13 *“(II) the limit established under paragraph*
14 *(2) for such subsequent year.*

15 *“(B) A rural health clinic described in this subpara-*
16 *graph is a rural health clinic that, as of December 31, 2019,*
17 *was—*

18 *“(i) in a hospital with less than 50 beds; and*

19 *“(ii) enrolled under section 1866(j).”.*

1 **SEC. 131. MEDICARE GME TREATMENT OF HOSPITALS ES-**
2 **TABLISHING NEW MEDICAL RESIDENCY**
3 **TRAINING PROGRAMS AFTER HOSTING MED-**
4 **ICAL RESIDENT ROTATORS FOR SHORT DU-**
5 **RATIONS.**

6 (a) *REDETERMINATION OF APPROVED FTE RESIDENT*
7 *AMOUNT.*—*Section 1886(h)(2)(F) of the Social Security Act*
8 *(42 U.S.C. 1395ww(h)(2)(F)) is amended—*

9 (1) *by inserting “(i)” before “In the case of”;*

10 *and*

11 (2) *by adding at the end the following:*

12 “(i) *In applying this subparagraph in the*
13 *case of a hospital that trains residents and has*
14 *not entered into a GME affiliation agreement (as*
15 *defined by the Secretary for purposes of para-*
16 *graph (4)(H)(ii)), on or after the date of the en-*
17 *actment of this clause, the Secretary shall not es-*
18 *tablish an FTE resident amount until such time*
19 *as the Secretary determines that the hospital has*
20 *trained at least 1.0 full-time-equivalent resident*
21 *in an approved medical residency training pro-*
22 *gram in a cost reporting period.*

23 “(iii) *In applying this subparagraph for*
24 *cost reporting periods beginning on or after the*
25 *date of enactment of this clause, in the case of*
26 *a hospital that, as of such date of enactment, has*

1 *an approved FTE resident amount based on the*
2 *training in an approved medical residency pro-*
3 *gram or programs of—*

4 *“(I) less than 1.0 full-time-equivalent*
5 *resident in any cost reporting period begin-*
6 *ning before October 1, 1997, as determined*
7 *by the Secretary; or*

8 *“(II) no more than 3.0 full-time-equiv-*
9 *alent residents in any cost reporting period*
10 *beginning on or after October 1, 1997, and*
11 *before the date of the enactment of this*
12 *clause, as determined by the Secretary,*
13 *in lieu of such FTE resident amount the Sec-*
14 *retary shall, in accordance with the methodology*
15 *described in section 413.77(e) of title 42 of the*
16 *Code of Federal Regulations (or any successor*
17 *regulation), establish a new FTE resident*
18 *amount if the hospital trains at least 1.0 full-*
19 *time-equivalent resident (in the case of a hos-*
20 *pital described in subclause (I)) or more than 3.0*
21 *full-time-equivalent residents (in the case of a*
22 *hospital described in subclause (II)) in a cost re-*
23 *porting period beginning on or after such date of*
24 *enactment and before the date that is 5 years*
25 *after such date of enactment.*

1 “(iv) For purposes of carrying out this sub-
2 paragraph for cost reporting periods beginning
3 on or after the date of the enactment of this
4 clause, a hospital shall report full-time-equiva-
5 lent residents on its cost report for a cost report-
6 ing period if the hospital trains at least 1.0 full-
7 time-equivalent residents in an approved med-
8 ical residency training program or programs in
9 such period.

10 “(v) As appropriate, the Secretary may
11 consider information from any cost reporting pe-
12 riod necessary to establish a new FTE resident
13 amount as described in clause (iii).”.

14 (b) *REDETERMINATION OF FTE RESIDENT LIMITA-*
15 *TION.—Section 1886(h)(4)(H)(i) of the Social Security Act*
16 *(42 U.S.C. 1395ww(h)(4)(H)(i)) is amended—*

17 (1) by inserting “(I)” before “The Secretary”;

18 and

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

20 “(II) In applying this clause in the
21 case of a hospital that, on or after the date
22 of the enactment of this subclause, begins
23 training residents in a new approved med-
24 ical residency training program or pro-
25 grams (as defined by the Secretary), the

1 *Secretary shall not determine a limitation*
2 *applicable to the hospital under subpara-*
3 *graph (F) until such time as the Secretary*
4 *determines that the hospital has trained at*
5 *least 1.0 full-time-equivalent resident in*
6 *such new approved medical residency train-*
7 *ing program or programs in a cost report-*
8 *ing period.*

9 *“(III) In applying this clause in the*
10 *case of a hospital that, as of the date of the*
11 *enactment of this subclause, has a limita-*
12 *tion under subparagraph (F), based on a*
13 *cost reporting period beginning before Octo-*
14 *ber 1, 1997, of less than 1.0 full-time-equiv-*
15 *alent resident, the Secretary shall adjust the*
16 *limitation in the manner applicable to a*
17 *new approved medical residency training*
18 *program if the Secretary determines the*
19 *hospital begins training at least 1.0 full-*
20 *time-equivalent residents in a program year*
21 *beginning on or after such date of enact-*
22 *ment and before the date that is 5 years*
23 *after such date of enactment.*

24 *“(IV) In applying this clause in the*
25 *case of a hospital that, as of the date of the*

1 *enactment of this subclause, has a limita-*
2 *tion under subparagraph (F), based on a*
3 *cost reporting period beginning on or after*
4 *October 1, 1997, and before such date of en-*
5 *actment, of no more than 3.0 full-time-*
6 *equivalent residents, the Secretary shall ad-*
7 *just the limitation in the manner applicable*
8 *to a new approved medical residency train-*
9 *ing program if the Secretary determines the*
10 *hospital begins training more than 3.0 full-*
11 *time-equivalent residents in a program year*
12 *beginning on or after such date of enact-*
13 *ment and before the date that is 5 years*
14 *after such date of enactment.*

15 *“(V) An adjustment to the limitation*
16 *applicable to a hospital made pursuant to*
17 *subclause (III) or (IV) shall be made in a*
18 *manner consistent with the methodology, as*
19 *appropriate, in section 413.79(e) of title 42,*
20 *Code of Federal Regulations (or any suc-*
21 *cessor regulation). As appropriate, the Sec-*
22 *retary may consider information from any*
23 *cost reporting periods necessary to make*
24 *such an adjustment to the limitation.”.*

1 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—
2 *Section 1886 of the Social Security Act (42 U.S.C. 1395ww)*
3 *is amended—*

4 (1) *in subsection (d)(5)(B)(viii), by striking*
5 *“subsection (h)(4)(H)” and inserting “paragraphs*
6 *(2)(F)(iv) and (4)(H) of subsection (h)”;* and

7 (2) *in subsection (h)—*

8 (A) *in paragraph (4)(H)(iv), by striking*
9 *“an rural area” and inserting “a rural area”;*
10 *and*

11 (B) *in paragraph (7)(E), by striking*
12 *“under this” and all that follows through the pe-*
13 *riod at the end and inserting the following:*
14 *“under this paragraph, paragraph (8), clause*
15 *(i), (ii), (iii), or (v) of paragraph (2)(F), or*
16 *clause (i) or (vi) of paragraph (4)(H).”.*

17 (d) *EFFECTIVE DATE.*—*The amendments made by this*
18 *section shall apply to payment under section 1886 of the*
19 *Social Security Act (42 U.S.C. 1395ww) for cost reporting*
20 *periods beginning on or after the date of the enactment of*
21 *this Act.*

1 **SEC. 132. MEDICARE PAYMENT FOR CERTAIN FEDERALLY**
2 **QUALIFIED HEALTH CENTER AND RURAL**
3 **HEALTH CLINIC SERVICES FURNISHED TO**
4 **HOSPICE PATIENTS.**

5 *Section 1834 of the Social Security Act (42 U.S.C.*
6 *1395m), as amended by section 125(a)(2)(B), is amended—*

7 *(1) in subsection (o), by adding at the end the*
8 *following new paragraph:*

9 *“(4) PAYMENT FOR ATTENDING PHYSICIAN SERV-*
10 *ICES FURNISHED BY FEDERALLY QUALIFIED HEALTH*
11 *CENTERS TO HOSPICE PATIENTS.—In the case of serv-*
12 *ices described in section 1812(d)(2)(A)(ii) furnished*
13 *on or after January 1, 2022, by an attending physi-*
14 *cian (as defined in section 1861(dd)(3)(B), other than*
15 *a physician or practitioner who is employed by a hos-*
16 *pice program) who is employed by or working under*
17 *contract with a Federally qualified health center, a*
18 *Federally qualified health center shall be paid for*
19 *such services under the prospective payment system*
20 *under this subsection.”; and*

21 *(2) by adding at the end the following new sub-*
22 *section:*

23 *“(y) PAYMENT FOR ATTENDING PHYSICIAN SERVICES*
24 *FURNISHED BY RURAL HEALTH CLINICS TO HOSPICE PA-*
25 *TIENTS.—In the case of services described in section*
26 *1812(d)(2)(A)(ii) furnished on or after January 1, 2022,*

1 *by an attending physician (as defined in section*
2 *1861(dd)(3)(B), other than a physician or practitioner who*
3 *is employed by a hospice program) who is employed by or*
4 *working under contract with a rural health clinic, a rural*
5 *health clinic shall be paid for such services under the meth-*
6 *odology for all-inclusive rates (established by the Secretary)*
7 *under section 1833(a)(3), subject to the limits described in*
8 *section 1833(f).”.*

9 **SEC. 133. DELAY TO THE IMPLEMENTATION OF THE RADI-**
10 **ATION ONCOLOGY MODEL UNDER THE MEDI-**
11 **CARE PROGRAM.**

12 *Notwithstanding any provision of section 1115A of the*
13 *Social Security Act (42 U.S.C. 1315a), the Secretary of*
14 *Health and Human Services may not implement the radi-*
15 *ation oncology model described in the rule entitled “Medi-*
16 *care Program; Specialty Care Models To Improve Quality*
17 *of Care and Reduce Expenditures” (85 Fed. Reg. 61114 et*
18 *seq.), or any substantially similar model, pursuant to such*
19 *section before January 1, 2022.*

20 **SEC. 134. IMPROVING ACCESS TO SKILLED NURSING FACIL-**
21 **ITY SERVICES FOR HEMOPHILIA PATIENTS.**

22 *(a) IN GENERAL.—Section 1888(e)(2)(A)(iii) of the*
23 *Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(iii)) is*
24 *amended by adding at the end the following:*

1 “(VI) *Blood clotting factors indi-*
2 *cated for the treatment of patients with*
3 *hemophilia and other bleeding dis-*
4 *orders (identified as of July 1, 2020,*
5 *by HCPCS codes J7170, J7175,*
6 *J7177–J7183, J7185–J7190, J7192–*
7 *J7195, J7198–J7203, J7205, J7207–*
8 *J7211, and as subsequently modified*
9 *by the Secretary) and items and serv-*
10 *ices related to the furnishing of such*
11 *factors under section 1842(o)(5)(C),*
12 *and any additional blood clotting fac-*
13 *tors identified by the Secretary and*
14 *items and services related to the fur-*
15 *nishing of such factors under such sec-*
16 *tion.”.*

17 **(b) EFFECTIVE DATE.**—*The amendment made by sub-*
18 *section (a) shall apply to items and services furnished on*
19 *or after October 1, 2021.*

20 **TITLE II—MEDICAID EXTENDERS**
21 **AND OTHER POLICIES**

22 **SEC. 201. ELIMINATING DSH REDUCTIONS FOR FISCAL**
23 **YEARS 2021 THROUGH 2023.**

24 *Section 1923(f) of the Social Security Act (42 U.S.C.*
25 *1396r–4(f)), as amended by section 1106 of the Further*

1 *Continuing Appropriations Act, 2021, and Other Exten-*
2 *sions Act, is amended—*

3 (1) *in paragraph (7)(A)—*

4 (A) *in clause (i), in the matter preceding*
5 *subclause (I), by striking “For the period” and*
6 *all that follows through “2025” and inserting*
7 *“For each of fiscal years 2024 through 2027,”;*
8 *and*

9 (B) *in clause (ii), by striking “equal to—*
10 *” and all that follows through the period at the*
11 *end and inserting “equal to \$8,000,000,000 for*
12 *each of fiscal years 2024 through 2027”;* and

13 (2) *in paragraph (8), by striking “2025” and in-*
14 *serting “2027”.*

15 **SEC. 202. SUPPLEMENTAL PAYMENT REPORTING REQUIRE-**
16 **MENTS.**

17 *Section 1903 of the Social Security Act (42 U.S.C.*
18 *1396b) is amended by adding at the end the following new*
19 *subsection:*

20 “(b) **SUPPLEMENTAL PAYMENT REPORTING RE-**
21 **QUIREMENTS.—**

22 “(1) **COLLECTION AND AVAILABILITY OF SUPPLE-**
23 **MENTAL PAYMENT DATA.—**

24 “(A) **IN GENERAL.—***Not later than October*
25 *1, 2021, the Secretary shall establish a system*

1 *for each State to submit reports, as determined*
2 *appropriate by the Secretary, on supplemental*
3 *payments data, as a requirement for a State*
4 *plan or State plan amendment that would pro-*
5 *vide for a supplemental payment.*

6 “(B) *REQUIREMENTS.—Each report sub-*
7 *mitted by a State in accordance with the re-*
8 *quirement established under subparagraph (A)*
9 *shall include the following:*

10 “(i) *An explanation of how supple-*
11 *mental payments made under the State*
12 *plan or a State plan amendment will result*
13 *in payments that are consistent with section*
14 *1902(a)(30)(A), including standards with*
15 *respect to efficiency, economy, quality of*
16 *care, and access, along with the stated pur-*
17 *pose and intended effects of the supple-*
18 *mental payment.*

19 “(ii) *The criteria used to determine*
20 *which providers are eligible to receive the*
21 *supplemental payment.*

22 “(iii) *A comprehensive description of*
23 *the methodology used to calculate the*
24 *amount of, and distribute, the supplemental*

1 *payment to each eligible provider, includ-*
2 *ing—*

3 “(I) *data on the amount of the*
4 *supplemental payment made to each*
5 *eligible provider, if known, or, if the*
6 *total amount is distributed using a for-*
7 *mula based on data from 1 or more fis-*
8 *cal years, data on the total amount of*
9 *the supplemental payments for the fis-*
10 *cal year or years available to all pro-*
11 *viders eligible to receive a supple-*
12 *mental payment;*

13 “(II) *if applicable, the specific*
14 *criteria with respect to Medicaid serv-*
15 *ice, utilization, or cost data to be used*
16 *as the basis for calculations regarding*
17 *the amount or distribution of the sup-*
18 *plemental payment; and*

19 “(III) *the timing of the supple-*
20 *mental payment made to each eligible*
21 *provider.*

22 “(iv) *An assurance that the total Med-*
23 *icaid payments made to an inpatient hos-*
24 *pital provider, including the supplemental*

1 *payment, will not exceed upper payment*
2 *limits.*

3 “(v) *If not already submitted, an*
4 *upper payment limit demonstration under*
5 *section 447.272 of title 42, Code of Federal*
6 *Regulations (as such section is in effect as*
7 *of the date of enactment of this subsection).*

8 “(C) *PUBLIC AVAILABILITY.—The Secretary*
9 *shall make all reports and related data sub-*
10 *mitted under this paragraph publicly available*
11 *on the website of the Centers for Medicare &*
12 *Medicaid Services on a timely basis.*

13 “(2) *SUPPLEMENTAL PAYMENT DEFINED.—*

14 “(A) *IN GENERAL.—Subject to subpara-*
15 *graph (B), in this subsection, the term ‘supple-*
16 *mental payment’ means a payment to a provider*
17 *that is in addition to any base payment made*
18 *to the provider under the State plan under this*
19 *title or under demonstration authority.*

20 “(B) *DSH PAYMENTS EXCLUDED.—Such*
21 *term does not include a disproportionate share*
22 *hospital payment made under section 1923.’’.*

1 **SEC. 203. MEDICAID SHORTFALL AND THIRD PARTY PAY-**
2 **MENTS.**

3 (a) *IN GENERAL.*—Subsection (g) of section 1923 of
4 the Social Security Act (42 U.S.C. 1396r-4) is amended
5 to read as follows:

6 “(g) *LIMIT ON AMOUNT OF PAYMENT TO HOSPITAL.*—

7 “(1) *IN GENERAL.*—

8 “(A) *AMOUNT OF ADJUSTMENT SUBJECT TO*
9 *UNCOMPENSATED COSTS.*—A payment adjust-
10 ment during a fiscal year shall not be considered
11 to be consistent with subsection (c) with respect
12 to a hospital (other than a hospital described in
13 paragraph (2)(B)) if the payment adjustment ex-
14 ceeds an amount equal to—

15 “(i) the costs incurred during the year
16 of furnishing hospital services by the hos-
17 pital to individuals described in subpara-
18 graph (B) minus—

19 “(ii) the sum of—

20 “(I) payments under this title
21 (other than under this section) for such
22 services; and

23 “(II) payments by uninsured pa-
24 tients for such services.

1 “(B) *INDIVIDUALS DESCRIBED.*—For pur-
2 poses of subparagraph (A), the individuals de-
3 scribed in this clause are the following:

4 “(i) *Individuals who are eligible for*
5 *medical assistance under the State plan or*
6 *under a waiver of such plan and for whom*
7 *the State plan or waiver is the primary*
8 *payor for such services.*

9 “(ii) *Subject to subparagraph (C), in-*
10 *dividuals who have no health insurance (or*
11 *other source of third party coverage) for*
12 *services provided during the year, as deter-*
13 *mined by the Secretary.*

14 “(C) *EXCLUSION OF CERTAIN PAYMENTS.*—
15 *For purposes of subparagraph (B)(ii), payments*
16 *made to a hospital for services provided to indi-*
17 *gent patients made by a State or a unit of local*
18 *government within a State shall not be consid-*
19 *ered to be a source of third party coverage.*

20 “(2) *APPLICATION OF LIMITS FOR CERTAIN HOS-*
21 *PITALS.*—

22 “(A) *IN GENERAL.*—A payment adjustment
23 *during a fiscal year shall not be considered to be*
24 *consistent with subsection (c) with respect to a*

1 *hospital described in subparagraph (B) if the*
2 *payment adjustment exceeds the higher of—*

3 “(i) *the amount determined for the hos-*
4 *pital and fiscal year under paragraph*
5 *(1)(A); and*

6 “(ii) *the amount determined for the*
7 *hospital under paragraph (1)(A) as in effect*
8 *on January 1, 2020.*

9 “(B) *HOSPITALS DESCRIBED.—A hospital*
10 *is described in this subparagraph for a fiscal*
11 *year if, for the most recent cost reporting period,*
12 *the hospital is in at least the 97th percentile of*
13 *all hospitals with respect to—*

14 “(i) *the number of inpatient days for*
15 *such period that were made up of patients*
16 *who (for such days) were entitled to benefits*
17 *under part A of title XVIII and were enti-*
18 *tled to supplemental security income bene-*
19 *fits under title XVI (excluding any State*
20 *supplementary benefits paid with respect to*
21 *such patients); or*

22 “(ii) *the percentage of total inpatient*
23 *days that were made up of patients who*
24 *(for such days) were described in clause*
25 *(i).”.*

1 “(J) \$450,000,000 for fiscal year 2022; and

2 “(K) \$450,000,000 for fiscal year 2023.”;

3 (B) in paragraph (2)—

4 (i) by striking “Subject to paragraph

5 (3), amounts” and inserting “Amounts”;

6 and

7 (ii) by striking “2021” and inserting

8 “2023”; and

9 (C) by striking paragraph (3).

10 (2) *RESEARCH AND EVALUATION.*—Section
11 6071(g) of the Deficit Reduction Act of 2005 (42
12 U.S.C. 1396a note) is amended—

13 (A) in paragraph (2), by striking “2016”
14 and inserting “2026”; and

15 (B) in paragraph (3), by inserting “and for
16 each of fiscal years 2021 through 2023” after
17 “2016,”.

18 (b) *CHANGES TO INSTITUTIONAL RESIDENCY PERIOD*
19 *REQUIREMENT.*—

20 (1) *IN GENERAL.*—Section 6071(b)(2) of the Def-
21 icit Reduction Act of 2005 (42 U.S.C. 1396a note) is
22 amended—

23 (A) in subparagraph (A)(i), by striking
24 “90” and inserting “60”; and

1 (B) by striking the flush sentence after sub-
2 paragraph (B).

3 (2) *EFFECTIVE DATE*.—The amendments made
4 by paragraph (1) shall take effect on the date that is
5 30 days after the date of the enactment of this Act.

6 (c) *UPDATES TO STATE APPLICATION REQUIRE-*
7 *MENTS*.—Section 6071 of the Deficit Reduction Act of 2005
8 (42 U.S.C. 1396a note) is amended—

9 (1) in subsection (c)—

10 (A) in paragraph (3), by striking “, which
11 shall include” and all that follows through
12 “2007”;

13 (B) in paragraph (7)—

14 (i) in the paragraph heading, by strik-
15 ing “REBALANCING” and inserting “EX-
16 PENDITURES”;

17 (ii) in subparagraph (A), by adding
18 “and” at the end; and

19 (iii) in subparagraph (B)—

20 (I) in clause (i), by striking
21 “and” at the end;

22 (II) in clause (ii), by striking the
23 period at the end and inserting a semi-
24 colon; and

1 (III) by adding at the end the fol-
2 lowing:

3 “(iii) include a work plan that describes for
4 each Federal fiscal year that occurs during the
5 proposed MFP demonstration project—

6 “(I) the use of grant funds for each
7 proposed initiative that is designed to ac-
8 complish the objective described in sub-
9 section (a)(1), including a funding source
10 for each activity that is part of each such
11 proposed initiative;

12 “(II) an evaluation plan that identifies
13 expected results for each such proposed ini-
14 tiative; and

15 “(III) a sustainability plan for compo-
16 nents of such proposed initiatives that are
17 intended to improve transitions, which shall
18 be updated with actual expenditure infor-
19 mation for each Federal fiscal year that oc-
20 curs during the MFP demonstration project;
21 and

22 “(iv) contain assurances that grant funds
23 used to accomplish the objective described in sub-
24 section (a)(1) shall be obligated not later than 24
25 months after the date on which the funds are

1 *awarded and shall be expended not later than 60*
2 *months after the date on which the funds are*
3 *awarded (unless the Secretary waives either such*
4 *requirement).”; and*

5 *(C) in paragraph (13)—*

6 *(i) in subparagraph (A), by striking “;*
7 *and” and inserting “, and in such manner*
8 *as will meet the reporting requirements set*
9 *forth for the Transformed Medicaid Statis-*
10 *tical Information System (T-MSIS);”;*

11 *(ii) by redesignating subparagraph (B)*
12 *as subparagraph (D); and*

13 *(iii) by inserting after subparagraph*
14 *(A) the following:*

15 *“(B) the State shall report on a quarterly*
16 *basis on the use of grant funds by distinct activ-*
17 *ity, as described in the approved work plan, and*
18 *by specific population as targeted by the State;*

19 *“(C) if the State fails to report the informa-*
20 *tion required under subparagraph (B), fails to*
21 *report such information on a quarterly basis, or*
22 *fails to make progress under the approved work*
23 *plan, the State shall implement a corrective ac-*
24 *tion plan approved by the Secretary; and”;* and

1 (2) *in subsection (d)(4), by adding at the end the*
2 *following new subparagraph:*

3 “(C) CORRECTIVE ACTION PLAN
4 PROGRESS.—*In the case of a State required to*
5 *implement a corrective action plan under sub-*
6 *paragraph (C) of subsection (c)(13), the State*
7 *must implement such plan and demonstrate*
8 *progress in reporting information under sub-*
9 *paragraph (B) of such subsection or progress*
10 *under the approved work plan (as applicable).”.*

11 (d) *FUNDING FOR QUALITY ASSURANCE AND IMPROVE-*
12 *MENT; TECHNICAL ASSISTANCE; OVERSIGHT.—Section*
13 *6071(f) of the Deficit Reduction Act of 2005 (42 U.S.C.*
14 *1396a note) is amended by striking paragraph (2) and in-*
15 *serting the following:*

16 “(2) *FUNDING.—From the amounts appropriated*
17 *under subsection (h)(1), \$3,000,000 shall be available*
18 *to the Secretary to carry out this subsection. Such*
19 *amount shall remain available until expended.”.*

20 (e) *BEST PRACTICES EVALUATION.—Section 6071 of*
21 *the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note)*
22 *is amended by adding at the end the following:*

23 “(i) *BEST PRACTICES.—*

24 “(1) *REPORT.—The Secretary, directly or*
25 *through grant or contract, shall submit a report to the*

1 *President and Congress not later than September 30,*
2 *2022, that contains findings and conclusions on best*
3 *practices from MFP demonstration projects carried*
4 *out with grants made under this section. The report*
5 *shall include information and analyses with respect*
6 *to the following:*

7 *“(A) The most effective State strategies for*
8 *transitioning beneficiaries from institutional to*
9 *qualified community settings carried out under*
10 *MFP demonstration projects and how such strat-*
11 *egies may vary for different types of bene-*
12 *ficiaries, such as beneficiaries who are aged,*
13 *physically disabled, intellectually or develop-*
14 *mentally disabled, or individuals with serious*
15 *mental illnesses, and other targeted waiver bene-*
16 *ficiary populations under section 1915(c) of the*
17 *Social Security Act.*

18 *“(B) The most common and the most effec-*
19 *tive State uses of grant funds carried out under*
20 *demonstration projects for transitioning bene-*
21 *ficiaries from institutional to qualified commu-*
22 *nity settings and improving health outcomes, in-*
23 *cluding differentiating funding for current ini-*
24 *tiatives that are designed for such purpose and*

1 *funding for proposed initiatives that are de-*
2 *signed for such purpose.*

3 *“(C) The most effective State approaches*
4 *carried out under MFP demonstration projects*
5 *for improving person-centered care and plan-*
6 *ning.*

7 *“(D) Identification of program, financing,*
8 *and other flexibilities available under MFP dem-*
9 *onstration projects, that are not available under*
10 *the traditional Medicaid program, and which di-*
11 *rectly contributed to successful transitions and*
12 *improved health outcomes under MFP dem-*
13 *onstration projects.*

14 *“(E) State strategies and financing mecha-*
15 *nisms for effective coordination of housing fi-*
16 *nanced or supported under MFP demonstration*
17 *projects with local housing authorities and other*
18 *resources.*

19 *“(F) Effective State approaches for deliv-*
20 *ering Money Follows the Person transition serv-*
21 *ices through managed care entities.*

22 *“(G) Other best practices and effective tran-*
23 *sition strategies demonstrated by States with ap-*
24 *proved MFP demonstration projects, as deter-*
25 *mined by the Secretary.*

1 “(H) *Identification and analyses of oppor-*
2 *tunities and challenges to integrating effective*
3 *Money Follows the Person practices and State*
4 *strategies into the traditional Medicaid program.*

5 “(2) *COLLABORATION.*—*In preparing the report*
6 *required under this subsection, the Secretary shall col-*
7 *lect and incorporate information from States with*
8 *approved MFP demonstration projects and bene-*
9 *ficiaries participating in such projects, and providers*
10 *participating in such projects.*

11 “(3) *WAIVER OF PAPERWORK REDUCTION ACT.*—
12 *Chapter 35 of title 44, United States Code, shall not*
13 *apply to preparation of the report described in para-*
14 *graph (1) or collection of information described in*
15 *paragraph (2).*

16 “(4) *FUNDING.*—*From the amounts appropriated*
17 *under subsection (h)(1) for each of fiscal years 2021*
18 *and 2022, not more than \$300,000 shall be available*
19 *to the Secretary for each such fiscal year to carry out*
20 *this subsection.”.*

21 “(f) *MACPAC REPORT ON QUALIFIED SETTINGS CRI-*
22 *TERIA.*—*Section 6071 of the Deficit Reduction Act of 2005*
23 *(42 U.S.C. 1396a note), as amended by subsection (e), is*
24 *further amended by adding at the end the following:*

1 “(j) *MACPAC REPORT*.—Prior to the final implemen-
2 tation date established by the Secretary for the criteria es-
3 tablished for home and community-based settings in section
4 441.301(c)(4) of title 42, Code of Federal Regulations, as
5 part of final implementation of the Home and Community
6 Based Services (HCBS) Final Rule published on January
7 16, 2014 (79 Fed. Reg. 2947) (referred to in this subsection
8 as the ‘HCBS final rule’), the Medicaid and CHIP Pay-
9 ment and Access Commission (MACPAC) shall submit to
10 Congress a report that—

11 “(1) identifies the types of home and commu-
12 nity-based settings and associated services that are
13 available to eligible individuals in both the MFP
14 demonstration program and sites in compliance with
15 the HCBS final rule; and

16 “(2) if determined appropriate by the Commis-
17 sion, recommends policies to align the criteria for a
18 qualified residence under subsection (b)(6) (as in ef-
19 fect on October 1, 2017) with the criteria in the
20 HCBS final rule.”.

21 “(g) *APPLICATION TO CURRENT PROJECTS*.—Not later
22 than 1 year after the date of the enactment of this Act, the
23 Secretary shall update the terms and conditions of any ap-
24 proved MFP demonstration project under section 6071 of
25 the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note)

1 *in effect on the date of the enactment of this Act to ensure*
2 *that such terms and conditions are the same as are required*
3 *for any new State applicant for such project under the*
4 *amendments made by this section.*

5 **SEC. 205. EXTENSION OF SPOUSAL IMPOVERISHMENT PRO-**
6 **TECTIONS.**

7 *(a) IN GENERAL.—Section 2404 of the Patient Protec-*
8 *tion and Affordable Care Act (42 U.S.C. 1396r-5 note) is*
9 *amended by striking “December 18, 2020” and inserting*
10 *“September 30, 2023”.*

11 *(b) RULE OF CONSTRUCTION.—Nothing in section*
12 *2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note) or*
13 *section 1902(a)(17) or 1924 of the Social Security Act (42*
14 *U.S.C. 1396a(a)(17), 1396r-5) shall be construed as prohib-*
15 *iting a State from—*

16 *(1) applying an income or resource disregard*
17 *under a methodology authorized under section*
18 *1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—*

19 *(A) to the income or resources of an indi-*
20 *vidual described in section*
21 *1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.*
22 *1396a(a)(10)(A)(ii)(VI)) (including a disregard*
23 *of the income or resources of such individual’s*
24 *spouse); or*

1 (B) on the basis of an individual's need for
2 home and community-based services authorized
3 under subsection (c), (d), (i), or (k) of section
4 1915 of such Act (42 U.S.C. 1396n) or under sec-
5 tion 1115 of such Act (42 U.S.C. 1315); or
6 (2) disregarding an individual's spousal income
7 and assets under a plan amendment to provide med-
8 ical assistance for home and community-based serv-
9 ices for individuals by reason of being determined eli-
10 gible under section 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)) or by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise
13 on the basis of a reduction of income based on costs
14 incurred for medical or other remedial care under
15 which the State disregarded the income and assets of
16 the individual's spouse in determining the initial and
17 ongoing financial eligibility of an individual for such
18 services in place of the spousal impoverishment provi-
19 sions applied under section 1924 of such Act (42
20 U.S.C. 1396r-5).

21 **SEC. 206. EXTENSION OF COMMUNITY MENTAL HEALTH**
22 **SERVICES DEMONSTRATION PROGRAM.**

23 Section 223(d) of the Protecting Access to Medicare Act
24 of 2014 (42 U.S.C. 1396a note), as amended by section 1104

1 *of the Further Continuing Appropriations Act, 2021, and*
2 *Other Extensions Act, is amended—*

3 (1) *in paragraph (3), by striking “under this*
4 *subsection” and all that follows through the period*
5 *and inserting “that meet the requirements of this sub-*
6 *section through September 30, 2023.”;*

7 (2) *in paragraph (5)(C)(iii)(I), by striking*
8 *“during the 8 fiscal quarter period (or any portion*
9 *of the period) that begins on January 1, 2020” and*
10 *inserting “through September 30, 2023”;*

11 (3) *in paragraph (5)(C)(iii)(II), by inserting be-*
12 *fore the period at the end “or through September 30,*
13 *2023, whichever is longer”;*

14 (4) *in paragraph (8)(A), by striking “to partici-*
15 *partate” and all that follows through the period and in-*
16 *serting “to conduct demonstration programs that meet*
17 *the requirements of this subsection for 2 years or*
18 *through September 30, 2023, whichever is longer.”.*

19 **SEC. 207. CLARIFYING AUTHORITY OF STATE MEDICAID**
20 **FRAUD AND ABUSE CONTROL UNITS TO IN-**
21 **VESTIGATE AND PROSECUTE CASES OF MED-**
22 **ICAID PATIENT ABUSE AND NEGLECT IN ANY**
23 **SETTING.**

24 (a) *IN GENERAL.—Section 1903(q)(4)(A)(ii) of the So-*
25 *cial Security Act (42 U.S.C. 1396b(q)(4)(A)(ii)) is amended*

1 *by inserting after “patients residing in board and care fa-*
2 *cilities” the following: “and of patients (who are receiving*
3 *medical assistance under the State plan under this title (or*
4 *waiver of such plan)) in a noninstitutional or other set-*
5 *ting”.*

6 (b) *AVAILABILITY OF FUNDING.—Section 1903(a)(6) of*
7 *the Social Security Act (42 U.S.C. 1396b(a)(6)) is amend-*
8 *ed, in the matter following subparagraph (B), by striking*
9 *“(as found necessary by the Secretary for the elimination*
10 *of fraud in the provision and administration of medical*
11 *assistance provided under the State plan (or waiver of such*
12 *plan))”.*

13 **SEC. 208. MEDICAID COVERAGE FOR CITIZENS OF FREELY**
14 **ASSOCIATED STATES.**

15 (a) *IN GENERAL.—Section 402(b)(2) of the Personal*
16 *Responsibility and Work Opportunity Reconciliation Act*
17 *of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the*
18 *end the following new subparagraph:*

19 (G) *MEDICAID EXCEPTION FOR CITIZENS*
20 *OF FREELY ASSOCIATED STATES.—With respect*
21 *to eligibility for benefits for the designated Fed-*
22 *eral program defined in paragraph (3)(C) (relat-*
23 *ing to the Medicaid program), paragraph (1)*
24 *shall not apply to any individual who lawfully*
25 *resides in 1 of the 50 States or the District of*

1 *Columbia in accordance with the Compacts of*
2 *Free Association between the Government of the*
3 *United States and the Governments of the Fed-*
4 *erated States of Micronesia, the Republic of the*
5 *Marshall Islands, and the Republic of Palau and*
6 *shall not apply, at the option of the Governor of*
7 *Puerto Rico, the Virgin Islands, Guam, the*
8 *Northern Mariana Islands, or American Samoa*
9 *as communicated to the Secretary of Health and*
10 *Human Services in writing, to any individual*
11 *who lawfully resides in the respective territory in*
12 *accordance with such Compacts.”.*

13 **(b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—**
14 *Section 403(b) of such Act (8 U.S.C. 1613(b)) is amended*
15 *by adding at the end the following new paragraph:*

16 **“(3) EXCEPTION FOR CITIZENS OF FREELY ASSO-**
17 **CIATED STATES.—***An individual described in section*
18 *402(b)(2)(G), but only with respect to the designated*
19 *Federal program defined in section 402(b)(3)(C).”.*

20 **(c) DEFINITION OF QUALIFIED ALIEN.—***Section*
21 *431(b) of such Act (8 U.S.C. 1641(b)) is amended—*

22 **(1) in paragraph (6), by striking “; or” at the**
23 *end and inserting a comma;*

24 **(2) in paragraph (7), by striking the period at**
25 *the end and inserting “, or”; and*

1 (3) by adding at the end the following new para-
2 graph:

3 “(8) an individual who lawfully resides in the
4 United States in accordance with a Compact of Free
5 Association referred to in section 402(b)(2)(G), but
6 only with respect to the designated Federal program
7 defined in section 402(b)(3)(C) (relating to the Med-
8 icaid program).”.

9 (d) *CONFORMING AMENDMENTS.*—Section 1108 of the
10 Social Security Act (42 U.S.C. 1308) is amended—

11 (1) in subsection (f), in the matter preceding
12 paragraph (1), by striking “subsection (g) and section
13 1935(e)(1)(B)” and inserting “subsections (g) and (h)
14 and section 1935(e)(1)(B)”; and

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

16 “(h) *EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-*
17 *TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.*—
18 Expenditures for medical assistance provided to an indi-
19 vidual described in section 431(b)(8) of the Personal Re-
20 sponsibility and Work Opportunity Reconciliation Act of
21 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into account
22 for purposes of applying payment limits under subsections
23 (f) and (g).”.

1 (e) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to benefits for items and services fur-*
3 *nished on or after the date of the enactment of this Act.*

4 **SEC. 209. MEDICAID COVERAGE OF CERTAIN MEDICAL**
5 **TRANSPORTATION.**

6 (a) *CONTINUING REQUIREMENT OF MEDICAID COV-*
7 *ERAGE OF NECESSARY TRANSPORTATION.*—

8 (1) *REQUIREMENT.*—*Section 1902(a)(4) of the*
9 *Social Security Act (42 U.S.C. 1396a(a)(4)) is*
10 *amended—*

11 (A) *by striking “and including provision*
12 *for utilization” and inserting “including provi-*
13 *sion for utilization”; and*

14 (B) *by inserting after “supervision of ad-*
15 *ministration of the plan” the following: “, and,*
16 *subject to section 1903(i), including a specifica-*
17 *tion that the single State agency described in*
18 *paragraph (5) will ensure necessary transpor-*
19 *tation for beneficiaries under the State plan to*
20 *and from providers and a description of the*
21 *methods that such agency will use to ensure such*
22 *transportation”.*

23 (2) *APPLICATION WITH RESPECT TO BENCHMARK*
24 *BENEFIT PACKAGES AND BENCHMARK EQUIVALENT*

1 *COVERAGE.—Section 1937(a)(1) of the Social Security*
2 *Act (42 U.S.C. 1396u–7(a)(1)) is amended—*

3 *(A) in subparagraph (A), by striking “sub-*
4 *section (E)” and inserting “subparagraphs (E)*
5 *and (F)”;* and

6 *(B) by adding at the end the following new*
7 *subparagraph:*

8 *“(F) NECESSARY TRANSPORTATION.—Not-*
9 *withstanding the preceding provisions of this*
10 *paragraph, a State may not provide medical as-*
11 *sistance through the enrollment of an individual*
12 *with benchmark coverage or benchmark equiva-*
13 *lent coverage described in subparagraph (A)(i)*
14 *unless, subject to section 1903(i)(9) and in ac-*
15 *cordance with section 1902(a)(4), the benchmark*
16 *benefit package or benchmark equivalent coverage*
17 *(or the State)—*

18 *“(i) ensures necessary transportation*
19 *for individuals enrolled under such package*
20 *or coverage to and from providers; and*

21 *“(ii) provides a description of the*
22 *methods that will be used to ensure such*
23 *transportation.”.*

24 *(3) LIMITATION ON FEDERAL FINANCIAL PAR-*
25 *TICIPATION.—Section 1903(i) of the Social Security*

1 *Act (42 U.S.C. 1396b(i)) is amended by inserting*
2 *after paragraph (8) the following new paragraph:*

3 *“(9) with respect to any amount expended for*
4 *non-emergency transportation authorized under sec-*
5 *tion 1902(a)(4), unless the State plan provides for the*
6 *methods and procedures required under section*
7 *1902(a)(30)(A); or”.*

8 *(4) EFFECTIVE DATE.—The amendments made*
9 *by this subsection shall take effect on the date of the*
10 *enactment of this Act and shall apply to transpor-*
11 *tation furnished on or after such date.*

12 *(b) MEDICAID PROGRAM INTEGRITY MEASURES RE-*
13 *LATED TO COVERAGE OF NONEMERGENCY MEDICAL TRANS-*
14 *PORTATION.—*

15 *(1) GAO STUDY.—Not later than two years after*
16 *the date of the enactment of this Act, the Comptroller*
17 *General of the United States shall conduct a study,*
18 *and submit to Congress, a report on coverage under*
19 *the Medicaid program under title XIX of the Social*
20 *Security Act of nonemergency transportation to serv-*
21 *ices. Such study shall take into account the 2009 re-*
22 *port of the Office of the Inspector General of the De-*
23 *partment of Health and Human Services, titled*
24 *“Fraud and Abuse Safeguards for State Medicaid*
25 *Nonemergency Medical Transportation Services”*

1 (OEI-06-07-00320). Such report shall include the
2 following:

3 (A) An examination of the 50 States and
4 the District of Columbia to identify safeguards to
5 prevent and detect fraud and abuse with respect
6 to coverage under the Medicaid program of non-
7 emergency transportation to covered services.

8 (B) An examination of transportation bro-
9 kers to identify the range of safeguards against
10 such fraud and abuse to prevent improper pay-
11 ments for such transportation.

12 (C) Identification of the numbers, types,
13 and outcomes of instances of fraud and abuse,
14 with respect to coverage under the Medicaid pro-
15 gram of such transportation, that State Medicaid
16 Fraud Control Units have investigated in recent
17 years.

18 (D) Identification of commonalities or
19 trends in program integrity, with respect to such
20 coverage, to inform risk management strategies
21 of States and the Centers for Medicare & Med-
22 icaid Services.

23 (2) *STAKEHOLDER MEETINGS.*—

24 (A) *IN GENERAL.*—Not later than 18
25 months after the date of the enactment of this

1 *Act, the Secretary of Health and Human Serv-*
2 *ices, through the Centers for Medicare & Med-*
3 *icaid Services, shall convene a series of meetings*
4 *to obtain input from appropriate stakeholders to*
5 *facilitate discussion and shared learning about*
6 *the leading practices for improving Medicaid*
7 *program integrity, with respect to coverage of*
8 *nonemergency transportation to medically nec-*
9 *essary services.*

10 *(B) TOPICS.—The meetings convened under*
11 *subparagraph (A) shall—*

12 *(i) focus on ongoing challenges to Med-*
13 *icaid program integrity as well as leading*
14 *practices to address such challenges; and*

15 *(ii) address specific challenges raised*
16 *by stakeholders involved in coverage under*
17 *the Medicaid program of nonemergency*
18 *transportation to covered services, including*
19 *unique considerations for specific groups of*
20 *Medicaid beneficiaries meriting particular*
21 *attention, such as American Indians and*
22 *tribal land issues or accommodations for in-*
23 *dividuals with disabilities.*

24 *(C) STAKEHOLDERS.—Stakeholders de-*
25 *scribed in subparagraph (A) shall include indi-*

1 *viduals from State Medicaid programs, brokers*
2 *for nonemergency transportation to medically*
3 *necessary services that meet the criteria described*
4 *in section 1902(a)(70)(B) of the Social Security*
5 *Act (42 U.S.C. 1396a(a)(70)(B)), providers (in-*
6 *cluding transportation network companies),*
7 *Medicaid patient advocates, and such other indi-*
8 *viduals specified by the Secretary.*

9 (3) *GUIDANCE REVIEW.*—*Not later than 24*
10 *months after the date of the enactment of this Act, the*
11 *Secretary of Health and Human Services, through the*
12 *Centers for Medicare & Medicaid Services, shall assess*
13 *guidance issued to States by the Centers for Medicare*
14 *& Medicaid Services relating to Federal requirements*
15 *for nonemergency transportation to medically nec-*
16 *essary services under the Medicaid program under*
17 *title XIX of the Social Security Act and update such*
18 *guidance as necessary to ensure States have appro-*
19 *priate and current guidance in designing and admin-*
20 *istering coverage under the Medicaid program of non-*
21 *emergency transportation to medically necessary serv-*
22 *ices.*

23 (4) *NEMT TRANSPORTATION PROVIDER AND*
24 *DRIVER REQUIREMENTS.*—

1 (A) *STATE PLAN REQUIREMENT.*—Section
2 1902(a) of the Social Security Act (42 U.S.C.
3 1396a(a)) is amended—

4 (i) by striking “and” at the end of
5 paragraph (85);

6 (ii) by striking the period at the end of
7 paragraph (86) and inserting “; and”; and

8 (iii) by inserting after paragraph (86)
9 the following new paragraph:

10 “(87) provide for a mechanism, which may in-
11 clude attestation, that ensures that, with respect to
12 any provider (including a transportation network
13 company) or individual driver of nonemergency
14 transportation to medically necessary services receiv-
15 ing payments under such plan (but excluding any
16 public transit authority), at a minimum—

17 “(A) each such provider and individual
18 driver is not excluded from participation in any
19 Federal health care program (as defined in sec-
20 tion 1128B(f)) and is not listed on the exclusion
21 list of the Inspector General of the Department
22 of Health and Human Services;

23 “(B) each such individual driver has a
24 valid driver’s license;

1 “(C) each such provider has in place a
2 process to address any violation of a State drug
3 law; and

4 “(D) each such provider has in place a
5 process to disclose to the State Medicaid program
6 the driving history, including any traffic viola-
7 tions, of each such individual driver employed by
8 such provider, including any traffic violations.”.

9 (B) *EFFECTIVE DATE.*—

10 (i) *IN GENERAL.*—Except as provided
11 in clause (ii), the amendments made by
12 subparagraph (A) shall take effect on the
13 date of the enactment of this Act and shall
14 apply to services furnished on or after the
15 date that is one year after the date of the
16 enactment of this Act.

17 (ii) *EXCEPTION.*—In the case of a
18 State plan under title XIX of the Social Se-
19 curity Act (42 U.S.C. 1396 et seq.), or
20 waiver of such plan, that the Secretary of
21 Health and Human Services determines re-
22 quires State legislation in order for the re-
23 spective plan to meet any requirement im-
24 posed by amendments made by this section,
25 the respective plan shall not be regarded as

1 *failing to comply with the requirements of*
2 *such title solely on the basis of its failure to*
3 *meet such an additional requirement before*
4 *the first day of the first calendar quarter be-*
5 *ginning after the close of the first regular*
6 *session of the State legislature that begins*
7 *after the date of the enactment of this Act.*
8 *For purposes of the previous sentence, in the*
9 *case of a State that has a 2-year legislative*
10 *session, each year of the session shall be con-*
11 *sidered to be a separate regular session of*
12 *the State legislature.*

13 (5) *ANALYSIS OF T-MSIS DATA.*—*Not later than*
14 *one year after the date of the enactment of this Act,*
15 *the Secretary of Health and Human Services, through*
16 *the Centers for Medicare & Medicaid Services, shall*
17 *analyze, and submit to Congress a report on, the na-*
18 *tion-wide data set under the Transformed Medicaid*
19 *Statistical Information System to identify rec-*
20 *ommendations relating to coverage under the Med-*
21 *icaid program under title XIX of the Social Security*
22 *Act of nonemergency transportation to medically nec-*
23 *essary services.*

24 (c) *CONSULTATION RELATING TO NONEMERGENCY*
25 *MEDICAL TRANSPORTATION.*—*In the case of a State that*

1 *exercises the option described in section 1902(a)(70) of the*
2 *Social Security Act (42 U.S.C. 1396a(a)(7)), in estab-*
3 *lishing a non-emergency medical transportation brokerage*
4 *program under such section, a State Medicaid agency may*
5 *consult relevant stakeholders, including stakeholders rep-*
6 *resenting patients, medical providers, Medicaid managed*
7 *care organizations, brokers for non-emergency medical*
8 *transportation, and transportation providers (including*
9 *public transportation providers).*

10 **SEC. 210. PROMOTING ACCESS TO LIFE-SAVING THERAPIES**
11 **FOR MEDICAID ENROLLEES BY ENSURING**
12 **COVERAGE OF ROUTINE PATIENT COSTS FOR**
13 **ITEMS AND SERVICES FURNISHED IN CON-**
14 **NECTION WITH PARTICIPATION IN QUALI-**
15 **FYING CLINICAL TRIALS.**

16 (a) *IN GENERAL.*—Section 1905 of the Social Security
17 Act (42 U.S.C. 1396d) is amended—

18 (1) *in subsection (a)*—

19 (A) *in paragraph (29), by striking “and”*
20 *at the end;*

21 (B) *by redesignating paragraph (30) as*
22 *paragraph (31); and*

23 (C) *by inserting after paragraph (29) the*
24 *following new paragraph:*

1 “(30) subject to subsection (gg), routine patient
2 costs for items and services furnished in connection
3 with participation in a qualifying clinical trial (as
4 defined in such subsection); and”;

5 (2) by adding at the end the following new sub-
6 section:

7 “(gg)(1) *ROUTINE PATIENT COSTS*.—For purposes of
8 subsection (a)(30), with respect to a State and an indi-
9 vidual enrolled under the State plan (or a waiver of such
10 plan) who participates in a qualifying clinical trial, rou-
11 tine patient costs—

12 “(A) include any item or service provided to the
13 individual under the qualifying clinical trial, includ-
14 ing—

15 “(i) any item or service provided to prevent,
16 diagnose, monitor, or treat complications result-
17 ing from such participation, to the extent that
18 the provision of such an item or service to the in-
19 dividual outside the course of such participation
20 would otherwise be covered under the State plan
21 or waiver; and

22 “(ii) any item or service required solely for
23 the provision of the investigational item or serv-
24 ice that is the subject of such trial, including the

1 *administration of such investigational item or*
2 *service; and*

3 “(B) does not include—

4 “(i) an item or service that is the investiga-
5 tional item or service that is—

6 “(I) the subject of the qualifying clin-
7 ical trial; and

8 “(II) not otherwise covered outside of
9 the clinical trial under the State plan or
10 waiver; or

11 “(ii) an item or service that is—

12 “(I) provided to the individual solely
13 to satisfy data collection and analysis needs
14 for the qualifying clinical trial and is not
15 used in the direct clinical management of
16 the individual; and

17 “(II) not otherwise covered under the
18 State plan or waiver.

19 “(2) *QUALIFYING CLINICAL TRIAL DEFINED.*—

20 “(A) *IN GENERAL.*—For purposes of this sub-
21 section and subsection (a)(30), the term ‘qualifying
22 clinical trial’ means a clinical trial (in any clinical
23 phase of development) that is conducted in relation to
24 the prevention, detection, or treatment of any serious

1 *or life-threatening disease or condition and is de-*
2 *scribed in any of the following clauses:*

3 *“(i) The study or investigation is approved,*
4 *conducted, or supported (which may include*
5 *funding through in-kind contributions) by one or*
6 *more of the following:*

7 *“(I) The National Institutes of Health.*

8 *“(II) The Centers for Disease Control*
9 *and Prevention.*

10 *“(III) The Agency for Healthcare Re-*
11 *search and Quality.*

12 *“(IV) The Centers for Medicare & Med-*
13 *icaid Services.*

14 *“(V) A cooperative group or center of*
15 *any of the entities described in subclauses*
16 *(I) through (IV) or the Department of De-*
17 *fense or the Department of Veterans Affairs.*

18 *“(VI) A qualified non-governmental re-*
19 *search entity identified in the guidelines*
20 *issued by the National Institutes of Health*
21 *for center support grants.*

22 *“(VII) Any of the following if the con-*
23 *ditions described in subparagraph (B) are*
24 *met:*

1 “(aa) *The Department of Veterans*
2 *Affairs.*

3 “(bb) *The Department of Defense.*

4 “(cc) *The Department of Energy.*

5 “(i) *The clinical trial is conducted pursu-*
6 *ant to an investigational new drug exemption*
7 *under section 505(i) of the Federal Food, Drug,*
8 *and Cosmetic Act or an exemption for a biologi-*
9 *cal product undergoing investigation under sec-*
10 *tion 351(a)(3) of the Public Health Service Act.*

11 “(iii) *The clinical trial is a drug trial that*
12 *is exempt from being required to have an exemp-*
13 *tion described in clause (ii).*

14 “(B) *CONDITIONS.—For purposes of subpara-*
15 *graph (A)(i)(VII), the conditions described in this*
16 *subparagraph, with respect to a clinical trial ap-*
17 *proved or funded by an entity described in such sub-*
18 *paragraph (A)(i)(VII), are that the clinical trial has*
19 *been reviewed and approved through a system of peer*
20 *review that the Secretary determines—*

21 “(i) *to be comparable to the system of peer*
22 *review of studies and investigations used by the*
23 *National Institutes of Health; and*

1 “(i) assures unbiased review of the highest
2 scientific standards by qualified individuals
3 with no interest in the outcome of the review.

4 “(3) *COVERAGE DETERMINATION REQUIREMENTS.*—A
5 determination with respect to coverage under subsection
6 (a)(30) for an individual participating in a qualifying
7 clinical trial—

8 “(A) shall be expedited and completed within 72
9 hours;

10 “(B) shall be made without limitation on the ge-
11 ographic location or network affiliation of the health
12 care provider treating such individual or the prin-
13 cipal investigator of the qualifying clinical trial;

14 “(C) shall be based on attestation regarding the
15 appropriateness of the qualifying clinical trial by the
16 health care provider and principal investigator de-
17 scribed in subparagraph (B), which shall be made
18 using a streamlined, uniform form developed for State
19 use by the Secretary and that includes the option to
20 reference information regarding the qualifying clin-
21 ical trial that is publicly available on a website
22 maintained by the Secretary, such as
23 clinicaltrials.gov (or a successor website); and

24 “(D) shall not require submission of the protocols
25 of the qualifying clinical trial, or any other docu-

1 *mentation that may be proprietary or determined by*
2 *the Secretary to be burdensome to provide.”.*

3 *(b) REQUIRING MANDATORY COVERAGE UNDER STATE*
4 *PLAN.—Section 1902(a)(10)(A) of such Act is amended, in*
5 *the matter preceding clause (i), by striking “and (29)” and*
6 *inserting “(29), and (30)”.*

7 *(c) INCLUSION IN BENCHMARK COVERAGE.—Section*
8 *1937(b)(5) of such Act is amended by inserting before the*
9 *period at the end the following: “, and beginning January*
10 *1, 2022, coverage of routine patient costs for items and serv-*
11 *ices furnished in connection with participation in a quali-*
12 *fying clinical trial (as defined in section 1905(gg))”.*

13 *(d) EXEMPTION OF ADDITIONAL EXPENDITURES FROM*
14 *PAYMENT LIMITS FOR TERRITORIES.—Section 1108(g)(4)*
15 *of the Social Security Act (42 U.S.C. 1308(g)(4)) is amend-*
16 *ed—*

17 *(1) by striking “With respect to” and inserting*
18 *the following:*

19 *“(A) IN GENERAL.—With respect to”; and*

20 *(2) by adding at the end the following new sub-*
21 *paragraph:*

22 *“(B) ADDITIONAL EXEMPTION.—Payments*
23 *under section 1903 for medical assistance con-*
24 *sisting of routine patient costs (as defined in sec-*

1 tion 1905(gg)(1)) shall not be taken into account
2 in applying subsection (f).”.

3 (e) *EFFECTIVE DATE.*—

4 (1) *IN GENERAL.*—The amendments made by
5 this section shall apply with respect to items and
6 services furnished on or after January 1, 2022.

7 (2) *EXCEPTION FOR STATE LEGISLATION.*—In
8 the case of a State plan under title XIX of the Social
9 Security Act (42 U.S.C. 1396 et seq.), or waiver of
10 such plan, that the Secretary of Health and Human
11 Services determines requires State legislation in order
12 for the respective plan to meet any requirement im-
13 posed by amendments made by this section, the re-
14 spective plan shall not be regarded as failing to com-
15 ply with the requirements of such title solely on the
16 basis of its failure to meet such an additional require-
17 ment before the first day of the first calendar quarter
18 beginning after the close of the first regular session of
19 the State legislature that begins after the date of the
20 enactment of this Act. For purposes of the previous
21 sentence, in the case of a State that has a 2-year leg-
22 islative session, each year of the session shall be con-
23 sidered to be a separate regular session of the State
24 legislature.

TITLE III—HUMAN SERVICES**SEC. 301. EXTENSION OF TANF, CHILD CARE ENTITLEMENT
TO STATES, AND RELATED PROGRAMS.**

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through September 30, 2021, in the manner authorized for fiscal year 2020, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through the 4th quarter of fiscal year 2021 at the level provided for such activities for the corresponding quarter of fiscal year 2020.

SEC. 302. PERSONAL RESPONSIBILITY EDUCATION EXTENSION.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “2020 and for the period beginning October 1, 2020, and ending December 18, 2020” and inserting “2023”; and

1 (II) in clause (i), by striking “or
2 period”;

3 (ii) in subparagraph (B)(i), by strik-
4 ing the 2nd sentence;

5 (iii) in subparagraph (C)(i)—

6 (I) by striking “or the period de-
7 scribed in subparagraph (A)”;

8 (II) by striking “or period”;

9 (B) in paragraph (3)—

10 (i) by striking “or the period described
11 in paragraph (1)(A)”;

12 (ii) by striking “or period”;

13 (C) in paragraph (4)—

14 (i) by striking “2020 and for the pe-
15 riod described in paragraph (1)(A)” and
16 inserting “2023”;

17 (ii) by striking “2020 and for the pe-
18 riod so described” and inserting “2023”;
19 and

20 (iii) by striking “or the period so de-
21 scribed”;

22 (2) in subsection (c)—

23 (A) in each of paragraphs (1) and (2), by
24 striking “Subject to paragraph (3), from” and
25 inserting “From”;

1 (B) by striking paragraph (3); and
2 (3) in subsection (f), by striking “2020, and for
3 the period beginning on October 1, 2020, and ending
4 on December 18, 2020, the amount equal to the pro
5 rata portion of the amount appropriated for such pe-
6 riod for fiscal year 2020” and inserting “2023”.

7 **SEC. 303. SEXUAL RISK AVOIDANCE EDUCATION EXTEN-**
8 **SION.**

9 Section 510 of the Social Security Act (42 U.S.C. 710)
10 is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in the matter preceding subpara-
14 graph (A)—

15 (I) by striking “2020 and for the
16 period beginning October 1, 2020, and
17 ending December 18, 2020” and insert-
18 ing “2023”; and

19 (II) by striking “(or, with respect
20 to such period, for fiscal year 2021)”;
21 and

22 (ii) in subparagraph (A), by striking
23 “or period” each place it appears;

24 (B) in paragraph (2)—

25 (i) in subparagraph (A)—

1 (I) by striking “2020 and for the
2 period beginning October 1, 2020, and
3 ending December 18, 2020” and insert-
4 ing “2023”; and

5 (II) by striking “(or, with respect
6 to such period, for fiscal year 2021)”;
7 and

8 (ii) in subparagraph (B)(i), by strik-
9 ing “(or, with respect to the period de-
10 scribed in subparagraph (A), for fiscal year
11 2021)”; and

12 (2) in subsection (f)—

13 (A) in paragraph (1), by striking “2020,
14 and for the period beginning on October 1, 2020,
15 and ending on December 18, 2020, the amount
16 equal to the pro rata portion of the amount ap-
17 propriated for such period for fiscal year 2020”
18 and inserting “2023”; and

19 (B) in paragraph (2), by striking “2020,
20 and for the period described in paragraph (1),”
21 and inserting “2023,”.

22 **SEC. 304. EXTENSION OF SUPPORT FOR CURRENT HEALTH**
23 **PROFESSIONS OPPORTUNITY GRANTS.**

24 Out of any money in the Treasury of the United States
25 not otherwise appropriated, there are hereby appropriated

1 *to the Secretary of Health and Human Services \$3,600,000,*
2 *which shall be available—*

3 *(1) through the end of fiscal year 2021 for nec-*
4 *essary administrative expenses to carry out grants*
5 *made under section 2008(a) of the Social Security Act*
6 *before the date of the enactment of this Act; and*

7 *(2) through the end of fiscal year 2022 for re-*
8 *search, evaluation, and reporting under such section,*
9 *and for necessary administrative expenses to carry*
10 *out these activities.*

11 **SEC. 305. EXTENSION OF MARYLEE ALLEN PROMOTING**
12 **SAFE AND STABLE FAMILIES PROGRAM AND**
13 **STATE COURT SUPPORT.**

14 *(a) EXTENSIONS.—Section 436 of the Social Security*
15 *Act (42 U.S.C. 629f) is amended in each of subsections (a),*
16 *(b)(4)(A), (b)(5), and (f)(10) by striking “2021” and insert-*
17 *ing “2022”.*

18 *(b) PROGRAM CHANGES.—Section 438 of such Act (42*
19 *U.S.C. 629h) is amended—*

20 *(1) in subsection (a)—*

21 *(A) in paragraph (2)—*

22 *(i) in subparagraph (A), by inserting*
23 *“in a timely and complete manner” before*
24 *“, as set forth”; and*

1 (ii) in subparagraph (C), by striking
2 the semicolon and inserting “, including by
3 training judges, attorneys, and other legal
4 personnel.”; and

5 (B) by striking paragraphs (3) and (4);

6 (2) in subsection (b)—

7 (A) by striking paragraph (2);

8 (B) by striking all that precedes “be eligible
9 to receive” and inserting the following:

10 “(b) *APPLICATIONS.*—In order to”; and

11 (C) in the matter preceding paragraph

12 (2)—

13 (i) by moving the matter 2 ems to the
14 left;

15 (ii) in subparagraph (A)—

16 (I) by striking “(A) in the case of
17 a grant for the purpose described in
18 subsection (a)(3),” and inserting “(1)”;
19 and

20 (II) by inserting “use not less
21 than 30 percent of grant funds to” be-
22 fore “collaborate”;

23 (iii) in subparagraph (B), by striking
24 “(B) in the case of a grant for the purpose

1 *described in subsection (a)(4),” and insert-*
2 *ing “(2)”;* and

3 *(iv) in subparagraph (C), by striking*
4 *“(C) in the case of a grant for the purpose*
5 *described in subsection (a),” and inserting*
6 *“(3)”;*

7 *(3) by striking subsection (c) and inserting the*
8 *following:*

9 *“(c) AMOUNT OF GRANT.—*

10 *“(1) IN GENERAL.—From the amounts reserved*
11 *under sections 436(b)(2) and 437(b)(2) for a fiscal*
12 *year, each highest State court that has an application*
13 *approved under this section for the fiscal year shall*
14 *be entitled to payment of an amount equal to the sum*
15 *of—*

16 *“(A) \$255,000; and*

17 *“(B) the amount described in paragraph (2)*
18 *with respect to the court and the fiscal year.*

19 *“(2) AMOUNT DESCRIBED.—The amount de-*
20 *scribed in this paragraph with respect to a court and*
21 *a fiscal year is the amount that bears the same ratio*
22 *to the total of the amounts reserved under sections*
23 *436(b)(2) and 437(b)(2) for grants under this section*
24 *for the fiscal year (after applying paragraphs (1)(A)*
25 *and (3) of this subsection) as the number of individ-*

1 *uals in the State in which the court is located who*
2 *have not attained 21 years of age bears to the total*
3 *number of such individuals in all States with a high-*
4 *est State court that has an approved application*
5 *under this section for the fiscal year.*

6 “(3) *INDIAN TRIBES.*—*From the amounts re-*
7 *served under section 436(b)(2) for a fiscal year, the*
8 *Secretary shall, before applying paragraph (1) of this*
9 *subsection, allocate \$1,000,000 for grants to be award-*
10 *ed on a competitive basis among the highest courts of*
11 *Indian tribes or tribal consortia that—*

12 “(A) *are operating a program under part*
13 *E, in accordance with section 479B;*

14 “(B) *are seeking to operate a program*
15 *under part E and have received an implementa-*
16 *tion grant under section 476; or*

17 “(C) *have a court responsible for pro-*
18 *ceedings related to foster care or adoption.”; and*

19 (4) *in subsection (d), by striking “2017 through*
20 *2021” and inserting “2018 through 2022”.*

21 (c) *EFFECTIVE DATE.*—*The amendments made by this*
22 *section shall take effect on October 1, 2021.*

TITLE IV—HEALTH OFFSETS**SEC. 401. REQUIRING CERTAIN MANUFACTURERS TO REPORT DRUG PRICING INFORMATION WITH RESPECT TO DRUGS UNDER THE MEDICARE PROGRAM.**

(a) *IN GENERAL.*—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) *in subsection (b)*—

(A) *in paragraph (2)(A), by inserting “or subsection (f)(2), as applicable” before the period at the end;*

(B) *in paragraph (3), in the matter preceding subparagraph (A), by inserting “or subsection (f)(2), as applicable,” before “determined by”; and*

(C) *in paragraph (6)(A), in the matter preceding clause (i), by inserting “or subsection (f)(2), as applicable,” before “determined by”; and*

(2) *in subsection (f)*—

(A) *by striking “For requirements” and inserting the following:*

“(1) *IN GENERAL.*—*For requirements*”; and

(B) *by adding at the end the following new paragraph:*

1 “(2) *MANUFACTURERS WITHOUT A REBATE*
2 *AGREEMENT UNDER TITLE XIX.*—

3 “(A) *IN GENERAL.*—*If the manufacturer of*
4 *a drug or biological described in subparagraph*
5 *(C), (E), or (G) of section 1842(o)(1) or in sec-*
6 *tion 1881(b)(14)(B) that is payable under this*
7 *part has not entered into and does not have in*
8 *effect a rebate agreement described in subsection*
9 *(b) of section 1927, for calendar quarters begin-*
10 *ning on January 1, 2022, such manufacturer*
11 *shall report to the Secretary the information de-*
12 *scribed in subsection (b)(3)(A)(iii) of such sec-*
13 *tion 1927 with respect to such drug or biological*
14 *in a time and manner specified by the Secretary.*
15 *For purposes of applying this paragraph, a drug*
16 *or biological described in the previous sentence*
17 *includes items, services, supplies, and products*
18 *that are payable under this part as a drug or bi-*
19 *ological.*

20 “(B) *AUDIT.*—*Information reported under*
21 *subparagraph (A) is subject to audit by the In-*
22 *spector General of the Department of Health and*
23 *Human Services.*

24 “(C) *VERIFICATION.*—*The Secretary may*
25 *survey wholesalers and manufacturers that di-*

1 *rectly distribute drugs or biologicals described in*
2 *subparagraph (A), when necessary, to verify*
3 *manufacturer prices and manufacturer's average*
4 *sales prices (including wholesale acquisition cost)*
5 *if required to make payment reported under sub-*
6 *paragraph (A). The Secretary may impose a*
7 *civil monetary penalty in an amount not to ex-*
8 *ceed \$100,000 on a wholesaler, manufacturer, or*
9 *direct seller, if the wholesaler, manufacturer, or*
10 *direct seller of such a drug or biological refuses*
11 *a request for information about charges or prices*
12 *by the Secretary in connection with a survey*
13 *under this subparagraph or knowingly provides*
14 *false information. The provisions of section*
15 *1128A (other than subsections (a) (with respect*
16 *to amounts of penalties or additional assess-*
17 *ments) and (b)) shall apply to a civil money*
18 *penalty under this subparagraph in the same*
19 *manner as such provisions apply to a penalty or*
20 *proceeding under section 1128A(a).*

21 *“(D) CONFIDENTIALITY.—Notwithstanding*
22 *any other provision of law, information disclosed*
23 *by manufacturers or wholesalers under this*
24 *paragraph (other than the wholesale acquisition*
25 *cost for purposes of carrying out this section) is*

1 *confidential and shall not be disclosed by the*
2 *Secretary in a form which discloses the identity*
3 *of a specific manufacturer or wholesaler or prices*
4 *charged for drugs or biologicals by such manu-*
5 *facturer or wholesaler, except—*

6 *“(i) as the Secretary determines to be*
7 *necessary to carry out this section (includ-*
8 *ing the determination and implementation*
9 *of the payment amount), or to carry out*
10 *section 1847B;*

11 *“(ii) to permit the Comptroller General*
12 *of the United States to review the informa-*
13 *tion provided;*

14 *“(iii) to permit the Director of the*
15 *Congressional Budget Office to review the*
16 *information provided;*

17 *“(iv) to permit the Medicare Payment*
18 *Advisory Commission to review the infor-*
19 *mation provided; and*

20 *“(v) to permit the Medicaid and CHIP*
21 *Payment and Access Commission to review*
22 *the information provided.”.*

23 **(b) ENFORCEMENT.**—*Section 1847A of such Act (42*
24 *U.S.C. 1395w–3a) is further amended—*

25 *(1) in subsection (d)(4)—*

1 (A) in subparagraph (A), by striking “IN
2 GENERAL” and inserting “MISREPRESENTA-
3 TION”;

4 (B) in subparagraph (B), by striking “sub-
5 paragraph (B)” and inserting “subparagraph
6 (A), (B), or (C)”;

7 (C) by redesignating subparagraph (B) as
8 subparagraph (E); and

9 (D) by inserting after subparagraph (A) the
10 following new subparagraphs:

11 “(B) *FAILURE TO PROVIDE TIMELY INFOR-*
12 *MATION.—If the Secretary determines that a*
13 *manufacturer described in subsection (f)(2) has*
14 *failed to report on information described in sec-*
15 *tion 1927(b)(3)(A)(iii) with respect to a drug or*
16 *biological in accordance with such subsection, the*
17 *Secretary shall apply a civil money penalty in*
18 *an amount of \$10,000 for each day the manufac-*
19 *turer has failed to report such information and*
20 *such amount shall be paid to the Treasury.*

21 “(C) *FALSE INFORMATION.—Any manufac-*
22 *turer required to submit information under sub-*
23 *section (f)(2) that knowingly provides false infor-*
24 *mation is subject to a civil money penalty in an*
25 *amount not to exceed \$100,000 for each item of*

1 *false information. Such civil money penalties are*
2 *in addition to other penalties as may be pre-*
3 *scribed by law.*

4 “(D) *INCREASING OVERSIGHT AND EN-*
5 *FORCEMENT.—For calendar quarters beginning*
6 *on or after January 1, 2022, section*
7 *1927(b)(3)(C)(iv) shall be applied as if—*

8 “(i) *each reference to ‘under this sub-*
9 *paragraph and subsection (c)(4)(B)(ii)(III)’*
10 *were a reference to ‘under this subpara-*
11 *graph, subsection (c)(4)(B)(ii)(III), and*
12 *subparagraphs (A), (B), and (C) of section*
13 *1847A(d)(4)’; and*

14 “(ii) *the reference to ‘activities related*
15 *to the oversight and enforcement of this sec-*
16 *tion and agreements under this section’*
17 *were a reference to ‘activities related to the*
18 *oversight and enforcement of this section*
19 *and under subsection (f)(2) of section 1847A*
20 *and subparagraphs (A), (B), and (C) of sec-*
21 *tion 1847A(d)(4) and, if applicable, agree-*
22 *ments under this section.’; and*

23 (2) *in subsection (c)(6)(A), by striking the period*
24 *at the end and inserting “, except that, for purposes*
25 *of subsection (f)(2), the Secretary may, if the Sec-*

1 *retary determines appropriate, exclude repackagers of*
2 *a drug or biological from such term.”.*

3 (c) *MANUFACTURERS WITH A REBATE AGREEMENT.*—

4 (1) *IN GENERAL.*—Section 1927(b)(3)(A) of the
5 *Social Security Act (42 U.S.C. 1396r-8(b)(3)(A)) is*
6 *amended by adding at the end the following new sen-*
7 *tence: “For purposes of applying clause (iii), for cal-*
8 *endar quarters beginning on or after January 1,*
9 *2022, a drug or biological described in the flush mat-*
10 *ter following such clause includes items, services, sup-*
11 *plies, and products that are payable under part B of*
12 *title XVIII as a drug or biological.”.*

13 (2) *TECHNICAL AMENDMENT.*—Section
14 *1927(b)(3)(A)(iii) of the Social Security Act (42*
15 *U.S.C. 1396r-8(b)(3)(A)(iii)) is amended by striking*
16 *“section 1881(b)(13)(A)(ii)” and inserting “section*
17 *1881(b)(14)(B)”.*

18 (d) *REPORT.*—Not later than January 1, 2023, the In-
19 *spector General of the Department of Health and Human*
20 *Services shall assess and submit to Congress a report on*
21 *the accuracy of average sales price information submitted*
22 *by manufacturers under section 1847A of the Social Secu-*
23 *rity Act (42 U.S.C. 1395w-3a), including the extent to*
24 *which manufacturers provide false information, misclassify*
25 *drug products, or misreport information. Such report shall*

1 *include any recommendations on how to improve the accu-*
 2 *racy of such information.*

3 **SEC. 402. EXTENDED MONTHS OF COVERAGE OF IMMUNO-**
 4 **SUPPRESSIVE DRUGS FOR KIDNEY TRANS-**
 5 **PLANT PATIENTS AND OTHER RENAL DIALY-**
 6 **SIS PROVISIONS.**

7 (a) *MEDICARE ENTITLEMENT TO IMMUNO-*
 8 *SUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPI-*
 9 *ENTS.—*

10 (1) *IN GENERAL.—Section 226A(b)(2) of the So-*
 11 *cial Security Act (42 U.S.C. 426–1(b)(2)) is amended*
 12 *by inserting “(except for eligibility for enrollment*
 13 *under part B solely for purposes of coverage of im-*
 14 *munosuppressive drugs described in section*
 15 *1861(s)(2)(J))” before “, with the thirty-sixth month”.*

16 (2) *INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE*
 17 *OF IMMUNOSUPPRESSIVE DRUGS.—*

18 (A) *IN GENERAL.—Section 1836 of the So-*
 19 *cial Security Act (42 U.S.C. 1395o) is amend-*
 20 *ed—*

21 (i) *by striking “Every” and inserting*
 22 *“(a) IN GENERAL.—Every”; and*

23 (ii) *by adding at the end the following*
 24 *new subsection:*

1 “(b) *INDIVIDUALS ELIGIBLE FOR IMMUNO-*
2 *SUPPRESSIVE DRUG COVERAGE.*—

3 “(1) *IN GENERAL.*—*Except as provided under*
4 *paragraph (2), every individual whose entitlement to*
5 *insurance benefits under part A ends (whether before,*
6 *on, or after January 1, 2023) by reason of section*
7 *226A(b)(2) is eligible to enroll or to be deemed to have*
8 *enrolled in the medical insurance program established*
9 *by this part solely for purposes of coverage of im-*
10 *munosuppressive drugs in accordance with section*
11 *1837(n).*

12 “(2) *EXCEPTION IF OTHER COVERAGE IS AVAIL-*
13 *ABLE.*—

14 “(A) *IN GENERAL.*—*An individual de-*
15 *scribed in paragraph (1) shall not be eligible for*
16 *enrollment in the program for purposes of cov-*
17 *erage described in such paragraph with respect*
18 *to any period in which the individual, as deter-*
19 *mined in accordance with subparagraph (B)—*

20 “(i) *is enrolled in a group health plan*
21 *or group or individual health insurance*
22 *coverage, as such terms are defined in sec-*
23 *tion 2791 of the Public Health Service Act;*

1 “(ii) is enrolled for coverage under the
2 *TRICARE for Life* program under section
3 1086(d) of title 10, United States Code;

4 “(iii) is enrolled under a State plan
5 (or waiver of such plan) under title XIX
6 and is eligible to receive benefits for im-
7 munosuppressive drugs described in this
8 subsection under such plan (or such waiv-
9 er);

10 “(iv) is enrolled under a State child
11 health plan (or waiver of such plan) under
12 title XXI and is eligible to receive benefits
13 for such drugs under such plan (or such
14 waiver); or

15 “(v)(I) is enrolled in the patient enroll-
16 ment system of the Department of Veterans
17 Affairs established and operated under sec-
18 tion 1705 of title 38, United States Code;

19 “(II) is not required to enroll under
20 section 1705 of such title to receive im-
21 munosuppressive drugs described in this
22 subsection; or

23 “(III) is otherwise eligible under a pro-
24 vision of title 38, United States Code, other
25 than section 1710 of such title to receive im-

1 *munosuppressive drugs described in this*
2 *subsection.*

3 “(B) *ELIGIBILITY DETERMINATIONS.*—

4 “(i) *IN GENERAL.*—*The Secretary, in*
5 *coordination with the Commissioner of So-*
6 *cial Security, shall establish a process for*
7 *determining whether an individual de-*
8 *scribed in paragraph (1) who is to be en-*
9 *rolled or deemed to be enrolled in the med-*
10 *ical insurance program described in such*
11 *paragraph meets the requirements for such*
12 *enrollment under this subsection, including*
13 *the requirement that the individual not be*
14 *enrolled in other coverage as described in*
15 *subparagraph (A).*

16 “(ii) *ATTESTATION REGARDING OTHER*
17 *COVERAGE.*—*The process established under*
18 *clause (i) shall include, at a minimum, a*
19 *requirement that—*

20 “(I) *the individual provide to the*
21 *Commissioner an attestation that the*
22 *individual is not enrolled and does not*
23 *expect to enroll in such other coverage;*
24 *and*

1 “(II) the individual notify the
2 Commissioner within 60 days of en-
3 rollment in such other coverage.”.

4 (B) CONFORMING AMENDMENT.—

5 (i) IN GENERAL.—Sections 1837, 1838,
6 and 1839 of the Social Security Act (42
7 U.S.C. 1395p, 42 U.S.C. 1395q, 42 U.S.C.
8 1395r) are each amended by striking
9 “1836” and inserting “1836(a)” each place
10 it appears.

11 (ii) ADDITIONAL AMENDMENT.—Sec-
12 tion 1837(j)(1) of such Act (42 U.S.C.
13 1395p(j)(1)) is amended by striking
14 “1836(1)” and inserting “1836(a)(1)”.

15 (b) ENROLLMENT FOR INDIVIDUALS ONLY ELIGIBLE
16 FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Section
17 1837 of the Social Security Act (42 U.S.C. 1395p), as
18 amended by section 120, is amended by adding at the end
19 the following new subsection:

20 “(n)(1) Any individual who is eligible for coverage of
21 immunosuppressive drugs under section 1836(b) may enroll
22 or be deemed to have enrolled only in such manner and
23 form as may be prescribed by regulations, and only during
24 an enrollment period described in this subsection.

1 “(2) *An individual described in paragraph (1) whose*
2 *entitlement for hospital insurance benefits under part A*
3 *ends by reason of section 226A(b)(2) prior to January 1,*
4 *2023, may enroll beginning on October 1, 2022, or the day*
5 *on which the individual first satisfies section 1836(b),*
6 *whichever is later.*

7 “(3) *An individual described in paragraph (1) whose*
8 *entitlement for hospital insurance benefits under part A*
9 *ends by reason of section 226A(b)(2) on or after January*
10 *1, 2023, shall be deemed to have enrolled in the medical*
11 *insurance program established by this part for purposes of*
12 *coverage of immunosuppressive drugs.*

13 “(4) *The Secretary shall establish a process under*
14 *which an individual described in paragraph (1) whose other*
15 *coverage described in section 1836(b)(2)(A), or coverage*
16 *under this part (including the medical insurance program*
17 *established under this part for purposes of coverage of im-*
18 *munosuppressive drugs), is terminated voluntarily or invol-*
19 *untary may enroll or reenroll, if applicable, in the medical*
20 *insurance program established under this part for purposes*
21 *of coverage of immunosuppressive drugs.”.*

22 (c) *COVERAGE PERIOD FOR INDIVIDUALS ONLY ELIGI-*
23 *BLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—*

24 (1) *IN GENERAL.—Section 1838 of the Social Se-*
25 *curity Act (42 U.S.C. 1395q), as amended by section*

1 120, is further amended by adding at the end the fol-
2 lowing new subsection:

3 “(h) In the case of an individual described in section
4 1836(b)(1), the following rules shall apply:

5 “(1) In the case of such an individual who is
6 deemed to have enrolled in part B for coverage of im-
7 munosuppressive drugs under section 1837(n)(3), such
8 individual’s coverage period shall begin on the first
9 day of the month in which the individual first satis-
10 fies section 1836(b).

11 “(2) In the case of such an individual who en-
12 rolls (or reenrolls, if applicable) in part B for cov-
13 erage of immunosuppressive drugs under paragraph
14 (2) or (4) of section 1837(n), such individual’s cov-
15 erage period shall begin on January 1, 2023, or the
16 month following the month in which the individual so
17 enrolls (or reenrolls), whichever is later.

18 “(3) The provisions of subsections (b) and (d)
19 shall apply with respect to an individual described in
20 paragraph (1) or (2).

21 “(4) In addition to the reasons for termination
22 under subsection (b), the coverage period of an indi-
23 vidual described in paragraph (1) or (2) shall end
24 when the individual becomes entitled to benefits under
25 this title under subsection (a) or (b) of section 226,

1 *or under section 226A, or is no longer eligible for such*
2 *coverage as a result of the application of section*
3 *1836(b)(2).*

4 *“(5) The Secretary may conduct public edu-*
5 *cation activities to raise awareness of the availability*
6 *of more comprehensive, individual health insurance*
7 *coverage (as defined in section 2791 of the Public*
8 *Health Service Act) for individuals eligible under sec-*
9 *tion 1836(b) to enroll or to be deemed enrolled in the*
10 *medical insurance program established under this*
11 *part for purposes of coverage of immunosuppressive*
12 *drugs.”.*

13 *(2) CONFORMING AMENDMENTS.—Section*
14 *1838(b) of the Social Security Act (42 U.S.C.*
15 *1395q(b)) is amended, in the matter following para-*
16 *graph (2), by inserting “or section 1837(n)(3)” after*
17 *“section 1837(f)” each place it appears.*

18 *(d) PREMIUMS FOR INDIVIDUALS ONLY ELIGIBLE FOR*
19 *COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—*

20 *(1) IN GENERAL.—Section 1839 of the Social Se-*
21 *curity Act (42 U.S.C. 1395r), as amended by section*
22 *120, is further amended—*

23 *(A) in subsection (b), by adding at the end*
24 *the following new sentence: “No increase in the*
25 *premium shall be effected for individuals who*

1 are enrolled pursuant to section 1836(b) for cov-
2 erage only of immunosuppressive drugs.”; and

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

5 “(j) *DETERMINATION OF PREMIUM FOR INDIVIDUALS*
6 *ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE*
7 *DRUGS.—The Secretary shall, during September of each*
8 *year (beginning with 2022), determine and promulgate a*
9 *monthly premium rate for the succeeding calendar year for*
10 *individuals enrolled only for the purpose of coverage of im-*
11 *munosuppressive drugs under section 1836(b). Such pre-*
12 *mium shall be equal to 15 percent of the monthly actuarial*
13 *rate for enrollees age 65 and over (as would be determined*
14 *in accordance with subsection (a)(1) if the reference to ‘one-*
15 *half’ in such subsection were a reference to ‘100 percent’)*
16 *for that succeeding calendar year. The monthly premium*
17 *of each individual enrolled for coverage of immuno-*
18 *suppressive drugs under section 1836(b) for each month*
19 *shall be the amount promulgated in this subsection. In the*
20 *case of such individual not otherwise enrolled under this*
21 *part, such premium shall be in lieu of any other monthly*
22 *premium applicable under this section. Such amount shall*
23 *be adjusted in accordance with subsections (c), (f), and (i),*
24 *but shall not be adjusted under subsection (b).”.*

1 (2) *SPECIAL RULE FOR APPLICATION OF HOLD*
2 *HARMLESS PROVISIONS TO TRANSITIONING INDIVID-*
3 *UALS.*—Section 1839(f) of the Social Security Act (42
4 U.S.C. 1395r(f)) is amended by adding at the end the
5 following new sentence: “Any increase in the pre-
6 mium for an individual who was enrolled under sec-
7 tion 1836(b) attributable to such individual otherwise
8 enrolling under this part shall not be taken into ac-
9 count in applying this subsection.”.

10 (3) *SPECIAL RULE FOR APPLICATION OF PRE-*
11 *MIUM SUBSIDY REDUCTION PROVISIONS.*—Section
12 1839(i)(3)(A)(ii)(II) of the Social Security Act (42
13 U.S.C. 1395r(i)(3)(A)(ii)(II)) is amended by insert-
14 ing “(or, with respect to an individual enrolled under
15 section 1836(b) and not otherwise enrolled under this
16 part, 0 times the amount of such increase)” after “in
17 the year”.

18 (e) *GOVERNMENT CONTRIBUTION.*—Section 1844(a) of
19 the Social Security Act (42 U.S.C. 1395w(a)) is amended—

20 (1) in paragraph (3), by striking the period at
21 the end and inserting “; plus”;

22 (2) by inserting after paragraph (3) the fol-
23 lowing new paragraph:

24 “(4) a Government contribution equal to the esti-
25 mated aggregate reduction in premiums payable

1 *under part B that results from establishing the pre-*
2 *mium at 15 percent of the actuarial rate (as would*
3 *be determined in accordance with section 1839(a)(1)*
4 *if the reference to ‘one-half’ in such section were a ref-*
5 *erence to ‘100 percent’) under section 1839(j) instead*
6 *of 25 percent of such rate (as so determined) for indi-*
7 *viduals enrolled only for the purpose of coverage of*
8 *immunosuppressive drugs under section 1836(b).’;*
9 *and*

10 (3) *by adding the following sentence at the end*
11 *of the flush matter following paragraph (4), as added*
12 *by paragraph (2) of this subsection:*

13 *“The Government contribution under paragraph (4)*
14 *shall be treated as premiums payable and deposited*
15 *for purposes of subparagraphs (A) and (B) of para-*
16 *graph (1).”.*

17 (f) *ENSURING COVERAGE UNDER THE MEDICARE SAV-*
18 *INGS PROGRAM.—*

19 (1) *IN GENERAL.—Section 1905(p)(1)(A) of the*
20 *Social Security Act (42 U.S.C. 1396d(p)(1)(A)) is*
21 *amended by inserting “or who is enrolled under part*
22 *B for the purpose of coverage of immunosuppressive*
23 *drugs under section 1836(b)” after “under section*
24 *1818A)”.*

1 (2) *CONFORMING AMENDMENTS.—Section*
2 *1902(a)(10)(E) of the Social Security Act (42 U.S.C.*
3 *1396a(a)(10)(E)) is amended in each of clauses (iii)*
4 *and (iv) by inserting “(including such individuals*
5 *enrolled under section 1836(b))” after “section*
6 *1905(p)(1)”.*

7 (i) *PART D.—Section 1860D–1(a)(3)(A) of the Social*
8 *Security Act (42 U.S.C. 1395w–101(a)(3)(A)) is amended*
9 *by inserting “(but not including an individual enrolled*
10 *solely for coverage of immunosuppressive drugs under sec-*
11 *tion 1836(b))” before the period at the end.*

12 (i) *GAO STUDY AND REPORT.—*

13 (1) *STUDY.—The Comptroller General of the*
14 *United States (in this subsection referred to as the*
15 *“Comptroller General”) shall conduct a study on the*
16 *implementation of coverage of immunosuppressive*
17 *drugs for kidney transplant patients under the Medi-*
18 *care program pursuant to the provisions of, and*
19 *amendments made by, this section.*

20 (2) *REPORT.—Not later than January 1, 2025,*
21 *the Comptroller General shall submit to Congress a*
22 *report on the study conducted under paragraph (1),*
23 *together with recommendations as the Comptroller*
24 *General determines appropriate.*

1 **SEC. 403. PERMITTING DIRECT PAYMENT TO PHYSICIAN AS-**
2 **SISTANTS UNDER MEDICARE.**

3 *Section 1842(b)(6)(C) of the Social Security Act (42*
4 *U.S.C. 1395u(b)(6)(C)) is amended, in the matter preceding*
5 *clause (i), by inserting “for such services furnished before*
6 *January 1, 2022,” after “1861(s)(2)(K).”*

7 **SEC. 404. ADJUSTING CALCULATION OF HOSPICE CAP**
8 **AMOUNT UNDER MEDICARE.**

9 *Section 1814(i)(2)(B) of the Social Security Act (42*
10 *U.S.C. 1395f(i)(2)(B)) is amended—*

11 *(1) in clause (ii), by striking “2025” and insert-*
12 *ing “2030”; and*

13 *(2) in clause (iii), by striking “2025” and in-*
14 *serting “2030”.*

15 **SEC. 405. SPECIAL RULE FOR DETERMINATION OF ASP IN**
16 **CASES OF CERTAIN NONCOVERED SELF-AD-**
17 **MINISTERED DRUG PRODUCTS.**

18 *Section 1847A of the Social Security Act (42 U.S.C.*
19 *1395w–3a) is amended by redesignating subsection (g) as*
20 *subsection (h) and by inserting after subsection (f) the fol-*
21 *lowing:*

22 *“(g) PAYMENT ADJUSTMENT FOR CERTAIN DRUGS FOR*
23 *WHICH THERE IS A SELF-ADMINISTERED NDC.—*

24 *“(1) OIG STUDIES.—The Inspector General of*
25 *the Department of Health and Human Services shall*
26 *conduct periodic studies to identify National Drug*

1 *Codes for drug or biological products that are self-ad-*
2 *ministered for which payment may not be made*
3 *under this part because such products are not covered*
4 *pursuant to section 1861(s)(2) and which the Inspec-*
5 *tor General determines (based on the same or similar*
6 *methodologies to the methodologies used in the final*
7 *recommendation followup report of the Inspector Gen-*
8 *eral described in paragraph (3) or in the November*
9 *2017 final report of the Inspector General entitled*
10 *‘Excluding Noncovered Versions When Setting Pay-*
11 *ment for Two Part B Drugs Would Have Resulted in*
12 *Lower Drug Costs for Medicare and its Beneficiaries’)*
13 *should be excluded from the determination of the pay-*
14 *ment amount under this section.*

15 *“(2) PAYMENT ADJUSTMENT.—If the Inspector*
16 *General identifies a National Drug Code for a drug*
17 *or biological product under paragraph (1), the In-*
18 *pector General shall inform the Secretary (at such*
19 *times as the Secretary may specify to carry out this*
20 *paragraph) and the Secretary shall, to the extent the*
21 *Secretary deems appropriate, apply as the amount of*
22 *payment under this section for the applicable billing*
23 *and payment code the lesser of—*

24 *“(A) the amount of payment that would be*
25 *determined under this section for such billing*

1 *and payment code if such National Drug Code*
2 *for such product so identified under paragraph*
3 *(1) were excluded from such determination; or*

4 *“(B) the amount of payment otherwise de-*
5 *termined under this section for such billing and*
6 *payment code without application of this sub-*
7 *section.*

8 *“(3) APPLICATION TO CERTAIN IDENTIFIED*
9 *PRODUCTS.—In the case of a National Drug Code for*
10 *a drug or biological product that is self-administered*
11 *for which payment is not made under this part be-*
12 *cause such product is not covered pursuant to section*
13 *1861(s)(2) that was identified by the Inspector Gen-*
14 *eral of the Department of Health and Human Serv-*
15 *ices in the final recommendation followup report of*
16 *the Inspector General published July 2020, entitled*
17 *Loophole in Drug Payment Rule Continues To Cost*
18 *Medicare and Beneficiaries Hundreds of Millions of*
19 *Dollars, beginning July 1, 2021, the amount of pay-*
20 *ment under this section for the applicable billing and*
21 *payment code shall be the lesser of—*

22 *“(A) the amount of payment that would be*
23 *determined under this section for such billing*
24 *and payment code if such National Drug Code*

1 *for such drug or biological products so identified*
2 *were excluded from such determination; or*

3 *“(B) the amount of payment otherwise de-*
4 *termined under this section for such billing and*
5 *payment code without application of this sub-*
6 *section.”.*

7 **SEC. 406. MEDICAID IMPROVEMENT FUND.**

8 *Section 1941(b)(3)(A) of the Social Security Act (42*
9 *U.S.C 1396w-1(b)(3)(A)), as amended by section 1303 of*
10 *the Further Continuing Appropriations Act, 2021, and*
11 *Other Extensions Act, is amended by striking “*
12 *\$3,464,000,000” and inserting “ \$0”.*

13 **SEC. 407. ESTABLISHING HOSPICE PROGRAM SURVEY AND**
14 **ENFORCEMENT PROCEDURES UNDER THE**
15 **MEDICARE PROGRAM.**

16 *(a) SURVEY AND ENFORCEMENT PROCEDURES.—*

17 *(1) IN GENERAL.—Part A of title XVIII of the*
18 *Social Security Act (42 U.S.C. 1395c et seq.) is*
19 *amended by adding at the end the following new sec-*
20 *tion:*

21 **“SEC. 1822. HOSPICE PROGRAM SURVEY AND ENFORCE-**
22 **MENT PROCEDURES.**

23 *“(a) SURVEYS.—*

24 *“(1) FREQUENCY.—Any entity that is certified*
25 *as a hospice program (as defined in section*

1 1861(dd)(2)) shall be subject to a standard survey by
2 an appropriate State or local survey agency, or an
3 approved accreditation agency, as determined by the
4 Secretary, not less frequently than once every 36
5 months.

6 “(2) PUBLIC TRANSPARENCY OF SURVEY AND
7 CERTIFICATION INFORMATION.—

8 “(A) SUBMISSION OF INFORMATION TO THE
9 SECRETARY.—

10 “(i) IN GENERAL.—Each State or local
11 survey agency, and each national accredita-
12 tion body with respect to which the Sec-
13 retary has made a finding under section
14 1865(a) respecting the accreditation of a
15 hospice program by such body, shall submit,
16 in a form and manner, and at a time, spec-
17 ified by the Secretary for purposes of this
18 paragraph, information respecting any sur-
19 vey or certification made with respect to a
20 hospice program by such survey agency or
21 body, as applicable. Such information shall
22 include any inspection report made by such
23 survey agency or body with respect to such
24 survey or certification, any enforcement ac-
25 tions taken as a result of such survey or cer-

1 *tification, and any other information deter-*
2 *mined appropriate by the Secretary.*

3 “(ii) *REQUIRED INCLUSION OF SPECI-*
4 *FIED FORM.—With respect to a survey*
5 *under this subsection carried out by a na-*
6 *tional accreditation body described in*
7 *clause (i) on or after October 1, 2021, infor-*
8 *mation described in such clause shall in-*
9 *clude Form CMS-2567 (or a successor*
10 *form), along with such additional informa-*
11 *tion determined appropriate by such body.*

12 “(B) *PUBLIC DISCLOSURE OF INFORMA-*
13 *TION.—Beginning not later than October 1,*
14 *2022, the Secretary shall publish the information*
15 *submitted under subparagraph (A) on the public*
16 *website of the Centers for Medicare & Medicaid*
17 *Services in a manner that is prominent, easily*
18 *accessible, readily understandable, and search-*
19 *able. The Secretary shall provide for the timely*
20 *update of such information so published.*

21 “(3) *CONSISTENCY OF SURVEYS.—Each State*
22 *and the Secretary shall implement programs to meas-*
23 *ure and reduce inconsistency in the application of*
24 *survey results among surveyors.*

25 “(4) *SURVEY TEAMS.—*

1 “(A) *IN GENERAL.*—*In the case of a survey*
2 *conducted under this subsection on or after Octo-*
3 *ber 1, 2021, by more than 1 individual, such*
4 *survey shall be conducted by a multidisciplinary*
5 *team of professionals (including a registered pro-*
6 *fessional nurse).*

7 “(B) *PROHIBITION OF CONFLICTS OF IN-*
8 *TEREST.*—*Beginning October 1, 2021, a State*
9 *may not use as a member of a survey team*
10 *under this subsection an individual who is serv-*
11 *ing (or has served within the previous 2 years)*
12 *as a member of the staff of, or as a consultant*
13 *to, the program surveyed respecting compliance*
14 *with the requirements of section 1861(dd) or who*
15 *has a personal or familial financial interest in*
16 *the program being surveyed.*

17 “(C) *TRAINING.*—*The Secretary shall pro-*
18 *vide, not later than October 1, 2021, for the com-*
19 *prehensive training of State and Federal sur-*
20 *veyors, and any surveyor employed by a na-*
21 *tional accreditation body described in paragraph*
22 *(2)(A)(i), in the conduct of surveys under this*
23 *subsection, including training with respect to the*
24 *review of written plans for providing hospice*
25 *care (as described in section 1814(a)(7)(B)). No*

1 *individual shall serve as a member of a survey*
2 *team with respect to a survey conducted on or*
3 *after such date unless the individual has success-*
4 *fully completed a training and testing program*
5 *in survey and certification techniques that has*
6 *been approved by the Secretary.*

7 “(5) *FUNDING.—The Secretary shall provide for*
8 *the transfer, from the Federal Hospital Insurance*
9 *Trust Fund under section 1817 to the Centers for*
10 *Medicare & Medicaid Services Program Management*
11 *Account, of \$10,000,000 for each fiscal year (begin-*
12 *ning with fiscal year 2022) for purposes of carrying*
13 *out this subsection and subsection (b). Sums so trans-*
14 *ferred shall remain available until expended. Any*
15 *transfer pursuant to this paragraph shall be in addi-*
16 *tion to any transfer pursuant to section 3(a)(2) of the*
17 *Improving Medicare Post-Acute Care Transformation*
18 *Act of 2014.*

19 “(b) *SPECIAL FOCUS PROGRAM.—*

20 “(1) *IN GENERAL.—The Secretary shall conduct*
21 *a special focus program for enforcement of require-*
22 *ments for hospice programs that the Secretary has*
23 *identified as having substantially failed to meet ap-*
24 *plicable requirements of this Act.*

1 “(2) *PERIODIC SURVEYS.*—Under such special
2 *focus program, the Secretary shall conduct surveys of*
3 *each hospice program in the special focus program*
4 *not less than once every 6 months.*

5 “(c) *ENFORCEMENT.*—

6 “(1) *SITUATIONS INVOLVING IMMEDIATE JEOP-*
7 *ARDY.*—If the Secretary determines on the basis of a
8 *standard survey or otherwise that a hospice program*
9 *that is certified for participation under this title is*
10 *no longer in compliance with the requirements speci-*
11 *fied in section 1861(dd) and determines that the defi-*
12 *ciencies involved immediately jeopardize the health*
13 *and safety of the individuals to whom the program*
14 *furnishes items and services, the Secretary shall take*
15 *immediate action to ensure the removal of the jeop-*
16 *ardy and correction of the deficiencies or terminate*
17 *the certification of the program, and may provide, in*
18 *addition, for 1 or more of the other remedies described*
19 *in paragraph (5)(B).*

20 “(2) *SITUATIONS NOT INVOLVING IMMEDIATE*
21 *JEOPARDY.*—If the Secretary determines on the basis
22 *of a standard survey or otherwise that a hospice pro-*
23 *gram that is certified for participation under this*
24 *title is no longer in compliance with the requirements*
25 *specified in section 1861(dd) and determines that the*

1 *deficiencies involved do not immediately jeopardize*
2 *the health and safety of the individuals to whom the*
3 *program furnishes items and services, the Secretary*
4 *may (for a period not to exceed 6 months) impose*
5 *remedies developed pursuant to paragraph (5)(A), in*
6 *lieu of terminating the certification of the program.*
7 *If, after such a period of remedies, the program is*
8 *still no longer in compliance with such requirements,*
9 *the Secretary shall terminate the certification of the*
10 *program.*

11 “(3) *PENALTY FOR PREVIOUS NONCOMPLI-*
12 *ANCE.—If the Secretary determines that a hospice*
13 *program that is certified for participation under this*
14 *title is in compliance with the requirements specified*
15 *in section 1861(dd) but, as of a previous period, did*
16 *not meet such requirements, the Secretary may pro-*
17 *vide for a civil money penalty under paragraph*
18 *(5)(B)(i) for the days in which the Secretary finds*
19 *that the program was not in compliance with such re-*
20 *quirements.*

21 “(4) *OPTION TO CONTINUE PAYMENTS FOR NON-*
22 *COMPLIANT HOSPICE PROGRAMS.—The Secretary may*
23 *continue payments under this title with respect to a*
24 *hospice program not in compliance with the require-*

1 *ments specified in section 1861(dd) over a period of*
2 *not longer than 6 months, if—*

3 *“(A) the State or local survey agency finds*
4 *that it is more appropriate to take alternative*
5 *action to assure compliance of the program with*
6 *such requirements than to terminate the certifi-*
7 *cation of the program;*

8 *“(B) the program has submitted a plan and*
9 *timetable for corrective action to the Secretary*
10 *for approval and the Secretary approves the*
11 *plan of corrective action; and*

12 *“(C) the program agrees to repay to the*
13 *Federal Government payments received under*
14 *this title during such period if the corrective ac-*
15 *tion is not taken in accordance with the ap-*
16 *proved plan and timetable.*

17 *The Secretary shall establish guidelines for approval*
18 *of corrective actions requested by hospice programs*
19 *under this paragraph.*

20 *“(5) REMEDIES.—*

21 *“(A) DEVELOPMENT.—*

22 *“(i) IN GENERAL.—Not later than Oc-*
23 *tober 1, 2022, the Secretary shall develop*
24 *and implement—*

1 “(I) a range of remedies to apply
2 to hospice programs under the condi-
3 tions described in paragraphs (1)
4 through (4); and

5 “(II) appropriate procedures for
6 appealing determinations relating to
7 the imposition of such remedies.

8 Remedies developed pursuant to the pre-
9 ceding sentence shall include the remedies
10 specified in subparagraph (B).

11 “(ii) *CONDITIONS OF IMPOSITION OF*
12 *REMEDIES.*—Not later than October 1,
13 2022, the Secretary shall develop and imple-
14 ment specific procedures with respect to the
15 conditions under which each of the remedies
16 developed under clause (i) is to be applied,
17 including the amount of any fines and the
18 severity of each of these remedies. Such pro-
19 cedures shall be designed so as to minimize
20 the time between identification of defi-
21 ciencies and imposition of these remedies
22 and shall provide for the imposition of in-
23 crementally more severe fines for repeated
24 or uncorrected deficiencies.

1 “(B) *SPECIFIED REMEDIES.*—*The remedies*
2 *specified in this subparagraph are the following:*

3 “(i) *Civil money penalties in an*
4 *amount not to exceed \$10,000 for each day*
5 *of noncompliance by a hospice program*
6 *with the requirements specified in section*
7 *1861(dd).*

8 “(ii) *Suspension of all or part of the*
9 *payments to which a hospice program*
10 *would otherwise be entitled under this title*
11 *with respect to items and services furnished*
12 *by a hospice program on or after the date*
13 *on which the Secretary determines that*
14 *remedies should be imposed pursuant to*
15 *paragraphs (1) and (2).*

16 “(iii) *The appointment of temporary*
17 *management to oversee the operation of the*
18 *hospice program and to protect and assure*
19 *the health and safety of the individuals*
20 *under the care of the program while im-*
21 *provements are made in order to bring the*
22 *program into compliance with all such re-*
23 *quirements.*

24 “(C) *PROCEDURES.*—

25 “(i) *CIVIL MONEY PENALTIES.*—

1 “(I) *IN GENERAL.*—Subject to
2 *subclause (II), the provisions of section*
3 *1128A (other than subsections (a) and*
4 *(b)) shall apply to a civil money pen-*
5 *alty under this subsection in the same*
6 *manner as such provisions apply to a*
7 *penalty or proceeding under section*
8 *1128A(a).*

9 “(II) *RETENTION OF AMOUNTS*
10 *FOR HOSPICE PROGRAM IMPROVE-*
11 *MENTS.*—The Secretary may provide
12 *that any portion of civil money pen-*
13 *alties collected under this subsection*
14 *may be used to support activities that*
15 *benefit individuals receiving hospice*
16 *care, including education and training*
17 *programs to ensure hospice program*
18 *compliance with the requirements of*
19 *section 1861(dd).*

20 “(ii) *SUSPENSION OF PAYMENT.*—A
21 *finding to suspend payment under subpara-*
22 *graph (B)(ii) shall terminate when the Sec-*
23 *retary finds that the program is in substan-*
24 *tial compliance with all requirements of sec-*
25 *tion 1861(dd).*

1 “(iii) *TEMPORARY MANAGEMENT.*—*The*
2 *temporary management under subpara-*
3 *graph (B)(iii) shall not be terminated until*
4 *the Secretary has determined that the pro-*
5 *gram has the management capability to en-*
6 *sure continued compliance with all the re-*
7 *quirements referred to in such subpara-*
8 *graph.*

9 “(D) *RELATIONSHIP TO OTHER REM-*
10 *EDIES.*—*The remedies developed under subpara-*
11 *graph (A) are in addition to sanctions otherwise*
12 *available under State or Federal law and shall*
13 *not be construed as limiting other remedies, in-*
14 *cluding any remedy available to an individual*
15 *at common law.”.*

16 (2) *AVAILABILITY OF HOSPICE ACCREDITATION*
17 *SURVEYS.*—*Section 1865(b) of the Social Security Act*
18 *(42 U.S.C. 1395bb(b)) is amended by inserting “or,*
19 *beginning on the date of the enactment of the Consoli-*
20 *dated Appropriations Act, 2021, a hospice program”*
21 *after “home health agency”.*

22 (3) *STATE PROVISION OF HOSPICE PROGRAM IN-*
23 *FORMATION.*—

1 (A) *IN GENERAL.*—Section 1864(a) of the
2 *Social Security Act (42 U.S.C. 1395aa(a))* is
3 amended in the sixth sentence—

4 (i) by inserting “and hospice pro-
5 grams” after “information on home health
6 agencies”;

7 (ii) by inserting “or the hospice pro-
8 gram” after “the home health agency”;

9 (iii) by inserting “or the hospice pro-
10 gram” after “with respect to the agency”;
11 and

12 (iv) by inserting “and hospice pro-
13 grams” after “with respect to home health
14 agencies”.

15 (B) *EFFECTIVE DATE.*—The amendments
16 made by subparagraph (A) shall apply with re-
17 spect to agreements entered into on or after, or
18 in effect as of, the date that is 1 year after the
19 date of the enactment of this Act.

20 (4) *CONFORMING AMENDMENTS.*—

21 (A) *DEFINITION OF A HOSPICE PROGRAM.*—
22 Section 1861(dd)(4) of the *Social Security Act*
23 (42 U.S.C. 1395x(dd)(4)) is amended by striking
24 subparagraph (C).

1 (B) *CONTINUATION OF FUNDING.*—Section
2 3(a)(2) of the *Improving Medicare Post-Acute*
3 *Care Transformation Act of 2014* is amended by
4 inserting “and section 1822(a)(1) of such Act,”
5 after “as added by paragraph (1),”.

6 (b) *INCREASING PAYMENT REDUCTIONS FOR FAILURE*
7 *TO MEET QUALITY DATA REPORTING REQUIREMENTS.*—
8 Section 1814(i)(5)(A)(i) of the *Social Security Act* (42
9 U.S.C. 1395f(i)(5)(A)(i)) is amended by inserting “(or, for
10 fiscal year 2024 and each subsequent fiscal year, 4 percent-
11 age points)” before the period.

12 (c) *REPORT.*—Not later than 36 months after the date
13 of the enactment of this Act, the Comptroller General of the
14 United States shall submit to Congress a report containing
15 an analysis of the effects of the amendments made by sub-
16 section (a), including the frequency of application of rem-
17 edies specified in section 1822(c)(5)(B) of the *Social Secu-*
18 *rity Act* (as added by such subsection), on access to, and
19 quality of, care furnished by hospice programs under part
20 A of title XVIII of the *Social Security Act* (42 U.S.C. 1395c
21 et seq.).

22 **SEC. 408. MEDICARE IMPROVEMENT FUND.**

23 Section 1898(b)(1) of the *Social Security Act* (42
24 U.S.C. 1395iii(b)(1)) is amended by striking “\$0” and in-
25 serting “\$165,000,000”.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. IMPLEMENTATION FUNDING.**

3 *For purposes of carrying out the provisions of, and*
4 *the amendments made by, titles I, II, and IV, in addition*
5 *to any funds otherwise made available, there are appro-*
6 *priated from amounts in the Treasury not otherwise appro-*
7 *priated, \$37,000,000 to the Centers for Medicare & Med-*
8 *icaid Services Program Management Account for fiscal year*
9 *2021, to remain available until expended.*

10 **DIVISION DD—MONTANA WATER**
11 **RIGHTS PROTECTION ACT**

12 **SEC. 1. SHORT TITLE.**

13 *This division may be cited as the “Montana Water*
14 *Rights Protection Act”.*

15 **SEC. 2. PURPOSES.**

16 *The purposes of this Act are—*

17 *(1) to achieve a fair, equitable, and final settle-*
18 *ment of claims to water rights in the State of Mon-*
19 *tana, and in recognition of article I, and section 3 of*
20 *article IX, of the Montana State Constitution for—*

21 *(A) the Confederated Salish and Kootenai*
22 *Tribes of the Flathead Indian Reservation; and*

23 *(B) the United States, for the benefit of the*
24 *Tribes and allottees;*

1 (2) *to authorize, ratify, and confirm the water*
2 *rights compact entered into by the Tribes and the*
3 *State, to the extent that the Compact is consistent*
4 *with this Act;*

5 (3) *to authorize and direct the Secretary of the*
6 *Interior—*

7 (A) *to execute the Compact; and*

8 (B) *to take any other action necessary to*
9 *carry out the Compact in accordance with this*
10 *Act; and*

11 (4) *to authorize funds necessary for the imple-*
12 *mentation of—*

13 (A) *the Compact; and*

14 (B) *this Act.*

15 **SEC. 3. DEFINITIONS.**

16 (a) *IN GENERAL.—In this Act:*

17 (1) *ALLOTTEE.—The term “allottee” means an*
18 *individual who holds a beneficial real property inter-*
19 *est in an allotment of Indian land that is—*

20 (A) *located within the Reservation; and*

21 (B) *held in trust by the United States.*

22 (2) *BISON.—The term “bison” means North*
23 *American plains bison.*

24 (3) *COMPACT.—The term “Compact” means—*

1 (A) *the water rights compact entered into*
2 *and ratified, as applicable, by the Confederated*
3 *Salish and Kootenai Tribes, the State, and the*
4 *United States, as contained in section 85–20–*
5 *1901 of the Montana Code Annotated (2019), in-*
6 *cluding—*

7 (i) *any appendix or exhibit to that*
8 *compact; and*

9 (ii) *any modifications authorized by*
10 *that compact; and*

11 (B) *any amendment to the compact referred*
12 *to in subparagraph (A) (including an amend-*
13 *ment to an appendix or exhibit) that is—*

14 (i) *executed to ensure that the Compact*
15 *is consistent with this Act; or*

16 (ii) *otherwise authorized by the Com-*
17 *compact and this Act.*

18 (4) *ENFORCEABILITY DATE.—The term “enforce-*
19 *ability date” means the date described in section*
20 *10(b).*

21 (5) *FLATHEAD INDIAN IRRIGATION PROJECT.—*

22 (A) *IN GENERAL.—The term “Flathead In-*
23 *Indian irrigation project” means the Federal irri-*
24 *gation project developed by the United States to*

1 *irrigate land within the Reservation pursuant*
2 *to—*

3 *(i) the Act of April 23, 1904 (33 Stat.*
4 *302, chapter 1495); and*

5 *(ii) the Act of May 29, 1908 (35 Stat.*
6 *444, chapter 216).*

7 *(B) INCLUSIONS.—The term “Flathead In-*
8 *dian irrigation project” includes—*

9 *(i) all land and any reservoir, ease-*
10 *ment, right-of-way, canal, ditch, lateral, or*
11 *any other facility of the project referred to*
12 *in subparagraph (A) (regardless of location*
13 *on or off the Reservation); and*

14 *(ii) any headgate, pipeline, pump,*
15 *building, heavy equipment, vehicle, supplies,*
16 *record, copy of a record, or any other phys-*
17 *ical, tangible object of real or personal*
18 *property used in the management and oper-*
19 *ation of the project referred to in subpara-*
20 *graph (A).*

21 *(6) HUNGRY HORSE DAM.—The term “Hungry*
22 *Horse Dam” means the dam that is a part of the*
23 *Hungry Horse Project.*

24 *(7) HUNGRY HORSE PROJECT.—The term “Hun-*
25 *gry Horse Project” means the project authorized to be*

1 *carried out by the Secretary under the Act of June 5,*
2 *1944 (43 U.S.C. 593a et seq.).*

3 (8) *HUNGRY HORSE RESERVOIR.*—*The term*
4 *“Hungry Horse Reservoir” means the reservoir that is*
5 *a part of the Hungry Horse Project.*

6 (9) *INDIAN TRIBE.*—*The term “Indian tribe” has*
7 *the meaning given the term in section 4 of the Indian*
8 *Self-Determination and Education Assistance Act (25*
9 *U.S.C. 5304).*

10 (10) *LAW OF ADMINISTRATION.*—*The term “Law*
11 *of Administration” means the Unitary Administra-*
12 *tion and Management Ordinance, as set forth in Ap-*
13 *pendix 4 to the Compact.*

14 (11) *SECRETARY.*—*The term “Secretary” means*
15 *the Secretary of the Interior.*

16 (12) *STATE.*—

17 (A) *IN GENERAL.*—*The term “State” means*
18 *the State of Montana.*

19 (B) *INCLUSIONS.*—*The term “State” in-*
20 *cludes all officers, agencies, departments, and po-*
21 *litical subdivisions of the State.*

22 (13) *TRIBAL WATER RIGHT.*—*The term “Tribal*
23 *Water Right” means the water right of the Tribes, as*
24 *established in—*

25 (A) *the Compact; and*

1 (B) *this Act.*

2 (14) *TRIBES.—*

3 (A) *IN GENERAL.—The term “Tribes”*
4 *means the Confederated Salish and Kootenai*
5 *Tribes of the Flathead Reservation of Montana.*

6 (B) *INCLUSIONS.—The term “Tribes” in-*
7 *cludes all officers, agencies, and departments of*
8 *the Tribes.*

9 (15) *TRUST FUND.—The term “Trust Fund”*
10 *means the Séliš-Qlispé Ksanka Settlement Trust*
11 *Fund established under section 8(a).*

12 (b) *DEFINITIONS OF CERTAIN TERMS.—Any term used*
13 *but not defined in this Act, including the terms “Existing*
14 *Use”, “Historic Farm Deliveries”, “Instream Flow”, “Min-*
15 *imum Reservoir Pool Elevations”, and “Reservation”, shall*
16 *have the meaning given the term in article II of the Com-*
17 *pact.*

18 **SEC. 4. RATIFICATION OF COMPACT.**

19 (a) *RATIFICATION.—*

20 (1) *IN GENERAL.—As modified by this Act, the*
21 *Compact is authorized, ratified, and confirmed.*

22 (2) *AMENDMENTS.—Any amendment to the*
23 *Compact is authorized, ratified, and confirmed, to the*
24 *extent that such an amendment—*

1 (A) is executed to ensure that the Compact
2 is consistent with this Act; or

3 (B)(i) is approved by the Secretary;

4 (ii) concerns nonmonetary matters; and

5 (iii) does not affect the water rights of the
6 Tribes determined in the Compact, or any other
7 property held in trust by the United States on
8 behalf of the Tribes or allottees.

9 (3) *MODIFICATIONS.*—Nothing in this Act—

10 (A) precludes the Secretary from approving
11 a modification to the Compact, including an ap-
12 pendix or exhibit to the Compact, that is con-
13 sistent with this Act; or

14 (B) authorizes amendments or modifica-
15 tions that otherwise require congressional ap-
16 proval under—

17 (i) section 2116 of the Revised Statutes
18 (25 U.S.C. 177); or

19 (ii) any other applicable Federal law.

20 (b) *EXECUTION.*—To the extent that the Compact does
21 not conflict with this Act, the Secretary shall execute the
22 Compact, including all exhibits to, appendices to, and parts
23 of the Compact requiring the signature of the Secretary.

24 (c) *ENVIRONMENTAL COMPLIANCE.*—

1 (1) *IN GENERAL.*—*In implementing the Compact*
2 *and this Act, the Secretary and the Tribes shall en-*
3 *sure compliance with—*

4 (A) *the Endangered Species Act of 1973 (16*
5 *U.S.C. 1531 et seq.);*

6 (B) *the National Environmental Policy Act*
7 *of 1969 (42 U.S.C. 4321 et seq.); and*

8 (C) *all other applicable environmental laws*
9 *(including regulations).*

10 (2) *PERFORMANCE OF COMPLIANCE ACTIVI-*
11 *TIES.*—*The Secretary and the Tribes shall perform*
12 *appropriate Federal environmental compliance activi-*
13 *ties relating to any activity undertaken by the Sec-*
14 *retary or Tribes pursuant to this Act prior to com-*
15 *mencement of that activity.*

16 (3) *EFFECT OF EXECUTION.*—

17 (A) *IN GENERAL.*—*The execution of the*
18 *Compact by the Secretary under this section*
19 *shall not constitute a major Federal action for*
20 *purposes of the National Environmental Policy*
21 *Act of 1969 (42 U.S.C. 4321 et seq.).*

22 (B) *COMPLIANCE.*—*The Secretary shall en-*
23 *sure compliance with all Federal laws and regu-*
24 *lations necessary to implement the Compact and*
25 *this Act.*

1 (d) *PUBLIC AVAILABILITY.*—As provided in articles
2 *IV.I.b (relating to hearings), IV.I.c (relating to the employ-*
3 *ment of a water engineer), and IV.I.7.e (relating to Board*
4 *records) of the Compact, and in recognition of section 9 of*
5 *article II of the Montana State Constitution, all records of*
6 *the Flathead Reservation Water Management Board and*
7 *the Water Engineer employed by the Board shall be open*
8 *to public inspection.*

9 **SEC. 5. TRIBAL WATER RIGHT.**

10 (a) *INTENT OF CONGRESS.*—It is the intent of Con-
11 gress to provide to each allottee benefits that are equivalent
12 to, or that exceed, the benefits possessed by allottees on the
13 day before the date of enactment of this Act, taking into
14 consideration—

15 (1) *the potential risks, cost, and time delay asso-*
16 *ciated with litigation that would be resolved by the*
17 *Compact and this Act;*

18 (2) *the availability of funding under this Act*
19 *and from other sources;*

20 (3) *the availability of water from the Tribal*
21 *Water Right; and*

22 (4) *the applicability of section 7 of the Act of*
23 *February 8, 1887 (25 U.S.C. 381), and this Act to*
24 *protect the interests of allottees.*

25 (b) *CONFIRMATION OF TRIBAL WATER RIGHT.*—

1 (1) *IN GENERAL.*—*The Tribal Water Right is*
2 *ratified, confirmed, and declared to be valid.*

3 (2) *USE.*—*Any use of the Tribal Water Right*
4 *shall be subject to the terms and conditions of—*

5 (A) *the Compact; and*

6 (B) *this Act.*

7 (3) *CONFLICT.*—*In the event of a conflict between*
8 *the Compact and this Act, the provisions of this Act*
9 *shall control.*

10 (c) *TRUST STATUS OF TRIBAL WATER RIGHT.*—*The*
11 *Tribal Water Right—*

12 (1) *shall be held in trust by the United States for*
13 *the use and benefit of the Tribes and allottees in ac-*
14 *cordance with this Act; and*

15 (2) *shall not be subject to forfeiture or abandon-*
16 *ment.*

17 (d) *ALLOTTEES.*—

18 (1) *APPLICABILITY OF ACT OF FEBRUARY 8,*
19 *1887.*—*The provisions of section 7 of the Act of Feb-*
20 *ruary 8, 1887 (25 U.S.C. 381), relating to the use of*
21 *water for irrigation purposes shall apply to the Trib-*
22 *al Water Right.*

23 (2) *ENTITLEMENTS TO WATER.*—

1 (A) *IN GENERAL.*—Any entitlement to
2 water of an allottee under Federal law shall be
3 satisfied from the Tribal Water Right.

4 (B) *WATER FOR IRRIGATION.*—Each allottee
5 shall be entitled to a just and equitable alloca-
6 tion of water for irrigation purposes, to be en-
7 forceable under paragraph (3)(B).

8 (3) *CLAIMS.*—

9 (A) *EXHAUSTION OF REMEDIES.*—Before
10 asserting any claim against the United States
11 under section 7 of the Act of February 8, 1887
12 (25 U.S.C. 381), or any other applicable law, an
13 allottee shall exhaust remedies available under—

14 (i) the Law of Administration; or

15 (ii) other applicable Tribal law.

16 (B) *WATER FOR IRRIGATION.*—After the ex-
17 haustion of all remedies available under the Law
18 of Administration or other applicable Tribal
19 law, an allottee may seek relief under section 7
20 of the Act of February 8, 1887 (25 U.S.C. 381),
21 or other applicable law, to seek a just and equi-
22 table allocation of water for irrigation purposes
23 under paragraph (2)(B).

1 (4) *AUTHORITY OF SECRETARY.*—*The Secretary*
2 *shall have the authority to protect the rights of*
3 *allottees in accordance with this section.*

4 (e) *AUTHORITY OF TRIBES.*—

5 (1) *IN GENERAL.*—*The Tribes shall have the au-*
6 *thority to allocate, distribute, and lease the Tribal*
7 *Water Right for any use on the Reservation in ac-*
8 *cordance with—*

9 (A) *the Compact;*

10 (B) *the Law of Administration;*

11 (C) *this Act; and*

12 (D) *applicable Federal law.*

13 (2) *OFF-RESERVATION USE.*—*The Tribes may al-*
14 *locate, distribute, and lease the Tribal Water Right*
15 *for off-Reservation use in the State in accordance*
16 *with the Compact, subject to the approval of the Sec-*
17 *retary.*

18 (3) *LAND LEASES BY ALLOTTEES.*—*Notwith-*
19 *standing paragraph (1), an allottee may lease any in-*
20 *terest in land held by the allottee, together with any*
21 *water right determined to be appurtenant to the in-*
22 *terest in land, in accordance with the Law of Admin-*
23 *istration.*

24 (f) *LAW OF ADMINISTRATION.*—

1 (1) *IN GENERAL.*—*During the period beginning*
2 *on the date of enactment of this Act and ending on*
3 *the date on which the Law of Administration becomes*
4 *effective on the Reservation, the Secretary shall ad-*
5 *minister, with respect to the rights of allottees, the*
6 *Tribal Water Right in accordance with this Act.*

7 (2) *APPROVAL.*—

8 (A) *IN GENERAL.*—*The Law of Administra-*
9 *tion is approved.*

10 (B) *REGISTRATIONS.*—*As provided in sec-*
11 *tions 3 and 4 of article IX of the Montana State*
12 *Constitution and section 1–1–108 of the Law of*
13 *Administration, all water rights and changes of*
14 *use authorized under the Law of Administration,*
15 *including all registrations required by sections*
16 *2–1–101 through 2–1–107, shall be provided to*
17 *the department of natural resources and con-*
18 *servation of the State, to be entered into the*
19 *water rights database of the department.*

20 (3) *AMENDMENTS.*—

21 (A) *IN GENERAL.*—*An otherwise valid*
22 *amendment to the Law of Administration that*
23 *affects a right of an allottee shall not be effective*
24 *unless the amendment is approved by the Sec-*
25 *retary in accordance with this subsection.*

1 (B) APPROVAL PERIOD.—

2 (i) IN GENERAL.—Subject to clause
3 (ii), the Secretary shall approve or dis-
4 approve an amendment to the Law of Ad-
5 ministration not later than 180 days after
6 the date of ratification of the amendment by
7 the Tribes and the State.

8 (ii) EXTENSION.—The deadline de-
9 scribed in clause (i) may be extended by the
10 Secretary after consultation with the Tribes.

11 (4) CONFLICT.—In the event of a conflict between
12 the Law of Administration and this Act, the provi-
13 sions of this Act shall control.

14 (g) ADMINISTRATION.—

15 (1) ALIENATION.—The Tribes shall not perma-
16 nently alienate any portion of the Tribal Water
17 Right.

18 (2) PURCHASES OR GRANTS OF LAND FROM INDI-
19 ANS.—An authorization provided by this Act for an
20 allocation, distribution, lease, or any other arrange-
21 ment shall be considered to satisfy any requirement
22 for authorization of the action by treaty or convention
23 under section 2116 of the Revised Statutes (25 U.S.C.
24 177).

1 (3) *PROHIBITION ON FORFEITURE.*—*The nonuse*
2 *of all, or any portion of, the Tribal Water Right by*
3 *a lessee or contractor shall not result in the forfeiture,*
4 *abandonment, relinquishment, or other loss of all, or*
5 *any portion of, the Tribal Water Right.*

6 (h) *EFFECT.*—*Except as otherwise expressly provided*
7 *in this section, nothing in this Act—*

8 (1) *authorizes any action by an allottee against*
9 *any individual or entity, or against the Tribes, under*
10 *Federal, State, Tribal, or local law; or*

11 (2) *alters or affects the status of any action*
12 *brought pursuant to section 1491(a) of title 28,*
13 *United States Code.*

14 **SEC. 6. STORAGE ALLOCATION FROM HUNGRY HORSE RES-**
15 **ERVOIR.**

16 (a) *STORAGE ALLOCATION TO TRIBES.*—

17 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
18 *Secretary shall allocate to the Tribes 90,000 acre-feet*
19 *per year, as measured at the Hungry Horse Dam, of*
20 *storage water in Hungry Horse Reservoir for use by*
21 *the Tribes for any beneficial purpose on or off the*
22 *Reservation under a water right held by the United*
23 *States and managed by the Bureau of Reclamation.*

24 (2) *LIMITATIONS.*—*The allocation under para-*
25 *graph (1) shall be subject to—*

1 (A) *Appendix 7 to the Compact, entitled*
2 *“Flathead Basin Tribal Depletions Study”, pre-*
3 *pared by the Bureau of Reclamation, and dated*
4 *September 2012; and*

5 (B) *Appendix 8 to the Compact, entitled*
6 *“Hungry Horse Reservoir, Montana: Biological*
7 *Impact Evaluation and Operational Constraints*
8 *for a proposed 90,000-acre-foot withdrawal”,*
9 *prepared by the State, as revised on September*
10 *14, 2011.*

11 (b) *TREATMENT.—*

12 (1) *IN GENERAL.—The allocation under sub-*
13 *section (a) shall be considered to be part of the Tribal*
14 *Water Right.*

15 (2) *ADMINISTRATION.—The Tribes shall admin-*
16 *ister the water allocated under subsection (a) in ac-*
17 *cordance with, and subject to the limitations of, the*
18 *Compact and this Act.*

19 (c) *ALLOCATION AGREEMENT.—*

20 (1) *IN GENERAL.—As a condition of receiving*
21 *the allocation under subsection (a), the Tribes shall*
22 *enter into an agreement with the Secretary to estab-*
23 *lish the terms and conditions of the allocation, in ac-*
24 *cordance with the Compact and this Act.*

1 (2) *INCLUSIONS.*—*The agreement under para-*
2 *graph (1) shall include provisions establishing that—*

3 (A) *the agreement shall be without a limit*
4 *as to a term;*

5 (B) *the Tribes, and not the United States,*
6 *shall be entitled to all consideration due to the*
7 *Tribes under any lease, contract, or agreement*
8 *entered into by the Tribes pursuant to subsection*
9 *(d);*

10 (C) *the United States shall have no obliga-*
11 *tion to monitor, administer, or account for—*

12 (i) *any funds received by the Tribes as*
13 *consideration under any lease, contract, or*
14 *agreement entered into by the Tribes pursu-*
15 *ant to subsection (d); or*

16 (ii) *the expenditure of those funds;*

17 (D) *if the capacity or function of any facil-*
18 *ity of Hungry Horse Reservoir or Hungry Horse*
19 *Dam is significantly reduced, or is anticipated*
20 *to be significantly reduced, for an extended pe-*
21 *riod of time, the Tribes shall have the same stor-*
22 *age rights as other storage contractors with re-*
23 *spect to the allocation under subsection (a);*

24 (E) *the costs associated with the construc-*
25 *tion and operation of the storage facilities at*

1 *Hungry Horse Reservoir and Hungry Horse*
2 *Dam allocable to the Tribes shall be nonreim-*
3 *bursable;*

4 *(F) no water service capital charge shall be*
5 *due or payable for the agreement or any water*
6 *allocated under subsection (a), regardless of*
7 *whether that water is delivered for use by the*
8 *Tribes or under a lease, contract, or by an agree-*
9 *ment entered into by the Tribes pursuant to sub-*
10 *section (d);*

11 *(G) the Tribes shall not be required to make*
12 *payments to the United States for the agreement*
13 *or any water allocated under subsection (a), ex-*
14 *cept for each acre-foot of stored water leased or*
15 *transferred for industrial purposes;*

16 *(H) for each acre-foot of stored water leased*
17 *by the Tribes for industrial purposes—*

18 *(i) the Tribes shall pay annually to the*
19 *United States an amount sufficient to cover*
20 *the proportionate share of the annual oper-*
21 *ation, maintenance, and replacement costs*
22 *for the Hungry Horse Project allocable to*
23 *that quantity of water; and*

24 *(ii) the annual payments of the Tribes*
25 *shall be reviewed and adjusted, as appro-*

1 *priate, to reflect the actual operation, main-*
2 *tenance, and replacement costs for the Hun-*
3 *gry Horse Project; and*

4 *(I) the costs described in subparagraphs (G)*
5 *and (H) shall not apply to any lease or transfer*
6 *for industrial purposes to—*

7 *(i) any entity of the Tribes; or*

8 *(ii) any entity wholly owned by the*
9 *Tribes.*

10 *(d) AGREEMENTS BY TRIBES.—The Tribes may use,*
11 *lease, contract, exchange, or enter into other agreements for*
12 *use of the water allocated under subsection (a) if—*

13 *(1) the water that is the subject of the agreement*
14 *is used within the Flathead Basin or the Clark Fork*
15 *Basin within the State; and*

16 *(2) the agreement does not permanently alienate*
17 *any portion of water allocated under subsection (a).*

18 *(e) MITIGATION WATER.—Notwithstanding section*
19 *5(e)(2), the Tribes shall make available for lease not more*
20 *than 11,000 acre-feet per year of the water allocated under*
21 *subsection (a), in accordance with the Compact.*

22 *(f) NO CARRYOVER STORAGE.—The allocation under*
23 *subsection (a) shall not be increased by any year-to-year*
24 *carryover storage.*

1 (g) *DEVELOPMENT AND DELIVERY COSTS.*—*The*
2 *United States shall not be required to pay the cost of devel-*
3 *oping or delivering any water allocated under subsection*
4 *(a).*

5 (h) *NEW USES.*—*Except as provided in article*
6 *III.C.1.c of the Compact, the Tribes shall not develop any*
7 *new use for the allocation under subsection (a) until the*
8 *date on which the agreement entered into under subsection*
9 *(c) takes effect.*

10 (i) *EFFECTIVE DATE.*—*The allocation under sub-*
11 *section (a) takes effect on the enforceability date.*

12 **SEC. 7. IRRIGATION PROJECT-RELATED COMPACT IMPLE-**
13 **MENTATION.**

14 (a) *PURPOSES.*—*The purposes of this section are—*

15 (1) *to implement key provisions of the Compact*
16 *regarding the Tribal Water Right by authorizing and*
17 *carrying out the activities described in subsection (b)*
18 *relative to components of the Flathead Indian irriga-*
19 *tion project, in order—*

20 (A) *to conserve water resources, enhance fish*
21 *and wildlife habitat, especially habitat of threat-*
22 *ened and endangered species, and improve the*
23 *movement of fish through and around Flathead*
24 *Indian irrigation project facilities;*

1 (B) to ensure that the necessary water sup-
2 plies are provided to protect Instream Flow, Ex-
3 isting Uses, and Historic Farm Deliveries;

4 (C) to provide for the safe and efficient stor-
5 age, delivery, and routing of water; and

6 (D) to dedicate the water thereby saved
7 through modernization and rehabilitation activi-
8 ties to the water rights of the Tribes for Instream
9 Flow and Minimum Reservoir Pool Elevations;

10 (2) to require that, in carrying out the activities
11 under subsection (b), the Secretary and the Tribes—

12 (A) are guided by existing studies commis-
13 sioned by the Secretary and the Tribes that iden-
14 tify current facility conditions and describe fu-
15 ture modernization recommendations;

16 (B) recognize the need to maintain flexi-
17 bility and modify the guidance provided by the
18 studies described in subparagraph (A), as appro-
19 priate and consistent with the processes estab-
20 lished and entities designated in the Compact;
21 and

22 (C) carry out all such activities that can be
23 accomplished in a cost-effective manner and that
24 are consistent with the Compact; and

1 (3) *to ensure the prudent and knowledgeable con-*
2 *servaion, management, and protection of the water*
3 *resources of the Reservation through the activities de-*
4 *scribed in subsection (b), which will ensure the protec-*
5 *tion of the Reservation as the permanent homeland of*
6 *the Tribes in accordance with the treaty between the*
7 *United States and the Tribes concluded at Hell Gate*
8 *on July 16, 1855 (12 Stat. 975).*

9 (b) *ACTIVITIES.*—*Subject to the availability of appro-*
10 *priations, the Secretary, or on the request of the Tribes, the*
11 *Tribes on behalf of the Secretary under title IV of the In-*
12 *dian Self-Determination and Education Assistance Act (25*
13 *U.S.C. 5361 et seq.), shall in accordance with subsection*
14 *(c) carry out the following activities relating to the Flat-*
15 *head Indian irrigation project:*

16 (1) *REHABILITATION AND MODERNIZATION.*—

17 (A) *Rehabilitation and modernization of*
18 *structures, canals, and pumping facilities, in-*
19 *cluding dam safety improvements, irrigation fa-*
20 *ility upgrades that improve water management*
21 *and operational control at irrigation diversion*
22 *works, and irrigation facility upgrades to reduce*
23 *losses in conveyance of water from irrigation*
24 *sources of supply to irrigation points of use, in*
25 *accordance with the Compact.*

1 (B) *Planning, design, and construction of*
2 *additional pumping facilities.*

3 (C) *Operational improvements to infra-*
4 *structure within the distribution network of the*
5 *Flathead Indian irrigation project.*

6 (D) *Reconstruction, replacement, and auto-*
7 *mation at irrigation diversion works.*

8 (E) *Lining of open canals, and placement*
9 *of open canals in pipe.*

10 (F) *Fencing and physical project access en-*
11 *hancements.*

12 (2) *MITIGATION, RECLAMATION, AND RESTORA-*
13 *TION.—*

14 (A) *Mitigation, reclamation, and restora-*
15 *tion of streams, wetlands, banks, slopes, and*
16 *wasteways within, appurtenant to, or affected by*
17 *the Flathead Indian irrigation project.*

18 (B) *The installation of screens, barriers,*
19 *passages, or ladders to prevent fish entrainment*
20 *in irrigation ditches and canals within, or ap-*
21 *purtenant to, the Flathead Indian irrigation*
22 *project.*

23 (3) *ACQUISITION OF INTERESTS.—Acquisition of*
24 *easements or other interests in real property necessary*
25 *to carry out any activity under this section.*

1 (c) *ENVIRONMENTAL COMPLIANCE.*—

2 (1) *IN GENERAL.*—*Prior to the commencement of*
3 *any activity under subsection (b), the Secretary, or*
4 *the Tribes if the Tribes elect to perform the activities*
5 *on behalf of the Secretary under title IV of the Indian*
6 *Self-Determination and Education Assistance Act (25*
7 *U.S.C. 5361 et seq.), shall perform appropriate envi-*
8 *ronmental, cultural, and historical compliance activi-*
9 *ties relating to the activity, including to ensure com-*
10 *pliance with—*

11 (A) *the National Environmental Policy Act*
12 *of 1969 (42 U.S.C. 4321 et seq.); and*

13 (B) *division A of subtitle III of title 54,*
14 *United States Code (formerly known as the “Na-*
15 *tional Historic Preservation Act” (16 U.S.C. 470*
16 *et seq.)).*

17 (2) *COSTS.*—*All costs associated with the per-*
18 *formance of compliance activities under paragraph*
19 *(1) shall be paid with funds deposited in the Trust*
20 *Fund, on the condition that any costs associated with*
21 *the performance of Federal approval or other review*
22 *of such compliance work or costs associated with in-*
23 *herently Federal functions shall remain the responsi-*
24 *bility of the Secretary.*

25 (d) *FUNDING.*—

1 (1) *INDIAN SELF-DETERMINATION AND EDU-*
2 *CATION ASSISTANCE ACT COMPACTING.*—

3 (A) *FUNDING AUTHORITY AND AGREE-*
4 *MENTS.*—*Notwithstanding any other provision of*
5 *law, if the Tribes elect to perform all activities*
6 *described in subsection (b) on behalf of the Sec-*
7 *retary, the Secretary shall enter into a self-gov-*
8 *ernance agreement with the Tribes under title IV*
9 *of the Indian Self-Determination and Education*
10 *Assistance Act (25 U.S.C. 5361 et seq.) covering*
11 *all such activities.*

12 (B) *FUNDING AGREEMENTS.*—*The Secretary*
13 *shall use funds only from the Salish and*
14 *Kootenai Compact Account established under sec-*
15 *tion 8(b)(1) for any funding agreement, includ-*
16 *ing any related contract support costs, under*
17 *which the Tribes carry out activities described in*
18 *subsection (b).*

19 (C) *TIMING FOR ELECTION.*—*Not later than*
20 *120 days after the date on which funds are first*
21 *appropriated for deposit in the Trust Fund, or*
22 *not later than such alternative later date as is*
23 *agreed to by the Tribes and the Secretary, the*
24 *Tribes may elect to perform all activities de-*

1 *scribed in subsection (b) on behalf of the Sec-*
2 *retary.*

3 *(D) APPLICABILITY OF ISDEAA.—Any funds*
4 *transferred for use in a funding agreement under*
5 *this paragraph shall be subject to—*

6 *(i) title IV of the Indian Self-Deter-*
7 *mination and Education Assistance Act (25*
8 *U.S.C. 5361 et seq.); and*

9 *(ii) the self-governance agreement and*
10 *funding agreement entered into between the*
11 *Tribes and the Secretary.*

12 *(E) RELATION TO COMPACT.—The Tribes*
13 *and the Federal Government—*

14 *(i) shall carry out the activities de-*
15 *scribed in subsection (b) in a manner that*
16 *is consistent with, and fulfills, the respective*
17 *obligations of the Tribes and the Federal*
18 *Government under the Compact; and*

19 *(ii) may not carry out any action pur-*
20 *suant to the Indian Self-Determination and*
21 *Education Assistance Act (25 U.S.C. 5301*
22 *et seq.) that is inconsistent with the rights*
23 *and responsibilities under the Compact.*

24 *(F) APPLICABILITY OF CERTAIN ISDEAA*
25 *PROVISIONS.—For purposes of this Act—*

1 (i) the “annual trust evaluation” re-
2 quired under section 403(d) of the Indian
3 Self-Determination and Education Assist-
4 ance Act (25 U.S.C. 5363(d)) shall monitor
5 the performance, and progress toward com-
6 pletion, of activities under subsection (b)
7 that the Tribes are carrying out;

8 (ii) the activities described in sub-
9 section (b) shall be considered to be “con-
10 struction programs or projects” under sec-
11 tion 403(e) of the Indian Self-Determina-
12 tion and Education Assistance Act (25
13 U.S.C. 5363(e)); and

14 (iii) reporting requirements regarding
15 planning, design, and the use and expendi-
16 ture of funds shall be negotiated and in-
17 cluded within a funding agreement.

18 (2) *SECRETARIAL PERFORMANCE OF ACTIVI-*
19 *TIES.*—If the Tribes do not elect to carry out the ac-
20 tivities described in subsection (b) by the deadline es-
21 tablished under paragraph (1)(C), the Secretary shall
22 carry out the activities using amounts made available
23 under section 8(c)(3).

1 (3) *NONREIMBURSABILITY OF COSTS.*—All costs
2 incurred in carrying out this section shall be nonre-
3 imbursable.

4 (4) *ADMINISTRATION.*—

5 (A) *IN GENERAL.*—Subject to subparagraph
6 (B), the Secretary and the Tribes shall negotiate
7 the cost of any oversight activity carried out by
8 the Secretary under any agreement entered into
9 under paragraph (1)(A).

10 (B) *REQUIREMENT.*—All costs associated
11 with an oversight activity—

12 (i) shall be paid with funds deposited
13 in the Salish and Kootenai Compact Ac-
14 count established under section 8(b)(1); and

15 (ii) notwithstanding subsection (c),
16 may include costs associated with review or
17 approval of environmental compliance work
18 and related Federal functions.

19 (C) *LIMITATION ON COST.*—The total cost
20 described in subparagraph (A) shall not exceed 3
21 percent of the total project costs for each project.

22 (e) *TREATMENT.*—Any activities carried out pursuant
23 to subsection (b) that result in improvements, additions, or
24 modifications to the Flathead Indian irrigation project, in-

1 *cluding the acquisition of any real property interest,*
2 *shall—*

3 *(1) become a part of the Flathead Indian irriga-*
4 *tion project; and*

5 *(2) be recorded in the inventory of the Secretary*
6 *relating to the Flathead Indian irrigation project.*

7 *(f) EASEMENTS AND RIGHTS-OF-WAY.—*

8 *(1) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—*

9 *(A) IN GENERAL.—On request of the Sec-*
10 *retary, the Tribes shall grant, at no cost to the*
11 *United States, such easements and rights-of-way*
12 *over Tribal land as are necessary for construc-*
13 *tion relating to an activity under this section.*

14 *(B) JURISDICTION.—An easement or right-*
15 *of-way granted by the Tribes pursuant to sub-*
16 *paragraph (A) shall not affect in any respect the*
17 *civil or criminal jurisdiction of the Tribes over*
18 *the easement or right-of-way.*

19 *(2) LANDOWNER EASEMENTS AND RIGHTS-OF-*
20 *WAY.—In partial consideration for the construction*
21 *activities associated with the rehabilitation and mod-*
22 *ernization of the Flathead Indian irrigation project*
23 *authorized by this section, and as a condition of re-*
24 *ceiving service from the Flathead Indian irrigation*
25 *project, a willing landowner shall confirm or grant,*

1 *at no cost to the United States or the Tribes, such*
2 *easements and rights-of-way over the land of the land-*
3 *owner as may be necessary for—*

4 *(A) an activity authorized by this section;*

5 *or*

6 *(B) access to and operation and mainte-*
7 *nance of—*

8 *(i) the Flathead Indian irrigation*
9 *project; or*

10 *(ii) the Mission Valley Power Project.*

11 *(3) CONDEMNATION NOT AUTHORIZED.—Nothing*
12 *in this section authorizes the Secretary to condemn*
13 *interests in land for the Flathead Indian irrigation*
14 *project.*

15 *(g) LAND ACQUIRED BY UNITED STATES OR*
16 *TRIBES.—Any land acquired within the boundaries of the*
17 *Reservation by the United States on behalf of the Tribes,*
18 *or by the Tribes on behalf of the Tribes and conveyed to*
19 *the United States, in connection with the purposes of this*
20 *section shall be held in trust by the United States for the*
21 *benefit of the Tribes.*

22 *(h) EFFECT.—Nothing in this section—*

23 *(1) alters any applicable law under which the*
24 *Bureau of Indian Affairs collects assessments or car-*

1 *ries out the operation and maintenance of the Flat-*
 2 *head Indian irrigation project; or*

3 *(2) impacts the availability of amounts under*
 4 *section 9.*

5 *(i) WATER SOURCE FOR FLATHEAD INDIAN IRRIGA-*
 6 *TION PROJECT.—*

7 *(1) IN GENERAL.—The water source for the Flat-*
 8 *head Indian irrigation project—*

9 *(A) shall be determined in accordance with*
 10 *article II(32) of the Compact; and*

11 *(B) shall consist of—*

12 *(i) the water right set forth in article*
 13 *III.C.1.a of the Compact; and*

14 *(ii) any use of water for irrigation and*
 15 *incidental purposes pursuant to an applica-*
 16 *ble water service contract.*

17 *(2) ENTITLEMENT TO DELIVERY OF WATER.—*
 18 *Entitlement to delivery of available irrigation water*
 19 *for assessed parcels shall be determined in accordance*
 20 *with article IV.D.2 of the Compact.*

21 **SEC. 8. SÉLIŠ-QLISPÉ KSANKA SETTLEMENT TRUST FUND.**

22 *(a) ESTABLISHMENT.—The Secretary shall establish*
 23 *in the Treasury of the United States a trust fund, to be*
 24 *known as the “Séliš-Qlispé Ksanka Settlement Trust*
 25 *Fund”, to be allocated, maintained, managed, invested, and*

1 *distributed by the Secretary, and to remain available until*
2 *expended, consisting of the amounts deposited in the Trust*
3 *Fund under section 9(a), together with any interest earned*
4 *on those amounts, for the purpose of carrying out this Act.*

5 (b) *ACCOUNTS.—The Secretary shall establish in the*
6 *Trust Fund the following accounts:*

7 (1) *The Salish and Kootenai Compact Account,*
8 *for the uses described in paragraphs (1) and (2) of*
9 *subsection (h).*

10 (2) *The Salish and Kootenai Settlement Imple-*
11 *mentation Account, for any use described in sub-*
12 *section (h).*

13 (c) *DEPOSITS.—*

14 (1) *IN GENERAL.—The Secretary shall deposit in*
15 *the Trust Fund the amounts made available pursuant*
16 *to section 9(a)(1).*

17 (2) *ALLOCATION INTO ACCOUNTS.—*

18 (A) *IN GENERAL.—Subject to subparagraph*
19 *(B), each year, the Secretary shall allocate from*
20 *the Trust Fund amounts into each of the ac-*
21 *counts described in paragraphs (1) and (2) of*
22 *subsection (b) in such proportions as the Sec-*
23 *retary and the Tribes may agree.*

24 (B) *REQUIREMENT.—In any year, if the*
25 *Tribes and the Secretary are unable to agree on*

1 *the amounts to be allocated under subparagraph*
2 *(A) for that year, the Secretary shall deposit*
3 *equal sums in each account.*

4 (3) *TRANSFER.—If the Tribes do not elect to*
5 *carry out the activities described in subsection (b) of*
6 *section 7 by the deadline described in subsection*
7 *(d)(1)(C) of that section, the Secretary, on an annual*
8 *basis, shall transfer funds from the account estab-*
9 *lished under subsection (b)(1) to an appropriate pro-*
10 *grammatic account solely for the purpose of carrying*
11 *out those activities and the activities described in sec-*
12 *tion 7(c).*

13 (d) *MANAGEMENT AND INTEREST.—*

14 (1) *MANAGEMENT.—On receipt and deposit of*
15 *the funds into the Trust Fund, the Secretary shall*
16 *manage, invest, and distribute the amounts in accord-*
17 *ance with the investment authority of the Secretary*
18 *under—*

19 (A) *the first section of the Act of June 24,*
20 *1938 (25 U.S.C. 162a);*

21 (B) *the American Indian Trust Fund Man-*
22 *agement Reform Act of 1994 (25 U.S.C. 4001 et*
23 *seq.); and*

24 (C) *this section.*

1 (2) *INVESTMENT EARNINGS.*—*In addition to the*
2 *deposits under section 9(a), any investment earnings,*
3 *including interest, credited to the amounts in the*
4 *Trust Fund shall be available for use in accordance*
5 *with subsection (h).*

6 (e) *AVAILABILITY OF AMOUNTS.*—

7 (1) *IN GENERAL.*—*Amounts deposited in the*
8 *Trust Fund (including any investment earnings)*
9 *shall be made available to the Tribes by the Secretary*
10 *beginning on the enforceability date, subject to the re-*
11 *quirements of this Act.*

12 (2) *USE.*—*Notwithstanding paragraph (1), any*
13 *amounts—*

14 (A) *deposited in the account described in*
15 *subsection (b)(1) or transferred to another ac-*
16 *count under subsection (c)(3), shall be available*
17 *to the Tribes or the Secretary, as applicable, on*
18 *the date on which the amounts are deposited or*
19 *transferred, for the uses described in subsection*
20 *(h)(1), in accordance with Appendix 3.6 to the*
21 *Compact; and*

22 (B) *deposited in the account described in*
23 *subsection (b)(1) shall be available to the Tribes*
24 *on the date on which the amounts are deposited*
25 *for the uses described in subsection (h)(2).*

1 (f) *WITHDRAWALS UNDER AITFMRA.*—

2 (1) *IN GENERAL.*—*The Tribes may withdraw*
3 *any portion of the amounts in the account described*
4 *in subsection (b)(2) on approval by the Secretary of*
5 *a Tribal management plan submitted by the Tribes in*
6 *accordance with the American Indian Trust Fund*
7 *Management Reform Act of 1994 (25 U.S.C. 4001 et*
8 *seq.).*

9 (2) *INAPPLICABILITY OF AITFMRA.*—*A with-*
10 *drawal from the account described in subsection*
11 *(b)(1)—*

12 (A) *shall be made only in accordance with*
13 *subsection (e) and section 7; and*

14 (B) *notwithstanding any other provision of*
15 *law, shall not be subject to the American Indian*
16 *Trust Fund Management Reform Act of 1994 (25*
17 *U.S.C. 4001 et seq.).*

18 (3) *REQUIREMENTS.*—

19 (A) *IN GENERAL.*—*In addition to the re-*
20 *quirements under the American Indian Trust*
21 *Fund Management Reform Act of 1994 (25*
22 *U.S.C. 4001 et seq.), the Tribal management*
23 *plan under paragraph (1) shall require that the*
24 *Tribes shall spend all amounts withdrawn from*
25 *the Trust Fund and any investment earnings ac-*

1 *crued through the investments under the Tribal*
2 *management plan in accordance with this Act.*

3 *(B) ENFORCEMENT.—The Secretary may*
4 *carry out such judicial and administrative ac-*
5 *tions as the Secretary determines to be necessary*
6 *to enforce the Tribal management plan to ensure*
7 *that amounts withdrawn by the Tribes from the*
8 *Trust Fund pursuant to this subsection are used*
9 *in accordance with this Act.*

10 *(g) EFFECT.—Nothing in this Act provides to the*
11 *Tribes the right to judicial review of a determination by*
12 *the Secretary regarding whether to approve a Tribal man-*
13 *agement plan, except under subchapter II of chapter 5, and*
14 *chapter 7 of title 5, United States Code (commonly known*
15 *as the “Administrative Procedure Act”).*

16 *(h) USES.—The Tribes may use amounts in the Trust*
17 *Fund to implement the Compact, the Law of Administra-*
18 *tion, and this Act for the following purposes:*

19 *(1) To carry out activities described in sub-*
20 *sections (b) and (c) of section 7.*

21 *(2) The administration, implementation, and*
22 *management of the Tribal Water Right and the regu-*
23 *lation and administration of water rights within the*
24 *Reservation under this Act, the Compact, and the*

1 *Law of Administration, and such infrastructure as is*
2 *necessary to meet related programmatic needs.*

3 (3) *To implement the Tribal Water Right*
4 *through rehabilitation and improvement of agricul-*
5 *tural Indian land within the Reservation.*

6 (4) *To construct and rehabilitate livestock fenc-*
7 *ing on Indian land within the Reservation.*

8 (5) *To mitigate and control noxious weeds on*
9 *land within the Reservation.*

10 (6) *To plan, design, and construct improvements*
11 *to irrigation systems on land served by the Flathead*
12 *Indian irrigation project.*

13 (7) *To install screens, barriers, passages, or lad-*
14 *ders to prevent fish entrainment in irrigation ditches*
15 *and canals within the Reservation.*

16 (8) *To plan, design, and construct irrigation fa-*
17 *cilities on Indian land within the Reservation that is*
18 *not served by the Flathead Indian irrigation project.*

19 (9) *To plan, design, construct, operate, main-*
20 *tain, and replace community water distribution and*
21 *wastewater treatment facilities on the Reservation.*

22 (10) *To develop geothermal water resources on*
23 *Indian land within the Reservation.*

24 (11) *To develop a cultural resources program re-*
25 *lating to permitting necessary to conduct the activi-*

1 *ties authorized under this subsection (including cul-*
2 *tural, historical, and archeological reviews, including*
3 *training and certifications) and related infrastructure*
4 *necessary to meet programmatic needs.*

5 *(12) To comply with Federal environmental laws*
6 *for any use authorized by this subsection.*

7 *(13) To repair, rehabilitate, or replace culverts,*
8 *bridges, and roads of the Flathead Indian irrigation*
9 *project and any public or Tribal culverts, bridges,*
10 *and roads that intersect with, or are otherwise located*
11 *within, the supply and distribution network of the*
12 *Flathead Indian irrigation project.*

13 *(i) LIABILITY.—Except with respect to amounts trans-*
14 *ferred in accordance with section 7(d), the Secretary shall*
15 *not be liable for the expenditure or investment of any*
16 *amounts withdrawn from the Trust Fund by the Tribes*
17 *under this section.*

18 *(j) EXPENDITURE REPORTS.—*

19 *(1) IN GENERAL.—Not less frequently than an-*
20 *nually, the Tribes shall submit to the Secretary an ex-*
21 *penditure report describing—*

22 *(A) the amount withdrawn from the Trust*
23 *Fund under this section; and*

1 (B) *any authorized activities resulting from*
2 *the use of a withdrawal under a Tribal manage-*
3 *ment plan, in accordance with this Act.*

4 (2) *APPLICATION.—Any amounts transferred to*
5 *the Tribes pursuant to a self-governance agreement*
6 *and funding agreement entered into between the*
7 *Tribes and the Secretary under title IV of the Indian*
8 *Self-Determination and Education Assistance Act (25*
9 *U.S.C. 5361 et seq.) shall not be subject to paragraph*
10 (1).

11 (k) *OM&R COSTS.—Except as otherwise provided in*
12 *this Act, nothing in this Act affects any obligation of the*
13 *United States with respect to the operation, maintenance,*
14 *and repair of the Flathead Indian irrigation project.*

15 **SEC. 9. FUNDING.**

16 (a) *FUNDING.—*

17 (1) *AUTHORIZATION OF APPROPRIATIONS.—*
18 *There is authorized to be appropriated to the Sec-*
19 *retary for deposit in the Trust Fund \$1,000,000,000,*
20 *to remain available until expended, withdrawn, or re-*
21 *verted to the general fund of the Treasury.*

22 (2) *MANDATORY FUNDING.—*

23 (A) *IN GENERAL.—On October 1, 2020, and*
24 *on each October 1 thereafter through October 1,*
25 *2029, out of any funds in the Treasury not oth-*

1 *erwise appropriated, the Secretary of the Treas-*
2 *ury shall deposit in the Trust Fund \$90,000,000,*
3 *to remain available until expended, withdrawn,*
4 *or reverted to the general fund of the Treasury.*

5 *(B) AVAILABILITY.—Amounts deposited in*
6 *the Trust Fund under subparagraph (A) shall be*
7 *available without further appropriation.*

8 *(b) FLUCTUATION IN COSTS.—*

9 *(1) IN GENERAL.—Of the amounts authorized to*
10 *be appropriated and appropriated to the Trust Fund*
11 *under paragraphs (1) and (2), respectively, of sub-*
12 *section (a)—*

13 *(A) \$347,200,000 shall be increased or de-*
14 *creased, as appropriate, by such amounts as may*
15 *be justified by reason of ordinary fluctuations in*
16 *costs occurring after the date of enactment of this*
17 *Act, as indicated by the Consumer Price Index*
18 *for All Urban Consumers West Urban 50,000 to*
19 *1,500,000 index;*

20 *(B) \$111,400,000 shall be increased or de-*
21 *creased, as appropriate, by such amounts as may*
22 *be justified by reasons of ordinary fluctuations*
23 *in costs occurring after the date of enactment of*
24 *this Act, as indicated by the Producer Price*
25 *Index for the Bureau of Labor Statistics; and*

1 (C) \$1,441,400,000 shall be increased or de-
2 creased, as appropriate, by such amounts as may
3 be justified by reason of ordinary fluctuations in
4 costs occurring after the date of enactment of this
5 Act, as indicated by the Bureau of Reclamation
6 Construction Costs Index–Composite Trend.

7 (2) *REQUIREMENTS FOR ADJUSTMENT PROC-*
8 *ESS.*—The adjustment process under this subsection
9 shall—

10 (A) take into account any agreement
11 reached by the Secretary and the Tribes under
12 paragraph (4); and

13 (B) be repeated for each subsequent amount
14 appropriated for deposit in the Trust Fund until
15 the amount authorized to be appropriated, as so
16 adjusted, has been appropriated.

17 (3) *PERIOD OF INDEXING.*—The period of index-
18 ing adjustment under this subsection for any incre-
19 ment of funding shall end on the date on which funds
20 are deposited in the Trust Fund.

21 (4) *AGREEMENT.*—Based on the activities likely
22 to be conducted using amounts deposited in the Trust
23 Fund, the Secretary and the Tribes may agree on
24 which provisions of paragraph (1) shall govern the
25 fluctuation in costs to be used in calculating the

1 *amount authorized to be appropriated under sub-*
2 *section (a)(1).*

3 *(c) LIMITATION ON USE OF RECLAMATION WATER*
4 *SETTLEMENTS FUND.—Notwithstanding any other provi-*
5 *sion of law—*

6 *(1) no amounts in the Reclamation Water Settle-*
7 *ments Fund established by section 10501(a) of the*
8 *Omnibus Public Land Management Act of 2009 (43*
9 *U.S.C. 407(a)) may be used by the Tribes or the Sec-*
10 *retary to carry out any provision of this Act until the*
11 *date that is 10 years after the date of enactment of*
12 *this Act; and*

13 *(2) effective beginning on the date that is 10*
14 *years after that date of enactment, the total amount*
15 *used by the Tribes and the Secretary to carry out this*
16 *Act from the Reclamation Water Settlements Fund*
17 *shall not exceed an amount equal to 50 percent of the*
18 *total amount in the Fund on that date.*

19 **SEC. 10. WAIVERS AND RELEASES OF CLAIMS.**

20 *(a) WAIVERS AND RELEASES.—*

21 *(1) CLAIMS BY TRIBES AND UNITED STATES AS*
22 *TRUSTEE FOR TRIBES.—Subject to the reservation of*
23 *rights and retention of claims under subsection (c), as*
24 *consideration for recognition of the Tribal Water*
25 *Right and other benefits described in the Compact*

1 *and this Act, the Tribes, acting on behalf of the Tribes*
2 *and members of the Tribes (but not any member of*
3 *the Tribes as an allottee), and the United States, act-*
4 *ing as trustee for the Tribes and the members of the*
5 *Tribes (but not any member of the Tribes as an allot-*
6 *tee), shall execute a waiver and release with prejudice*
7 *of all claims for water rights within the State that the*
8 *Tribes, or the United States acting as trustee for the*
9 *Tribes, asserted or could have asserted in any pro-*
10 *ceeding, including a State stream adjudication, on or*
11 *before the enforceability date, except to the extent that*
12 *such a right is recognized in the Compact and this*
13 *Act.*

14 (2) *CLAIMS BY UNITED STATES AS TRUSTEE FOR*
15 *ALLOTTEES.—Subject to the reservation of rights and*
16 *the retention of claims under subsection (c), as con-*
17 *sideration for recognition of the Tribal Water Right*
18 *and other benefits described in the Compact and this*
19 *Act, the United States, acting as trustee for allottees,*
20 *shall execute a waiver and release with prejudice of*
21 *all claims for water rights within the Reservation*
22 *that the United States, acting as trustee for allottees,*
23 *asserted or could have asserted in any proceeding, in-*
24 *cluding a State stream adjudication, on or before the*

1 *enforceability date, except to the extent that such a*
2 *right is recognized in the Compact and this Act.*

3 (3) *CLAIMS BY TRIBES AGAINST UNITED*
4 *STATES.—Subject to the reservation of rights and re-*
5 *tention of claims under subsection (c), the Tribes, act-*
6 *ing on behalf of the Tribes and members of the Tribes*
7 *(but not any member of the Tribes as an allottee),*
8 *shall execute a waiver and release with prejudice of*
9 *all claims against the United States (including any*
10 *agency or employee of the United States) first arising*
11 *before the enforceability date—*

12 (A) *relating to—*

13 (i) *water rights within the State that*
14 *the United States, acting as trustee for the*
15 *Tribes, asserted or could have asserted in*
16 *any proceeding, including the general*
17 *stream adjudication in the State, except to*
18 *the extent that such rights are recognized as*
19 *part of the Tribal Water Right under this*
20 *Act;*

21 (ii) *foregone benefits from nontribal*
22 *use of water, on and off the Reservation (in-*
23 *cluding water from all sources and for all*
24 *uses);*

1 (iii) damage, loss, or injury to water,
2 water rights, land, or natural resources due
3 to loss of water or water rights (including
4 damages, losses, or injuries to hunting, fish-
5 ing, gathering, or cultural rights due to loss
6 of water or water rights, claims relating to
7 interference with, diversion, or taking of
8 water, or claims relating to a failure to pro-
9 tect, acquire, replace, or develop water,
10 water rights, or water infrastructure) with-
11 in the State;

12 (iv) a failure to establish or provide a
13 municipal, rural, or industrial water deliv-
14 ery system on the Reservation;

15 (v) damage, loss, or injury to water,
16 water rights, land, or natural resources due
17 to construction, operation, and management
18 of the Flathead Indian irrigation project
19 and other Federal land and facilities (in-
20 cluding damages, losses, or injuries to Trib-
21 al fisheries, fish habitat, wildlife, and wild-
22 life habitat);

23 (vi) damage, loss, or injury from fail-
24 ure to protect natural resources and land
25 against noxious weeds impacts;

1 (vii) inadequate compensation for min-
2 erals extracted;

3 (viii) inadequate compensation for
4 land and interests in land used for Bureau
5 of Indian Affairs roads and wildlife refuges;

6 (ix) a failure to provide—

7 (I) for operation, maintenance, or
8 deferred maintenance for the Flathead
9 Indian irrigation project or any other
10 irrigation system or irrigation project;
11 or

12 (II) a dam safety improvement to
13 a dam within the Reservation;

14 (x) the litigation of claims relating to
15 any water right of the Tribes in the State;
16 and

17 (xi) the negotiation, execution, or
18 adoption of the Compact or this Act;

19 (B) reserved under subsections (b) through
20 (d) of section 6 of the settlement agreement for
21 the case entitled “Nez Perce Tribe v. Salazar”,
22 No. 06cv2239TFH (D.D.C. 2012); and

23 (C) arising from the taking or acquisition
24 of land or resources of the Tribes for the con-

1 *struction or operation of the Flathead Indian ir-*
2 *rigation project.*

3 (4) *CERTAIN OFF-RESERVATION WATER*
4 *RIGHTS.—*

5 (A) *IN GENERAL.—Notwithstanding the*
6 *confirmation of the water rights of the Tribes de-*
7 *scribed in Appendices 28 and 29 to the Compact,*
8 *as consideration for recognition of the Tribal*
9 *Water Right and other benefits described in the*
10 *Compact and this Act, the Tribes shall relinquish*
11 *any right, title, or claim to the water rights lo-*
12 *located within the Flathead basin and described in*
13 *those appendices.*

14 (B) *REQUIREMENT.—The water rights de-*
15 *scribed in subparagraph (A) shall be held solely*
16 *by the State.*

17 (b) *ENFORCEABILITY DATE.—The waivers and releases*
18 *of claims under subsection (a) shall take effect on the date*
19 *on which the Secretary publishes in the Federal Register*
20 *a statement of findings that—*

21 (1)(A) *the Montana Water Court has approved*
22 *the Compact in a manner from which no further ap-*
23 *peal may be taken; or*

24 (B) *if the Montana Water Court is found to lack*
25 *jurisdiction, the applicable United States district*

1 *court has approved the Compact as a consent decree*
2 *from which no further appeal may be taken;*

3 *(2) all amounts authorized to be appropriated*
4 *under section 9 have been appropriated;*

5 *(3) the State has appropriated and paid into an*
6 *interest-bearing escrow account any payments due to*
7 *the Tribes as of the date of enactment of this Act*
8 *under the Compact and this Act;*

9 *(4) the Tribes have ratified the Compact;*

10 *(5) the Secretary has fulfilled the requirements of*
11 *section 6; and*

12 *(6) the waivers and releases described in sub-*
13 *section (a) have been executed by the Tribes and the*
14 *Secretary.*

15 *(c) RESERVATION OF RIGHTS AND RETENTION OF*
16 *CLAIMS.—Notwithstanding the waivers and releases under*
17 *subsection (a), the Tribes, acting on behalf of the Tribes and*
18 *members of the Tribes, and the United States, acting as*
19 *trustee for the Tribes and allottees, shall retain—*

20 *(1) all claims relating to—*

21 *(A) the enforcement of, or claims accruing*
22 *after the enforceability date relating to water*
23 *rights recognized under—*

24 *(i) the Compact;*

25 *(ii) any final decree; or*

1 (iii) this Act; and

2 (B) activities affecting the quality of water,
3 including any claims under—

4 (i) the Comprehensive Environmental
5 Response, Compensation, and Liability Act
6 of 1980 (42 U.S.C. 9601 et seq.), including
7 damages to natural resources;

8 (ii) the Safe Drinking Water Act (42
9 U.S.C. 300f et seq.);

10 (iii) the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.) (commonly
12 referred to as the “Clean Water Act”); and

13 (iv) any regulations implementing the
14 Acts described in clauses (i) through (iii);

15 (2) all rights to use and protect water rights ac-
16 quired after the date of enactment of this Act;

17 (3) all claims for damages, losses, or injuries to
18 land or natural resources that are—

19 (A) not due to loss of water or water rights
20 (including hunting, fishing, gathering, or cul-
21 tural rights); and

22 (B) not covered by subsection (a)(3); and

23 (4) all rights, remedies, privileges, immunities,
24 and powers not specifically waived and released pur-
25 suant to this Act or the Compact.

1 (d) *EFFECT OF COMPACT AND ACT.*—*Nothing in the*
2 *Compact or this Act—*

3 (1) *except as otherwise expressly provided in the*
4 *Compact or this Act, reduces or extends the sov-*
5 *ereignty (including civil and criminal jurisdiction) of*
6 *any government entity;*

7 (2) *affects the ability of the United States acting*
8 *as sovereign to carry out any activity authorized by*
9 *applicable law, including—*

10 (A) *the Comprehensive Environmental Re-*
11 *sponse, Compensation, and Liability Act of 1980*
12 *(42 U.S.C. 9601 et seq.);*

13 (B) *the Safe Drinking Water Act (42 U.S.C.*
14 *300f et seq.);*

15 (C) *the Federal Water Pollution Control Act*
16 *(33 U.S.C. 1251 et seq.) (commonly referred to*
17 *as the “Clean Water Act”); and*

18 (D) *any regulations implementing the Acts*
19 *described in subparagraphs (A) through (C);*

20 (3) *affects the ability of the United States to act*
21 *as trustee for any other Indian tribe or allottee of any*
22 *other Indian tribe;*

23 (4) *confers jurisdiction on any State court—*

24 (A) *to interpret Federal law regarding*
25 *health, safety, or the environment;*

1 (B) to determine the duties of the United
2 States or any other party under Federal law re-
3 garding health, safety, or the environment; or

4 (C) to conduct judicial review of any Fed-
5 eral agency action;

6 (5) waives any claim of a member of the Tribes
7 in an individual capacity that does not derive from
8 a right of the Tribes;

9 (6) revives any claim waived by the Tribes in
10 the case entitled “*Nez Perce Tribe v. Salazar*”, No.
11 06cv2239TFH (D.D.C. 2012); or

12 (7) revives any claim released by an allottee or
13 member of the Tribes in the settlement for the case en-
14 titled “*Cobell v. Salazar*”, No. 1:96CV01285–JR
15 (D.D.C. 2012).

16 (e) *TOLLING OF CLAIMS.*—

17 (1) *IN GENERAL.*—Each applicable period of
18 limitation and time-based equitable defense relating
19 to a claim described in this section shall be tolled dur-
20 ing the period beginning on the date of enactment of
21 this Act and ending on the date on which the
22 amounts made available to carry out this Act are
23 transferred to the Secretary.

24 (2) *EFFECT OF SUBSECTION.*—Nothing in this
25 subsection revives any claim or tolls any period of

1 *limitation or time-based equitable defense that ex-*
2 *pired before the date of enactment of this Act.*

3 *(f) EXPIRATION.—*

4 *(1) IN GENERAL.—This Act shall expire in any*
5 *case in which—*

6 *(A) the amounts authorized to be appro-*
7 *priated by this Act have not been made available*
8 *to the Secretary by not later than—*

9 *(i) January 21, 2031; or*

10 *(ii) such alternative later date as is*
11 *agreed to by the Tribes and the Secretary;*
12 *or*

13 *(B) the Secretary fails to publish a state-*
14 *ment of findings under subsection (b) by not*
15 *later than—*

16 *(i) January 21, 2032; or*

17 *(ii) such alternative later date as is*
18 *agreed to by the Tribes and the Secretary,*
19 *after providing reasonable notice to the*
20 *State.*

21 *(2) CONSEQUENCES.—If this Act expires under*
22 *paragraph (1)—*

23 *(A) the waivers and releases under sub-*
24 *section (a) shall—*

25 *(i) expire; and*

1 (ii) have no further force or effect;

2 (B) the authorization, ratification, con-
3 firmation, and execution of the Compact under
4 section 4 shall no longer be effective;

5 (C) any action carried out by the Secretary,
6 and any contract or agreement entered into, pur-
7 suant to this Act shall be void;

8 (D) any unexpended Federal funds appro-
9 priated or made available to carry out the ac-
10 tivities authorized by this Act, together with any
11 interest earned on those funds, and any water
12 rights or contracts to use water and title to other
13 property acquired or constructed with Federal
14 funds appropriated or made available to carry
15 out the activities authorized by this Act shall be
16 returned to the Federal Government, unless oth-
17 erwise agreed to by the Tribes and the United
18 States and approved by Congress; and

19 (E) except for Federal funds used to acquire
20 or construct property that is returned to the Fed-
21 eral Government under subparagraph (D), the
22 United States shall be entitled to offset any Fed-
23 eral funds made available to carry out this Act
24 that were expended or withdrawn, or any funds
25 made available to carry out this Act from other

1 *Federal authorized sources, together with any in-*
2 *terest accrued on those funds, against any claims*
3 *against the United States—*

4 *(i) relating to—*

5 *(I) water rights in the State as-*
6 *serted by—*

7 *(aa) the Tribes; or*

8 *(bb) any user of the Tribal*
9 *Water Right; or*

10 *(II) any other matter covered by*
11 *subsection (a)(3); or*

12 *(ii) in any future settlement of water*
13 *rights of the Tribes or an allottee.*

14 **SEC. 11. SATISFACTION OF CLAIMS.**

15 *(a) TRIBAL CLAIMS.—The benefits realized by the*
16 *Tribes under this Act shall be in complete replacement of,*
17 *complete substitution for, and full satisfaction of all claims*
18 *of the Tribes against the United States waived and released*
19 *pursuant to paragraphs (1) and (3) of section 10(a).*

20 *(b) ALLOTTEE CLAIMS.—The benefits realized by*
21 *allottees under this Act shall be in complete replacement*
22 *of, complete substitution for, and full satisfaction of—*

23 *(1) all claims waived and released pursuant to*
24 *section 10(a)(2); and*

1 (2) *any claims of an allottee against the United*
2 *States that an allottee asserted or could have asserted*
3 *that are similar in nature to a claim described in sec-*
4 *tion 10(a)(2).*

5 **SEC. 12. NATIONAL BISON RANGE RESTORATION.**

6 (a) *FINDINGS; PURPOSES.—*

7 (1) *FINDINGS.—Congress finds that—*

8 (A) *the Reservation was set aside for the*
9 *Tribes in 1855 under the treaty between the*
10 *United States and the Tribes concluded at Hell*
11 *Gate on July 16, 1855 (12 Stat. 975);*

12 (B) *the National Bison Range was estab-*
13 *lished as a conservation measure in 1908, a time*
14 *when the bison were at grave risk of extinction;*

15 (C) *the National Bison Range is located in*
16 *the middle of the Reservation on land that was*
17 *acquired by the United States in what was later*
18 *held, in the civil action entitled “Confederated*
19 *Salish and Kootenai Tribes of the Flathead In-*
20 *Indian Reservation, Montana v. United States”*
21 *(437 F.2d 458 (Ct.Cl. 1971)), to be a taking*
22 *under the Fifth Amendment to the Constitution*
23 *of the United States;*

1 (D) the Tribes never consented to the re-
2 removal of the land described in subparagraph (C)
3 from Tribal ownership;

4 (E) since time immemorial until the estab-
5 lishment of the National Bison Range, the Tribes
6 had used the land described in subparagraph (C)
7 for—

8 (i) hunting, fishing, and gathering;
9 and

10 (ii) cultural and many other purposes;

11 (F)(i) in the 1870s, when slaughter resulted
12 in the risk of bison extinction, a Pend d'Oreille
13 man named Little Falcon Robe received ap-
14 proval from leaders of the Tribes to bring or-
15 phaned bison calves across the Continental Di-
16 vide to the Reservation for purposes of starting
17 a herd for subsistence and conservation purposes;

18 (ii) starting with just a few bison calves,
19 the animals grew into a large herd under the
20 stewardship of members of the Tribes, who later
21 included Michel Pablo and Charles Allard; and

22 (iii) the Reservation was the home of that
23 free-ranging herd of bison for decades before the
24 establishment of the National Bison Range;

1 (G) when the Reservation was opened for
2 homesteading, a free-ranging bison herd was no
3 longer feasible, resulting in Michel Pablo selling
4 the herd to off-Reservation interests;

5 (H) many of the bison, or their descendants,
6 from the Tribal member-managed herd were re-
7 purchased and brought back to the Reservation to
8 form the original herd for the National Bison
9 Range;

10 (I) the bison herd at the National Bison
11 Range descends largely from a herd started and
12 managed as described in subparagraph (F);

13 (J) the Tribes—

14 (i) have played a substantive role as
15 conservation leaders, often in partnership
16 with the National Bison Range;

17 (ii) have demonstrated a long-term
18 commitment to responsible management of
19 the land and resources surrounding the Na-
20 tional Bison Range; and

21 (iii) desire to carry out the purposes
22 for which the National Bison Range was es-
23 tablished;

1 (K) the Tribes have extensive experience in
2 wildlife and natural resources management, in-
3 cluding—

4 (i) the establishment and management
5 of the 91,000-acre Mission Mountains Trib-
6 al Wilderness, the first tribally designated
7 wilderness area in the United States;

8 (ii) special management districts for
9 large animals, such as the Little Money
10 Bighorn Sheep Management Area and the
11 Ferry Basin Elk Management Area; and

12 (iii) the restoration and management
13 of bighorn sheep populations, peregrine fal-
14 cons, and trumpeter swans on the Reserva-
15 tion;

16 (L) the Tribes have an extensive history of
17 successful partnerships with Federal agencies
18 with respect to issues such as—

19 (i) threatened and endangered species
20 management;

21 (ii) migratory waterfowl management;
22 and

23 (iii) wetland habitat management;

24 (M)(i) the Tribes have entered into prior
25 management-related agreements relating to the

1 *National Bison Range under title IV of the In-*
2 *Indian Self-Determination and Education Assist-*
3 *ance Act (25 U.S.C. 5361 et seq.); and*

4 *(ii) the Tribes and the United States desire*
5 *to build on past and current partnerships, as*
6 *well as honor and advance the Federal and Trib-*
7 *al objectives of increasing Tribal autonomy and*
8 *Tribal governmental capacity;*

9 *(N) since the establishment of the National*
10 *Bison Range, additional herds of bison have been*
11 *established on other national wildlife refuges and*
12 *national parks;*

13 *(O) the facts and history regarding the Fed-*
14 *eral Government, the Tribes, the bison, and land*
15 *on the Reservation acquired for the National*
16 *Bison Range are exceptional circumstances that*
17 *warrant action by Congress; and*

18 *(P) the United States should hold title in*
19 *and to the land comprising the National Bison*
20 *Range, with beneficial title of the land being re-*
21 *stored to the Tribes for—*

22 *(i) continued bison conservation;*

23 *(ii) other wildlife and natural resource*
24 *management purposes; and*

1 (iii) other nonconflicting purposes of
2 the Tribes.

3 (2) *PURPOSES.*—The purposes of this section
4 are—

5 (A) to acknowledge the history, culture, and
6 ecological stewardship of the Tribes with respect
7 to the land on the Reservation acquired for the
8 National Bison Range, bison, and other natural
9 resources;

10 (B) to ensure that the land, bison, and other
11 resources referred to in subparagraph (A) con-
12 tinue to be protected and enhanced;

13 (C) to continue public access and edu-
14 cational opportunities; and

15 (D) to ensure a smooth transition for land,
16 bison, and other natural resources as the land is
17 restored to Federal trust ownership for the ben-
18 efit of the Tribes.

19 (b) *DEFINITION OF NATIONAL BISON RANGE.*—In this
20 section, the term “National Bison Range” means all land
21 within the Reservation that was reserved for the national
22 bison range under the matter under the heading “NATIONAL
23 BISON RANGE” under the heading “MISCELLANEOUS” under
24 the heading “DEPARTMENT OF AGRICULTURE” in the Act

1 of May 23, 1908 (16 U.S.C. 671) (as in effect on the day
2 before the date of enactment of this Act).

3 (c) *RESTORATION OF LAND.*—

4 (1) *IN GENERAL.*—Notwithstanding any other
5 provision of law, for the purposes of conserving bison,
6 wildlife, and natural resources, and of safeguarding
7 the interests of the Tribes in those resources and the
8 traditional, cultural, and other interests of the Tribes,
9 all land comprising the National Bison Range (in-
10 cluding all natural resources, interests, and appur-
11 tenances of that land) shall be held in trust by the
12 United States for the benefit of the Tribes.

13 (2) *ADMINISTRATION.*—The land restored by
14 paragraph (1) shall be—

15 (A) a part of the Reservation;

16 (B) administered under the laws (including
17 regulations) applicable to Indian trust land; and

18 (C) managed by the Tribes, in accordance
19 with paragraph (3), solely for the care and
20 maintenance of bison, wildlife, and other natural
21 resources, including designation or naming of
22 the restored land.

23 (3) *TRIBAL MANAGEMENT.*—In managing the
24 land restored by paragraph (1), the Tribes shall—

1 (A) *provide public access and educational*
2 *opportunities; and*

3 (B) *at all times, have a publicly available*
4 *management plan for the land, bison, and nat-*
5 *ural resources, which shall include actions to ad-*
6 *dress management and control of invasive weeds.*

7 (d) *CONVEYANCE OF BUILDINGS AND OTHER STRUC-*
8 *TURES.—*

9 (1) *IN GENERAL.—The United States shall con-*
10 *vey to the Tribes, to own in fee, all ownership inter-*
11 *ests of the United States in all buildings, structures,*
12 *improvements, and appurtenances located on the land*
13 *restored by subsection (c)(1).*

14 (2) *PERSONAL PROPERTY.—The United States*
15 *may convey to the Tribes any personal property*
16 *owned by the United States and found on, or other-*
17 *wise associated with, the land restored by subsection*
18 *(c)(1).*

19 (e) *RELINQUISHMENT OF RIGHTS TO BISON.—The*
20 *United States relinquishes to the Tribes all interests of*
21 *United States in the bison on the land restored by sub-*
22 *section (c)(1).*

23 (f) *TRANSITION.—*

24 (1) *IN GENERAL.—Notwithstanding any other*
25 *provision of law, during the 2-year period beginning*

1 *on the date of enactment of this Act, the Secretary*
2 *shall cooperate with the Tribes in transition activities*
3 *regarding the management of land, bison, and other*
4 *resources conveyed by this Act, including by pro-*
5 *viding to the Tribes, as determined to be appropriate*
6 *by the Secretary, funds, personal property, equip-*
7 *ment, or other resources for the performance of, or as-*
8 *sistance with, the types of activities carried out by the*
9 *Secretary at the National Bison Range as of the date*
10 *of enactment of this Act.*

11 (2) *EFFECT.*—*Consistent with subsections (c),*
12 *(d), and (e), nothing in this section authorizes the Di-*
13 *rector of the United States Fish and Wildlife Service*
14 *to retain ownership or control of any real or personal*
15 *property conveyed by this section, except as the Tribes*
16 *may agree to in writing.*

17 (g) *REPEAL.*—*The matter under the heading “NA-*
18 *TIONAL BISON RANGE” under the heading “MISCELLA-*
19 *NEOUS” under the heading “DEPARTMENT OF AGRICULTURE”*
20 *in the Act of May 23, 1908 (16 U.S.C. 671),*
21 *is repealed.*

22 (h) *LIABILITY.*—*The Tribes shall not be liable for any*
23 *land, soil, surface water, groundwater, or other contamina-*
24 *tion, injury, or damage resulting from the storage, disposal,*
25 *release, or presence of any hazardous substance (as defined*

1 *in section 101 of the Comprehensive Environmental Re-*
2 *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*
3 *9601)) on any portion of the land restored by this section*
4 *on or before the date of the conveyance, unless the Tribes*
5 *would otherwise have been responsible for the storage, dis-*
6 *posal, release, or presence.*

7 (i) *CLAIMS AGAINST UNITED STATES.*—*No claim may*
8 *be brought pursuant to chapter 7 of title 5, United States*
9 *Code, or section 1491 or 1505 of title 28, United States*
10 *Code, against the United States, or any agency, officer, or*
11 *employee of the United States, concerning the*
12 *preconveyance or postconveyance management of the land*
13 *and other property conveyed by this section.*

14 (j) *EFFECT.*—*Nothing in this section relieves the*
15 *United States of any obligation under section 120(h)(3) of*
16 *the Comprehensive Environmental Response, Compensa-*
17 *tion, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).*

18 (k) *NO PRECEDENT.*—*The provisions of this section—*

19 (1) *are uniquely suited to address the distinct*
20 *circumstances, facts, history, and relationships in-*
21 *volved with the bison, land, and Tribes; and*

22 (2) *are not intended, and shall not be inter-*
23 *preted, to establish a precedent for any other situation*
24 *regarding Federal land, property, or facilities.*

1 (l) *INDIAN GAMING REGULATORY ACT.*—The land re-
2 stored by this section shall not be eligible or used for any
3 gaming activity carried out under the Indian Gaming Reg-
4 ulatory Act (25 U.S.C. 2701 et seq.).

5 **SEC. 13. MISCELLANEOUS PROVISIONS.**

6 (a) *AMENDMENTS.*—

7 (1) *ACT OF APRIL 23, 1904.*—Section 9 of the Act
8 of April 23, 1904 (33 Stat. 304, chapter 1495; 35
9 Stat. 450, chapter 216), is amended by striking the
10 seventh undesignated paragraph.

11 (2) *ACT OF MAY 25, 1948.*—Section 2 of the Act
12 of May 25, 1948 (62 Stat. 269, chapter 340), is
13 amended—

14 (A) in subsection (h), by striking paragraph
15 (6) and inserting the following:

16 “(6) To enhance fisheries habitat or to improve
17 water conservation management of the project.”; and

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

19 “(k) *MISSION VALLEY DIVISION.*—

20 “(1) *IN GENERAL.*—The Secretary of the Interior
21 (referred to in this section as the ‘Secretary’), or the
22 Confederated Salish and Kootenai Tribes of the Flat-
23 head Reservation of Montana acting on behalf of the
24 Secretary, as the entity with the legal authority and
25 responsibility to operate the Mission Valley division

1 of the project (referred to in this subsection as the
2 ‘project operator’), may allocate revenues derived from
3 the Mission Valley division in accordance with para-
4 graph (2) for the purposes described in subsection
5 (h)(6).

6 “(2) ALLOCATION.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graphs (B) and (C), the revenues described in
9 paragraph (1) shall be allocated by providing—

10 “(i) \$100,000 to the Tribes; and

11 “(ii) \$100,000 to the project operator.

12 “(B) NEGOTIATION.—Effective beginning on
13 October 1 of the tenth calendar year beginning
14 after the date of enactment of the Montana Water
15 Rights Protection Act, the Confederated Salish
16 and Kootenai Tribes of the Flathead Reservation
17 of Montana, the State of Montana, and the Sec-
18 retary may negotiate for an appropriate alloca-
19 tion that differs from the allocation described in
20 subparagraph (A).

21 “(C) CARRYOVER.—If the project operator
22 does not use the full allocation of the project op-
23 erator under this paragraph for a fiscal year, an
24 amount equal to the difference between the full
25 allocation and the amount used by the project

1 operator shall be set aside and accumulated for
2 expenditure during subsequent fiscal years for
3 the purposes described in subsection (h)(6).”.

4 (3) *INDIAN SELF-DETERMINATION AND EDU-*
5 *CATION ASSISTANCE ACT.*—Section 403(b)(4) of the
6 *Indian Self-Determination and Education Assistance*
7 *Act (25 U.S.C. 5363(b)(4)) is amended—*

8 (A) in subparagraph (A), by adding “and”
9 at the end;

10 (B) in subparagraph (B), by striking “and”
11 at the end; and

12 (C) by striking subparagraph (C).

13 (b) *LIENS.*—Any lien established by the Act of April
14 23, 1904 (33 Stat. 302, chapter 1495; 35 Stat. 449, chapter
15 216), is extinguished and released.

16 (c) *WAIVER OF SOVEREIGN IMMUNITY.*—Except as
17 provided in subsections (a) through (c) of section 208 of
18 the *Department of Justice Appropriation Act, 1953 (43*
19 *U.S.C. 666)*, nothing in this Act waives the sovereign im-
20 munity of the United States.

21 (d) *OTHER TRIBES NOT ADVERSELY AFFECTED.*—
22 Nothing in this Act quantifies or diminishes any land or
23 water right, or any claim or entitlement to land or water,
24 of any Indian tribe other than the Tribes.

1 (e) *LIMITATION ON CLAIMS FOR REIMBURSEMENT.*—
2 *With respect to Indian land located within the Reserva-*
3 *tion—*

4 (1) *the United States shall not submit against*
5 *any Indian-owned land within the Reservation any*
6 *claim for reimbursement of the cost to the United*
7 *States of carrying out this Act or the Compact; and*

8 (2) *no assessment of any Indian-owned land lo-*
9 *cated within the Reservation shall be made regarding*
10 *that cost.*

11 (f) *LIMITATION ON LIABILITY OF UNITED STATES.*—

12 (1) *IN GENERAL.*—*The United States has no ob-*
13 *ligation—*

14 (A) *to monitor, administer, or account for,*
15 *in any manner, any funds provided to the Tribes*
16 *by the State; or*

17 (B) *to review or approve any expenditure of*
18 *the funds described in subparagraph (A).*

19 (2) *INDEMNITY.*—*The Tribes shall indemnify the*
20 *United States, and hold the United States harmless,*
21 *with respect to all claims (including claims for*
22 *takings or breach of trust) arising from the receipt or*
23 *expenditure of amounts to carry out this Act (other*
24 *than claims arising out of activities carried out by*

1 *the Tribes with funds transferred in accordance with*
2 *section 7(d)).*

3 *(g) ANTIDEFICIENCY.—The United States shall not be*
4 *liable for any failure to carry out any obligation or activity*
5 *authorized by this Act (including any obligation or activity*
6 *under the Compact) if—*

7 *(1) adequate appropriations are not provided ex-*
8 *pressly by Congress to carry out this Act; or*

9 *(2) subject to section 9(c), insufficient funds are*
10 *available to carry out this Act in the Reclamation*
11 *Water Settlements Fund established by section*
12 *10501(a) of the Omnibus Public Land Management*
13 *Act of 2009 (43 U.S.C. 407(a)).*

14 *(h) FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*
15 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
16 *apply to any activity or function carried out by the Sec-*
17 *retary under this Act.*

18 *(i) COOPERATIVE OPERATION AND MAINTENANCE OF*
19 *FLATHEAD INDIAN IRRIGATION PROJECT.—*

20 *(1) AGREEMENT WITH SECRETARY.—On receipt*
21 *of a joint request from the Tribes and 1 or more irri-*
22 *gation districts within the Flathead Indian irrigation*
23 *project, the Secretary shall enter into an agreement*
24 *with the Tribes and the irrigation districts for the co-*
25 *operative operation and maintenance of the Flathead*

1 *Indian irrigation project, or any portion of the Flat-*
2 *head Indian irrigation project, under such form of or-*
3 *ganization and under such conditions as may be ac-*
4 *ceptable to the Secretary.*

5 (2) *ESTABLISHMENT OF ORGANIZATION.—*

6 (A) *IN GENERAL.—In lieu of entering into*
7 *an agreement under paragraph (1), the Tribes*
8 *and 1 or more irrigation districts within the*
9 *Flathead Indian irrigation project may jointly*
10 *establish an organization for the purpose of en-*
11 *tering into an agreement for the operation and*
12 *maintenance of the Flathead Indian irrigation*
13 *project under the Indian Self-Determination and*
14 *Education Assistance Act (25 U.S.C. 5301 et*
15 *seq.).*

16 (B) *CONTRACT SUPPORT COSTS.—Any con-*
17 *tract support costs pursuant to section 106(a) of*
18 *the Indian Self-Determination and Education*
19 *Assistance Act (25 U.S.C. 5325(a)) for an orga-*
20 *nization established pursuant to subparagraph*
21 *(A) shall be limited to funds available from an-*
22 *ual assessment under part 171 of title 25, Code*
23 *of Federal Regulations (or successor regulations).*

24 (C) *TREATMENT.—An organization estab-*
25 *lished pursuant to subparagraph (A) shall be*

1 *considered to be a tribal organization (as defined*
2 *in section 4 of the Indian Self-Determination*
3 *and Education Assistance Act (25 U.S.C. 5304))*
4 *for purposes of that Act.*

5 (D) *ANNUAL O&M ASSESSMENTS.*—*Nothing*
6 *in this subsection limits the ability of an organi-*
7 *zation established pursuant to subparagraph (A)*
8 *to include the costs of administering the Flat-*
9 *head Indian irrigation project when establishing*
10 *annual assessment rates in accordance with part*
11 *171 of title 25, Code of Federal Regulations (or*
12 *successor regulations).*

13 (j) *EXCHANGES OF LAND.*—

14 (1) *DEFINITIONS.*—*In this subsection:*

15 (A) *PUBLIC LAND.*—*The term “public land”*
16 *means—*

17 (i) *public lands (as defined in section*
18 *103 of the Federal Land Policy and Man-*
19 *agement Act of 1976 (43 U.S.C. 1702)); and*

20 (ii) *land managed by the Secretary of*
21 *Agriculture under the jurisdiction of the*
22 *Forest Service.*

23 (B) *SECRETARY CONCERNED.*—*The term*
24 *“Secretary concerned” means, as applicable—*

1 (i) *the Secretary, with respect to the*
2 *public land described in subparagraph*
3 *(A)(i); or*

4 (ii) *the Secretary of Agriculture, with*
5 *respect to the public land described in sub-*
6 *paragraph (A)(ii).*

7 (2) *STATE TRUST LAND.—*

8 (A) *IN GENERAL.—The Secretary concerned*
9 *shall offer to negotiate with the State for the pur-*
10 *pose of exchanging public land within the State*
11 *for State trust land located within the Reserva-*
12 *tion with a total value substantially equal to the*
13 *value of the surface estate of the approximately*
14 *36,808 acres of State trust land obtained by the*
15 *State pursuant to—*

16 (i) *the Act of February 22, 1889 (com-*
17 *monly known as the “Montana Enabling*
18 *Act”)* (25 Stat. 676, chapter 180), *and the*
19 *Act of April 23, 1904 (33 Stat. 302, chapter*
20 *1495; 35 Stat. 449, chapter 216); or*

21 (ii) *the Act of February 25, 1920 (41*
22 *Stat. 452).*

23 (B) *PROCEDURES.—An exchange described*
24 *in subparagraph (A) shall be conducted in ac-*
25 *cordance with section 206 of the Federal Land*

1 *Policy and Management Act of 1976 (43 U.S.C.*
2 *1716).*

3 (C) *VALUATION.*—*In determining the fair*
4 *market value of land for purposes of subpara-*
5 *graph (A), the parties to the exchange shall give*
6 *due consideration to the value of any improve-*
7 *ments on the land.*

8 (D) *FINANCIAL IMPACT.*—*The Secretary*
9 *concerned shall ensure that land exchanged pur-*
10 *suant to this paragraph is selected in a manner*
11 *that minimizes the financial impact on local*
12 *governments, if any.*

13 (E) *ASSISTANCE.*—*The Secretary concerned*
14 *shall provide such financial or other assistance*
15 *to the State and the Tribes as may be necessary*
16 *to obtain the appraisals, and to satisfy adminis-*
17 *trative requirements, necessary to accomplish the*
18 *exchanges under subparagraph (A).*

19 (F) *TITLE.*—*On approving an exchange*
20 *under this paragraph, the Secretary concerned*
21 *shall—*

22 (i) *receive title in and to the State*
23 *trust land involved in the exchange, on be-*
24 *half of the United States; and*

1 (ii) transfer title in and to the public
2 land disposed of in the exchanges with the
3 State by such means of conveyance as the
4 Secretary concerned considers to be appro-
5 priate.

6 (G) TRUST.—Title to the State trust land
7 acquired pursuant to an exchange under this
8 paragraph shall be—

9 (i) vested in the United States in trust
10 for the sole use and benefit of the Tribes;
11 and

12 (ii) recognized as part of the Reserva-
13 tion.

14 (3) REQUIREMENTS.—

15 (A) IN GENERAL.—In carrying out para-
16 graph (2), the Secretary concerned shall, during
17 the 5-year period beginning on the date of enact-
18 ment of this Act, give priority to an exchange of
19 public land within the State for State trust land
20 owned by the State.

21 (B) TOTAL VALUE.—The total value of the
22 land exchanged and acquired for the Tribes pur-
23 suant to this subsection shall not exceed the value
24 of the surface estate of the 36,808 acres described
25 in paragraph (2)(A).

1 (C) *PRIVATE EXCHANGES.*—

2 (i) *IN GENERAL.*—Subject to subpara-
3 graph (B), if, for any reason, after the expi-
4 ration of the period described in subpara-
5 graph (A), the exchanges under paragraph
6 (2) have not provided to the Tribes a total
7 of 36,808 acres of surface land within the
8 boundaries of the Reservation, the Secretary
9 concerned shall, at the request of, and in co-
10 operation with, the Tribes, develop and im-
11 plement a program to provide to the Tribes
12 additional land within the Reservation
13 through land exchanges with private land-
14 owners.

15 (ii) *REQUIREMENT.*—In carrying out
16 this subparagraph, the Secretary concerned
17 may exchange public land within the State
18 for private land of substantially equal value
19 within the boundaries of the Reservation, in
20 accordance with section 206 of the Federal
21 Land Policy and Management Act of 1976
22 (43 U.S.C. 1716).

23 (D) *VALUATION.*—In determining the fair
24 market value of land under subparagraph (C),
25 the parties to an exchange made pursuant to

1 *that subparagraph shall give due consideration*
2 *to the value of improvements on the land.*

3 *(E) TITLE.—If the Secretary concerned ob-*
4 *tains private land pursuant to subparagraph*
5 *(C), the Secretary concerned shall transfer title*
6 *to the land to the Tribes.*

7 *(F) TRUST.—Title to any private land or*
8 *public land transferred to the Tribes pursuant to*
9 *this paragraph shall—*

10 *(i) be vested in the United States in*
11 *trust for the sole use and benefit of the*
12 *Tribes; and*

13 *(ii) be recognized as part of the Res-*
14 *ervation, if the land is located within the*
15 *boundaries of the Reservation.*

16 *(G) TRIBAL ASSISTANCE.—The Tribes shall*
17 *assist in obtaining prospective willing parties to*
18 *exchange private land within the Reservation for*
19 *public land within the State under this para-*
20 *graph.*

21 *(4) PROTECTION OF GRAZING RIGHTS.—State*
22 *trust land that is not adjacent to Tribal land shall*
23 *not be eligible to be exchanged under this subsection.*

24 *(k) REVIEW OF DECISIONS.—A court of competent ju-*
25 *risdiction shall review the decisions of the Flathead Res-*

1 *ervation Water Management Board and the Montana De-*
2 *partment of Fish, Wildlife, and Parks in accordance with—*

- 3 (1) *the Compact;*
4 (2) *the Law of Administration; and*
5 (3) *this Act.*

6 (l) *PAYMENTS TO CERTAIN COUNTIES.—*

7 (1) *PAYMENTS.—*

8 (A) *BY SECRETARY.—Subject to paragraph*
9 (2), *to reduce the financial impact on the coun-*
10 *ties in which the land restored by section 12 is*
11 *located, the Secretary shall make payments to*
12 *Lake County and Sanders County in the State,*
13 *out of amounts in the fund established under sec-*
14 *tion 401(a) of the Act of June 15, 1935 (16*
15 *U.S.C. 715s(a)).*

16 (B) *BY TRIBES.—To ensure that culverts,*
17 *bridges, and roads that intersect with, or are*
18 *otherwise located within, the supply and dis-*
19 *tribution network of the Flathead Indian irriga-*
20 *tion project comply with Federal environmental*
21 *requirements, to ensure public safety, and to en-*
22 *hance Tribal fisheries on the Reservation, the*
23 *Tribes shall allocate from the Trust Fund*
24 *amounts withdrawn for the purposes described in*

1 *section 8(h)(13), under an agreement approved*
2 *by the Secretary—*

3 *(i) \$5,000,000 to Lake County in the*
4 *State; and*

5 *(ii) \$5,000,000 to Sanders County in*
6 *the State.*

7 (2) *AMOUNT OF PAYMENTS.—The amount of the*
8 *payments under paragraph (1)(A) shall be equal to*
9 *the amount each county would have received if this*
10 *Act had not been enacted.*

11 (3) *TREATMENT OF LAND FOR PURPOSES OF*
12 *CALCULATING PAYMENTS.—For the limited purposes*
13 *of calculating payments to Lake County and Sanders*
14 *County under this subsection and section 401 of the*
15 *Act of June 15, 1935 (16 U.S.C. 715s), the land re-*
16 *stored by section 13 shall be treated as a fee area (as*
17 *defined in section 401(g) of the Act of June 15, 1935*
18 *(16 U.S.C. 715s(g)).*

19 (m) *EFFECT ON CURRENT LAW.—Nothing in this Act*
20 *authorizes preenforcement judicial review of any Federal*
21 *environmental enforcement action.*

22 (n) *NO PRECEDENT.—The provisions of this Act—*

23 *(1) are uniquely suited to address the distinct*
24 *circumstances, facts, history, and relationships in-*
25 *volved; and*

1 (2) *are not intended, and shall not be inter-*
 2 *preted, to establish precedent for any other situation.*

3 ***DIVISION EE—TAXPAYER CER-***
 4 ***TAINTY AND DISASTER TAX***
 5 ***RELIEF ACT OF 2020***

6 ***SEC. 1. SHORT TITLE; TABLE OF CONTENTS.***

7 (a) *SHORT TITLE.*—*This division may be cited as the*
 8 *“Taxpayer Certainty and Disaster Tax Relief Act of 2020”.*

9 (b) *AMENDMENT OF 1986 CODE.*—*Except as otherwise*
 10 *expressly provided, whenever in this division an amend-*
 11 *ment or repeal is expressed in terms of an amendment to,*
 12 *or repeal of, a section or other provision, the reference shall*
 13 *be considered to be made to a section or other provision*
 14 *of the Internal Revenue Code of 1986.*

15 (c) *TABLE OF CONTENTS.*—*The table of contents of this*
 16 *division is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Certain Provisions Made Permanent

Sec. 101. Reduction in medical expense deduction floor.

Sec. 102. Energy efficient commercial buildings deduction.

Sec. 103. Benefits provided to volunteer firefighters and emergency medical re-
sponders.

Sec. 104. Transition from deduction for qualified tuition and related expenses to
increased income limitation on lifetime learning credit.

Sec. 105. Railroad track maintenance credit.

Sec. 106. Certain provisions related to beer, wine, and distilled spirits.

Sec. 107. Refunds in lieu of reduced rates for certain craft beverages produced
outside the United States.

Sec. 108. Reduced rates not allowed for smuggled or illegally produced beer, wine,
and spirits.

Sec. 109. Minimum processing requirements for reduced distilled spirits rates.

Sec. 110. Modification of single taxpayer rules.

Subtitle B—Certain Provisions Extended Through 2025

- Sec. 111. Look-thru rule for related controlled foreign corporations.*
- Sec. 112. New markets tax credit.*
- Sec. 113. Work opportunity credit.*
- Sec. 114. Exclusion from gross income of discharge of qualified principal residence indebtedness.*
- Sec. 115. 7-year recovery period for motorsports entertainment complexes.*
- Sec. 116. Expensing rules for certain productions.*
- Sec. 117. Oil spill liability trust fund rate.*
- Sec. 118. Empowerment zone tax incentives.*
- Sec. 119. Employer credit for paid family and medical leave.*
- Sec. 120. Exclusion for certain employer payments of student loans.*
- Sec. 121. Extension of carbon oxide sequestration credit.*

Subtitle C—Extension of Certain Other Provisions

- Sec. 131. Credit for electricity produced from certain renewable resources.*
- Sec. 132. Extension and phaseout of energy credit.*
- Sec. 133. Treatment of mortgage insurance premiums as qualified residence interest.*
- Sec. 134. Credit for health insurance costs of eligible individuals.*
- Sec. 135. Indian employment credit.*
- Sec. 136. Mine rescue team training credit.*
- Sec. 137. Classification of certain race horses as 3-year property.*
- Sec. 138. Accelerated depreciation for business property on Indian reservations.*
- Sec. 139. American Samoa economic development credit.*
- Sec. 140. Second generation biofuel producer credit.*
- Sec. 141. Nonbusiness energy property.*
- Sec. 142. Qualified fuel cell motor vehicles.*
- Sec. 143. Alternative fuel refueling property credit.*
- Sec. 144. 2-wheeled plug-in electric vehicle credit.*
- Sec. 145. Production credit for Indian coal facilities.*
- Sec. 146. Energy efficient homes credit.*
- Sec. 147. Extension of excise tax credits relating to alternative fuels.*
- Sec. 148. Extension of residential energy-efficient property credit and inclusion of biomass fuel property expenditures.*
- Sec. 149. Black lung disability trust fund excise tax.*

TITLE II—OTHER PROVISIONS

- Sec. 201. Minimum low-income housing tax credit rate.*
- Sec. 202. Depreciation of certain residential rental property over 30-year period.*
- Sec. 203. Waste energy recovery property eligible for energy credit.*
- Sec. 204. Extension of energy credit for offshore wind facilities.*
- Sec. 205. Minimum rate of interest for certain determinations related to life insurance contracts.*
- Sec. 206. Clarifications and technical improvements to CARES Act employee retention credit.*
- Sec. 207. Extension and modification of employee retention and rehiring tax credit.*
- Sec. 208. Minimum age for distributions during working retirement.*
- Sec. 209. Temporary rule preventing partial plan termination.*
- Sec. 210. Temporary allowance of full deduction for business meals.*
- Sec. 211. Temporary special rule for determination of earned income.*
- Sec. 212. Certain charitable contributions deductible by non-itemizers.*

Sec. 213. Modification of limitations on charitable contributions.

Sec. 214. Temporary special rules for health and dependent care flexible spending arrangements.

TITLE III—DISASTER TAX RELIEF

Sec. 301. Definitions.

Sec. 302. Special disaster-related rules for use of retirement funds.

Sec. 303. Employee retention credit for employers affected by qualified disasters.

Sec. 304. Other disaster-related tax relief provisions.

Sec. 305. Low-income housing tax credit.

Sec. 306. Treatment of certain possessions.

1 **TITLE I—EXTENSION OF**
 2 **CERTAIN EXPIRING PROVISIONS**
 3 **Subtitle A—Certain Provisions**
 4 **Made Permanent**

5 **SEC. 101. REDUCTION IN MEDICAL EXPENSE DEDUCTION**
 6 **FLOOR.**

7 (a) *IN GENERAL.*—Section 213 is amended—

8 (1) *by striking “10 percent” in subsection (a)*
 9 *and inserting “7.5 percent”, and*

10 (2) *by striking subsection (f).*

11 (b) *EFFECTIVE DATE.*—The amendments made by this
 12 *section shall apply to taxable years beginning after Decem-*
 13 *ber 31, 2020.*

14 **SEC. 102. ENERGY EFFICIENT COMMERCIAL BUILDINGS DE-**
 15 **DUCTION.**

16 (a) *DEDUCTION MADE PERMANENT.*—Section 179D is
 17 *amended by striking subsection (h).*

18 (b) *INFLATION ADJUSTMENT.*—Section 179D, as
 19 *amended by subsection (a), is amended by redesignating*

1 subsection (g) as subsection (h) and by inserting after sub-
2 section (f) the following new subsection:

3 “(g) *INFLATION ADJUSTMENT.*—In the case of a tax-
4 able year beginning after 2020, each dollar amount in sub-
5 section (b) or subsection (d)(1)(A) shall be increased by an
6 amount equal to—

7 “(1) such dollar amount, multiplied by
8 “(2) the cost-of-living adjustment determined
9 under section 1(f)(3) for the calendar year in which
10 the taxable year begins, determined by substituting
11 ‘calendar year 2019’ for ‘calendar year 2016’ in sub-
12 paragraph (A)(ii) thereof.

13 Any increase determined under the preceding sentence
14 which is not a multiple of 1 cent shall be rounded to the
15 nearest cent.”.

16 (c) *UPDATE OF STANDARDS.*—

17 (1) *ASHRAE STANDARDS.*—Section 179D(c) is
18 amended—

19 (A) in paragraphs (1)(B)(ii) and (1)(D), by
20 striking “Standard 90.1–2007” and inserting
21 “Reference Standard 90.1”, and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) *REFERENCE STANDARD 90.1.*—The term
25 ‘Reference Standard 90.1’ means, with respect to any

1 *property, the most recent Standard 90.1 published by*
2 *the American Society of Heating, Refrigerating, and*
3 *Air Conditioning Engineers and the Illuminating*
4 *Engineering Society of North America which has been*
5 *affirmed by the Secretary, after consultation with the*
6 *Secretary of Energy, for purposes of this section not*
7 *later than the date that is 2 years before the date that*
8 *construction of such property begins.”.*

9 (2) *CALIFORNIA NONRESIDENTIAL ALTERNATIVE*
10 *CALCULATION METHOD APPROVAL MANUAL.—Section*
11 *179D(d)(2) is amended by striking “, based on the*
12 *provisions of the 2005 California Nonresidential Al-*
13 *ternative Calculation Method Approval Manual” and*
14 *inserting “with respect to any property, based on the*
15 *provisions of the most recent California Nonresiden-*
16 *tial Alternative Calculation Method Approval Manual*
17 *which has been affirmed by the Secretary, after con-*
18 *sultation with the Secretary of Energy, for purposes*
19 *of this section not later than the date that is 2 years*
20 *before the date that construction of such property be-*
21 *gins”.*

22 (d) *EFFECTIVE DATE.—The amendments made by this*
23 *section shall apply to property placed in service after De-*
24 *cember 31, 2020.*

1 **SEC. 103. BENEFITS PROVIDED TO VOLUNTEER FIRE-**
2 **FIGHTERS AND EMERGENCY MEDICAL RE-**
3 **SPONDERS.**

4 (a) *IN GENERAL.*—Section 139B is amended by strik-
5 *ing subsection (d).*

6 (b) *EFFECTIVE DATE.*—The amendment made by this
7 *section shall apply to taxable years beginning after Decem-*
8 *ber 31, 2020.*

9 **SEC. 104. TRANSITION FROM DEDUCTION FOR QUALIFIED**
10 **TUITION AND RELATED EXPENSES TO IN-**
11 **CREASED INCOME LIMITATION ON LIFETIME**
12 **LEARNING CREDIT.**

13 (a) *INCREASED INCOME LIMITATIONS FOR PHASEOUT*
14 *OF LIFETIME LEARNING CREDIT.*—

15 (1) *IN GENERAL.*—Section 25A(d) is amended by
16 *striking paragraphs (1) and (2), by redesignating*
17 *paragraph (3) as paragraph (2), and by inserting be-*
18 *fore paragraph (2) (as so redesignated) the following*
19 *new paragraph:*

20 “(1) *IN GENERAL.*—The American Opportunity
21 *Tax Credit and the Lifetime Learning Credit shall*
22 *each (determined without regard to this paragraph)*
23 *be reduced (but not below zero) by the amount which*
24 *bears the same ratio to each such credit (as so deter-*
25 *mined) as—*

26 “(A) *the excess of—*

1 “(i) the taxpayer’s modified adjusted
2 gross income for such taxable year, over

3 “(ii) \$80,000 (\$160,000 in the case of
4 a joint return), bears to

5 “(B) \$10,000 (\$20,000 in the case of a
6 joint return).”.

7 (2) CONFORMING AMENDMENT.—Section 25A is
8 amended by striking subsection (h).

9 (b) REPEAL OF DEDUCTION FOR QUALIFIED TUITION
10 AND RELATED EXPENSES.—

11 (1) IN GENERAL.—Part VII of subchapter B of
12 chapter 1 is amended by striking section 222 (and by
13 striking the item relating to such section in the table
14 of sections for such part).

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 62(a) is amended by striking
17 paragraph (18).

18 (B) Section 74(d)(2)(B) is amended by
19 striking “222,”.

20 (C) Section 86(b)(2)(A) is amended by
21 striking “222,”.

22 (D) Section 135(c)(4)(A) is amended by
23 striking “222,”.

24 (E) Section 137(b)(3)(A) is amended by
25 striking “222,”.

1 (F) Section 219(g)(3)(A)(ii) is amended by
2 striking “222,”.

3 (G) Section 221(b)(2)(C)(i) is amended by
4 striking “222,”.

5 (H) Section 469(i)(3)(E)(iii) is amended by
6 striking “222,”.

7 (c) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to taxable years beginning after Decem-
9 ber 31, 2020.

10 **SEC. 105. RAILROAD TRACK MAINTENANCE CREDIT.**

11 (a) *MADE PERMANENT.*—Section 45G is amended by
12 striking subsection (f).

13 (b) *MODIFICATION OF CREDIT RATE.*—Section 45G(a)
14 is amended by striking “50 percent” and inserting “40 per-
15 cent (50 percent in the case of any taxable year beginning
16 before January 1, 2023)”.

17 (c) *EFFECTIVE DATE.*—The amendments made by this
18 section shall apply to taxable years ending after the date
19 of the enactment of this Act.

20 **SEC. 106. CERTAIN PROVISIONS RELATED TO BEER, WINE,**
21 **AND DISTILLED SPIRITS.**

22 (a) *PRODUCTION PERIOD FOR BEER, WINE, AND DIS-*
23 *TILLED SPIRITS.*—

24 (1) *IN GENERAL.*—Section 263A(f)(4) is amend-
25 ed to read as follows:

1 “(4) *EXEMPTION FOR AGING PROCESS OF BEER,*
2 *WINE, AND DISTILLED SPIRITS.*—*For purposes of this*
3 *subsection, the production period shall not include the*
4 *aging period for—*

5 “(A) *beer (as defined in section 5052(a)),*

6 “(B) *wine (as described in section 5041(a)),*

7 *or*

8 “(C) *distilled spirits (as defined in section*
9 *5002(a)(8)), except such spirits that are unfit for*
10 *use for beverage purposes.”.*

11 (2) *EFFECTIVE DATE.*—*The amendment made by*
12 *this subsection shall apply to interest costs paid or*
13 *accrued after December 31, 2020.*

14 (b) *REDUCED RATE OF EXCISE TAX ON BEER.*—

15 (1) *IN GENERAL.*—*Section 5051(a)(1) is amend-*
16 *ed to read as follows:*

17 “(1) *IN GENERAL.*—

18 “(A) *IMPOSITION OF TAX.*—*A tax is hereby*
19 *imposed on all beer brewed or produced, and re-*
20 *moved for consumption or sale, within the*
21 *United States, or imported into the United*
22 *States. Except as provided in paragraph (2), the*
23 *rate of such tax shall be—*

24 “(i) *\$16 on the first 6,000,000 barrels*
25 *of beer—*

1 “(I) brewed by the brewer and re-
2 moved during the calendar year for
3 consumption or sale, or

4 “(II) imported by the importer
5 into the United States during the cal-
6 endar year, and

7 “(ii) \$18 on any barrels of beer to
8 which clause (i) does not apply.

9 “(B) *BARREL*.—For purposes of this sec-
10 tion, a barrel shall contain not more than 31
11 gallons of beer, and any tax imposed under this
12 section shall be applied at a like rate for any
13 other quantity or for fractional parts of a bar-
14 rel.”.

15 (2) *REDUCED RATE FOR CERTAIN DOMESTIC*
16 *PRODUCTION*.—Section 5051(a)(2)(A) is amended—

17 (A) in the heading, by inserting “ \$3.50 *A*
18 *BARREL*” before “*RATE*”, and

19 (B) by striking “ \$7” and all that follows
20 through “January 1, 2021)” and inserting “
21 \$3.50”.

22 (3) *APPLICATION OF REDUCED TAX RATE FOR*
23 *FOREIGN MANUFACTURERS AND IMPORTERS*.—Section
24 5051(a) is amended—

1 (A) in paragraph (1)(A)(i)(II), as amended
2 by paragraph (1) of this subsection, by inserting
3 “but only if the importer is an electing importer
4 under paragraph (4) and the barrels have been
5 assigned to the importer pursuant to such para-
6 graph” after “during the calendar year”, and

7 (B) in paragraph (4)—

8 (i) in subparagraph (A), by striking
9 “paragraph (1)(C)” and inserting “para-
10 graph (1)(A)”, and

11 (ii) in subparagraph (B), by striking
12 “The Secretary” and inserting “The Sec-
13 retary, after consultation with the Secretary
14 of the Department of Homeland Security,”.

15 (4) *CONTROLLED GROUP AND SINGLE TAXPAYER*
16 *RULES.*—Section 5051(a)(5) is amended by striking
17 “paragraph (1)(C)(i)” each place it appears and in-
18 serting “paragraph (1)(A)(i)”.

19 (5) *EFFECTIVE DATE.*—The amendments made
20 by this subsection shall apply to beer removed after
21 December 31, 2020.

22 (c) *TRANSFER OF BEER BETWEEN BONDED FACILI-*
23 *TIES.*—

24 (1) *IN GENERAL.*—Section 5414 is amended to
25 read as follows:

1 **“SEC. 5414. TRANSFER OF BEER BETWEEN BONDED FACILI-**
2 **TIES.**

3 *“(a) IN GENERAL.—Beer may be removed from one*
4 *brewery to another brewery, without payment of tax, and*
5 *may be mingled with beer at the receiving brewery, subject*
6 *to such conditions, including payment of the tax, and in*
7 *such containers, as the Secretary by regulations shall pre-*
8 *scribe, which shall include—*

9 *“(1) any removal from one brewery to another*
10 *brewery belonging to the same brewer,*

11 *“(2) any removal from a brewery owned by one*
12 *corporation to a brewery owned by another corpora-*
13 *tion when—*

14 *“(A) one such corporation owns the control-*
15 *ling interest in the other such corporation, or*

16 *“(B) the controlling interest in each such*
17 *corporation is owned by the same person or per-*
18 *sons, and*

19 *“(3) any removal from one brewery to another*
20 *brewery when—*

21 *“(A) the proprietors of transferring and re-*
22 *ceiving premises are independent of each other*
23 *and neither has a proprietary interest, directly*
24 *or indirectly, in the business of the other, and*

25 *“(B) the transferor has divested itself of all*
26 *interest in the beer so transferred and the trans-*

1 *feree has accepted responsibility for payment of*
2 *the tax.*

3 “(b) *TRANSFER OF LIABILITY FOR TAX.—For purposes*
4 *of subsection (a)(3), such relief from liability shall be effec-*
5 *tive from the time of removal from the transferor’s premises,*
6 *or from the time of divestment of interest, whichever is*
7 *later.”.*

8 (2) *EFFECTIVE DATE.—The amendment made by*
9 *this subsection shall apply to any calendar quarters*
10 *beginning after December 31, 2020.*

11 (d) *REDUCED RATE OF EXCISE TAX ON CERTAIN*
12 *WINE.—*

13 (1) *IN GENERAL.—Section 5041(c) is amended—*

14 (A) *in the heading, by striking “FOR SMALL*
15 *DOMESTIC PRODUCERS”,*

16 (B) *by amending paragraph (1) to read as*
17 *follows:*

18 “(1) *ALLOWANCE OF CREDIT.—*

19 (A) *IN GENERAL.—There shall be allowed*
20 *as a credit against any tax imposed by this title*
21 *(other than chapters 2, 21, and 22) an amount*
22 *equal to the sum of—*

23 (i) *\$1 per wine gallon on the first*
24 *30,000 wine gallons of wine, plus*

1 “(ii) 90 cents per wine gallon on the
2 first 100,000 wine gallons of wine to which
3 clause (i) does not apply, plus

4 “(iii) 53.5 cents per wine gallon on the
5 first 620,000 wine gallons of wine to which
6 clauses (i) and (ii) do not apply,

7 which are produced by the producer and removed
8 during the calendar year for consumption or
9 sale, or which are imported by the importer into
10 the United States during the calendar year.

11 “(B) ADJUSTMENT OF CREDIT FOR HARD
12 CIDER.—In the case of wine described in sub-
13 section (b)(6), subparagraph (A) of this para-
14 graph shall be applied—

15 “(i) in clause (i) of such subparagraph,
16 by substituting ‘6.2 cents’ for ‘ \$1’,

17 “(ii) in clause (ii) of such subpara-
18 graph, by substituting ‘5.6 cents’ for ‘90
19 cents’, and

20 “(iii) in clause (iii) of such subpara-
21 graph, by substituting ‘3.3 cents’ for ‘53.5
22 cents’.”,

23 (C) by striking paragraphs (2) and (8),

1 (D) by redesignating paragraphs (3)
2 through (6) as paragraphs (2) through (5), re-
3 spectively,

4 (E) by redesignating paragraph (9) as
5 paragraph (6), and

6 (F) by amending paragraph (7) to read as
7 follows:

8 “(7) REGULATIONS.—The Secretary may pre-
9 scribe such regulations as may be necessary to carry
10 out the purposes of this subsection, including regula-
11 tions to ensure proper calculation of the credit pro-
12 vided in this subsection.”.

13 (2) ALLOWANCE OF CREDIT FOR FOREIGN MANU-
14 FACTURERS AND IMPORTERS.—Section 5041(c), as
15 amended by paragraph (1), is amended—

16 (A) in paragraph (1)(A), by inserting “but
17 only if the importer is an electing importer
18 under paragraph (6) and the wine gallons of
19 wine have been assigned to the importer pursu-
20 ant to such paragraph” after “into the United
21 States during the calendar year”, and

22 (B) in paragraph (6)—

23 (i) in subparagraph (A), by striking
24 “paragraph (8)” and inserting “paragraph
25 (1)”,

1 (ii) in subparagraph (B), by striking
2 “The Secretary” and inserting “The Sec-
3 retary of the Treasury, after consultation
4 with the Secretary of the Department of
5 Homeland Security,” and

6 (iii) in subparagraph (C), by striking
7 “paragraph (4)” and inserting “paragraph
8 (3)”.

9 (3) *EFFECTIVE DATE.*—The amendments made
10 by this subsection shall apply to wine removed after
11 December 31, 2020.

12 (e) *ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR*
13 *APPLICATION OF EXCISE TAX RATES.*—

14 (1) *IN GENERAL.*—Paragraphs (1) and (2) of
15 section 5041(b) are each amended by striking “14
16 percent” and all that follows through “January 1,
17 2021” and inserting “16 percent”.

18 (2) *EFFECTIVE DATE.*—The amendments made
19 by this subsection shall apply to wine removed after
20 December 31, 2020.

21 (f) *DEFINITION OF MEAD AND LOW ALCOHOL BY VOL-*
22 *UME WINE.*—

23 (1) *IN GENERAL.*—Section 5041(h) is amended—

1 (A) in paragraph (2), by striking “the Sec-
2 retary shall” each place it appears and inserting
3 “the Secretary may”, and

4 (B) by striking paragraph (3).

5 (2) *EFFECTIVE DATE.*—The amendments made
6 by this subsection shall apply to wine removed after
7 December 31, 2020.

8 (g) *REDUCED RATE OF EXCISE TAX ON CERTAIN DIS-*
9 *TILLED SPIRITS.*—

10 (1) *IN GENERAL.*—Section 5001(c) is amended—

11 (A) in the heading, by striking “*TEM-*
12 *PORARY REDUCED RATE*” and inserting “*RE-*
13 *DUCE* *RATE*”,

14 (B) in paragraph (3)(B), by striking “The
15 Secretary” and inserting “The Secretary of the
16 Treasury, after consultation with the Secretary
17 of the Department of Homeland Security,”, and

18 (C) by striking paragraph (4).

19 (2) *EFFECTIVE DATE.*—The amendments made
20 by this subsection shall apply to distilled spirits re-
21 moved after December 31, 2020.

22 (h) *BULK DISTILLED SPIRITS.*—

23 (1) *IN GENERAL.*—Section 5212 is amended by
24 striking “and before January 1, 2021,” and inserting
25 “between bonded premises belonging to the same per-

1 *son or members of the same controlled group (within*
2 *the meaning of section 5001(c)(2))”.*

3 (2) *NON-BULK TRANSFERS RELATED TO BOT-*
4 *TLING OR STORAGE.—Section 5212 is amended by*
5 *adding at the end the following new sentence: “In the*
6 *case of distilled spirits transferred in bond from the*
7 *person who distilled or processed such distilled spirits*
8 *(hereinafter referred to as ‘transferor’) to another per-*
9 *son for bottling or storage of such distilled spirits,*
10 *and returned to the transferor for removal, this sec-*
11 *tion shall be applied without regard to whether dis-*
12 *tilled spirits are bulk distilled spirits, but only if the*
13 *transferor retains title during the entire period be-*
14 *tween such distillation, or processing, and removal.”.*

15 (3) *EFFECTIVE DATE.—The amendments made*
16 *by this subsection shall apply to distilled spirits*
17 *transferred in bond after December 31, 2020.*

18 (i) *SIMPLIFICATION OF RULES REGARDING RECORDS,*
19 *STATEMENTS, AND RETURNS.—*

20 (1) *IN GENERAL.—Section 5555(a) is amended*
21 *by striking “For calendar quarters beginning after*
22 *the date of the enactment of this sentence, and before*
23 *January 1, 2021, the Secretary” and inserting “The*
24 *Secretary”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
2 *this subsection shall apply to calendar quarters begin-*
3 *ning after December 31, 2020.*

4 **SEC. 107. REFUNDS IN LIEU OF REDUCED RATES FOR CER-**
5 **TAIN CRAFT BEVERAGES PRODUCED OUT-**
6 **SIDE THE UNITED STATES.**

7 (a) *DISTILLED SPIRITS.*—

8 (1) *IN GENERAL.*—*Section 5001(c), as amended*
9 *by the preceding provisions of this Act, is amended by*
10 *adding at the end the following new paragraph:*

11 “(4) *REFUNDS IN LIEU OF REDUCED RATES FOR*
12 *FOREIGN PRODUCTION REMOVED AFTER DECEMBER*
13 *31, 2022.*—

14 “(A) *IN GENERAL.*—*In the case of any proof*
15 *gallons of distilled spirits which have been pro-*
16 *duced outside the United States and imported*
17 *into the United States, if such proof gallons of*
18 *distilled spirits are removed after December 31,*
19 *2022—*

20 “(i) *paragraph (1) shall not apply,*
21 *and*

22 “(ii) *the amount determined under*
23 *subparagraph (B) shall be allowed as a re-*
24 *fund, determined for periods not less fre-*
25 *quently than quarterly, to the importer in*

1 *the same manner as if such amount were an*
2 *overpayment of tax imposed by this section.*

3 “(B) *AMOUNT OF REFUND.*—*The amount*
4 *determined under this subparagraph with respect*
5 *to any importer for any period is an amount*
6 *equal to the sum of—*

7 “(i) *the excess (if any) of—*

8 “(I) *the amount of tax imposed*
9 *under this subpart on proof gallons of*
10 *distilled spirits referred to in subpara-*
11 *graph (A) which were removed during*
12 *such period, over*

13 “(II) *the amount of tax which*
14 *would have been imposed under this*
15 *subpart on such proof gallons of dis-*
16 *tilled spirits if this section were ap-*
17 *plied without regard to this paragraph,*
18 *plus*

19 “(ii) *the amount of interest which*
20 *would be allowed and paid on an overpay-*
21 *ment of tax at the overpayment rate estab-*
22 *lished under section 6621(a)(1) (without re-*
23 *gard to the second sentence thereof) were*
24 *such rate applied to the excess (if any) de-*
25 *termined under clause (i) for the number of*

1 *days in the filing period for which the re-*
2 *fund under this paragraph is being deter-*
3 *mined.*

4 “(C) *APPLICATION OF RULES RELATED TO*
5 *ELECTIONS AND ASSIGNMENTS.—Subparagraph*
6 *(A)(ii) shall apply only if the importer is an*
7 *electing importer under paragraph (3) and the*
8 *proof gallons of distilled spirits have been as-*
9 *signed to the importer pursuant to such para-*
10 *graph.*

11 “(D) *RULES FOR REFUNDS WITHIN 90*
12 *DAYS.—For purposes of refunds allowed under*
13 *this paragraph, section 6611(e) shall be applied*
14 *by substituting ‘90 days’ for ‘45 days’ each place*
15 *it appears.”.*

16 (2) *COORDINATION WITH DETERMINATION FOR*
17 *COVER OVER TO PUERTO RICO AND VIRGIN IS-*
18 *LANDS.—*

19 (A) *IN GENERAL.—Section 7652 is amended*
20 *by adding at the end the following new sub-*
21 *section:*

22 “(i) *DETERMINATION OF TAXES COLLECTED.—For*
23 *purposes of subsections (a)(3), (b)(3), and (e)(1), refunds*
24 *under section 5001(c)(4) shall not be taken into account as*
25 *a refund, and the amount of taxes imposed by and collected*

1 *under section 5001(a)(1) shall be determined without regard*
2 *to section 5001(c).”.*

3 (B) *CONFORMING AMENDMENT.—Section*
4 *7652(e) is amended by striking paragraph (5).*

5 (3) *EFFECTIVE DATE.—The amendments made*
6 *by this subsection shall apply to distilled spirits*
7 *brought into the United States and removed after De-*
8 *cember 31, 2022.*

9 (b) *BEER.—*

10 (1) *IN GENERAL.—Section 5051(a) is amended*
11 *by adding at the end the following new paragraph:*

12 “(6) *REFUNDS IN LIEU OF REDUCED RATES FOR*
13 *FOREIGN PRODUCTION REMOVED AFTER DECEMBER*
14 *31, 2022.—*

15 “(A) *IN GENERAL.—In the case of any bar-*
16 *rels of beer which have been produced outside the*
17 *United States and imported into the United*
18 *States, if such barrels of beer are removed after*
19 *December 31, 2022—*

20 “(i) *paragraph (1)(A)(i) shall not*
21 *apply, and*

22 “(ii) *the amount determined under*
23 *subparagraph (B) shall be allowed as a re-*
24 *fund, determined for periods not less fre-*
25 *quently than quarterly, to the importer in*

1 *the same manner as if such amount were an*
2 *overpayment of tax imposed by this section.*

3 “(B) *AMOUNT OF REFUND.*—*The amount*
4 *determined under this subparagraph with respect*
5 *to any importer for any period is an amount*
6 *equal to the sum of—*

7 “(i) *excess (if any) of—*

8 “(I) *the amount of tax imposed*
9 *under this section on barrels of beer re-*
10 *ferred to in subparagraph (A) which*
11 *were removed during such period, over*

12 “(II) *the amount of tax which*
13 *would have been imposed under this*
14 *section on such barrels of beer if this*
15 *section were applied without regard to*
16 *this paragraph, plus*

17 “(ii) *the amount of interest which*
18 *would be allowed and paid on an overpay-*
19 *ment of tax at the overpayment rate estab-*
20 *lished under section 6621(a)(1) (without re-*
21 *gard to the second sentence thereof) were*
22 *such rate applied to the excess (if any) de-*
23 *termined under clause (i) for the number of*
24 *days in the filing period for which the re-*

1 *fund under this paragraph is being deter-*
2 *mined.*

3 “(C) *APPLICATION OF RULES RELATED TO*
4 *ELECTIONS AND ASSIGNMENTS.—Subparagraph*
5 *(A)(ii) shall apply only if the importer is an*
6 *electing importer under paragraph (4) and the*
7 *barrels of beer have been assigned to the importer*
8 *pursuant to such paragraph.*

9 “(D) *RULES FOR REFUNDS WITHIN 90*
10 *DAYS.—For purposes of refunds allowed under*
11 *this paragraph, section 6611(e) shall be applied*
12 *by substituting ‘90 days’ for ‘45 days’ each place*
13 *it appears.”.*

14 (2) *EFFECTIVE DATE.—The amendment made by*
15 *this subsection shall apply to beer removed after De-*
16 *cember 31, 2022.*

17 (c) *WINE.—*

18 (1) *IN GENERAL.—Section 5041(c), as amended*
19 *by the preceding provisions of this Act, is amended by*
20 *redesignating paragraph (7) as paragraph (8) and by*
21 *inserting after paragraph (6) the following new para-*
22 *graph:*

23 “(7) *REFUNDS IN LIEU OF TAX CREDITS FOR*
24 *FOREIGN PRODUCTION REMOVED AFTER DECEMBER*
25 *31, 2022.—*

1 “(A) *IN GENERAL.*—*In the case of any wine*
2 *gallons of wine which have been produced outside*
3 *the United States and imported into the United*
4 *States, if such wine gallons are removed after*
5 *December 31, 2022—*

6 “(i) *paragraph (1) shall not apply,*
7 *and*

8 “(ii) *the amount determined under*
9 *subparagraph (B) shall be allowed as a re-*
10 *fund, determined for periods not less fre-*
11 *quently than quarterly, to the importer in*
12 *the same manner as if such amount were an*
13 *overpayment of tax imposed by this section.*

14 “(B) *AMOUNT OF REFUND.*—*The amount*
15 *determined under this subparagraph with respect*
16 *to any importer for any period is an amount*
17 *equal to the sum of—*

18 “(i) *excess (if any) of—*

19 “(I) *the amount of tax imposed*
20 *under this section on wine gallons of*
21 *wine referred to in subparagraph (A)*
22 *which were removed during such pe-*
23 *riod, over*

24 “(II) *the amount of tax which*
25 *would have been imposed under this*

1 *section (including any allowable cred-*
2 *its) on such gallons of wine if this sec-*
3 *tion were applied without regard to*
4 *this paragraph, plus*

5 *“(ii) the amount of interest which*
6 *would be allowed and paid on an overpay-*
7 *ment of tax at the overpayment rate estab-*
8 *lished under section 6621(a)(1) (without re-*
9 *gard to the second sentence thereof) were*
10 *such rate applied to the excess (if any) de-*
11 *termined under clause (i) for the number of*
12 *days in the filing period for which the re-*
13 *fund under this paragraph is being deter-*
14 *mined.*

15 *“(C) APPLICATION OF RULES RELATED TO*
16 *ELECTIONS AND ASSIGNMENTS.—Subparagraph*
17 *(A)(ii) shall apply only if the importer is an*
18 *electing importer under paragraph (6) and the*
19 *wine gallons of wine have been assigned to the*
20 *importer pursuant to such paragraph.*

21 *“(D) RULES FOR REFUNDS WITHIN 90*
22 *DAYS.—For purposes of refunds allowed under*
23 *this paragraph, section 6611(e) shall be applied*
24 *by substituting ‘90 days’ for ‘45 days’ each place*
25 *it appears.”.*

1 (2) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply to wine removed after*
3 *December 31, 2022.*

4 (d) *INFORMATION REPORTING IN CASE OF ASSIGN-*
5 *MENT OF LOWER RATES OR REFUNDS BY FOREIGN PRO-*
6 *DUCCERS OF BEER, WINE, AND DISTILLED SPIRITS.*—

7 (1) *IN GENERAL.*—*Subpart A of part III of sub-*
8 *chapter A of chapter 61 is amended by inserting after*
9 *section 6038D the following new section:*

10 “**SEC. 6038E. INFORMATION WITH RESPECT TO ASSIGN-**
11 **MENT OF LOWER RATES OR REFUNDS BY**
12 **FOREIGN PRODUCERS OF BEER, WINE, AND**
13 **DISTILLED SPIRITS.**”

14 “*Any foreign producer that elects to make an assign-*
15 *ment described in section 5001(c), 5041(c), or 5051(a) shall*
16 *provide such information, at such time and in such man-*
17 *ner, as the Secretary may prescribe in order to make such*
18 *assignment, including information about the controlled*
19 *group structure of such foreign producer.”.*

20 (2) *CLERICAL AMENDMENT.*—*Table of sections*
21 *for subpart A of part III of subchapter A of chapter*
22 *61 is amended by inserting after the item relating to*
23 *section 6038D the following new item:*

 “*Sec. 6038E. Information with respect to assignment of lower rates or refunds by*
 foreign producers of beer, wine, and distilled spirits.”.

1 (3) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply to elections to make an*
3 *assignment under section 5001(c), 5041(c), or 5051(a)*
4 *of the Internal Revenue Code of 1986 after December*
5 *31, 2020.*

6 (e) *ADMINISTRATION OF REFUNDS.*—*The Secretary of*
7 *the Treasury (or the Secretary’s delegate within the Depart-*
8 *ment of the Treasury) shall implement and administer sec-*
9 *tions 5001(c)(4), 5041(c)(7), and 5051(a)(6) of the Internal*
10 *Revenue Code of 1986, as added by this Act, in coordination*
11 *with the United States Customs and Border Protection of*
12 *the Department of Homeland Security.*

13 (f) *REGULATIONS.*—*The Secretary of the Treasury (or*
14 *the Secretary’s delegate within the Department of the Treas-*
15 *ury) shall prescribe such regulations as may be necessary*
16 *or appropriate to carry out the purposes of this section, in-*
17 *cluding regulations to require foreign producers to provide*
18 *information necessary to enforce the volume limitations*
19 *under sections 5001(c), 5041(c), and 5051(a) of such Code.*

20 (g) *REPORT.*—*Not later than 180 days after the date*
21 *of the enactment of this Act, the Secretary of the Treasury*
22 *(or the Secretary’s delegate within the Department of the*
23 *Treasury) shall, in coordination with the United States*
24 *Customs and Border Protection of the Department of Home-*
25 *land Security, prepare, submit to Congress, and make pub-*

1 *licly available a report detailing the plans for imple-*
2 *menting and administering sections 5001(c)(4), 5041(c)(7),*
3 *and 5051(a)(6) of such Code, as added by this Act.*

4 **SEC. 108. REDUCED RATES NOT ALLOWED FOR SMUGGLED**
5 **OR ILLEGALLY PRODUCED BEER, WINE, AND**
6 **SPIRITS.**

7 *(a) IN GENERAL.—Subpart E of part I of subchapter*
8 *A of chapter 51 is amended by redesignating section 5067*
9 *as section 5068 and by inserting after section 5066 the fol-*
10 *lowing new section:*

11 **“SEC. 5067. REDUCED RATES NOT ALLOWED FOR SMUG-**
12 **LED OR ILLEGALLY PRODUCED BEER, WINE,**
13 **OR SPIRITS.**

14 *“In the case of beer, wine, or distilled spirits that are*
15 *smuggled into the United States or produced other than as*
16 *authorized by this chapter—*

17 *“(1) the rates of tax under paragraphs (1)(A)(i)*
18 *and (2) of section 5051(a) shall not apply in the case*
19 *of any such beer,*

20 *“(2) the credit under section 5041(c) shall not*
21 *apply in the case of any such wine, and*

22 *“(3) the rates of tax under section 5001(c) shall*
23 *not apply in the case of any such distilled spirits.”.*

24 *(b) CLERICAL AMENDMENT.—The table of sections for*
25 *subpart E of part I of subchapter A of chapter 51 is amend-*

1 *ed by striking the last item and inserting the following new*
2 *items:*

“Sec. 5067. Reduced rates not allowed for illegally produced beer, wine, or spirits.
“Sec. 5068. Cross reference.”.

3 *(c) EFFECTIVE DATE.—The amendments made by this*
4 *section shall apply to beer, wine, or distilled spirits, as the*
5 *case may be, produced after the date of the enactment of*
6 *this Act.*

7 **SEC. 109. MINIMUM PROCESSING REQUIREMENTS FOR RE-**
8 **DUCED DISTILLED SPIRITS RATES.**

9 *(a) IN GENERAL.—Section 5001(c), as amended by the*
10 *preceding provisions of this Act, is amended by adding at*
11 *the end the following:*

12 *“(5) PROCESSED DISTILLED SPIRITS.—A dis-*
13 *tilled spirit shall not be treated as processed for pur-*
14 *poses of this subsection unless a process described in*
15 *section 5002(a)(5)(A) (other than bottling) is per-*
16 *formed with respect to such distilled spirit.”.*

17 *(b) EFFECTIVE DATE.—The amendment made by this*
18 *section shall apply to distilled spirits removed after Decem-*
19 *ber 31, 2021.*

20 **SEC. 110. MODIFICATION OF SINGLE TAXPAYER RULES.**

21 *(a) BEER.—Section 5051(a)(5)(C) is amended by*
22 *striking “marketed under a similar brand, license” and in-*
23 *serting “under a license”.*

1 (b) *WINE*.—*For single taxpayer rules relating to wine,*
2 *see cross reference under section 5041(c)(3) of the Internal*
3 *Revenue Code of 1986, as redesignated by this Act.*

4 (c) *DISTILLED SPIRITS*.—

5 (1) *IN GENERAL*.—*Section 5001(c)(2)(D) is*
6 *amended by striking “marketed under a similar*
7 *brand, license” and inserting “under a license”.*

8 (2) *APPLICATION TO PROCESSORS*.—*Section*
9 *5001(c)(2)(D) is further amended by inserting “or*
10 *process” after “that produce”.*

11 (d) *EFFECTIVE DATE*.—*The amendments made by this*
12 *section shall apply to beer, wine, and distilled spirits re-*
13 *moved after December 31, 2020.*

14 ***Subtitle B—Certain Provisions***
15 ***Extended Through 2025***

16 ***SEC. 111. LOOK-THRU RULE FOR RELATED CONTROLLED***
17 ***FOREIGN CORPORATIONS.***

18 (a) *IN GENERAL*.—*Section 954(c)(6)(C) is amended by*
19 *striking “January 1, 2021” and inserting “January 1,*
20 *2026”.*

21 (b) *EFFECTIVE DATE*.—*The amendment made by this*
22 *section shall apply to taxable years of foreign corporations*
23 *beginning after December 31, 2020, and to taxable years*
24 *of United States shareholders with or within which such*
25 *taxable years of foreign corporations end.*

1 **SEC. 112. NEW MARKETS TAX CREDIT.**

2 (a) *IN GENERAL.*—Section 45D(f)(1)(H) is amended
3 by striking “2020” and inserting “for each of calendar
4 years 2020 through 2025”.

5 (b) *CARRYOVER OF UNUSED LIMITATION.*—Section
6 45D(f)(3) is amended by striking “2025” and inserting
7 “2030”.

8 (c) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to calendar years beginning after De-
10 cember 31, 2020.

11 **SEC. 113. WORK OPPORTUNITY CREDIT.**

12 (a) *IN GENERAL.*—Section 51(c)(4) is amended by
13 striking “December 31, 2020” and inserting “December 31,
14 2025”.

15 (b) *EFFECTIVE DATE.*—The amendment made by this
16 section shall apply to individuals who begin work for the
17 employer after December 31, 2020.

18 **SEC. 114. EXCLUSION FROM GROSS INCOME OF DISCHARGE**
19 **OF QUALIFIED PRINCIPAL RESIDENCE IN-**
20 **DEBTEDNESS.**

21 (a) *IN GENERAL.*—Section 108(a)(1)(E) is amended
22 by striking “January 1, 2021” both places it appears and
23 inserting “January 1, 2026”.

24 (b) *MODIFICATION OF MAXIMUM ACQUISITION INDEBT-*
25 *EDNESS TAKEN INTO ACCOUNT.*—Section 108(h)(2) is

1 amended by striking “ \$2,000,000 (\$1,000,000” and insert-
2 ing “ \$750,000 (\$375,000”.

3 (c) *EFFECTIVE DATE.*—The amendments made by this
4 section shall apply to discharges of indebtedness after De-
5 cember 31, 2020.

6 **SEC. 115. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS**
7 **ENTERTAINMENT COMPLEXES.**

8 (a) *IN GENERAL.*—Section 168(i)(15)(D) is amended
9 by striking “December 31, 2020” and inserting “December
10 31, 2025”.

11 (b) *EFFECTIVE DATE.*—The amendment made by this
12 section shall apply to property placed in service after De-
13 cember 31, 2020.

14 **SEC. 116. EXPENSING RULES FOR CERTAIN PRODUCTIONS.**

15 (a) *EXTENSION.*—Section 181(g) is amended by strik-
16 ing “December 31, 2020” and inserting “December 31,
17 2025”.

18 (b) *EFFECTIVE DATE.*—The amendment made by this
19 section shall apply to productions commencing after Decem-
20 ber 31, 2020.

21 **SEC. 117. OIL SPILL LIABILITY TRUST FUND RATE.**

22 (a) *IN GENERAL.*—Section 4611(f)(2) is amended by
23 striking “December 31, 2020” and inserting “December 31,
24 2025”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply on and after January 1, 2021.*

3 **SEC. 118. EMPOWERMENT ZONE TAX INCENTIVES.**

4 (a) *IN GENERAL.*—*Section 1391(d)(1)(A)(i) is amend-*
5 *ed by striking “December 31, 2020” and inserting “Decem-*
6 *ber 31, 2025”.*

7 (b) *TERMINATION OF INCREASE IN EXPENSING UNDER*
8 *SECTION 179.*—*Section 1397A is amended by adding at the*
9 *end the following new subsection:*

10 “(c) *TERMINATION.*—*This section shall not apply to*
11 *any property placed in service in taxable years beginning*
12 *after December 31, 2020.”.*

13 (c) *TERMINATION OF NONRECOGNITION OF GAIN ON*
14 *ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.*—*Sec-*
15 *tion 1397B is amended by adding at the end the following*
16 *new subsection:*

17 “(c) *TERMINATION.*—*This section shall not apply to*
18 *sales in taxable years beginning after December 31, 2020.”.*

19 (d) *TREATMENT OF CERTAIN TERMINATION DATES*
20 *SPECIFIED IN NOMINATIONS.*—*In the case of a designation*
21 *of an empowerment zone the nomination for which included*
22 *a termination date which is contemporaneous with the date*
23 *specified in subparagraph (A)(i) of section 1391(d)(1) of*
24 *the Internal Revenue Code of 1986 (as in effect before the*
25 *enactment of this Act), subparagraph (B) of such section*

1 *shall not apply with respect to such designation if, after*
2 *the date of the enactment of this section, the entity which*
3 *made such nomination amends the nomination to provide*
4 *for a new termination date in such manner as the Secretary*
5 *of the Treasury (or the Secretary’s designee) may provide.*

6 (e) *EFFECTIVE DATE.*—*The amendments made by this*
7 *section shall apply to taxable years beginning after Decem-*
8 *ber 31, 2020.*

9 **SEC. 119. EMPLOYER CREDIT FOR PAID FAMILY AND MED-**
10 **ICAL LEAVE.**

11 (a) *IN GENERAL.*—*Section 45S(i) is amended by strik-*
12 *ing “December 31, 2020” and inserting “December 31,*
13 *2025”.*

14 (b) *EFFECTIVE DATE.*—*The amendment made by this*
15 *section shall apply to wages paid in taxable years begin-*
16 *ning after December 31, 2020.*

17 **SEC. 120. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS**
18 **OF STUDENT LOANS.**

19 (a) *IN GENERAL.*—*Section 127(c)(1)(B) is amended by*
20 *striking “January 1, 2021” and inserting “January 1,*
21 *2026”.*

22 (b) *EFFECTIVE DATE.*—*The amendment made by this*
23 *section shall apply to payments made after December 31,*
24 *2020.*

1 **SEC. 121. EXTENSION OF CARBON OXIDE SEQUESTRATION**

2 **CREDIT.**

3 *Section 45Q(d)(1) is amended by striking “January*
4 *1, 2024” and inserting “January 1, 2026”.*

5 ***Subtitle C—Extension of Certain***
6 ***Other Provisions***

7 **SEC. 131. CREDIT FOR ELECTRICITY PRODUCED FROM CER-**
8 **TAIN RENEWABLE RESOURCES.**

9 *(a) IN GENERAL.—The following provisions of section*
10 *45(d) are each amended by striking “January 1, 2021”*
11 *each place it appears and inserting “January 1, 2022”:*

12 *(1) Paragraph (1).*

13 *(2) Paragraph (2)(A).*

14 *(3) Paragraph (3)(A).*

15 *(4) Paragraph (4)(B).*

16 *(5) Paragraph (6).*

17 *(6) Paragraph (7).*

18 *(7) Paragraph (9).*

19 *(8) Paragraph (11)(B).*

20 *(b) EXTENSION OF ELECTION TO TREAT QUALIFIED*
21 *FACILITIES AS ENERGY PROPERTY.—Section*
22 *48(a)(5)(C)(ii) is amended by striking “January 1, 2021”*
23 *and inserting “January 1, 2022”.*

24 *(c) CONFORMING AMENDMENTS RELATED TO APPLICA-*
25 *TION OF PHASEOUT PERCENTAGE.—*

1 (1) *Section 45(b)(5)(D) is amended by striking*
2 *“January 1, 2021” and inserting “January 1, 2022”.*

3 (2) *Section 48(a)(5)(E)(iv) is amended by strik-*
4 *ing “January 1, 2021” and inserting “January 1,*
5 *2022”.*

6 (d) *EFFECTIVE DATE.—The amendments made by this*
7 *section shall take effect on January 1, 2021.*

8 **SEC. 132. EXTENSION AND PHASEOUT OF ENERGY CREDIT.**

9 (a) *EXTENSIONS.—Section 48 is amended—*

10 (1) *in subsection (a)—*

11 (A) *in paragraph (2)(A)(i)(II), by striking*
12 *“January 1, 2022” and inserting “January 1,*
13 *2024”, and*

14 (B) *in paragraph (3)(A)—*

15 (i) *in clause (ii), by striking “January*
16 *1, 2022” and inserting “January 1, 2024”,*
17 *and*

18 (ii) *in clause (vii), by striking “Janu-*
19 *ary 1, 2022” and inserting “January 1,*
20 *2024”, and*

21 (2) *in subsection (c)—*

22 (A) *in paragraph (1)(D), by striking “Jan-*
23 *uary 1, 2022” and inserting “January 1, 2024”,*

24 (B) *in paragraph (2)(D), by striking “Jan-*
25 *uary 1, 2022” and inserting “January 1, 2024”,*

1 (C) in paragraph (3)(A)(iv), by striking
2 “January 1, 2022” and inserting “January 1,
3 2024”, and

4 (D) in paragraph (4)(C), by striking “Jan-
5 uary 1, 2022” and inserting “January 1, 2024”.

6 (b) PHASEOUTS.—

7 (1) SOLAR ENERGY PROPERTY.—Section 48(a)(6)
8 is amended—

9 (A) in subparagraph (A)—

10 (i) by striking “January 1, 2022, the
11 energy percentage” and inserting “January
12 1, 2024, the energy percentage”,

13 (ii) in clause (i), by striking “January
14 1, 2021” and inserting “January 1, 2023”,
15 and

16 (iii) in clause (ii), by striking “after
17 December 31, 2020, and before January 1,
18 2022” and inserting “after December 31,
19 2022, and before January 1, 2024”, and

20 (B) in subparagraph (B), by striking “be-
21 gins before January 1, 2022, and which is not
22 placed in service before January 1, 2024” and
23 inserting “begins before January 1, 2024, and
24 which is not placed in service before January 1,
25 2026”.

1 (2) *FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL,*
2 *AND QUALIFIED SMALL WIND ENERGY PROPERTY.*—
3 *Section 48(a)(7) is amended—*

4 (A) *in subparagraph (A)—*

5 (i) *in clause (i), by striking “January*
6 *1, 2021” and inserting “January 1, 2023”,*
7 *and*

8 (ii) *in clause (ii), by striking “after*
9 *December 31, 2020, and before January 1,*
10 *2022” and inserting “after December 31,*
11 *2022, and before January 1, 2024”, and*

12 (B) *in subparagraph (B), by striking “Jan-*
13 *uary 1, 2024” and inserting “January 1, 2026”.*

14 (c) *EFFECTIVE DATE.*—*The amendments made by this*
15 *section shall take effect on January 1, 2020.*

16 **SEC. 133. TREATMENT OF MORTGAGE INSURANCE PRE-**
17 **MIUMS AS QUALIFIED RESIDENCE INTEREST.**

18 (a) *IN GENERAL.*—*Section 163(h)(3)(E)(iv)(I) is*
19 *amended by striking “December 31, 2020” and inserting*
20 *“December 31, 2021”.*

21 (b) *EFFECTIVE DATE.*—*The amendment made by this*
22 *section shall apply to amounts paid or accrued after Decem-*
23 *ber 31, 2020.*

1 **SEC. 134. CREDIT FOR HEALTH INSURANCE COSTS OF ELI-**
2 **GIBLE INDIVIDUALS.**

3 (a) *IN GENERAL.*—Section 35(b)(1)(B) is amended by
4 striking “January 1, 2021” and inserting “January 1,
5 2022”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this
7 section shall apply to months beginning after December 31,
8 2020.

9 **SEC. 135. INDIAN EMPLOYMENT CREDIT.**

10 (a) *IN GENERAL.*—Section 45A(f) is amended by strik-
11 ing “December 31, 2020” and inserting “December 31,
12 2021”.

13 (b) *EFFECTIVE DATE.*—The amendment made by this
14 section shall apply to taxable years beginning after Decem-
15 ber 31, 2020.

16 **SEC. 136. MINE RESCUE TEAM TRAINING CREDIT.**

17 (a) *IN GENERAL.*—Section 45N(e) is amended by
18 striking “December 31, 2020” and inserting “December 31,
19 2021”.

20 (b) *EFFECTIVE DATE.*—The amendment made by this
21 section shall apply to taxable years beginning after Decem-
22 ber 31, 2020.

23 **SEC. 137. CLASSIFICATION OF CERTAIN RACE HORSES AS 3-**
24 **YEAR PROPERTY.**

25 (a) *IN GENERAL.*—Section 168(e)(3)(A)(i) is amend-
26 ed—

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2020.*

4 **SEC. 140. SECOND GENERATION BIOFUEL PRODUCER CRED-**
5 **IT.**

6 (a) *IN GENERAL.*—*Section 40(b)(6)(J)(i) is amended*
7 *by striking “January 1, 2021” and inserting “January 1,*
8 *2022”.*

9 (b) *EFFECTIVE DATE.*—*The amendment made by this*
10 *section shall apply to qualified second generation biofuel*
11 *production after December 31, 2020.*

12 **SEC. 141. NONBUSINESS ENERGY PROPERTY.**

13 (a) *IN GENERAL.*—*Section 25C(g)(2) is amended by*
14 *striking “December 31, 2020” and inserting “December 31,*
15 *2021”.*

16 (b) *EFFECTIVE DATE.*—*The amendment made by this*
17 *section shall apply to property placed in service after De-*
18 *cember 31, 2020.*

19 **SEC. 142. QUALIFIED FUEL CELL MOTOR VEHICLES.**

20 (a) *IN GENERAL.*—*Section 30B(k)(1) is amended by*
21 *striking “December 31, 2020” and inserting “December 31,*
22 *2021”.*

23 (b) *EFFECTIVE DATE.*—*The amendment made by this*
24 *section shall apply to property purchased after December*
25 *31, 2020.*

1 **SEC. 143. ALTERNATIVE FUEL REFUELING PROPERTY CRED-**

2 **IT.**

3 (a) *IN GENERAL.*—Section 30C(g) is amended by
4 striking “December 31, 2020” and inserting “December 31,
5 2021”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this
7 section shall apply to property placed in service after De-
8 cember 31, 2020.

9 **SEC. 144. 2-WHEELED PLUG-IN ELECTRIC VEHICLE CREDIT.**

10 (a) *IN GENERAL.*—Section 30D(g)(3)(E)(ii) is amend-
11 ed by striking “January 1, 2021” and inserting “January
12 1, 2022”.

13 (b) *EFFECTIVE DATE.*—The amendment made by this
14 section shall apply to vehicles acquired after December 31,
15 2020.

16 **SEC. 145. PRODUCTION CREDIT FOR INDIAN COAL FACILI-**

17 **TIES.**

18 (a) *IN GENERAL.*—Section 45(e)(10)(A) is amended by
19 striking “15-year period” each place it appears and insert-
20 ing “16-year period”.

21 (b) *EFFECTIVE DATE.*—The amendments made by this
22 section shall apply to coal produced after December 31,
23 2020.

1 **SEC. 146. ENERGY EFFICIENT HOMES CREDIT.**

2 (a) *IN GENERAL.*—Section 45L(g) is amended by
3 striking “December 31, 2020” and inserting “December 31,
4 2021”.

5 (b) *EFFECTIVE DATE.*—The amendment made by this
6 section shall apply to homes acquired after December 31,
7 2020.

8 **SEC. 147. EXTENSION OF EXCISE TAX CREDITS RELATING**
9 **TO ALTERNATIVE FUELS.**

10 (a) *IN GENERAL.*—Sections 6426(d)(5) and 6426(e)(3)
11 are each amended by striking “December 31, 2020” and in-
12 serting “December 31, 2021”.

13 (b) *OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.*—
14 Section 6427(e)(6)(C) is amended by striking “December
15 31, 2020” and inserting “December 31, 2021”.

16 (c) *EFFECTIVE DATE.*—The amendments made by this
17 subsection shall apply to fuel sold or used after December
18 31, 2020.

19 **SEC. 148. EXTENSION OF RESIDENTIAL ENERGY-EFFICIENT**
20 **PROPERTY CREDIT AND INCLUSION OF BIO-**
21 **MASS FUEL PROPERTY EXPENDITURES.**

22 (a) *EXTENSION.*—

23 (1) *IN GENERAL.*—Section 25D(h) is amended by
24 striking “December 31, 2021” and inserting “Decem-
25 ber 31, 2023”.

26 (2) *PHASEDOWN.*—Section 25D(g) is amended—

1 (A) by striking “January 1, 2021” in para-
2 graph (2) and inserting “January 1, 2023”, and

3 (B) by striking “after December 31, 2020,
4 and before January 1, 2022” in paragraph (3)
5 and inserting “after December 31, 2022, and be-
6 fore January 1, 2024”.

7 (b) *QUALIFIED BIOMASS FUEL PROPERTY EXPENDI-*
8 *TURES.—*

9 (1) *IN GENERAL.—*Section 25D(a) is amended by
10 striking “and” at the end of paragraph (4), by insert-
11 ing “and” at the end of paragraph (5), and by insert-
12 ing after paragraph (5) the following new paragraph:

13 “(6) the qualified biomass fuel property expendi-
14 tures, and”.

15 (2) *QUALIFIED BIOMASS FUEL PROPERTY EX-*
16 *PENDITURES DEFINED.—*Section 25D(d) is amended
17 by adding at the end the following new paragraph:

18 “(6) *QUALIFIED BIOMASS FUEL PROPERTY EX-*
19 *PENDITURE.—*

20 “(A) *IN GENERAL.—*The term ‘qualified bio-
21 mass fuel property expenditure’ means an ex-
22 penditure for property—

23 “(i) which uses the burning of biomass
24 fuel to heat a dwelling unit located in the
25 United States and used as a residence by

1 *the taxpayer, or to heat water for use in*
2 *such a dwelling unit, and*

3 “(ii) *which has a thermal efficiency*
4 *rating of at least 75 percent (measured by*
5 *the higher heating value of the fuel).*”

6 “(B) *BIOMASS FUEL.*—*For purposes of this*
7 *section, the term ‘biomass fuel’ means any plant-*
8 *derived fuel available on a renewable or recur-*
9 *ring basis.’”.*

10 (3) *DENIAL OF DOUBLE BENEFIT FOR BIOMASS*
11 *STOVES.*—

12 (A) *IN GENERAL.*—*Section 25C(d)(3) is*
13 *amended by adding “and” at the end of subpara-*
14 *graph (C), by striking “, and” at the end of sub-*
15 *paragraph (D) and inserting a period, and by*
16 *striking subparagraph (E).*

17 (B) *CONFORMING AMENDMENT.*—*Section*
18 *25C(d) is amended by striking paragraph (6).*

19 (c) *EFFECTIVE DATE.*—

20 (1) *EXTENSION.*—*The amendments made by sub-*
21 *section (a) shall apply to property placed in service*
22 *after December 31, 2020.*

23 (2) *QUALIFIED BIOMASS FUEL PROPERTY EX-*
24 *PENDITURES.*—*The amendments made by subsection*

1 **(b)** shall apply to expenditures paid or incurred in
2 taxable years beginning after December 31, 2020.

3 **SEC. 149. BLACK LUNG DISABILITY TRUST FUND EXCISE**

4 **TAX.**

5 **(a) IN GENERAL.**—Section 4121(e)(2)(A) is amended
6 by striking “December 31, 2020” and inserting “December
7 31, 2021”.

8 **(b) EFFECTIVE DATE.**—The amendment made by this
9 section shall apply to sales after December 31, 2020.

10 **TITLE II—OTHER PROVISIONS**

11 **SEC. 201. MINIMUM LOW-INCOME HOUSING TAX CREDIT**

12 **RATE.**

13 **(a) IN GENERAL.**—Subsection (b) of section 42 is
14 amended—

15 (1) by redesignating paragraph (3) as para-
16 graph (4), and

17 (2) by inserting after paragraph (2) the fol-
18 lowing new paragraph:

19 “(3) **MINIMUM CREDIT RATE.**—In the case of any
20 new or existing building to which paragraph (2) does
21 not apply and which is placed in service by the tax-
22 payer after December 31, 2020, the applicable per-
23 centage shall not be less than 4 percent.”.

24 **(b) EFFECTIVE DATE.**—The amendments made by this
25 section shall apply to—

1 (1) *any building which receives an allocation of*
2 *housing credit dollar amount after December 31,*
3 *2020, and*

4 (2) *in the case of any building any portion of*
5 *which is financed with an obligation described in sec-*
6 *tion 42(h)(4)(A), any such building if any such obli-*
7 *gation which so finances such building is issued after*
8 *December 31, 2020.*

9 **SEC. 202. DEPRECIATION OF CERTAIN RESIDENTIAL RENT-**
10 **AL PROPERTY OVER 30-YEAR PERIOD.**

11 *Section 13204(b) of Public Law 115–97 is amended—*

12 (1) *in paragraph (1), by striking “paragraph*
13 *(2)” and inserting “paragraphs (2) and (3)”, and*

14 (2) *by adding at the end the following:*

15 “(3) *CERTAIN RESIDENTIAL RENTAL PROP-*
16 *ERTY.—In the case of any residential rental prop-*
17 *erty—*

18 *“(A) which was placed in service before*
19 *January 1, 2018,*

20 *“(B) which is held by an electing real prop-*
21 *erty trade or business (as defined in section*
22 *163(j)(7)(B) of the Internal Revenue Code of*
23 *1986), and*

24 *“(C) for which subparagraph (A), (B), (C),*
25 *(D), or (E) of section 168(g)(1) of the Internal*

1 *Revenue Code of 1986 did not apply prior to*
2 *such date,*
3 *the amendments made by subsection (a)(3)(C) shall*
4 *apply to taxable years beginning after December 31,*
5 *2017.”.*

6 **SEC. 203. WASTE ENERGY RECOVERY PROPERTY ELIGIBLE**
7 **FOR ENERGY CREDIT.**

8 *(a) IN GENERAL.—Section 48(a)(3)(A) is amended by*
9 *striking “or” at the end of clause (vi), by inserting “or”*
10 *at the end of clause (vii), and by adding at the end the*
11 *following new clause:*

12 *“(viii) waste energy recovery prop-*
13 *erty,”.*

14 *(b) APPLICATION OF 30 PERCENT CREDIT.—Section*
15 *48(a)(2)(A)(i) is amended by striking “and” at the end of*
16 *subclause (III) and by adding at the end the following new*
17 *subclause:*

18 *“(V) waste energy recovery prop-*
19 *erty, and”.*

20 *(c) APPLICATION OF PHASEOUT.—Section 48(a)(7) is*
21 *amended—*

22 *(1) by inserting “waste energy recovery prop-*
23 *erty,” after “qualified small wind property,” and*

1 (2) by striking “FIBER-OPTIC SOLAR, QUALIFIED
2 FUEL CELL, AND QUALIFIED SMALL WIND” in the
3 heading thereof and inserting “CERTAIN OTHER”.

4 (d) DEFINITION.—Section 48(c) is amended by adding
5 at the end the following new paragraphs:

6 “(5) WASTE ENERGY RECOVERY PROPERTY.—

7 “(A) IN GENERAL.—The term ‘waste energy
8 recovery property’ means property that generates
9 electricity solely from heat from buildings or
10 equipment if the primary purpose of such build-
11 ing or equipment is not the generation of elec-
12 tricity.

13 “(B) CAPACITY LIMITATION.—The term
14 ‘waste energy recovery property’ shall not in-
15 clude any property which has a capacity in ex-
16 cess of 50 megawatts.

17 “(C) NO DOUBLE BENEFIT.—Any waste en-
18 ergy recovery property (determined without re-
19 gard to this subparagraph) which is part of a
20 system which is a combined heat and power sys-
21 tem property shall not be treated as waste energy
22 recovery property for purposes of this section un-
23 less the taxpayer elects to not treat such system
24 as a combined heat and power system property
25 for purposes of this section.

1 “(D) *TERMINATION.*—*The term ‘waste en-*
2 *ergy recovery property’ shall not include any*
3 *property the construction of which does not begin*
4 *before January 1, 2024.’.*”

5 (e) *EFFECTIVE DATE.*—*The amendments made by this*
6 *section shall apply to periods after December 31, 2020,*
7 *under rules similar to the rules of section 48(m) as in effect*
8 *on the day before the date of the enactment of the Revenue*
9 *Reconciliation Act of 1990.*

10 **SEC. 204. EXTENSION OF ENERGY CREDIT FOR OFFSHORE**
11 **WIND FACILITIES.**

12 (a) *IN GENERAL.*—*Section 48(a)(5) is amended by*
13 *adding at the end the following new subparagraph:*

14 “(F) *QUALIFIED OFFSHORE WIND FACILI-*
15 *TIES.*—

16 “(i) *IN GENERAL.*—*In the case of any*
17 *qualified offshore wind facility—*

18 “(I) *subparagraph (C)(ii) shall be*
19 *applied by substituting ‘January 1,*
20 *2026’ for ‘January 1, 2022’,*

21 “(II) *subparagraph (E) shall not*
22 *apply, and*

23 “(III) *for purposes of this para-*
24 *graph, section 45(d)(1) shall be applied*

1 by substituting ‘January 1, 2026’ for
2 ‘January 1, 2022’.

3 “(ii) *QUALIFIED OFFSHORE WIND FA-*
4 *CILITY.—For purposes of this subpara-*
5 *graph, the term ‘qualified offshore wind fa-*
6 *facility’ means a qualified facility (within the*
7 *meaning of section 45) described in para-*
8 *graph (1) of section 45(d) (determined with-*
9 *out regard to any date by which the con-*
10 *struction of the facility is required to begin)*
11 *which is located in the inland navigable*
12 *waters of the United States or in the coastal*
13 *waters of the United States.”.*

14 (b) *EFFECTIVE DATE.—The amendment made by this*
15 *section shall apply to periods after December 31, 2016,*
16 *under rules similar to the rules of section 48(m) of the In-*
17 *ternal Revenue Code of 1986 (as in effect on the day before*
18 *the date of the enactment of the Revenue Reconciliation Act*
19 *of 1990).*

20 **SEC. 205. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**
21 **TERMINATIONS RELATED TO LIFE INSUR-**
22 **ANCE CONTRACTS.**

23 (a) *MODIFICATION OF MINIMUM RATE FOR PURPOSES*
24 *OF CASH VALUE ACCUMULATION TEST.—*

1 (1) *IN GENERAL.*—Section 7702(b)(2)(A) is
2 amended by striking “an annual effective rate of 4
3 percent” and inserting “the applicable accumulation
4 test minimum rate”.

5 (2) *APPLICABLE ACCUMULATION TEST MINIMUM*
6 *RATE.*—Section 7702(b) is amended by adding at the
7 end the following new paragraph:

8 “(3) *APPLICABLE ACCUMULATION TEST MINIMUM*
9 *RATE.*—For purposes of paragraph (2)(A), the term
10 ‘applicable accumulation test minimum rate’ means
11 the lesser of—

12 “(A) an annual effective rate of 4 percent,

13 or

14 “(B) the insurance interest rate (as defined
15 in subsection (f)(11)) in effect at the time the
16 contract is issued.”.

17 (b) *MODIFICATION OF MINIMUM RATE FOR PURPOSES*
18 *OF GUIDELINE PREMIUM REQUIREMENTS.*—

19 (1) *IN GENERAL.*—Section 7702(c)(3)(B)(iii) is
20 amended by striking “an annual effective rate of 6
21 percent” and inserting “the applicable guideline pre-
22 mium minimum rate”.

23 (2) *APPLICABLE GUIDELINE PREMIUM MINIMUM*
24 *RATE.*—Section 7702(c)(3) is amended by adding at
25 the end the following new subparagraph:

1 “(E) *APPLICABLE GUIDELINE PREMIUM*
2 *MINIMUM RATE.*—For purposes of subparagraph
3 (B)(iii), the term ‘applicable guideline premium
4 minimum rate’ means the applicable accumula-
5 tion test minimum rate (as defined in subsection
6 (b)(3)) plus 2 percentage points.”.

7 (c) *APPLICATION OF MODIFIED MINIMUM RATES TO*
8 *DETERMINATION OF GUIDELINE LEVEL PREMIUM.*—Sec-
9 tion 7702(c)(4) is amended—

10 (1) by striking “4 percent” and inserting “the
11 applicable accumulation test minimum rate”, and

12 (2) by striking “6 percent” and inserting “the
13 applicable guideline premium minimum rate”.

14 (d) *INSURANCE INTEREST RATE.*—Section 7702(f) is
15 amended by adding at the end the following new paragraph:

16 “(11) *INSURANCE INTEREST RATE.*—For pur-
17 poses of this section—

18 “(A) *IN GENERAL.*—The term ‘insurance in-
19 terest rate’ means, with respect to any contract
20 issued in any calendar year, the lesser of—

21 “(i) the section 7702 valuation interest
22 rate for such calendar year (or, if such cal-
23 endar year is not an adjustment year, the
24 most recent adjustment year), or

1 “(i) the section 7702 applicable Fed-
2 eral interest rate for such calendar year (or,
3 if such calendar year is not an adjustment
4 year, the most recent adjustment year).

5 “(B) SECTION 7702 VALUATION INTEREST
6 RATE.—The term ‘section 7702 valuation interest
7 rate’ means, with respect to any adjustment
8 year, the prescribed U.S. valuation interest rate
9 for life insurance with guaranteed durations of
10 more than 20 years (as defined in the National
11 Association of Insurance Commissioners’ Stand-
12 ard Valuation Law) as effective in the calendar
13 year immediately preceding such adjustment
14 year.

15 “(C) SECTION 7702 APPLICABLE FEDERAL
16 INTEREST RATE.—The term ‘section 7702 appli-
17 cable Federal interest rate’ means, with respect
18 to any adjustment year, the average (rounded to
19 the nearest whole percentage point) of the appli-
20 cable Federal mid-term rates (as defined in sec-
21 tion 1274(d) but based on annual compounding)
22 effective as of the beginning of each of the cal-
23 endar months in the most recent 60-month pe-
24 riod ending before the second calendar year prior
25 to such adjustment year.

1 “(D) *ADJUSTMENT YEAR.*—*The term ‘ad-*
2 *justment year’ means the calendar year following*
3 *any calendar year that includes the effective date*
4 *of a change in the prescribed U.S. valuation in-*
5 *terest rate for life insurance with guaranteed du-*
6 *rations of more than 20 years (as defined in the*
7 *National Association of Insurance Commis-*
8 *sioners’ Standard Valuation Law).*”

9 “(E) *TRANSITION RULE.*—*Notwithstanding*
10 *subparagraph (A), the insurance interest rate*
11 *shall be 2 percent in the case of any contract*
12 *which is issued during the period that—*

13 “(i) *begins on January 1, 2021, and*

14 “(ii) *ends immediately before the be-*
15 *ginning of the first adjustment year that*
16 *beings after December 31, 2021.”.*

17 “(e) *EFFECTIVE DATE.*—*The amendments made by this*
18 *section shall apply to contracts issued after December 31,*
19 *2020.*

20 **SEC. 206. CLARIFICATIONS AND TECHNICAL IMPROVE-**
21 **MENTS TO CARES ACT EMPLOYEE RETENTION**
22 **CREDIT.**

23 “(a) *GROSS RECEIPTS OF TAX-EXEMPT ORGANIZA-*
24 *TIONS.*—*Section 2301(c)(2)(C) of the CARES Act is amend-*
25 *ed—*

1 (1) by striking “of such Code, clauses (i) and
2 (ii)(I)” and inserting “of such Code—

3 “(i) clauses (i) and (ii)(I)”,

4 (2) by striking the period at the end and insert-
5 ing “, and”, and

6 (3) by adding at the end the following new
7 clause:

8 “(ii) any reference in this section to
9 gross receipts shall be treated as a reference
10 to gross receipts within the meaning of sec-
11 tion 6033 of such Code.”.

12 (b) *MODIFICATION OF TREATMENT OF HEALTH PLAN*
13 *EXPENSES.*—Section 2301(c) of the CARES Act is amend-
14 *ed—*

15 (1) by striking subparagraph (C) of paragraph
16 (3), and

17 (2) in paragraph (5)—

18 (A) by striking “The term” and inserting
19 the following:

20 “(A) *IN GENERAL.*—The term”, and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(B) *ALLOWANCE FOR CERTAIN HEALTH*
24 *PLAN EXPENSES.*—

1 “(i) *IN GENERAL.*—Such term shall in-
2 clude amounts paid by the eligible employer
3 to provide and maintain a group health
4 plan (as defined in section 5000(b)(1) of the
5 Internal Revenue Code of 1986), but only to
6 the extent that such amounts are excluded
7 from the gross income of employees by rea-
8 son of section 106(a) of such Code.

9 “(ii) *ALLOCATION RULES.*—For pur-
10 poses of this section, amounts treated as
11 wages under clause (i) shall be treated as
12 paid with respect to any employee (and
13 with respect to any period) to the extent
14 that such amounts are properly allocable to
15 such employee (and to such period) in such
16 manner as the Secretary may prescribe. Ex-
17 cept as otherwise provided by the Secretary,
18 such allocation shall be treated as properly
19 made if made on the basis of being pro rata
20 among periods of coverage.”.

21 (c) *IMPROVED COORDINATION BETWEEN PAYCHECK*
22 *PROTECTION PROGRAM AND EMPLOYEE RETENTION TAX*
23 *CREDIT.*—

24 (1) *AMENDMENT TO PAYCHECK PROTECTION*
25 *PROGRAM.*—Section 7A(a)(12) of the Small Business

1 *Act, as redesignated, transferred, and amended by the*
2 *Economic Aid to Hard-Hit Small Businesses, Non-*
3 *profits, and Venues Act, is amended by adding at the*
4 *end the following: “Such payroll costs shall not in-*
5 *clude qualified wages taken into account in deter-*
6 *mining the credit allowed under section 2301 of the*
7 *CARES Act or qualified wages taken into account in*
8 *determining the credit allowed under subsection (a) or*
9 *(d) of section 303 of the Taxpayer Certainty and Dis-*
10 *aster Relief Act of 2020.”.*

11 (2) *AMENDMENTS TO EMPLOYEE RETENTION TAX*
12 *CREDIT.—*

13 (A) *IN GENERAL.—Section 2301(g) of the*
14 *CARES Act is amended to read as follows:*

15 “(g) *ELECTION TO NOT TAKE CERTAIN WAGES INTO*
16 *ACCOUNT.—*

17 “(1) *IN GENERAL.—This section shall not apply*
18 *to so much of the qualified wages paid by an eligible*
19 *employer as such employer elects (at such time and*
20 *in such manner as the Secretary may prescribe) to*
21 *not take into account for purposes of this section.*

22 “(2) *COORDINATION WITH PAYCHECK PROTEC-*
23 *TION PROGRAM.—The Secretary, in consultation with*
24 *the Administrator of the Small Business Administra-*
25 *tion, shall issue guidance providing that payroll costs*

1 *paid during the covered period shall not fail to be*
2 *treated as qualified wages under this section by rea-*
3 *son of an election under paragraph (1) to the extent*
4 *that a covered loan of the eligible employer is not for-*
5 *given by reason of a decision under section 7A(g) of*
6 *the Small Business Act. Terms used in the preceding*
7 *sentence which are also used in section 7A of the*
8 *Small Business Act shall have the same meaning as*
9 *when used in such section.”.*

10 *(B) CONFORMING AMENDMENTS.—*

11 *(i) Section 2301 of the CARES Act is*
12 *amended by striking subsection (j).*

13 *(ii) Section 2301(l) of the CARES Act*
14 *is amended by striking paragraph (3) and*
15 *by redesignating paragraphs (4) and (5) as*
16 *paragraphs (3) and (4), respectively.*

17 *(d) REGULATIONS AND GUIDANCE.—Section 2301(l) of*
18 *the CARES Act, as amended by subsection (c)(2)(B)(ii), is*
19 *amended by striking “and” at the end of paragraph (3),*
20 *by striking the period at the end of paragraph (4) and in-*
21 *serting “, and”, and by adding at the end the following*
22 *new paragraph:*

23 *“(5) to prevent the avoidance of the purposes of*
24 *the limitations under this section, including through*
25 *the leaseback of employees.”.*

1 (e) *EFFECTIVE DATE.*—

2 (1) *IN GENERAL.*—*The amendments made by*
3 *this section shall take effect as if included in the pro-*
4 *visions of the CARES Act to which they relate.*

5 (2) *SPECIAL RULE.*—

6 (A) *IN GENERAL.*—*For purposes of section*
7 *2301 of the CARES Act, an employer who has*
8 *filed a return of tax with respect to applicable*
9 *employment taxes (as defined in section*
10 *2301(c)(1) of division A of such Act) before the*
11 *date of the enactment of this Act may elect (in*
12 *such manner as the Secretary of the Treasury (or*
13 *the Secretary’s delegate) shall prescribe) to treat*
14 *any applicable amount as an amount paid in*
15 *the calendar quarter which includes the date of*
16 *the enactment of this Act.*

17 (B) *APPLICABLE AMOUNT.*—*For purposes of*
18 *subparagraph (A), the term “applicable amount”*
19 *means the amount of wages which—*

20 (i) *are—*

21 (I) *described in section*
22 *2301(c)(5)(B) of the CARES Act, as*
23 *added by the amendments made by*
24 *subsection (b), or*

1 (ii) permitted to be treated as
2 qualified wages under guidance issued
3 pursuant to section 2301(g)(2) of the
4 CARES Act (as added by subsection
5 (c)), and
6 (ii) were—

7 (I) paid in a calendar quarter be-
8 ginning after December 31, 2019, and
9 before October 1, 2020, and

10 (ii) not taken into account by the
11 taxpayer in calculating the credit al-
12 lowed under section 2301(a) of division
13 A of such Act for such calendar quar-
14 ter.

15 **SEC. 207. EXTENSION AND MODIFICATION OF EMPLOYEE**
16 **RETENTION AND REHIRING TAX CREDIT.**

17 (a) *EXTENSION.*—

18 (1) *IN GENERAL.*—Section 2301(m) of the
19 CARES Act is amended by striking “January 1,
20 2021” and inserting “July 1, 2021”.

21 (2) *CONFORMING AMENDMENT.*—Section
22 2301(c)(2)(A)(i) of the CARES Act is amended by
23 striking “during calendar year 2020” and inserting
24 “during the calendar quarter for which the credit is
25 determined under subsection (a)”.

1 (b) *INCREASE IN CREDIT PERCENTAGE.*—Section
2 2301(a) of the CARES Act is amended by striking “50 per-
3 cent” and inserting “70 percent”.

4 (c) *INCREASE IN PER EMPLOYEE LIMITATION.*—Sec-
5 tion 2301(b)(1) of the CARES Act is amended by striking
6 “for all calendar quarters shall not exceed \$10,000” and
7 inserting “for any calendar quarter shall not exceed
8 \$10,000”.

9 (d) *MODIFICATIONS TO DEFINITION OF ELIGIBLE EM-*
10 *PLOYER.*—

11 (1) *DECREASE IN REDUCTION IN GROSS RE-*
12 *CEIPTS NECESSARY TO QUALIFY AS ELIGIBLE EM-*
13 *PLOYER.*—

14 (A) IN GENERAL.—Section
15 2301(c)(2)(A)(i)(II) of the CARES Act is
16 amended to read as follows:

17 “(II) the gross receipts (within the
18 meaning of section 448(c) of the Inter-
19 nal Revenue Code of 1986) of such em-
20 ployer for such calendar quarter are
21 less than 80 percent of the gross re-
22 ceipts of such employer for the same
23 calendar quarter in calendar year
24 2019.”.

1 (B) *APPLICATION TO EMPLOYERS NOT IN*
2 *EXISTENCE IN 2019.*—Section 2301(c)(2)(A) of
3 the CARES Act, as amended by subparagraph
4 (A), is amended by adding at the end the fol-
5 lowing new flush sentence:

6 “With respect to any employer for any calendar quarter,
7 if such employer was not in existence as of the beginning
8 of the same calendar quarter in calendar year 2019, clause
9 (ii)(II) shall be applied by substituting ‘2020’ for ‘2019’.”.

10 (2) *ELECTION TO DETERMINE GROSS RECEIPTS*
11 *TEST BASED ON PRIOR QUARTER.*—

12 (A) *IN GENERAL.*—Subparagraph (B) of
13 section 2301(c)(2) of the CARES Act is amended
14 to read as follows:

15 “(B) *ELECTION TO USE ALTERNATIVE*
16 *QUARTER.*—At the election of the employer—

17 “(i) subparagraph (A)(ii)(II) shall be
18 applied—

19 “(I) by substituting ‘for the imme-
20 diately preceding calendar quarter’ for
21 ‘for such calendar quarter’, and

22 “(II) by substituting ‘the cor-
23 responding calendar quarter in cal-
24 endar year 2019’ for ‘the same cal-

1 *endar quarter in calendar year 2019*,
2 *and*

3 “(ii) *the last sentence of subparagraph*
4 *(A) shall be applied by substituting ‘the cor-*
5 *responding calendar quarter in calendar*
6 *year 2019’ for ‘the same calendar quarter in*
7 *calendar year 2019’.*

8 *An election under this subparagraph shall be*
9 *made at such time and in such manner as the*
10 *Secretary shall prescribe.”.*

11 (B) *CONFORMING AMENDMENT.*—*Section*
12 *2301(l) of the CARES Act, as amended by sec-*
13 *tion 206, is amended by inserting “and” at the*
14 *end of paragraph (3), by striking paragraph (4),*
15 *and by redesignating paragraph (5) as para-*
16 *graph (4).*

17 (3) *APPLICATION TO CERTAIN GOVERNMENTAL*
18 *EMPLOYERS.*—

19 (A) *IN GENERAL.*—*Section 2301(f) of the*
20 *CARES Act is amended—*

21 (i) *by striking “This” and inserting*
22 *the following:*

23 “(1) *IN GENERAL.*—*This”, and*

24 (ii) *by adding at the end the following*
25 *new paragraph:*

1 “(2) *EXCEPTION.*—Paragraph (1) shall not
2 *apply to—*

3 “(A) *any organization described in section*
4 *501(c)(1) of the Internal Revenue Code of 1986*
5 *and exempt from tax under section 501(a) of*
6 *such Code, or*

7 “(B) *any entity described in paragraph (1)*
8 *if —*

9 “(i) *such entity is a college or univer-*
10 *sity, or*

11 “(ii) *the principal purpose or function*
12 *of such entity is providing medical or hos-*
13 *pital care.*

14 *In the case of any entity described in subpara-*
15 *graph (B), such entity shall be treated as satis-*
16 *fying the requirements of subsection*
17 *(c)(2)(A)(i).”.*

18 “(B) *CONFORMING AMENDMENT.*—Section
19 *2301(c)(5)(A) of the CARES Act, as amended by*
20 *section 206(b)(2), is amended by adding at the*
21 *end the following new sentence: “For purposes of*
22 *the preceding sentence, in the case of any organi-*
23 *zation or entity described in subsection (f)(2),*
24 *wages as defined in section 3121(a) of the Inter-*
25 *nal Revenue Code of 1986 shall be determined*

1 *without regard to paragraphs (5), (6), (7), (10),*
2 *and (13) of section 3121(b) of such Code (except*
3 *with respect to services performed in a penal in-*
4 *stitution by an inmate thereof).”.*

5 *(e) MODIFICATION OF DETERMINATION OF QUALIFIED*
6 *WAGES.—*

7 *(1) MODIFICATION OF THRESHOLD FOR TREAT-*
8 *MENT AS A LARGE EMPLOYER.—Section 2301(c)(3)(A)*
9 *of the CARES Act is amended by striking “100” each*
10 *place it appears in clauses (i) and (ii) and inserting*
11 *“500”.*

12 *(2) ELIMINATION OF LIMITATION.—Section*
13 *2301(c)(3) of the CARES Act is amended—*

14 *(A) by striking subparagraph (B), and*
15 *(B) by striking “Such term” in the second*
16 *sentence of subparagraph (A) and inserting the*
17 *following:*

18 *“(B) EXCEPTION.—The term ‘qualified*
19 *wages’”.*

20 *(f) DENIAL OF DOUBLE BENEFIT.—Section 2301(h) of*
21 *the CARES Act is amended—*

22 *(1) by striking paragraphs (1) and (2) and in-*
23 *serting the following:*

24 *“(1) DENIAL OF DOUBLE BENEFIT.—Any wages*
25 *taken into account in determining the credit allowed*

1 *under this section shall not be taken into account as*
2 *wages for purposes of sections 41, 45A, 45P, 45S, 51,*
3 *and 1396 of the Internal Revenue Code of 1986.”.*

4 *(2) by redesignating paragraph (3) as para-*
5 *graph (2).*

6 *(g) ADVANCE PAYMENTS.—*

7 *(1) IN GENERAL.—Section 2301 of the CARES*
8 *Act, as amended by section 206(c)(2)(B)(i), is amend-*
9 *ed by inserting after subsection (i) the following new*
10 *subsection:*

11 *“(j) ADVANCE PAYMENTS.—*

12 *“(1) IN GENERAL.—Except as provided in para-*
13 *graph (2), no advance payment of the credit under*
14 *subsection (a) shall be allowed.*

15 *“(2) ADVANCE PAYMENTS TO SMALL EMPLOY-*
16 *ERS.—*

17 *“(A) IN GENERAL.—Under rules provided*
18 *by the Secretary, an eligible employer for which*
19 *the average number of full-time employees (with-*
20 *in the meaning of section 4980H of the Internal*
21 *Revenue Code of 1986) employed by such eligible*
22 *employer during 2019 was not greater than 500*
23 *may elect for any calendar quarter to receive an*
24 *advance payment of the credit under subsection*
25 *(a) for such quarter in an amount not to exceed*

1 70 percent of the average quarterly wages paid
2 by the employer in calendar year 2019.

3 “(B) *SPECIAL RULE FOR SEASONAL EM-*
4 *PLOYERS.—In the case of any employer who em-*
5 *ployes seasonal workers (as defined in section*
6 *45R(d)(5)(B) of the Internal Revenue Code of*
7 *1986), the employer may elect to substitute ‘the*
8 *wages for the calendar quarter in 2019 which*
9 *corresponds to the calendar quarter to which the*
10 *election relates’ for ‘the average quarterly wages*
11 *paid by the employer in calendar year 2019’.*

12 “(C) *SPECIAL RULE FOR EMPLOYERS NOT*
13 *IN EXISTENCE IN 2019.—In the case of any em-*
14 *ployer that was not in existence in 2019, sub-*
15 *paragraphs (A) and (B) shall each be applied by*
16 *substituting ‘2020’ for ‘2019’ each place it ap-*
17 *pears.*

18 “(3) *RECONCILIATION OF CREDIT WITH ADVANCE*
19 *PAYMENTS.—*

20 “(A) *IN GENERAL.—The amount of credit*
21 *which would (but for this subsection) be allowed*
22 *under this section shall be reduced (but not below*
23 *zero) by the aggregate payment allowed to the*
24 *taxpayer under paragraph (2). Any failure to so*
25 *reduce the credit shall be treated as arising out*

1 *of a mathematical or clerical error and assessed*
2 *according to section 6213(b)(1) of the Internal*
3 *Revenue Code of 1986.*

4 “(B) *EXCESS ADVANCE PAYMENTS.*—*If the*
5 *advance payments to a taxpayer under para-*
6 *graph (2) for a calendar quarter exceed the cred-*
7 *it allowed by this section (determined without re-*
8 *gard to subparagraph (A)), the tax imposed by*
9 *chapter 21 or 22 of the Internal Revenue Code*
10 *of 1986 (whichever is applicable) for the cal-*
11 *endar quarter shall be increased by the amount*
12 *of such excess.”.*

13 (2) *CONFORMING AMENDMENTS.*—*Section 2301(l)*
14 *of the CARES Act, as amended by section 206 and*
15 *subsection (d)(2)(B), is amended—*

16 (A) *by inserting “as provided in subsection*
17 (i)(2)” after “subsection (a)” in paragraph (1),

18 (B) *by striking paragraph (2), and*

19 (C) *by redesignating paragraphs (3) and*
20 (4) *as paragraphs (2) and (3), respectively.*

21 (h) *THIRD-PARTY PAYORS.*—*Section 2301(l) of the*
22 *CARES Act, as amended by section 206 and subsections*
23 *(d)(2)(B) and (g)(2), is amended by adding at the end the*
24 *following flush sentence:*

1 *“Any forms, instructions, regulations, or guidance described*
2 *in paragraph (2) shall require the customer to be respon-*
3 *sible for the accounting of the credit and for any liability*
4 *for improperly claimed credits and shall require the cer-*
5 *tified professional employer organization or other third*
6 *party payor to accurately report such tax credits based on*
7 *the information provided by the customer.”.*

8 *(i) PUBLIC AWARENESS CAMPAIGN.—Section 2301 of*
9 *the CARES Act is amended by adding at the end the fol-*
10 *lowing new subsection:*

11 *“(n) PUBLIC AWARENESS CAMPAIGN.—*

12 *“(1) IN GENERAL.—The Secretary shall conduct*
13 *a public awareness campaign, in coordination with*
14 *the Administrator of the Small Business Administra-*
15 *tion, to provide information regarding the avail-*
16 *ability of the credit allowed under this section.*

17 *“(2) OUTREACH.—Under the campaign con-*
18 *ducted under paragraph (1), the Secretary shall—*

19 *“(A) provide to all employers which re-*
20 *ported not more than 500 employees on the most*
21 *recently filed return of applicable employment*
22 *taxes a notice about the credit allowed under this*
23 *section and the requirements for eligibility to*
24 *claim the credit, and*

1 “(36) *DISTRIBUTIONS DURING WORKING RETIRE-*
2 *MENT.*—

3 “(A) *IN GENERAL.*—*A trust forming part of*
4 *a pension plan shall not be treated as failing to*
5 *constitute a qualified trust under this section*
6 *solely because the plan provides that a distribu-*
7 *tion may be made from such trust to an em-*
8 *ployee who has attained age 59½ and who is not*
9 *separated from employment at the time of such*
10 *distribution.*

11 “(B) *CERTAIN EMPLOYEES IN THE BUILD-*
12 *ING AND CONSTRUCTION INDUSTRY.*—*Subpara-*
13 *graph (A) shall be applied by substituting ‘age*
14 *55’ for ‘age 59½’ in the case of a multiemployer*
15 *plan described in section 4203(b)(1)(B)(i) of the*
16 *Employee Retirement Income Security Act of*
17 *1974, with respect to individuals who were par-*
18 *ticipants in such plan on or before April 30,*
19 *2013, if—*

20 “(i) *the trust to which subparagraph*
21 *(A) applies was in existence before January*
22 *1, 1970, and*

23 “(ii) *before December 31, 2011, at a*
24 *time when the plan provided that distribu-*
25 *tions may be made to an employee who has*

1 of subparagraph (C)(iv) and inserting “, or”, and by insert-
2 ing after subparagraph (C) the following new subpara-
3 graph:

4 “(D) such expense is—

5 “(i) for food or beverages provided by
6 a restaurant, and

7 “(ii) paid or incurred before January
8 1, 2023.”

9 (b) *EFFECTIVE DATE.*—The amendments made by this
10 section shall apply to amounts paid or incurred after De-
11 cember 31, 2020.

12 **SEC. 211. TEMPORARY SPECIAL RULE FOR DETERMINATION**
13 **OF EARNED INCOME.**

14 (a) *IN GENERAL.*—If the earned income of the tax-
15 payer for the taxpayer’s first taxable year beginning in
16 2020 is less than the earned income of the taxpayer for the
17 preceding taxable year, the credits allowed under sections
18 24(d) and 32 of the Internal Revenue Code of 1986 may,
19 at the election of the taxpayer, be determined by sub-
20 stituting—

21 (1) such earned income for the preceding taxable
22 year, for

23 (2) such earned income for the taxpayer’s first
24 taxable year beginning in 2020.

25 (b) *EARNED INCOME.*—

1 “(p) *SPECIAL RULE FOR TAXPAYERS WHO DO NOT*
2 *ELECT TO ITEMIZE DEDUCTIONS.*—*In the case of any tax-*
3 *able year beginning in 2021, if the individual does not elect*
4 *to itemize deductions for such taxable year, the deduction*
5 *under this section shall be equal to the deduction, not in*
6 *excess of \$300 (\$600 in the case of a joint return), which*
7 *would be determined under this section if the only chari-*
8 *table contributions taken into account in determining such*
9 *deduction were contributions made in cash during such tax-*
10 *able year (determined without regard to subsections*
11 *(b)(1)(G)(ii) and (d)(1)) to an organization described in*
12 *section 170(b)(1)(A) and not—*

13 “(1) *to an organization described in section*
14 *509(a)(3), or*

15 “(2) *for the establishment of a new, or mainte-*
16 *nance of an existing, donor advised fund (as defined*
17 *in section 4966(d)(2)).”.*

18 (b) *PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE*
19 *TO OVERSTATED DEDUCTION.*—

20 (1) *IN GENERAL.*—*Section 6662(b) is amended*
21 *by inserting after paragraph (8) the following:*

22 “(9) *Any overstatement of the deduction provided*
23 *in section 170(p).”.*

1 (2) *INCREASED PENALTY.*—Section 6662 is
2 amended by adding at the end the following new sub-
3 section:

4 “(1) *INCREASE IN PENALTY IN CASE OF OVERSTATE-*
5 *MENT OF QUALIFIED CHARITABLE CONTRIBUTIONS.*—In
6 the case of any portion of an underpayment which is attrib-
7 utable to one or more overstatements of the deduction pro-
8 vided in section 170(p), subsection (a) shall be applied with
9 respect to such portion by substituting ‘50 percent’ for ‘20
10 percent’.”.

11 (3) *EXCEPTION TO APPROVAL OF ASSESSMENT.*—
12 Section 6751(b)(2)(A) is amended by striking “or
13 6655” and inserting “6655, or 6662 (but only with
14 respect to an addition to tax by reason of subsection
15 (b)(9) thereof)”.

16 (b) *CONFORMING AMENDMENTS.*—

17 (1) Section 63(b) is amended by striking “and”
18 at the end of paragraph (2), by striking the period at
19 the end of paragraph (3) and inserting “, and”, and
20 by adding at the end the following new paragraph:

21 “(4) the deduction provided in section 170(p).”.

22 (2) Section 63(d) is amended by adding “and”
23 at the end of paragraph (1), by striking paragraphs
24 (2) and (3), and by inserting after paragraph (1) the
25 following new paragraph:

1 “(2) any deduction referred to in any paragraph
2 of subsection (b).”.

3 (c) *REPEAL OF SUPERSEDED PROVISIONS.*—

4 (1) *IN GENERAL.*—Section 62(a) is amended by
5 striking paragraph (22).

6 (2) *CONFORMING AMENDMENT.*—Section 62 is
7 amended by striking subsection (f).

8 (d) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to taxable years beginning after Decem-
10 ber 31, 2020.

11 **SEC. 213. MODIFICATION OF LIMITATIONS ON CHARITABLE**
12 **CONTRIBUTIONS.**

13 (a) *IN GENERAL.*—Subsections (a)(3)(A)(i) and (b) of
14 section 2205 of the CARES Act are each amended by insert-
15 ing “or 2021” after “2020”.

16 (b) *CONFORMING AMENDMENT.*—The heading of sec-
17 tion 2205 of the CARES Act is amended by striking
18 “**MODIFICATION OF LIMITATIONS ON CHARITABLE**
19 **CONTRIBUTIONS DURING 2020**” and inserting “**TEM-**
20 **PORARY MODIFICATION OF LIMITATIONS ON CHARI-**
21 **TABLE CONTRIBUTIONS**”.

22 (c) *EFFECTIVE DATE.*—The amendments made by this
23 section shall apply to contributions made after December
24 31, 2020.

1 **SEC. 214. TEMPORARY SPECIAL RULES FOR HEALTH AND**
2 **DEPENDENT CARE FLEXIBLE SPENDING AR-**
3 **RANGEMENTS.**

4 (a) *CARRYOVER FROM 2020 PLAN YEAR.*—For plan
5 years ending in 2020, a plan that includes a health flexible
6 spending arrangement or dependent care flexible spending
7 arrangement shall not fail to be treated as a cafeteria plan
8 under the Internal Revenue Code of 1986 merely because
9 such plan or arrangement permits participants to carry
10 over (under rules similar to the rules applicable to health
11 flexible spending arrangements) any unused benefits or con-
12 tributions remaining in any such flexible spending arrange-
13 ment from such plan year to the plan year ending in 2021.

14 (b) *CARRYOVER FROM 2021 PLAN YEAR.*—For plan
15 years ending in 2021, a plan that includes a health flexible
16 spending arrangement or dependent care flexible spending
17 arrangement shall not fail to be treated as a cafeteria plan
18 under the Internal Revenue Code of 1986 merely because
19 such plan or arrangement permits participants to carry
20 over (under rules similar to the rules applicable to health
21 flexible spending arrangements) any unused benefits or con-
22 tributions remaining in any such flexible spending arrange-
23 ment from such plan year to the plan year ending in 2022.

24 (c) *EXTENSION OF GRACE PERIODS, ETC.*—

25 (1) *IN GENERAL.*—A plan that includes a health
26 flexible spending arrangement or dependent care flexi-

1 *ble spending arrangement shall not fail to be treated*
2 *as a cafeteria plan under the Internal Revenue Code*
3 *of 1986 merely because such plan or arrangement ex-*
4 *tends the grace period for a plan year ending in 2020*
5 *or 2021 to 12 months after the end of such plan year,*
6 *with respect to unused benefits or contributions re-*
7 *maining in a health flexible spending arrangement or*
8 *a dependent care flexible spending arrangement.*

9 (2) *POST-TERMINATION REIMBURSEMENTS FROM*
10 *HEALTH FSAs.—A plan that includes a health flexi-*
11 *ble spending arrangement shall not fail to be treated*
12 *as a cafeteria plan under the Internal Revenue Code*
13 *of 1986 merely because such plan or arrangement al-*
14 *lows (under rules similar to the rules applicable to*
15 *dependent care flexible spending arrangements) an*
16 *employee who ceases participation in the plan during*
17 *calendar year 2020 or 2021 to continue to receive re-*
18 *imbursements from unused benefits or contributions*
19 *through the end of the plan year in which such par-*
20 *ticipation ceased (including any grace period, taking*
21 *into account any modification of a grace period per-*
22 *mitted under paragraph (1)).*

23 (d) *SPECIAL CARRY FORWARD RULE FOR DEPENDENT*
24 *CARE FLEXIBLE SPENDING ARRANGEMENTS WHERE DE-*
25 *PENDENT AGED OUT DURING PANDEMIC.—*

1 (1) *IN GENERAL.*—*In the case of any eligible em-*
2 *ployee, section 21(b)(1)(A) of the Internal Revenue*
3 *Code of 1986 shall be applied by substituting “age*
4 *14” for “age 13” for purposes of determining the de-*
5 *pendent care assistance which may be paid or reim-*
6 *bursed with respect to such employee under the de-*
7 *pendent care flexible spending arrangement referred*
8 *to in paragraph (3)(A) with respect to such employee*
9 *during—*

10 (A) *the plan year described in paragraph*

11 (3)(A), *and*

12 (B) *in the case of an employee described in*
13 *paragraph (3)(B)(ii), the subsequent plan year.*

14 (2) *APPLICATION TO SUBSEQUENT PLAN YEAR*
15 *LIMITED TO UNUSED BALANCE FROM PRECEDING*
16 *PLAN YEAR.*—*Paragraph (1)(B) shall only apply to so*
17 *much of the amounts paid for dependent care assist-*
18 *ance with respect to the dependents referred to in*
19 *paragraph (3)(B) as does not exceed the unused bal-*
20 *ance described in paragraph (3)(B)(ii).*

21 (3) *ELIGIBLE EMPLOYEE.*—*For purposes of this*
22 *section, the term “eligible employee” means any em-*
23 *ployee who—*

24 (A) *is enrolled in a dependent care flexible*
25 *spending arrangement for the last plan year*

1 *with respect to which the end of the regular en-*
2 *rollment period for such plan year was on or be-*
3 *fore January 31, 2020, and*

4 *(B) has one or more dependents (as defined*
5 *in section 152(a)(1) of the Internal Revenue*
6 *Code of 1986) who attain the age of 13—*

7 *(i) during such plan year, or*

8 *(ii) in the case of an employee who*
9 *(after the application of this section) has an*
10 *unused balance in the employee's account*
11 *under such arrangement for such plan year*
12 *(determined as of the close of the last day*
13 *on which, under the terms of the plan,*
14 *claims for reimbursement may be made*
15 *with respect to such plan year), the subse-*
16 *quent plan year.*

17 *(e) CHANGE IN ELECTION AMOUNT.—For plan years*
18 *ending in 2021, a plan that includes a health flexible spend-*
19 *ing arrangement or dependent care flexible spending ar-*
20 *rangement shall not fail to be treated as a cafeteria plan*
21 *under the Internal Revenue Code of 1986 merely because*
22 *such plan or arrangement allows an employee to make an*
23 *election to modify prospectively the amount (but not in ex-*
24 *cess of any applicable dollar limitation) of such employee's*

1 *contributions to any such flexible spending arrangement*
2 *(without regard to any change in status).*

3 (f) *DEFINITIONS.*—*Any term used in this section*
4 *which is also used in section 106, 125, or 129 of the Internal*
5 *Revenue Code of 1986, or the regulations or guidance there-*
6 *under, shall have the same meaning as when used in such*
7 *section, regulations, or guidance.*

8 (g) *PLAN AMENDMENTS.*—*A plan that includes a*
9 *health flexible spending arrangement or dependent care*
10 *flexible spending arrangement shall not fail to be treated*
11 *as a cafeteria plan under the Internal Revenue Code of 1986*
12 *merely because such plan or arrangement is amended pur-*
13 *suant to a provision under this section and such amend-*
14 *ment is retroactive, if—*

15 (1) *such amendment is adopted not later than*
16 *the last day of the first calendar year beginning after*
17 *the end of the plan year in which the amendment is*
18 *effective, and*

19 (2) *the plan or arrangement is operated con-*
20 *sistent with the terms of such amendment during the*
21 *period beginning on the effective date of the amend-*
22 *ment and ending on the date the amendment is*
23 *adopted.*

1 TITLE III—DISASTER TAX RELIEF**2 SEC. 301. DEFINITIONS.**

3 *For purposes of this title—*

4 (1) *QUALIFIED DISASTER AREA.—*

5 (A) *IN GENERAL.—The term “qualified disaster area” means any area with respect to*
6 *which a major disaster was declared, during the*
7 *period beginning on January 1, 2020, and ending*
8 *on the date which is 60 days after the date*
9 *of the enactment of this Act, by the President*
10 *under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act if the*
11 *incident period of the disaster with respect to*
12 *which such declaration is made begins on or*
13 *after December 28, 2019, and on or before the*
14 *date of the enactment of this Act.*

15 (B) *COVID–19 EXCEPTION.—Such term*
16 *shall not include any area with respect to which*
17 *such a major disaster has been so declared only*
18 *by reason of COVID–19.*

19 (2) *QUALIFIED DISASTER ZONE.—The term*
20 *“qualified disaster zone” means that portion of any*
21 *qualified disaster area which was determined by the*
22 *President, during the period beginning on January 1,*
23 *2020, and ending on the date which is 60 days after*
24
25

1 *the date of the enactment of this Act, to warrant indi-*
2 *vidual or individual and public assistance from the*
3 *Federal Government under the Robert T. Stafford*
4 *Disaster Relief and Emergency Assistance Act by rea-*
5 *son of the qualified disaster with respect to such dis-*
6 *aster area.*

7 (3) *QUALIFIED DISASTER.*—*The term “qualified*
8 *disaster” means, with respect to any qualified dis-*
9 *aster area, the disaster by reason of which a major*
10 *disaster was declared with respect to such area.*

11 (4) *INCIDENT PERIOD.*—*The term “incident pe-*
12 *riod” means, with respect to any qualified disaster,*
13 *the period specified by the Federal Emergency Man-*
14 *agement Agency as the period during which such dis-*
15 *aster occurred (except that for purposes of this title*
16 *such period shall not be treated as ending after the*
17 *date which is 30 days after the date of the enactment*
18 *of this Act).*

19 **SEC. 302. SPECIAL DISASTER-RELATED RULES FOR USE OF**
20 **RETIREMENT FUNDS.**

21 (a) *TAX-FAVORED WITHDRAWALS FROM RETIREMENT*
22 *PLANS.*—

23 (1) *IN GENERAL.*—*Section 72(t) of the Internal*
24 *Revenue Code of 1986 shall not apply to any quali-*
25 *fied disaster distribution.*

1 (2) *AGGREGATE DOLLAR LIMITATION.*—

2 (A) *IN GENERAL.*—*For purposes of this sub-*
3 *section, the aggregate amount of distributions re-*
4 *ceived by an individual which may be treated as*
5 *qualified disaster distributions for any taxable*
6 *year shall not exceed the excess (if any) of—*

7 (i) *\$100,000, over*

8 (ii) *the aggregate amounts treated as*
9 *qualified disaster distributions received by*
10 *such individual for all prior taxable years.*

11 (B) *TREATMENT OF PLAN DISTRIBUTIONS.*—*If a distribution to an individual would*
12 *(without regard to subparagraph (A)) be a quali-*
13 *fied disaster distribution, a plan shall not be*
14 *treated as violating any requirement of the In-*
15 *ternal Revenue Code of 1986 merely because the*
16 *plan treats such distribution as a qualified dis-*
17 *aster distribution, unless the aggregate amount*
18 *of such distributions from all plans maintained*
19 *by the employer (and any member of any con-*
20 *trolled group which includes the employer) to*
21 *such individual exceeds \$100,000.*

22 (C) *CONTROLLED GROUP.*—*For purposes of*
23 *subparagraph (B), the term “controlled group”*
24 *means any group treated as a single employer*
25

1 *under subsection (b), (c), (m), or (o) of section*
2 *414 of the Internal Revenue Code of 1986.*

3 *(D) SPECIAL RULE FOR INDIVIDUALS AF-*
4 *FECTED BY MORE THAN ONE DISASTER.—The*
5 *limitation of subparagraph (A) shall be applied*
6 *separately with respect to distributions made*
7 *with respect to each qualified disaster.*

8 *(3) AMOUNT DISTRIBUTED MAY BE REPAID.—*

9 *(A) IN GENERAL.—Any individual who re-*
10 *ceives a qualified disaster distribution may, at*
11 *any time during the 3-year period beginning on*
12 *the day after the date on which such distribution*
13 *was received, make 1 or more contributions in*
14 *an aggregate amount not to exceed the amount*
15 *of such distribution to an eligible retirement*
16 *plan of which such individual is a beneficiary*
17 *and to which a rollover contribution of such dis-*
18 *tribution could be made under section 402(c),*
19 *403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of*
20 *the Internal Revenue Code of 1986, as the case*
21 *may be.*

22 *(B) TREATMENT OF REPAYMENTS OF DIS-*
23 *TRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS*
24 *OTHER THAN IRAS.—For purposes of the Inter-*
25 *nal Revenue Code of 1986, if a contribution is*

1 *made pursuant to subparagraph (A) with respect*
2 *to a qualified disaster distribution from an eligi-*
3 *ble retirement plan other than an individual re-*
4 *tirement plan, then the taxpayer shall, to the ex-*
5 *tent of the amount of the contribution, be treated*
6 *as having received the qualified disaster distribu-*
7 *tion in an eligible rollover distribution (as de-*
8 *finied in section 402(c)(4) of such Code) and as*
9 *having transferred the amount to the eligible re-*
10 *tirement plan in a direct trustee to trustee trans-*
11 *fer within 60 days of the distribution.*

12 (C) *TREATMENT OF REPAYMENTS OF DIS-*
13 *TRIBUTIONS FROM IRAS.—For purposes of the*
14 *Internal Revenue Code of 1986, if a contribution*
15 *is made pursuant to subparagraph (A) with re-*
16 *spect to a qualified disaster distribution from an*
17 *individual retirement plan (as defined by section*
18 *7701(a)(37) of such Code), then, to the extent of*
19 *the amount of the contribution, the qualified dis-*
20 *aster distribution shall be treated as a distribu-*
21 *tion described in section 408(d)(3) of such Code*
22 *and as having been transferred to the eligible re-*
23 *tirement plan in a direct trustee to trustee trans-*
24 *fer within 60 days of the distribution.*

1 (4) *DEFINITIONS.*—*For purposes of this sub-*
2 *section—*

3 (A) *QUALIFIED DISASTER DISTRIBUTION.*—
4 *Except as provided in paragraph (2), the term*
5 *“qualified disaster distribution” means any dis-*
6 *tribution from an eligible retirement plan*
7 *made—*

8 (i) *on or after the first day of the inci-*
9 *dent period of a qualified disaster and be-*
10 *fore the date which is 180 days after the*
11 *date of the enactment of this Act, and*

12 (ii) *to an individual whose principal*
13 *place of abode at any time during the inci-*
14 *dent period of such qualified disaster is lo-*
15 *cated in the qualified disaster area with re-*
16 *spect to such qualified disaster and who has*
17 *sustained an economic loss by reason of*
18 *such qualified disaster.*

19 (B) *ELIGIBLE RETIREMENT PLAN.*—*The*
20 *term “eligible retirement plan” shall have the*
21 *meaning given such term by section 402(c)(8)(B)*
22 *of the Internal Revenue Code of 1986.*

23 (5) *INCOME INCLUSION SPREAD OVER 3-YEAR PE-*
24 *RIOD.*—

1 (A) *IN GENERAL.*—*In the case of any quali-*
2 *fied disaster distribution, unless the taxpayer*
3 *elects not to have this paragraph apply for any*
4 *taxable year, any amount required to be in-*
5 *cluded in gross income for such taxable year*
6 *shall be so included ratably over the 3-taxable-*
7 *year period beginning with such taxable year.*

8 (B) *SPECIAL RULE.*—*For purposes of sub-*
9 *paragraph (A), rules similar to the rules of sub-*
10 *paragraph (E) of section 408A(d)(3) of the Inter-*
11 *nal Revenue Code of 1986 shall apply.*

12 (6) *SPECIAL RULES.*—

13 (A) *EXEMPTION OF DISTRIBUTIONS FROM*
14 *TRUSTEE TO TRUSTEE TRANSFER AND WITH-*
15 *HOLDING RULES.*—*For purposes of sections*
16 *401(a)(31), 402(f), and 3405 of the Internal Rev-*
17 *enue Code of 1986, qualified disaster distribu-*
18 *tions shall not be treated as eligible rollover dis-*
19 *tributions.*

20 (B) *QUALIFIED DISASTER DISTRIBUTIONS*
21 *TREATED AS MEETING PLAN DISTRIBUTION RE-*
22 *QUIREMENTS.*—*For purposes of the Internal Rev-*
23 *enue Code of 1986, a qualified disaster distribu-*
24 *tion shall be treated as meeting the requirements*
25 *of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i),*

1 403(b)(11), and 457(d)(1)(A) of such Code and
2 section 8433(h)(1) of title 5, United States Code,
3 and, in the case of a money purchase pension
4 plan, a qualified disaster distribution which is
5 an in-service withdrawal shall be treated as
6 meeting the distribution rules of section 401(a)
7 of such Code.

8 (b) *RECONTRIBUTIONS OF WITHDRAWALS FOR HOME*
9 *PURCHASES.*—

10 (1) *RECONTRIBUTIONS.*—

11 (A) *IN GENERAL.*—Any individual who re-
12 ceived a qualified distribution may, during the
13 applicable period, make 1 or more contributions
14 in an aggregate amount not to exceed the
15 amount of such qualified distribution to an eligi-
16 ble retirement plan (as defined in section
17 402(c)(8)(B) of the Internal Revenue Code of
18 1986) of which such individual is a beneficiary
19 and to which a rollover contribution of such dis-
20 tribution could be made under section 402(c),
21 403(a)(4), 403(b)(8), or 408(d)(3), of such Code,
22 as the case may be.

23 (B) *TREATMENT OF REPAYMENTS.*—Rules
24 similar to the rules of subparagraphs (B) and

1 (C) of subsection (a)(3) shall apply for purposes
2 of this subsection.

3 (2) *QUALIFIED DISTRIBUTION.*—For purposes of
4 this subsection, the term “qualified distribution”
5 means any distribution—

6 (A) described in section 401(k)(2)(B)(i)(IV),
7 403(b)(7)(A)(i)(V), 403(b)(11)(B), or 72(t)(2)(F),
8 of the Internal Revenue Code of 1986,

9 (B) which was to be used to purchase or
10 construct a principal residence in a qualified
11 disaster area, but which was not so used on ac-
12 count of the qualified disaster with respect to
13 such area, and

14 (C) which was received during the period
15 beginning on the date which is 180 days before
16 the first day of the incident period of such quali-
17 fied disaster and ending on the date which is 30
18 days after the last day of such incident period.

19 (3) *APPLICABLE PERIOD.*—For purposes of this
20 subsection, the term “applicable period” means, in the
21 case of a principal residence in a qualified disaster
22 area with respect to any qualified disaster, the period
23 beginning on the first day of the incident period of
24 such qualified disaster and ending on the date which
25 is 180 days after the date of the enactment of this Act.

1 (c) *LOANS FROM QUALIFIED PLANS.*—

2 (1) *INCREASE IN LIMIT ON LOANS NOT TREATED*
3 *AS DISTRIBUTIONS.*—*In the case of any loan from a*
4 *qualified employer plan (as defined under section*
5 *72(p)(4) of the Internal Revenue Code of 1986) to a*
6 *qualified individual made during the 180-day period*
7 *beginning on the date of the enactment of this Act—*

8 (A) *clause (i) of section 72(p)(2)(A) of such*
9 *Code shall be applied by substituting “*
10 *\$100,000” for “ \$50,000”, and*

11 (B) *clause (ii) of such section shall be ap-*
12 *plied by substituting “the present value of the*
13 *nonforfeitable accrued benefit of the employee*
14 *under the plan” for “one-half of the present*
15 *value of the nonforfeitable accrued benefit of the*
16 *employee under the plan”.*

17 (2) *DELAY OF REPAYMENT.*—*In the case of a*
18 *qualified individual (with respect to any qualified*
19 *disaster) with an outstanding loan (on or after the*
20 *first day of the incident period of such qualified dis-*
21 *aster) from a qualified employer plan (as defined in*
22 *section 72(p)(4) of the Internal Revenue Code of*
23 *1986)—*

24 (A) *if the due date pursuant to subpara-*
25 *graph (B) or (C) of section 72(p)(2) of such Code*

1 *for any repayment with respect to such loan oc-*
2 *curs during the period beginning on the first day*
3 *of the incident period of such qualified disaster*
4 *and ending on the date which is 180 days after*
5 *the last day of such incident period, such due*
6 *date shall be delayed for 1 year (or, if later,*
7 *until the date which is 180 days after the date*
8 *of the enactment of this Act),*

9 *(B) any subsequent repayments with respect*
10 *to any such loan shall be appropriately adjusted*
11 *to reflect the delay in the due date under sub-*
12 *paragraph (A) and any interest accruing during*
13 *such delay, and*

14 *(C) in determining the 5-year period and*
15 *the term of a loan under subparagraph (B) or*
16 *(C) of section 72(p)(2) of such Code, the period*
17 *described in subparagraph (A) of this paragraph*
18 *shall be disregarded.*

19 (3) *QUALIFIED INDIVIDUAL.—For purposes of*
20 *this subsection, the term “qualified individual” means*
21 *any individual—*

22 *(A) whose principal place of abode at any*
23 *time during the incident period of any qualified*
24 *disaster is located in the qualified disaster area*
25 *with respect to such qualified disaster, and*

1 (B) who has sustained an economic loss by
2 reason of such qualified disaster.

3 (d) *PROVISIONS RELATING TO PLAN AMENDMENTS.*—

4 (1) *IN GENERAL.*—If this subsection applies to
5 any amendment to any plan or annuity contract,
6 such plan or contract shall be treated as being oper-
7 ated in accordance with the terms of the plan during
8 the period described in paragraph (2)(B)(i).

9 (2) *AMENDMENTS TO WHICH SUBSECTION AP-*
10 *PLIES.*—

11 (A) *IN GENERAL.*—This subsection shall
12 apply to any amendment to any plan or annu-
13 ity contract which is made—

14 (i) pursuant to any provision of this
15 section, or pursuant to any regulation
16 issued by the Secretary or the Secretary of
17 Labor under any provision of this section,
18 and

19 (ii) on or before the last day of the first
20 plan year beginning on or after January 1,
21 2022, or such later date as the Secretary
22 may prescribe.

23 In the case of a governmental plan (as defined
24 in section 414(d) of the Internal Revenue Code
25 of 1986), clause (ii) shall be applied by sub-

1 *stituting the date which is 2 years after the date*
2 *otherwise applied under clause (i).*

3 *(B) CONDITIONS.—This subsection shall not*
4 *apply to any amendment unless—*

5 *(i) during the period—*

6 *(I) beginning on the date that this*
7 *section or the regulation described in*
8 *subparagraph (A)(i) takes effect (or in*
9 *the case of a plan or contract amend-*
10 *ment not required by this section or*
11 *such regulation, the effective date speci-*
12 *fied by the plan), and*

13 *(II) ending on the date described*
14 *in subparagraph (A)(ii) (or, if earlier,*
15 *the date the plan or contract amend-*
16 *ment is adopted),*

17 *the plan or contract is operated as if such plan*
18 *or contract amendment were in effect, and*

19 *(ii) such plan or contract amendment*
20 *applies retroactively for such period.*

21 **SEC. 303. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS**
22 **AFFECTED BY QUALIFIED DISASTERS.**

23 *(a) IN GENERAL.—For purposes of section 38 of the*
24 *Internal Revenue Code of 1986, in the case of an eligible*
25 *employer, the 2020 qualified disaster employee retention*

1 *credit shall be treated as a credit listed at the end of sub-*
2 *section (b) of such section. For purposes of this subsection,*
3 *the 2020 qualified disaster employee retention credit for*
4 *any taxable year is an amount equal to 40 percent of the*
5 *qualified wages with respect to each eligible employee of*
6 *such employer for such taxable year. The amount of quali-*
7 *fied wages with respect to any employee which may be taken*
8 *into account under this subsection by the employer for any*
9 *taxable year shall not exceed \$6,000 (reduced by the amount*
10 *of qualified wages with respect to such employee taken into*
11 *account for any prior taxable year).*

12 *(b) DEFINITIONS.—For purposes of this section—*

13 *(1) ELIGIBLE EMPLOYER.—The term “eligible*
14 *employer” means any employer—*

15 *(A) which conducted an active trade or*
16 *business in a qualified disaster zone at any time*
17 *during the incident period of the qualified dis-*
18 *aster with respect to such qualified disaster zone,*
19 *and*

20 *(B) with respect to whom the trade or busi-*
21 *ness described in subparagraph (A) is inoperable*
22 *at any time during the period beginning on the*
23 *first day of the incident period of such qualified*
24 *disaster and ending on the date of the enactment*

1 *of this Act, as a result of damage sustained by*
2 *reason of such qualified disaster.*

3 (2) *ELIGIBLE EMPLOYEE.—The term “eligible*
4 *employee” means with respect to an eligible employer*
5 *an employee whose principal place of employment*
6 *with such eligible employer (determined immediately*
7 *before the qualified disaster referred to in paragraph*
8 *(1)) was in the qualified disaster zone referred to in*
9 *such paragraph.*

10 (3) *QUALIFIED WAGES.—The term “qualified*
11 *wages” means wages (as defined in section 51(c)(1) of*
12 *the Internal Revenue Code of 1986, but without re-*
13 *gard to section 3306(b)(2)(B) of such Code) paid or*
14 *incurred by an eligible employer with respect to an*
15 *eligible employee at any time on or after the date on*
16 *which the trade or business described in paragraph*
17 *(1) first became inoperable at the principal place of*
18 *employment of the employee (determined immediately*
19 *before the qualified disaster referred to in such para-*
20 *graph) and before the earlier of—*

21 (A) *the date on which such trade or business*
22 *has resumed significant operations at such prin-*
23 *cipal place of employment, or*

1 (B) the date which is 150 days after the last
2 day of the incident period of the qualified dis-
3 aster referred to in paragraph (1).

4 Such term shall include wages paid without regard to
5 whether the employee performs no services, performs
6 services at a different place of employment than such
7 principal place of employment, or performs services
8 at such principal place of employment before signifi-
9 cant operations have resumed. Such term shall not in-
10 clude any wages taken into account under section
11 2301 of the CARES Act.

12 (c) *SPECIAL RULES.*—

13 (1) *DENIAL OF DOUBLE BENEFIT.*—Any wages
14 taken into account in determining any credit allowed
15 under this section shall not be taken into account as
16 wages for purposes of sections 41, 45A, 45P, 45S, 51,
17 and 1396 of the Internal Revenue Code of 1986.

18 (2) *CERTAIN OTHER RULES TO APPLY.*—For
19 purposes of this section, rules similar to the rules of
20 sections 51(i)(1), 52, and 280C(a) of the Internal
21 Revenue Code of 1986 shall apply.

22 (d) *PAYROLL TAX CREDIT FOR CERTAIN TAX-EXEMPT*
23 *ORGANIZATIONS.*—

24 (1) *IN GENERAL.*—In the case of any qualified
25 tax-exempt organization, there shall be allowed as a

1 *credit against the tax imposed by section 3111(a) of*
2 *the Internal Revenue Code of 1986 on wages paid*
3 *with respect to employment of all employees of the or-*
4 *ganization during the calendar quarter an amount*
5 *equal to 40 percent of the qualified wages paid to eli-*
6 *gible employees of such organization during such cal-*
7 *endar quarter.*

8 (2) *APPLICATION OF AGGREGATE DOLLAR LIM-*
9 *TATION PER EMPLOYEE.—The amount of qualified*
10 *wages with respect to any employee which may be*
11 *taken into account under this subsection by the em-*
12 *ployer for any calendar quarter shall not exceed*
13 *\$6,000 (reduced by the amount of qualified wages*
14 *with respect to which credit was allowed under this*
15 *subsection for any prior calendar quarter with respect*
16 *to such employee).*

17 (3) *OVERALL LIMITATION.—*

18 (A) *IN GENERAL.—The aggregate amount*
19 *allowed as a credit under this subsection for all*
20 *eligible employees of any employer for any cal-*
21 *endar quarter shall not exceed the amount of the*
22 *tax imposed by section 3111(a) of the Internal*
23 *Revenue Code of 1986 on wages paid with re-*
24 *spect to employment of all employees of such em-*
25 *ployer during such calendar quarter (reduced by*

1 *any credits allowed under subsections (e) and (f)*
2 *of section 3111 of such Code for such quarter).*

3 (B) *CARRYFORWARD.*—*If the amount of the*
4 *credit under paragraph (1) exceeds the limita-*
5 *tion of subparagraph (A) for any calendar quar-*
6 *ter, such excess shall be carried to the succeeding*
7 *calendar quarter and allowed as a credit under*
8 *paragraph (1) for such quarter.*

9 (C) *COORDINATION WITH OTHER PAYROLL*
10 *TAX CREDITS.*—

11 (i) *Section 7001(b)(3) of the Families*
12 *First Coronavirus Response Act is amended*
13 *by inserting “, and section 303(d) of the*
14 *Taxpayer Certainty and Disaster Tax Re-*
15 *lief Act of 2020,” after “subsections (e) and*
16 *(f) of section 3111 of such Code”.*

17 (ii) *Section 7003(b)(2) of the Families*
18 *First Coronavirus Response Act is amended*
19 *by striking “and section 7001 of this Act,”*
20 *and inserting “section 7001 of this Act, and*
21 *section 303(d) of the Taxpayer Certainty*
22 *and Disaster Tax Relief Act of 2020,”.*

23 (iii) *Section 2301(b)(2) of the CARES*
24 *Act is amended by striking “and sections*
25 *7001 and 7003 of the Families First*

1 *Coronavirus Response Act*” and inserting “,
2 *sections 7001 and 7003 of the Families*
3 *First Coronavirus Response Act, and section*
4 *303(d) of the Taxpayer Certainty and Dis-*
5 *aster Tax Relief Act of 2020*”.

6 (4) *DEFINITIONS.—*

7 (A) *QUALIFIED TAX-EXEMPT ORGANIZA-*
8 *TION.—For purposes of this subsection, the term*
9 *“qualified tax-exempt organization” means an*
10 *organization described in section 501(c) of the*
11 *Internal Revenue Code of 1986 and exempt from*
12 *taxation under section 501(a) of such Code if*
13 *such organization would be an eligible employer*
14 *if the activities of such organization were an ac-*
15 *tive trade or business.*

16 (B) *APPLICATION OF CERTAIN TERMS WITH*
17 *RESPECT TO QUALIFIED TAX-EXEMPT ORGANIZA-*
18 *TIONS.—For purposes of this subsection, the*
19 *terms “eligible employee” and “qualified wages”*
20 *shall be applied with respect to any qualified*
21 *tax-exempt organization—*

22 (i) *by treating the activities of such or-*
23 *ganization as an active trade or business,*
24 *and*

1 (ii) by substituting “wages (within the
2 meaning of subsection (d)(4)(C))” for
3 “wages (as defined in section 51(c)(1) of the
4 Internal Revenue Code of 1986, but without
5 regard to section 3306(b)(2)(B) of such
6 Code)” in subsection (b)(3).

7 (C) *OTHER TERMS.*—Except as otherwise
8 provided in this subsection, any term used in
9 this subsection which is also used in chapter 21
10 or 22 of the Internal Revenue Code of 1986 shall
11 have the same meaning as when used in such
12 chapter.

13 (5) *TRANSFERS TO CERTAIN TRUST FUNDS.*—
14 There are hereby appropriated to the Federal Old-Age
15 and Survivors Insurance Trust Fund and the Federal
16 Disability Insurance Trust Fund established under
17 section 201 of the Social Security Act (42 U.S.C. 401)
18 and the Social Security Equivalent Benefit Account
19 established under section 15A(a) of the Railroad Re-
20 tirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts
21 equal to the reduction in revenues to the Treasury by
22 reason of this subsection (without regard to this para-
23 graph). Amounts appropriated by the preceding sen-
24 tence shall be transferred from the general fund at
25 such times and in such manner as to replicate to the

1 *extent possible the transfers which would have oc-*
2 *curred to such Trust Fund or Account had this sub-*
3 *section not been enacted.*

4 (6) *TREATMENT OF DEPOSITS.—The Secretary*
5 *shall waive any penalty under section 6656 of such*
6 *Code for any failure to make a deposit of applicable*
7 *employment taxes if the Secretary determines that*
8 *such failure was due to the anticipation of the credit*
9 *allowed under this subsection.*

10 (7) *THIRD PARTY PAYORS.—Any credit allowed*
11 *under this subsection shall be treated as a credit de-*
12 *scribed in section 3511(d)(2) of such Code.*

13 (8) *COORDINATION WITH SUBSECTION (a) CRED-*
14 *IT.—Any wages taken into account in determining*
15 *the credit allowed under this subsection shall not be*
16 *take into account as wages for purposes of subsection*
17 *(a).*

18 (9) *REGULATIONS AND GUIDANCE.—The Sec-*
19 *retary shall issue such forms, instructions, regula-*
20 *tions, and guidance as are necessary—*

21 (A) *to allow the advance payment of the*
22 *credit under paragraph (1), subject to the limita-*
23 *tions provided in this subsection, based on such*
24 *information as the Secretary shall require,*

1 (B) regulations or other guidance to provide
2 for the reconciliation of such advance payment
3 with the amount of the credit under this sub-
4 section at the time of filing the return of tax for
5 the applicable quarter or taxable year,

6 (C) with respect to the application of the
7 credit under paragraph (1) to third party
8 payors (including professional employer organi-
9 zations, certified professional employer organiza-
10 tions, or agents under section 3504 of the Inter-
11 nal Revenue Code of 1986), including regulations
12 or guidance allowing such payors to submit doc-
13 umentation necessary to substantiate the eligible
14 employer status of employers that use such
15 payors, and

16 (D) for recapturing the benefit of credits de-
17 termined under this subsection in cases where
18 there is a subsequent adjustment to the credit de-
19 termined under paragraph (1).

20 (e) *ELECTION TO NOT TAKE CERTAIN WAGES INTO*
21 *ACCOUNT.*—

22 (1) *IN GENERAL.*—This section shall not apply
23 to qualified wages paid by an eligible employer with
24 respect to which such employer makes an election (at
25 such time and in such manner as the Secretary may

1 *prescribe) to have this section not apply to such*
2 *wages.*

3 (2) *COORDINATION WITH PAYCHECK PROTECTION*
4 *PROGRAM.—The Secretary, in consultation with the*
5 *Administrator of the Small Business Administration,*
6 *shall issue guidance providing that payroll costs paid*
7 *or incurred during the covered period shall not fail*
8 *to be treated as qualified wages under this section by*
9 *reason of an election under paragraph (1) to the ex-*
10 *tent that a covered loan of the eligible employer is not*
11 *forgiven by reason of a decision under section 7A(g)*
12 *of the Small Business Act. Terms used in the pre-*
13 *ceding sentence which are also used in section 7A(g)*
14 *of such Act shall have the same meaning as when used*
15 *in such section.*

16 (f) *CERTAIN GOVERNMENTAL EMPLOYERS.—*

17 (1) *IN GENERAL.—The credits under this section*
18 *shall not apply to the Government of the United*
19 *States, the government of any State or political sub-*
20 *division thereof, or any agency or instrumentality of*
21 *any of the foregoing.*

22 (2) *EXCEPTION.—Paragraph (1) shall not apply*
23 *to—*

24 (A) *any organization described in section*
25 *501(c)(1) of the Internal Revenue Code of 1986*

1 *and exempt from tax under section 501(a) of*
2 *such Code, or*

3 *(B) any entity described in paragraph (1)*

4 *if —*

5 *(i) such entity is a college or univer-*
6 *sity, or*

7 *(ii) the principal purpose or function*
8 *of such entity is providing medical or hos-*
9 *pital care.*

10 *An entity described in subparagraph (B) shall be*
11 *treated for purposes of this section in the same*
12 *manner as an organization described in section*
13 *501(c) of the Internal Revenue Code of 1986 and*
14 *exempt from tax under section 501(a) of such*
15 *Code.*

16 *(g) AMENDMENT TO PAYCHECK PROTECTION PRO-*
17 *GRAM.—Section 7A(a)(12) of the Small Business Act (as*
18 *redesignated, transferred, and amended by the Economic*
19 *Aid to Hard-Hit Small Businesses, Nonprofits, and Venues*
20 *Act and as amended by section 206(c) of this division) is*
21 *amended by adding at the end the following: “Such payroll*
22 *costs shall not include qualified wages taken into account*
23 *in determining the credit allowed under subsection (a) or*
24 *(d) of section 303 of the Taxpayer Certainty and Disaster*
25 *Tax Relief Act of 2020.”.*

1 **SEC. 304. OTHER DISASTER-RELATED TAX RELIEF PROVI-**
2 **SIONS.**

3 (a) *SPECIAL RULES FOR QUALIFIED DISASTER RE-*
4 *LIEF CONTRIBUTIONS.*—

5 (1) *IN GENERAL.*—*In the case of a qualified dis-*
6 *aster relief contribution made by a corporation—*

7 (A) *section 2205(a)(2)(B) of the CARES*
8 *Act shall be applied first to qualified contribu-*
9 *tions without regard to any qualified disaster re-*
10 *lief contributions and then separately to such*
11 *qualified disaster relief contribution, and*

12 (B) *in applying such section to such quali-*
13 *fied disaster relief contributions, clause (i) there-*
14 *of shall be applied—*

15 (i) *by substituting “100 percent” for*
16 *“25 percent”, and*

17 (ii) *by treating qualified contributions*
18 *other than qualified disaster relief contribu-*
19 *tions as contributions allowed under section*
20 *170(b)(2) of the Internal Revenue Code of*
21 *1986.*

22 (2) *QUALIFIED DISASTER RELIEF CONTRIBU-*
23 *TION.*—*For purposes of this subsection, the term*
24 *“qualified disaster relief contribution” means any*
25 *qualified contribution (as defined in section*
26 *2205(a)(3) of the CARES Act) if—*

1 (A) *such contribution—*

2 (i) *is paid, during the period begin-*
3 *ning on January 1, 2020, and ending on*
4 *the date which is 60 days after the date of*
5 *the enactment of this Act, and*

6 (ii) *is made for relief efforts in one or*
7 *more qualified disaster areas,*

8 (B) *the taxpayer obtains from such organi-*
9 *zation contemporaneous written acknowledgment*
10 *(within the meaning of section 170(f)(8) of such*
11 *Code) that such contribution was used (or is to*
12 *be used) for relief efforts described in subpara-*
13 *graph (A)(ii), and*

14 (C) *the taxpayer has elected the application*
15 *of this subsection with respect to such contribu-*
16 *tion.*

17 (3) *CROSS-REFERENCE.—For the suspension of*
18 *the limitation on qualified disaster relief contribu-*
19 *tions made by an individual during 2020, see section*
20 *2205(a) of the CARES Act.*

21 (b) *SPECIAL RULES FOR QUALIFIED DISASTER-RE-*
22 *LATED PERSONAL CASUALTY LOSSES.—*

23 (1) *IN GENERAL.—If an individual has a net*
24 *disaster loss for any taxable year—*

1 (A) *the amount determined under section*
2 *165(h)(2)(A)(ii) of the Internal Revenue Code of*
3 *1986 shall be equal to the sum of—*

4 (i) *such net disaster loss, and*

5 (ii) *so much of the excess referred to in*
6 *the matter preceding clause (i) of section*
7 *165(h)(2)(A) of such Code (reduced by the*
8 *amount in clause (i) of this subparagraph)*
9 *as exceeds 10 percent of the adjusted gross*
10 *income of the individual,*

11 (B) *in the case of qualified disaster-related*
12 *personal casualty losses, section 165(h)(1) of such*
13 *Code shall be applied to by substituting “ \$500”*
14 *for “ \$500 (\$100 for taxable years beginning*
15 *after December 31, 2009)”*,

16 (C) *the standard deduction determined*
17 *under section 63(c) of such Code shall be in-*
18 *creased by the net disaster loss, and*

19 (D) *section 56(b)(1)(E) of such Code shall*
20 *not apply to so much of the standard deduction*
21 *as is attributable to the increase under subpara-*
22 *graph (C) of this paragraph.*

23 (2) *NET DISASTER LOSS.—For purposes of this*
24 *subsection, the term “net disaster loss” means the ex-*
25 *cess of qualified disaster-related personal casualty*

1 *losses over personal casualty gains (as defined in sec-*
2 *tion 165(h)(3)(A) of the Internal Revenue Code of*
3 *1986).*

4 (3) *QUALIFIED DISASTER-RELATED PERSONAL*
5 *CASUALTY LOSSES.*—*For purposes of this subsection,*
6 *the term “qualified disaster-related personal casualty*
7 *losses” means losses described in section 165(c)(3) of*
8 *the Internal Revenue Code of 1986 which arise in a*
9 *qualified disaster area on or after the first day of the*
10 *incident period of the qualified disaster to which such*
11 *area relates, and which are attributable to such quali-*
12 *fied disaster.*

13 **SEC. 305. LOW-INCOME HOUSING TAX CREDIT.**

14 (a) *ADDITIONAL LOW-INCOME HOUSING CREDIT AL-*
15 *LOCATIONS.*—

16 (1) *IN GENERAL.*—*For purposes of section 42 of*
17 *the Internal Revenue Code of 1986, the State housing*
18 *credit ceiling for any State for each of calendar years*
19 *2021 and 2022 shall be increased by the aggregate*
20 *housing credit dollar amount allocated by the State*
21 *housing credit agencies of such State for such cal-*
22 *endar year to buildings located in any qualified dis-*
23 *aster zone in such State.*

24 (2) *LIMITATION.*—

1 (A) *APPLICATION OF AGGREGATE LIMITA-*
2 *TION.—The increase determined under para-*
3 *graph (1) with respect to any State shall not ex-*
4 *ceed—*

5 (i) *in the case of any such increase de-*
6 *termined for calendar year 2021, the appli-*
7 *cable dollar limitation for such State, and*

8 (ii) *in the case of any such increase de-*
9 *termined for calendar year 2022, the appli-*
10 *cable dollar limitation for such State re-*
11 *duced by the amount of any increase deter-*
12 *mined under paragraph (1) with respect to*
13 *such State for calendar year 2021.*

14 (B) *APPLICABLE DOLLAR LIMITATION.—For*
15 *purposes of this paragraph, the term “applicable*
16 *dollar limitation” means, with respect to any*
17 *State, the lesser of—*

18 (i) *the product of \$3.50 multiplied by*
19 *the population of such State (as determined*
20 *for calendar year 2020) which resides in*
21 *qualified disaster zones in such State, or*

22 (ii) *65 percent of the State housing*
23 *credit ceiling for such State for calendar*
24 *year 2020.*

1 (3) *EXTENSION OF PLACED IN SERVICE DEAD-*
2 *LINE FOR DESIGNATED HOUSING CREDIT DOLLAR*
3 *AMOUNTS.—*

4 (A) *IN GENERAL.—In the case of any hous-*
5 *ing credit dollar amount which is allocated by a*
6 *State housing credit agency of a State for cal-*
7 *endar year 2021 or 2022 to a building located*
8 *in a qualified disaster zone in such State and*
9 *which is designated (at such time and in such*
10 *manner as the Secretary may provide) by such*
11 *State housing credit agency as housing credit*
12 *dollar amount to which this paragraph applies,*
13 *section 42(h)(1)(E) of the Internal Revenue Code*
14 *of 1986 shall be applied—*

15 (i) *by substituting “third calendar*
16 *year” for “second calendar year” both*
17 *places it appears, and*

18 (ii) *by substituting “2 years” for “1*
19 *year” in clause (ii) thereof.*

20 (B) *APPLICATION OF LIMITATION.—The ag-*
21 *gregate amount of housing credit dollar amount*
22 *designated under subparagraph (A) for any cal-*
23 *endar year by all State housing credit agencies*
24 *of a State shall not exceed the amount deter-*

1 *mined under paragraph (2)(A) with respect to*
2 *such State for such calendar year.*

3 (4) *ALLOCATIONS TREATED AS MADE FIRST*
4 *FROM ADDITIONAL ALLOCATION FOR PURPOSES OF*
5 *DETERMINING CARRYOVER.*—*For purposes of deter-*
6 *mining the unused State housing credit ceiling for*
7 *any calendar year under section 42(h)(3)(C) of the*
8 *Internal Revenue Code of 1986, any increase in the*
9 *State housing credit ceiling under paragraph (1)*
10 *shall be treated as an amount described in clause (ii)*
11 *of such section.*

12 **SEC. 306. TREATMENT OF CERTAIN POSSESSIONS.**

13 (a) *PAYMENTS TO POSSESSIONS WITH MIRROR CODE*
14 *TAX SYSTEMS.*—*The Secretary of the Treasury shall pay*
15 *to each possession of the United States which has a mirror*
16 *code tax system amounts equal to the loss (if any) to that*
17 *possession by reason of the application of the provisions of*
18 *this title. Such amounts shall be determined by the Sec-*
19 *retary of the Treasury based on information provided by*
20 *the government of the respective possession.*

21 (b) *PAYMENTS TO OTHER POSSESSIONS.*—*The Sec-*
22 *retary of the Treasury shall pay to each possession of the*
23 *United States which does not have a mirror code tax system*
24 *amounts estimated by the Secretary of the Treasury as*
25 *being equal to the aggregate benefits (if any) that would*

1 *have been provided to residents of such possession by reason*
2 *of the provisions of this title if a mirror code tax system*
3 *had been in effect in such possession. The preceding sentence*
4 *shall not apply unless the respective possession has a plan,*
5 *which has been approved by the Secretary of the Treasury,*
6 *under which such possession will promptly distribute such*
7 *payments to its residents.*

8 *(c) MIRROR CODE TAX SYSTEM.—For purposes of this*
9 *section, the term “mirror code tax system” means, with re-*
10 *spect to any possession of the United States, the income tax*
11 *system of such possession if the income tax liability of the*
12 *residents of such possession under such system is determined*
13 *by reference to the income tax laws of the United States*
14 *as if such possession were the United States.*

15 *(d) TREATMENT OF PAYMENTS.—For purposes of sec-*
16 *tion 1324 of title 31, United States Code, the payments*
17 *under this section shall be treated in the same manner as*
18 *a refund due from a credit provision referred to in sub-*
19 *section (b)(2) of such section.*

1 ***DIVISION FF—OTHER MATTER***
2 ***TITLE I—CONTINUING EDU-***
3 ***CATION AT AFFECTED FOR-***
4 ***EIGN INSTITUTIONS AND***
5 ***MODIFICATION OF CERTAIN***
6 ***PROTECTIONS FOR TAXPAYER***
7 ***RETURN INFORMATION***

8 ***SEC. 101. CONTINUING EDUCATION AT AFFECTED FOREIGN***
9 ***INSTITUTIONS.***

10 *(a) IN GENERAL.—Section 3510 of the CARES Act (20*
11 *U.S.C. 1001 note) is amended—*

12 *(1) in subsection (a), by striking “for the dura-*
13 *tion of such emergency” and all that follows through*
14 *the period at the end and inserting “for purposes of*
15 *title IV of the Higher Education Act of 1965 (20*
16 *U.S.C. 1070 et seq.) until the end of the covered pe-*
17 *riod applicable to the institution.”;*

18 *(2) in subsection (b), by striking “for the dura-*
19 *tion of the qualifying emergency and the following*
20 *payment period for purposes of title IV of the Higher*
21 *Education Act of 1965 (20 U.S.C. 1070 et seq.).” and*
22 *inserting “until the end of the covered period applica-*
23 *ble to the institution.”;*

24 *(3) in subsection (c), by striking “for the dura-*
25 *tion of the qualifying emergency and the following*

1 *payment period,” and inserting “until all covered pe-*
2 *riods for foreign institutions carrying out a distance*
3 *education program authorized under this section have*
4 *ended,”;*

5 *(4) in subsection (d)—*

6 *(A) in paragraph (1)—*

7 *(i) by striking “for the duration of a*
8 *qualifying emergency and the following*
9 *payment period,” and inserting “until the*
10 *end of the covered period applicable to a*
11 *foreign institution,”; and*

12 *(ii) by striking “allow a foreign insti-*
13 *tution” and inserting “allow the foreign in-*
14 *stitution”;*

15 *(B) in each of subparagraphs (A) and (B)*
16 *of paragraph (2), by striking “subsection (a)”*
17 *and inserting “paragraph (1)”;*

18 *(C) in paragraph (3)(B), by striking “30*
19 *days” and inserting “10 days”; and*

20 *(D) in paragraph (4)—*

21 *(i) by striking “for the duration of the*
22 *qualifying emergency and the following*
23 *payment period,” and inserting “until all*
24 *covered periods for foreign institutions that*

1 *entered into written arrangements under*
2 *paragraph (1) have ended,”; and*

3 *(ii) by striking “identifies each foreign*
4 *institution that entered into a written ar-*
5 *rangement under subsection (a).” and in-*
6 *serting the following: identifies, for each*
7 *such foreign institution—*

8 *“(A) the name of the foreign institution;*

9 *“(B) the name of the institution of higher*
10 *education located in the United States that has*
11 *entered into a written arrangement with such*
12 *foreign institution; and*

13 *“(C) information regarding the nature of*
14 *such written arrangement, including which*
15 *coursework or program requirements are accom-*
16 *plished at each respective institution.”; and*

17 *(5) by adding at the end the following:*

18 *“(e) DEFINITION OF COVERED PERIOD.—*

19 *“(1) IN GENERAL.—In this section, the term*
20 *‘covered period’, when used with respect to a foreign*
21 *institution of higher education, means the period—*

22 *“(A) beginning on the first day of—*

23 *“(i) a qualifying emergency; or*

24 *“(ii) a public health emergency, major*
25 *disaster or emergency, or national emer-*

1 *gency declared by the applicable government*
2 *authorities in the country in which the for-*
3 *ign institution is located; and*

4 “(B) ending on the later of—

5 “(i) subject to paragraph (2), the last
6 day of the payment period, for purposes of
7 title IV of the Higher Education Act of
8 1965 (20 U.S.C. 1070 *et seq.*), following the
9 end of any qualifying emergency or any
10 emergency or disaster described in subpara-
11 graph (A)(ii) applicable to the foreign insti-
12 tution; or

13 “(ii) June 30, 2022.

14 “(2) *SPECIAL RULE FOR CERTAIN PAYMENT PE-*
15 *RIODS.—For purposes of subparagraph (B)(i), if the*
16 *following payment period for an award year ends be-*
17 *fore June 30 of such award year, the covered period*
18 *shall be extended until June 30 of such award year.”.*

19 “(b) *EFFECTIVE DATE.—The amendments made by sub-*
20 *section (a) shall take effect as if included in the enactment*
21 *of the CARES Act (Public Law 116–136).*

1 **SEC. 102. DISCLOSURES TO IDENTIFY TAX RECEIVABLES**
2 **NOT ELIGIBLE FOR COLLECTION PURSUANT**
3 **TO QUALIFIED TAX COLLECTION CONTRACTS.**

4 (a) *IN GENERAL.*—Section 1106 of the Social Security
5 Act (42 U.S.C. 1306) is amended by adding at the end the
6 following:

7 “(g) Notwithstanding any other provision of this sec-
8 tion, the Commissioner of Social Security shall enter into
9 an agreement with the Secretary of the Treasury under
10 which—

11 “(1) if the Secretary provides the Commissioner
12 with the information described in section 6103(k)(15)
13 of the Internal Revenue Code of 1986 with respect to
14 any individual, the Commissioner shall indicate to
15 the Secretary as to whether such individual receives
16 disability insurance benefits under section 223 or
17 supplemental security income benefits under title XVI
18 (including State supplementary payments of the type
19 referred to in section 1616(a) or payments of the type
20 described in section 212(a) of Public Law 93-66);

21 “(2) appropriate safeguards are included to as-
22 sure that the indication described in paragraph (1)
23 will be used solely for the purpose of determining if
24 tax receivables involving such individual are not eli-
25 gible for collection pursuant to a qualified tax collec-

1 *tion contract by reason of section 6306(d)(3)(E) of the*
2 *Internal Revenue Code of 1986; and*

3 *“(3) the Secretary shall pay the Commissioner of*
4 *Social Security the full costs (including systems and*
5 *administrative costs) of providing the indication de-*
6 *scribed in paragraph (1).”.*

7 *(b) AUTHORIZATION OF DISCLOSURE BY SECRETARY*
8 *OF THE TREASURY.—*

9 *(1) IN GENERAL.—Section 6103(k) of the Inter-*
10 *nal Revenue Code of 1986 is amended by adding at*
11 *the end the following new paragraph:*

12 *“(15) DISCLOSURES TO SOCIAL SECURITY AD-*
13 *MINISTRATION TO IDENTIFY TAX RECEIVABLES NOT*
14 *ELIGIBLE FOR COLLECTION PURSUANT TO QUALIFIED*
15 *TAX COLLECTION CONTRACTS.—In the case of any in-*
16 *dividual involved with a tax receivable which the Sec-*
17 *retary has identified for possible collection pursuant*
18 *to a qualified tax collection contract (as defined in*
19 *section 6306(b)), the Secretary may disclose the tax-*
20 *payer identity and date of birth of such individual to*
21 *officers, employees, and contractors of the Social Se-*
22 *curity Administration to determine if such tax receiv-*
23 *able is not eligible for collection pursuant to such a*
24 *qualified tax collection contract by reason of section*
25 *6306(d)(3)(E).”.*

1 (2) *CONFORMING AMENDMENTS RELATED TO*
2 *SAFEGUARDS.*—

3 (A) *Section 6103(a)(3) of such Code is*
4 *amended by striking “or (14)” and inserting*
5 *“(14), or (15)”.*

6 (B) *Section 6103(p)(4) of such Code is*
7 *amended—*

8 (i) *by striking “(k)(8), (10) or (11)”*
9 *both places it appears and inserting “(k)(8),*
10 *(10), (11), or (15)”*, and

11 (ii) *by striking “any other person de-*
12 *scribed in subsection (k)(10)” each place it*
13 *appears and inserting “any other person*
14 *described in subsection (k)(10) or (15)”.*

15 (C) *Section 7213(a)(2) of such Code is*
16 *amended by striking “(k)(10), (13), or (14)” and*
17 *inserting “(k)(10), (13), (14), or (15)”.*

18 (c) *EFFECTIVE DATE.*—*The amendments made by this*
19 *section shall apply to disclosures made on or after the date*
20 *of the enactment of this Act.*

21 **SEC. 103. MODIFICATION OF CERTAIN PROTECTIONS FOR**
22 **TAXPAYER RETURN INFORMATION.**

23 (a) *AMENDMENTS TO THE INTERNAL REVENUE CODE*
24 *OF 1986.*—

1 (1) *IN GENERAL.*—Subparagraph (D) of section
2 6103(l)(13) of the Internal Revenue Code of 1986 is
3 amended—

4 (A) by inserting at the end of clause (iii)
5 the following new sentence: “Under such terms
6 and conditions as may be prescribed by the Sec-
7 retary, after consultation with the Department of
8 Education, an institution of higher education de-
9 scribed in subclause (I) or a State higher edu-
10 cation agency described in subclause (II) may
11 designate a contractor of such institution or state
12 agency to receive return information on behalf of
13 such institution or state agency to administer
14 aspects of the institution’s or state agency’s ac-
15 tivities for the application, award, and adminis-
16 tration of such financial aid.”, and

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

18 “(iv) *REDISCLASURE TO OFFICE OF IN-*
19 *SPECTOR GENERAL, INDEPENDENT AUDI-*
20 *TORS, AND CONTRACTORS.*—Any return in-
21 formation which is redisclosed under clause
22 (iii)—

23 “(I) may be further disclosed by
24 persons described in subclauses (I),
25 (II), or (III) of clause (iii) or persons

1 *designated in the last sentence of clause*
2 *(iii) to the Office of Inspector General*
3 *of the Department of Education and*
4 *independent auditors conducting au-*
5 *ditions of such person's administration of*
6 *the programs for which the return in-*
7 *formation was received, and*

8 *“(II) may be further disclosed by*
9 *persons described in subclauses (I),*
10 *(II), or (III) of clause (iii) to contrac-*
11 *tors of such entities,*

12 *but only to the extent necessary in carrying*
13 *out the purposes described in such clause*
14 *(iii).*

15 *“(v) REDISCLOSURE TO FAMILY MEM-*
16 *BERS.—In addition to the purposes for*
17 *which information is disclosed and used*
18 *under subparagraphs (A) and (C), or redis-*
19 *closed under clause (iii), any return infor-*
20 *mation so disclosed or redisclosed may be*
21 *further disclosed to any individual certified*
22 *by the Secretary of Education as having*
23 *provided approval under paragraph (1) or*
24 *(2) of section 494(a) of the Higher Edu-*
25 *cation Act of 1965, as the case may be, for*

1 *disclosure related to the income-contingent*
2 *or income-based repayment plan under sub-*
3 *paragraph (A) or the eligibility for, and*
4 *amount of, Federal student financial aid*
5 *described in subparagraph (C).*

6 “(vi) *REDISCLASURE OF FAFSA INFOR-*
7 *MATION.—Return information received*
8 *under subparagraph (C) may be redisclosed*
9 *in accordance with subsection (c) of section*
10 *494 of the Higher Education Act of 1965 as*
11 *in effect on the date of enactment of the*
12 *Consolidated Appropriations Act, 2021 to*
13 *carry out the purposes specified in such*
14 *subsection.”.*

15 (2) *CONFORMING AMENDMENT.—Subparagraph*
16 *(F) of section 6103(l)(13) of such Code is amended by*
17 *inserting “, and any redisclosure authorized under*
18 *clause (iii), (iv) (v), or (vi) of subparagraph (D),”*
19 *after “ or (C)”.*

20 (3) *CONFIDENTIALITY OF RETURN INFORMA-*
21 *TION.—*

22 (A) *Section 6103(a)(3) of such Code, as*
23 *amended by section 3516(a)(1) of the CARES*
24 *Act (Public Law 116–136), is amended by strik-*
25 *ing “(13)(A), (13)(B), (13)(C), (13)(D)(i),” and*

1 inserting “(13) (other than subparagraphs
2 (D)(v) and (D)(vi) thereof),”.

3 (B) Section 6103(p)(3)(A) of such Code, as
4 amended by section 3516(a)(2) of such Act, is
5 amended by striking “(13)(A), (13)(B), (13)(C),
6 (13)(D)(i),” and inserting “(13)(D)(iv),
7 (13)(D)(v), (13)(D)(vi)”.

8 (4) *EFFECTIVE DATE.*—The amendments made
9 by this subsection shall apply to disclosures made
10 after the date of the enactment of the *FUTURE Act*
11 (Public Law 116–91).

12 (b) *AMENDMENTS TO THE HIGHER EDUCATION ACT*
13 *OF 1965.*—

14 (1) *IN GENERAL.*—Section 494 of the *Higher*
15 *Education Act of 1965* (20 U.S.C. 1098h(a)) is
16 amended—

17 (A) in subsection (a)(1)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “, including return
20 information,” after “financial informa-
21 tion”;

22 (ii) in subparagraph (A)—

23 (I) in clause (i)—

1 (aa) by striking “subpara-
2 graph (B), the” and inserting the
3 following: “subparagraph (B)—
4 “(I) the”; and

5 (bb) by adding at the end the
6 following:

7 “(II) the return information of
8 such individuals may be redisclosed
9 pursuant to clauses (iii), (iv), (v), and
10 (vi) of section 6103(l)(13)(D) of the In-
11 ternal Revenue Code of 1986, for the
12 relevant purposes described in such sec-
13 tion; and”;

14 (II) in clause (ii), by striking
15 “such disclosure” and inserting “the
16 disclosures described in subclauses (I)
17 and (II) of clause (i)”;

18 (iii) in subparagraph (B), by striking
19 “disclosure described in subparagraph
20 (A)(i)” and inserting “disclosures described
21 in subclauses (I) and (II) of subparagraph
22 (A)(i)”;

23 (B) in subsection (a)(2)(A)(ii), by striking
24 “affirmatively approve the disclosure described
25 in paragraph (1)(A)(i) and agree that such ap-

1 *proval shall serve as an ongoing approval of*
2 *such disclosure until the date on which the indi-*
3 *vidual elects to opt out of such disclosure” and*
4 *inserting “affirmatively approve the disclosures*
5 *described in subclauses (I) and (II) of paragraph*
6 *(1)(A)(i), to the extent applicable, and agree that*
7 *such approval shall serve as an ongoing approval*
8 *of such disclosures until the date on which the*
9 *individual elects to opt out of such disclosures”;*
10 *and*

11 *(C) by adding at the end the following:*

12 “(c) *ACCESS TO FAFSA INFORMATION.—*

13 “(1) *REDISCLASURE OF INFORMATION.—The in-*
14 *formation in a complete, unredacted Student Aid Re-*
15 *port (including any return information disclosed*
16 *under section 6103(l)(13) of the Internal Revenue*
17 *Code of 1986 (26 U.S.C. 6103(l)(13))) with respect to*
18 *an application described in subsection (a)(1) of an*
19 *applicant for Federal student financial aid—*

20 “(A) *upon request for such information by*
21 *such applicant, shall be provided to such appli-*
22 *cant by—*

23 “(i) *the Secretary; or*

24 “(ii) *in a case in which the Secretary*
25 *has requested that institutions of higher*

1 *education carry out the requirements of this*
2 *subparagraph, an institution of higher edu-*
3 *cation that has received such information;*
4 *and*

5 “(B) *with the written consent by the appli-*
6 *cant to an institution of higher education, may*
7 *be provided by such institution of higher edu-*
8 *cation as is necessary to a scholarship granting*
9 *organization (including a tribal organization*
10 *(defined in section 4 of the Indian Self-Deter-*
11 *mination and Education Assistance Act (25*
12 *U.S.C. 5304))), or to an organization assisting*
13 *the applicant in applying for and receiving Fed-*
14 *eral, State, local, or tribal assistance, that is des-*
15 *ignated by the applicant to assist the applicant*
16 *in applying for and receiving financial assist-*
17 *ance for any component of the applicant’s cost of*
18 *attendance (defined in section 472) at that insti-*
19 *tution.*

20 “(2) *DISCUSSION OF INFORMATION.*—*A discus-*
21 *sion of the information in an application described in*
22 *subsection (a)(1) (including any return information*
23 *disclosed under section 6103(l)(13) of the Internal*
24 *Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) of an*
25 *applicant between an institution of higher education*

1 *and the applicant may, with the written consent of*
2 *the applicant, include an individual selected by the*
3 *applicant (such as an advisor) to participate in such*
4 *discussion.*

5 “(3) *RESTRICTION ON DISCLOSING INFORMA-*
6 *TION.—A person receiving information under para-*
7 *graph (1)(B) or (2) with respect to an applicant shall*
8 *not use the information for any purpose other than*
9 *the express purpose for which consent was granted by*
10 *the applicant and shall not disclose such information*
11 *to any other person without the express permission of,*
12 *or request by, the applicant.*

13 “(4) *DEFINITIONS.—In this subsection:*

14 “(A) *STUDENT AID REPORT.—The term*
15 *‘Student Aid Report’ has the meaning given the*
16 *term in section 668.2 of title 34, Code of Federal*
17 *Regulations (or successor regulations).*

18 “(B) *WRITTEN CONSENT.—The term ‘writ-*
19 *ten consent’ means a separate, written document*
20 *that is signed and dated (which may include by*
21 *electronic format) by an applicant, which—*

22 “(i) *indicates that the information*
23 *being disclosed includes return information*
24 *disclosed under section 6103(l)(13) of the*

1 *Internal Revenue Code of 1986 (26 U.S.C.*
2 *6103(l)(13)) with respect to the applicant;*

3 *“(ii) states the purpose for which the*
4 *information is being disclosed; and*

5 *“(iii) states that the information may*
6 *only be used for the specific purpose and no*
7 *other purposes.*

8 *“(5) RECORD KEEPING REQUIREMENT.—An in-*
9 *stitution of higher education shall—*

10 *“(A) keep a record of each written consent*
11 *made under this subsection for a period of at*
12 *least 3 years from the date of the student’s last*
13 *date of attendance at the institution; and*

14 *“(B) make each such record readily avail-*
15 *able for review by the Secretary.”.*

16 *(2) CONFORMING AMENDMENT.—Section*
17 *494(a)(3) of the Higher Education Act of 1965 (20*
18 *U.S.C. 1098h(a)(3)) is amended by striking “para-*
19 *graph (1)(A)(i)” both places the term appears and in-*
20 *serting “paragraph (1)(A)(i)(I)”.*

1 **SEC. 104. RESCHEDULING OF THE NAEP MANDATED BIEN-**
2 **NIAL 4TH AND 8TH GRADE ASSESSMENT AND**
3 **ALIGNMENT OF THE MANDATED QUADREN-**
4 **NIAL 12TH GRADE ASSESSMENT.**

5 (a) *CURRENT ASSESSMENT ADMINISTRATION RE-*
6 *SCHEDULING.*—*Notwithstanding any other provision of law*
7 *and due to the public health emergency declared by the Sec-*
8 *retary of Health and Human Services under section 319*
9 *of the Public Health Service Act (42 U.S.C. 247d) on Janu-*
10 *ary 31, 2020, with respect to COVID–19—*

11 (1) *the biennial 4th and 8th grade reading and*
12 *mathematics assessments scheduled to be conducted*
13 *during the 2020–2021 school year in accordance with*
14 *paragraphs (2)(B) and (3)(A)(i) of section 303(b) of*
15 *the National Assessment of Educational Progress Au-*
16 *thorization Act (20 U.S.C. 9622(b)) and, as prac-*
17 *ticable and subject to the discretion of the National*
18 *Assessment Governing Board, the Trial Urban Dis-*
19 *trict Assessment, shall be conducted during the 2021–*
20 *2022 school year; and*

21 (2) *the next quadrennial 12th grade reading and*
22 *mathematics assessments carried out in accordance*
23 *with section 303(b)(2)(C) of the National Assessment*
24 *of Educational Progress Authorization Act (20 U.S.C.*
25 *9622(b)(2)(C)) after the date of enactment of this sec-*

1 *tion, shall be conducted during the 2023–2024 school*
 2 *year.*

3 *(b) FUTURE ASSESSMENT ADMINISTRATION.—In ac-*
 4 *cordance with section 303(b)(2)(B) of the National Assess-*
 5 *ment of Educational Progress Authorization Act (20 U.S.C.*
 6 *9622(b)(2)(B)), the next biennial assessments following the*
 7 *2021–2022 administration, as authorized under subsection*
 8 *(a), shall occur in the 2023–2024 school year and, as prac-*
 9 *ticable and subject to the discretion of the National Assess-*
 10 *ment Governing Board, the next Trial Urban District As-*
 11 *essment following the 2021–2022 administration, as au-*
 12 *thorized under subsection (a), shall occur in the 2023–2024*
 13 *school year.*

14 **TITLE II—PUBLIC LANDS**

15 **SEC. 201. SAGUARO NATIONAL PARK BOUNDARY EXPAN-** 16 **SION.**

17 *(a) SHORT TITLE.—This section may be cited as the*
 18 *“Saguaro National Park Boundary Expansion Act”.*

19 *(b) BOUNDARY OF SAGUARO NATIONAL PARK.—Sec-*
 20 *tion 4 of the Saguaro National Park Establishment Act of*
 21 *1994 (Public Law 103–364; 108 Stat. 3467) is amended—*

22 *(1) in subsection (a)—*

23 *(A) by inserting “(1)” before “The bound-*
 24 *aries of the park”; and*

25 *(B) by adding at the end the following:*

1 “(2)(A) *The boundaries of the park are further*
2 *modified to include approximately 1,152 acres, as*
3 *generally depicted on the map titled ‘Saguaro Na-*
4 *tional Park Proposed Boundary Adjustment’, num-*
5 *bered 151/80,045G, and dated December 2020.*

6 “(B) *The map referred to in subparagraph (A)*
7 *shall be on file and available for inspection in the ap-*
8 *propriate offices of the National Park Service.”; and*

9 (2) *by striking subsection (b)(2) and inserting*
10 *the following new paragraphs:*

11 “(2) *The Secretary may, with the consent of the*
12 *State of Arizona and in accordance with Federal and*
13 *State law, acquire land or interests therein owned by*
14 *the State of Arizona within the boundary of the park.*

15 “(3) *If the Secretary is unable to acquire the*
16 *State land under paragraph (2), the Secretary may*
17 *enter into an agreement with the State that would*
18 *allow the National Park Service to manage State*
19 *land within the boundary of the park.”.*

20 **SEC. 202. NEW RIVER GORGE NATIONAL PARK AND PRE-**
21 **SERVE DESIGNATION.**

22 (a) *SHORT TITLE.—This section may be cited as the*
23 *“New River Gorge National Park and Preserve Designation*
24 *Act”.*

1 **(b) DESIGNATION OF NEW RIVER GORGE NATIONAL**
2 **PARK AND NEW RIVER GORGE NATIONAL PRESERVE, WEST**
3 **VIRGINIA.**—

4 **(1) REDESIGNATION.**—*The New River Gorge Na-*
5 *tional River established under section 1101 of the Na-*
6 *tional Parks and Recreation Act of 1978 (16 U.S.C.*
7 *460m–15) shall be known and designated as the “New*
8 *River Gorge National Park and Preserve”, consisting*
9 *of—*

10 **(A) the New River Gorge National Park;**
11 *and*

12 **(B) the New River Gorge National Preserve.**

13 **(2) NEW RIVER GORGE NATIONAL PARK.**—*The*
14 *boundaries of the New River Gorge National Park re-*
15 *ferred to in paragraph (1)(A) shall be the boundaries*
16 *depicted as “Proposed National Park Area” on the*
17 *map entitled “New River Gorge National Park and*
18 *Preserve Proposed Boundary”, numbered 637/*
19 *163,199A, and dated September 2020.*

20 **(3) NEW RIVER GORGE NATIONAL PRESERVE;**
21 **BOUNDARY.**—*The boundaries of the New River Gorge*
22 *National Preserve referred to in paragraph (1)(B)*
23 *shall be the boundaries depicted as “Proposed Na-*
24 *tional Preserve Area” on the map entitled “New*
25 *River Gorge National Park and Preserve Proposed*

1 *Boundary*”, numbered 637/163,199A, and dated Sep-
2 *tember 2020.*

3 *(c) ADMINISTRATION.—*

4 *(1) IN GENERAL.—The New River Gorge Na-*
5 *tional Park and Preserve shall be administered by the*
6 *Secretary of the Interior (referred to in this section as*
7 *the “Secretary”) in accordance with—*

8 *(A) this section;*

9 *(B) the laws generally applicable to units of*
10 *the National Park System, including—*

11 *(i) section 100101(a), chapter 1003,*
12 *and sections 100751(a), 100752, 100753,*
13 *and 102101 of title 54, United States Code;*
14 *and*

15 *(ii) chapter 3201 of title 54, United*
16 *States Code; and*

17 *(C) title XI of the National Parks and*
18 *Recreation Act of 1978 (16 U.S.C. 460m–15 et*
19 *seq.), except that the provisions of section 1106*
20 *of that Act (16 U.S.C. 460m–20) relating to*
21 *hunting shall not apply to the New River Gorge*
22 *National Park.*

23 *(2) HUNTING AND FISHING.—*

1 (A) *HUNTING.*—*Hunting within the New*
2 *River Gorge National Preserve shall be adminis-*
3 *tered by the Secretary—*

4 (i) *in the same manner as hunting was*
5 *administered on the day before the date of*
6 *enactment of this Act in those portions of*
7 *the New River Gorge National River des-*
8 *ignated as the New River Gorge National*
9 *Preserve by subsection (b)(3); and*

10 (ii) *in accordance with—*

11 (I) *section 1106 of the National*
12 *Parks and Recreation Act of 1978 (16*
13 *U.S.C. 460m–20); and*

14 (II) *other applicable laws.*

15 (B) *FISHING.*—*Fishing within the New*
16 *River Gorge National Park and Preserve shall be*
17 *administered by the Secretary—*

18 (i) *in the same manner as fishing was*
19 *administered within the New River Gorge*
20 *National River on the day before the date of*
21 *enactment of this Act; and*

22 (ii) *in accordance with—*

23 (I) *section 1106 of the National*
24 *Parks and Recreation Act of 1978 (16*
25 *U.S.C. 460m–20); and*

1 (ii) *other applicable laws.*

2 (C) *PRIVATE LAND.*—*Nothing in this sec-*
3 *tion prohibits hunting, fishing, or trapping on*
4 *private land in accordance with applicable State*
5 *and Federal laws.*

6 (3) *LAND ACQUISITION.*—

7 (A) *ADDITIONAL LAND FOR NATIONAL PRE-*
8 *SERVE.*—

9 (i) *IN GENERAL.*—*The Secretary may*
10 *acquire land or any interest in land identi-*
11 *fied as “Proposed Additional Lands” on the*
12 *map entitled “New River Gorge National*
13 *Park and Preserve Proposed Boundary”,*
14 *numbered 637/163,199A, and dated Sep-*
15 *tember 2020, by purchase from a willing*
16 *seller, donation, or exchange.*

17 (ii) *BOUNDARY MODIFICATION.*—*On*
18 *acquisition of any land or interest in land*
19 *under clause (i), the Secretary shall—*

20 (I) *modify the boundary of the*
21 *New River Gorge National Preserve to*
22 *reflect the acquisition; and*

23 (II) *administer the land or inter-*
24 *est in land in accordance with the laws*

1 *applicable to the New River Gorge Na-*
2 *tional Preserve.*

3 *(B) VISITOR PARKING.—*

4 *(i) IN GENERAL.—The Secretary may*
5 *acquire not more than 100 acres of land in*
6 *the vicinity of the New River Gorge Na-*
7 *tional Park and Preserve by purchase from*
8 *a willing seller, donation, or exchange to*
9 *provide for—*

10 *(I) visitor parking; and*

11 *(II) improved public access to the*
12 *New River Gorge National Park and*
13 *Preserve.*

14 *(ii) ADMINISTRATION.—On acquisition*
15 *of the land under clause (i), the acquired*
16 *land shall be administered as part of the*
17 *New River Gorge National Park or the New*
18 *River Gorge National Preserve, as appro-*
19 *priate.*

20 *(4) COMMERCIAL RECREATIONAL WATERCRAFT*
21 *SERVICES.—Commercial recreational watercraft serv-*
22 *ices within the New River Gorge National Park and*
23 *Preserve shall be administered by the Secretary in ac-*
24 *cordance with section 402 of the West Virginia Na-*

1 *tional Interest River Conservation Act of 1987 (16*
2 *U.S.C. 460m–15 note; Public Law 100–534).*

3 (5) *REFERENCES.*—*Any reference in a law, map,*
4 *regulation, document, paper, or other record of the*
5 *United States to the New River Gorge National River*
6 *shall be considered to be a reference to the “New River*
7 *Gorge National Park” or the “New River Gorge Na-*
8 *tional Preserve”, as appropriate.*

9 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
10 *authorized to be appropriated such sums as are necessary*
11 *to carry out this section.*

12 **SEC. 203. DESIGNATION OF MIRACLE MOUNTAIN.**

13 (a) *SHORT TITLE.*—*This section may be cited as the*
14 *“Miracle Mountain Designation Act”.*

15 (b) *FINDINGS.*—*Congress finds as follows:*

16 (1) *On September 13, 2018, the Bald Mountain*
17 *Fire burned nearly 20,000 acres of land in Utah.*

18 (2) *Elk Ridge City, located in Utah County, was*
19 *nearly the victim of this fire.*

20 (3) *Suddenly, the fire halted its progression and,*
21 *instead of burning into Elk Ridge City, stayed behind*
22 *the mountain and spared the city.*

23 (4) *Congress, in acknowledgment of this event,*
24 *believes this mountain holds special significance to*

1 *the residents of Elk Ridge City and surrounding com-*
2 *munities.*

3 (5) *The presently unnamed peak has been re-*
4 *ferred to as “Miracle Mountain” by many residents*
5 *since the fire that nearly went into Elk Ridge City.*

6 (c) *DESIGNATION.*—*The mountain in the State of*
7 *Utah, located at 39° 59′ 02N, 111° 40′ 12W, shall be known*
8 *and designated as “Miracle Mountain”.*

9 (d) *REFERENCES.*—*Any reference in a law, map, regu-*
10 *lation, document, record, or other paper of the United*
11 *States to the mountain described in subsection (c) shall be*
12 *considered to be a reference to “Miracle Mountain”.*

13 ***TITLE III—FOREIGN RELATIONS***
14 ***AND DEPARTMENT OF STATE***
15 ***PROVISIONS***

16 ***Subtitle A—Robert Levinson Hos-***
17 ***tage Recovery and Hostage-tak-***
18 ***ing Accountability Act***

19 ***SEC. 301. SHORT TITLE.***

20 *This subtitle may be cited as the “Robert Levinson*
21 *Hostage Recovery and Hostage-Taking Accountability Act”.*

1 **SEC. 302. ASSISTANCE FOR UNITED STATES NATIONALS UN-**
2 **LAWFULLY OR WRONGFULLY DETAINED**
3 **ABROAD.**

4 (a) *REVIEW.*—*The Secretary of State shall review the*
5 *cases of United States nationals detained abroad to deter-*
6 *mine if there is credible information that they are being*
7 *detained unlawfully or wrongfully, based on criteria which*
8 *may include whether—*

9 (1) *United States officials receive or possess cred-*
10 *ible information indicating innocence of the detained*
11 *individual;*

12 (2) *the individual is being detained solely or*
13 *substantially because he or she is a United States na-*
14 *tional;*

15 (3) *the individual is being detained solely or*
16 *substantially to influence United States Government*
17 *policy or to secure economic or political concessions*
18 *from the United States Government;*

19 (4) *the detention appears to be because the indi-*
20 *vidual sought to obtain, exercise, defend, or promote*
21 *freedom of the press, freedom of religion, or the right*
22 *to peacefully assemble;*

23 (5) *the individual is being detained in violation*
24 *of the laws of the detaining country;*

1 (6) *independent nongovernmental organizations*
2 *or journalists have raised legitimate questions about*
3 *the innocence of the detained individual;*

4 (7) *the United States mission in the country*
5 *where the individual is being detained has received*
6 *credible reports that the detention is a pretext for an*
7 *illegitimate purpose;*

8 (8) *the individual is detained in a country*
9 *where the Department of State has determined in its*
10 *annual human rights reports that the judicial system*
11 *is not independent or impartial, is susceptible to cor-*
12 *ruption, or is incapable of rendering just verdicts;*

13 (9) *the individual is being detained in inhumane*
14 *conditions;*

15 (10) *due process of law has been sufficiently im-*
16 *paired so as to render the detention arbitrary; and*

17 (11) *United States diplomatic engagement is*
18 *likely necessary to secure the release of the detained*
19 *individual.*

20 (b) *REFERRALS TO THE SPECIAL ENVOY.*—*Upon a de-*
21 *termination by the Secretary of State, based on the totality*
22 *of the circumstances, that there is credible information that*
23 *the detention of a United States national abroad is unlaw-*
24 *ful or wrongful, and regardless of whether the detention is*
25 *by a foreign government or a nongovernmental actor, the*

1 *Secretary shall transfer responsibility for such case from*
2 *the Bureau of Consular Affairs of the Department of State*
3 *to the Special Envoy for Hostage Affairs created pursuant*
4 *to section 303.*

5 (c) *REPORT.—*

6 (1) *ANNUAL REPORT.—*

7 (A) *IN GENERAL.—The Secretary of State*
8 *shall submit to the appropriate congressional*
9 *committees an annual report with respect to*
10 *United States nationals for whom the Secretary*
11 *determines there is credible information of un-*
12 *lawful or wrongful detention abroad.*

13 (B) *FORM.—The report required under this*
14 *paragraph shall be submitted in unclassified*
15 *form, but may include a classified annex if nec-*
16 *essary.*

17 (2) *COMPOSITION.—The report required under*
18 *paragraph (1) shall include current estimates of the*
19 *number of individuals so detained, as well as relevant*
20 *information about particular cases, such as—*

21 (A) *the name of the individual, unless the*
22 *provision of such information is inconsistent*
23 *with section 552a of title 5, United States Code*
24 *(commonly known as the “Privacy Act of*
25 *1974”);*

1 (B) *basic facts about the case;*

2 (C) *a summary of the information that such*
3 *individual may be detained unlawfully or*
4 *wrongfully;*

5 (D) *a description of specific efforts, legal*
6 *and diplomatic, taken on behalf of the individual*
7 *since the last reporting period, including a de-*
8 *scription of accomplishments and setbacks; and*

9 (E) *a description of intended next steps.*

10 (d) *RESOURCE GUIDANCE.—*

11 (1) *ESTABLISHMENT.—Not later than 180 days*
12 *after the date of the enactment of this Act and after*
13 *consulting with relevant organizations that advocate*
14 *on behalf of United States nationals detained abroad*
15 *and the Family Engagement Coordinator established*
16 *pursuant to section 304(c)(2), the Secretary of State*
17 *shall provide resource guidance in writing for govern-*
18 *ment officials and families of unjustly or wrongfully*
19 *detained individuals.*

20 (2) *CONTENT.—The resource guidance required*
21 *under paragraph (1) should include—*

22 (A) *information to help families understand*
23 *United States policy concerning the release of*
24 *United States nationals unlawfully or wrong-*
25 *fully held abroad;*

1 (B) contact information for officials in the
2 Department of State or other government agen-
3 cies suited to answer family questions;

4 (C) relevant information about options
5 available to help families obtain the release of
6 unjustly or wrongfully detained individuals,
7 such as guidance on how families may engage
8 with United States diplomatic and consular
9 channels to ensure prompt and regular access for
10 the detained individual to legal counsel, family
11 members, humane treatment, and other services;

12 (D) guidance on submitting public or pri-
13 vate letters from members of Congress or other
14 individuals who may be influential in securing
15 the release of an individual; and

16 (E) appropriate points of contacts, such as
17 legal resources and counseling services, who have
18 a record of assisting victims' families.

19 **SEC. 303. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

20 (a) *ESTABLISHMENT.*—There shall be a Special Presi-
21 dential Envoy for Hostage Affairs, who shall be appointed
22 by the President, by and with the advice and consent of
23 the Senate, and shall report to the Secretary of State.

24 (b) *RANK.*—The Special Envoy shall have the rank
25 and status of ambassador.

1 (c) *RESPONSIBILITIES.*—*The Special Presidential*
2 *Envoy for Hostage Affairs shall—*

3 (1) *lead diplomatic engagement on United States*
4 *hostage policy;*

5 (2) *coordinate all diplomatic engagements and*
6 *strategy in support of hostage recovery efforts, in co-*
7 *ordination with the Hostage Recovery Fusion Cell*
8 *and consistent with policy guidance communicated*
9 *through the Hostage Response Group;*

10 (3) *in coordination with the Hostage Recovery*
11 *Fusion Cell as appropriate, coordinate diplomatic en-*
12 *gagements regarding cases in which a foreign govern-*
13 *ment has detained a United States national and the*
14 *United States Government regards such detention as*
15 *unlawful or wrongful;*

16 (4) *provide senior representation from the Spe-*
17 *cial Envoy’s office to the Hostage Recovery Fusion*
18 *Cell established under section 304 and the Hostage*
19 *Response Group established under section 305; and*

20 (5) *ensure that families of United States nation-*
21 *als unlawfully or wrongly detained abroad receive up-*
22 *dated information about developments in cases and*
23 *government policy.*

1 **SEC. 304. HOSTAGE RECOVERY FUSION CELL.**

2 (a) *ESTABLISHMENT.*—*The President shall establish*
3 *an interagency Hostage Recovery Fusion Cell.*

4 (b) *PARTICIPATION.*—*The President shall direct the*
5 *heads of each of the following executive departments, agen-*
6 *cies, and offices to make available personnel to participate*
7 *in the Hostage Recovery Fusion Cell:*

8 (1) *The Department of State.*

9 (2) *The Department of the Treasury.*

10 (3) *The Department of Defense.*

11 (4) *The Department of Justice.*

12 (5) *The Office of the Director of National Intel-*
13 *ligence.*

14 (6) *The Federal Bureau of Investigation.*

15 (7) *The Central Intelligence Agency.*

16 (8) *Other agencies as the President, from time to*
17 *time, may designate.*

18 (c) *PERSONNEL.*—*The Hostage Recovery Fusion Cell*
19 *shall include—*

20 (1) *a Director, who shall be a full-time senior of-*
21 *ficer or employee of the United States Government;*

22 (2) *a Family Engagement Coordinator who*
23 *shall—*

24 (A) *work to ensure that all interactions by*
25 *executive branch officials with a hostage's family*
26 *occur in a coordinated fashion and that the fam-*

1 *ily receives consistent and accurate information*
2 *from the United States Government; and*

3 *(B) if directed, perform the same function*
4 *as set out in subparagraph (A) with regard to*
5 *the family of a United States national who is*
6 *unlawfully or wrongfully detained abroad; and*

7 *(3) other officers and employees as deemed ap-*
8 *propriate by the President.*

9 *(d) DUTIES.—The Hostage Recovery Fusion Cell*
10 *shall—*

11 *(1) coordinate efforts by participating agencies*
12 *to ensure that all relevant information, expertise, and*
13 *resources are brought to bear to secure the safe recov-*
14 *ery of United States nationals held hostage abroad;*

15 *(2) if directed, coordinate the United States Gov-*
16 *ernment's response to other hostage-takings occurring*
17 *abroad in which the United States has a national in-*
18 *terest;*

19 *(3) if directed, coordinate or assist the United*
20 *States Government's response to help secure the re-*
21 *lease of United States nationals unlawfully or wrong-*
22 *fully detained abroad; and*

23 *(4) pursuant to policy guidance coordinated*
24 *through the National Security Council—*

1 (A) identify and recommend hostage recovery
2 options and strategies to the President
3 through the National Security Council or the
4 Deputies Committee of the National Security
5 Council;

6 (B) coordinate efforts by participating
7 agencies to ensure that information regarding
8 hostage events, including potential recovery op-
9 tions and engagements with families and exter-
10 nal actors (including foreign governments), is
11 appropriately shared within the United States
12 Government to facilitate a coordinated response
13 to a hostage-taking;

14 (C) assess and track all hostage-takings of
15 United States nationals abroad and provide reg-
16 ular reports to the President and Congress on the
17 status of such cases and any measures being
18 taken toward the hostages' safe recovery;

19 (D) provide a forum for intelligence sharing
20 and, with the support of the Director of National
21 Intelligence, coordinate the declassification of rel-
22 evant information;

23 (E) coordinate efforts by participating
24 agencies to provide appropriate support and as-
25 sistance to hostages and their families in a co-

1 *ordinated and consistent manner and to provide*
2 *families with timely information regarding sig-*
3 *nificant events in their cases;*

4 *(F) make recommendations to agencies in*
5 *order to reduce the likelihood of United States*
6 *nationals' being taken hostage abroad and en-*
7 *hance United States Government preparation to*
8 *maximize the probability of a favorable outcome*
9 *following a hostage-taking; and*

10 *(G) coordinate with agencies regarding con-*
11 *gressional, media, and other public inquiries*
12 *pertaining to hostage events.*

13 *(e) ADMINISTRATION.—The Hostage Recovery Fusion*
14 *Cell shall be located within the Federal Bureau of Investiga-*
15 *tion for administrative purposes.*

16 **SEC. 305. HOSTAGE RESPONSE GROUP.**

17 *(a) ESTABLISHMENT.—The President shall establish a*
18 *Hostage Response Group, chaired by a designated member*
19 *of the National Security Council or the Deputies Committee*
20 *of the National Security Council, to be convened on a reg-*
21 *ular basis, to further the safe recovery of United States na-*
22 *tionals held hostage abroad or unlawfully or wrongfully de-*
23 *tained abroad, and to be tasked with coordinating the*
24 *United States Government response to other hostage-takings*

1 *occurring abroad in which the United States has a national*
2 *interest.*

3 **(b) MEMBERSHIP.**—*The regular members of the Hos-*
4 *tage Response Group shall include the Director of the Hos-*
5 *tage Recovery Fusion Cell, the Hostage Recovery Fusion*
6 *Cell’s Family Engagement Coordinator, the Special Envoy*
7 *appointed pursuant to section 303, and representatives*
8 *from the Department of the Treasury, the Department of*
9 *Defense, the Department of Justice, the Federal Bureau of*
10 *Investigation, the Office of the Director of National Intel-*
11 *ligence, the Central Intelligence Agency, and other agencies*
12 *as the President, from time to time, may designate.*

13 **(c) DUTIES.**—*The Hostage Recovery Group shall—*

14 **(1)** *identify and recommend hostage recovery op-*
15 *tions and strategies to the President through the Na-*
16 *tional Security Council;*

17 **(2)** *coordinate the development and implementa-*
18 *tion of United States hostage recovery policies, strate-*
19 *gies, and procedures;*

20 **(3)** *receive regular updates from the Hostage Re-*
21 *covery Fusion Cell and the Special Envoy for Hostage*
22 *Affairs on the status of United States nationals being*
23 *held hostage or unlawfully or wrongfully detained*
24 *abroad and measures being taken to effect safe recov-*
25 *eries;*

1 (4) *coordinate the provision of policy guidance to*
2 *the Hostage Recovery Fusion Cell, including review-*
3 *ing recovery options proposed by the Hostage Recov-*
4 *ery Fusion Cell and working to resolve disputes with-*
5 *in the Hostage Recovery Fusion Cell;*

6 (5) *as appropriate, direct the use of resources at*
7 *the Hostage Recovery Fusion Cell to coordinate or as-*
8 *ist in the safe recovery of United States nationals*
9 *unlawfully or wrongfully detained abroad; and*

10 (6) *as appropriate, direct the use of resources at*
11 *the Hostage Recovery Fusion Cell to coordinate the*
12 *United States Government response to other hostage-*
13 *takings occurring abroad in which the United States*
14 *has a national interest.*

15 (d) *MEETINGS.—The Hostage Response Group shall*
16 *meet regularly.*

17 (e) *REPORTING.—The Hostage Response Group shall*
18 *regularly provide recommendations on hostage recovery op-*
19 *tions and strategies to the National Security Council.*

20 **SEC. 306. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

21 (a) *IN GENERAL.—The President may impose the*
22 *sanctions described in subsection (b) with respect to any*
23 *foreign person the President determines, based on credible*
24 *evidence—*

1 (1) *is responsible for or is complicit in, or re-*
2 *sponsible for ordering, controlling, or otherwise direct-*
3 *ing, the hostage-taking of a United States national*
4 *abroad or the unlawful or wrongful detention of a*
5 *United States national abroad; or*

6 (2) *knowingly provides financial, material, or*
7 *technological support for, or goods or services in sup-*
8 *port of, an activity described in paragraph (1).*

9 (b) *SANCTIONS DESCRIBED.—The sanctions described*
10 *in this subsection are the following:*

11 (1) *INELIGIBILITY FOR VISAS, ADMISSION, OR PA-*
12 *ROLE.—*

13 (A) *VISAS, ADMISSION, OR PAROLE.—An*
14 *alien described in subsection (a) may be—*

15 (i) *inadmissible to the United States;*

16 (ii) *ineligible to receive a visa or other*
17 *documentation to enter the United States;*
18 *and*

19 (iii) *otherwise ineligible to be admitted*
20 *or paroled into the United States or to re-*
21 *ceive any other benefit under the Immigra-*
22 *tion and Nationality Act (8 U.S.C. 1101 et*
23 *seq.).*

24 (B) *CURRENT VISAS REVOKED.—*

1 (i) *IN GENERAL.*—An alien described
2 in subsection (a) may be subject to revoca-
3 tion of any visa or other entry documenta-
4 tion regardless of when the visa or other
5 entry documentation is or was issued.

6 (ii) *IMMEDIATE EFFECT.*—A revoca-
7 tion under clause (i) may—

8 (I) take effect immediately; and

9 (II) cancel any other valid visa or
10 entry documentation that is in the
11 alien's possession.

12 (2) *BLOCKING OF PROPERTY.*—

13 (A) *IN GENERAL.*—The President may exer-
14 cise all of the powers granted to the President
15 under the International Emergency Economic
16 Powers Act (50 U.S.C. 1701 et seq.), to the extent
17 necessary to block and prohibit all transactions
18 in property and interests in property of a for-
19 eign person described in subsection (a) if such
20 property and interests in property are in the
21 United States, come within the United States, or
22 are or come within the possession or control of
23 a United States person.

24 (B) *INAPPLICABILITY OF NATIONAL EMER-*
25 *GENCY REQUIREMENT.*—The requirements of sec-

1 *tion 202 of the International Emergency Eco-*
2 *nomie Powers Act (50 U.S.C. 1701) shall not*
3 *apply for purposes of this section.*

4 *(c) EXCEPTIONS.—*

5 *(1) EXCEPTION FOR INTELLIGENCE ACTIVI-*
6 *TIES.—Sanctions under this section shall not apply*
7 *to any activity subject to the reporting requirements*
8 *under title V of the National Security Act of 1947 (50*
9 *U.S.C. 3091 et seq.) or any authorized intelligence ac-*
10 *tivities of the United States.*

11 *(2) EXCEPTION TO COMPLY WITH INTER-*
12 *NATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT*
13 *ACTIVITIES.—Sanctions under subsection (b)(1) shall*
14 *not apply with respect to an alien if admitting or pa-*
15 *roling the alien into the United States is necessary—*

16 *(A) to permit the United States to comply*
17 *with the Agreement regarding the Headquarters*
18 *of the United Nations, signed at Lake Success*
19 *June 26, 1947, and entered into force November*
20 *21, 1947, between the United Nations and the*
21 *United States, or other applicable international*
22 *obligations; or*

23 *(B) to carry out or assist law enforcement*
24 *activity in the United States.*

1 (d) *PENALTIES.*—A person that violates, attempts to
2 violate, conspires to violate, or causes a violation of sub-
3 section (b)(2) or any regulation, license, or order issued to
4 carry out that subsection shall be subject to the penalties
5 set forth in subsections (b) and (c) of section 206 of the
6 *International Emergency Economic Powers Act (50 U.S.C.*
7 *1705)* to the same extent as a person that commits an un-
8 lawful act described in subsection (a) of that section.

9 (e) *TERMINATION OF SANCTIONS.*—The President may
10 terminate the application of sanctions under this section
11 with respect to a person if the President determines that—

12 (1) information exists that the person did not en-
13 gage in the activity for which sanctions were imposed;

14 (2) the person has been prosecuted appropriately
15 for the activity for which sanctions were imposed;

16 (3) the person has credibly demonstrated a sig-
17 nificant change in behavior, has paid an appropriate
18 consequence for the activity for which sanctions were
19 imposed, and has credibly committed to not engage in
20 an activity described in subsection (a) in the future;

21 or

22 (4) the termination of the sanctions is in the na-
23 tional security interests of the United States.

24 (f) *REPORTING REQUIREMENT.*—If the President ter-
25 minates sanctions pursuant to subsection (d), the President

1 *shall report to the appropriate congressional committees a*
2 *written justification for such termination within 15 days.*

3 *(g) IMPLEMENTATION OF REGULATORY AUTHORITY.—*
4 *The President may exercise all authorities provided under*
5 *sections 203 and 205 of the International Emergency Eco-*
6 *nomics Powers Act (50 U.S.C. 1702 and 1704) to carry out*
7 *this section.*

8 *(h) EXCEPTION RELATING TO IMPORTATION OF*
9 *GOODS.—*

10 *(1) IN GENERAL.—The authorities and require-*
11 *ments to impose sanctions authorized under this sub-*
12 *title shall not include the authority or a requirement*
13 *to impose sanctions on the importation of goods.*

14 *(2) GOOD DEFINED.—In this paragraph, the*
15 *term “good” means any article, natural or manmade*
16 *substance, material, supply or manufactured product,*
17 *including inspection and test equipment, and exclud-*
18 *ing technical data.*

19 *(i) DEFINITIONS.—In this section:*

20 *(1) FOREIGN PERSON.—The term “foreign per-*
21 *son” means—*

22 *(A) any citizen or national of a foreign*
23 *country (including any such individual who is*
24 *also a citizen or national of the United States);*
25 *or*

1 (B) any entity not organized solely under
2 the laws of the United States or existing solely
3 in the United States.

4 (2) UNITED STATES PERSON.—The term “United
5 States person” means—

6 (A) an individual who is a United States
7 citizen or an alien lawfully admitted for perma-
8 nent residence to the United States;

9 (B) an entity organized under the laws of
10 the United States or any jurisdiction within the
11 United States, including a foreign branch of
12 such an entity; or

13 (C) any person in the United States.

14 **SEC. 307. DEFINITIONS.**

15 *In this Act:*

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional commit-
18 tees” means—

19 (A) the Committee on Foreign Relations, the
20 Committee on Appropriations, the Committee on
21 Banking, Housing, and Urban Affairs, the Com-
22 mittee on the Judiciary, the Committee on
23 Armed Services, and the Select Committee on In-
24 telligence of the United States Senate; and

1 (1) *April 10, 2019, marked the 40th anniversary*
2 *of the Taiwan Relations Act of 1979 (Public Law 96–*
3 *8).*

4 (2) *Since 1949, the close relationship between the*
5 *United States and Taiwan has benefitted both parties*
6 *and the broader Indo-Pacific region.*

7 (3) *The security of Taiwan and its democracy*
8 *are key elements of continued peace and stability of*
9 *the greater Indo-Pacific region, which is in the polit-*
10 *ical, security, and economic interests of the United*
11 *States.*

12 (4) *The People’s Republic of China is currently*
13 *engaged in a comprehensive military modernization*
14 *campaign to enhance the power-projection capabilities*
15 *of the People’s Liberation Army and its ability to*
16 *conduct joint operations, which is shifting the mili-*
17 *tary balance of power across the Taiwan Strait.*

18 (5) *Taiwan and its diplomatic partners continue*
19 *to face sustained pressure and coercion from the Peo-*
20 *ple’s Republic of China, which seeks to isolate Taiwan*
21 *from the international community.*

22 (6) *It is the policy of the United States to rein-*
23 *force its commitments to Taiwan under the Taiwan*
24 *Relations Act in a manner consistent with the “Six*

1 *Assurances” and in accordance with the United*
2 *States “One China” policy.*

3 *(7) In the Taiwan Travel Act, which became law*
4 *on March 16, 2018, Congress observed that the “self-*
5 *imposed restrictions that the United States maintains*
6 *on high-level visits” between the United States and*
7 *Taiwan have resulted in insufficient high-level com-*
8 *munication.*

9 **SEC. 313. SENSE OF CONGRESS.**

10 *It is the sense of Congress that—*

11 *(1) Taiwan is a vital part of the United States*
12 *Free and Open Indo-Pacific Strategy;*

13 *(2) the United States Government—*

14 *(A) supports Taiwan’s continued pursuit of*
15 *asymmetric capabilities and concepts; and*

16 *(B) urges Taiwan to increase its defense*
17 *spending in order to fully resource its defense*
18 *strategy; and*

19 *(3) the United States should conduct regular*
20 *sales and transfers of defense articles to Taiwan in*
21 *order to enhance its self-defense capabilities, particu-*
22 *larly its efforts to develop and integrate asymmetric*
23 *capabilities, including undersea warfare and air de-*
24 *fense capabilities, into its military forces.*

1 **SEC. 314. TAIWAN'S INCLUSION IN INTERNATIONAL ORGA-**
2 **NIZATIONS.**

3 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
4 *that the People's Republic of China's attempts to dictate*
5 *the terms of Taiwan's participation in international orga-*
6 *nizations, has, in many cases, resulted in Taiwan's exclu-*
7 *sion from such organizations even when statehood is not*
8 *a requirement, and that such exclusion—*

9 (1) *is detrimental to global health, civilian air*
10 *safety, and efforts to counter transnational crime;*

11 (2) *negatively impacts the safety and security of*
12 *citizens globally; and*

13 (3) *negatively impacts the security of Taiwan*
14 *and its democracy.*

15 (b) *STATEMENT OF POLICY.*—*It is the policy of the*
16 *United States to advocate for Taiwan's meaningful partici-*
17 *pation in the United Nations, the World Health Assembly,*
18 *the International Civil Aviation Organization, the Inter-*
19 *national Criminal Police Organization, and other inter-*
20 *national bodies, as appropriate, and to advocate for Tai-*
21 *wan's membership in the Food and Agriculture Organiza-*
22 *tion, the United Nations Educational, Scientific and Cul-*
23 *tural Organization, and other international organizations*
24 *for which statehood is not a requirement for membership.*

1 **SEC. 315. REVIEW OF DEPARTMENT OF STATE TAIWAN**
2 **GUIDELINES.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of State
5 shall conduct a review of the Department of State’s guid-
6 ance that governs relations with Taiwan, including the
7 periodic memorandum entitled “Guidelines on Relations
8 with Taiwan” and related documents, and reissue such
9 guidance to executive branch departments and agencies.

10 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
11 that the Department of State’s guidance regarding relations
12 with Taiwan—

13 (1) *should be crafted with the intent to deepen*
14 *and expand United States-Taiwan relations, and be*
15 *based on the value, merits, and importance of the*
16 *United States-Taiwan relationship;*

17 (2) *should be crafted giving due consideration to*
18 *the fact that Taiwan is governed by a representative*
19 *democratic government that is peacefully constituted*
20 *through free and fair elections that reflect the will of*
21 *the people of Taiwan, and that Taiwan is a free and*
22 *open society that respects universal human rights and*
23 *democratic values; and*

24 (3) *should ensure that the conduct of relations*
25 *with Taiwan reflects the longstanding, comprehensive,*
26 *and values-based relationship the United States*

1 *shares with Taiwan, and contribute to the peaceful*
2 *resolution of cross-strait issues.*

3 (c) *REPORTING REQUIREMENTS.*—*Not later than 180*
4 *days after the date of the enactment of this Act, the Sec-*
5 *retary of State shall submit to the Committee on Foreign*
6 *Relations of the Senate and the Committee on Foreign Af-*
7 *airs of the House of Representatives a report that includes*
8 *a description of—*

9 (1) *the results of the review pursuant to sub-*
10 *section (a) of the Department of State’s guidance on*
11 *relations with Taiwan, including a copy of the re-*
12 *issued “Guidelines of Relations with Taiwan” memo-*
13 *randum; and*

14 (2) *the implementation of the Taiwan Travel Act*
15 *(Public Law 115–135) and any changes to guidance*
16 *on relations with Taiwan that are the result of such*
17 *implementation.*

18 ***Subtitle C—Support for Human***
19 ***Rights in Belarus***

20 ***SEC. 321. SHORT TITLE.***

21 *This subtitle may be cited as the “Belarus Democracy,*
22 *Human Rights, and Sovereignty Act of 2020”.*

1 **SEC. 322. FINDINGS.**

2 *Section 2 of the Belarus Democracy Act of 2004 (Pub-*
3 *lic Law 109–480; 22 U.S.C. 5811 note) is amended to read*
4 *as follows:*

5 **“SEC. 2. FINDINGS.**

6 *“Congress finds the following:*

7 *“(1) The International Covenant on Civil and*
8 *Political Rights, done at New York December 19,*
9 *1966, was ratified by Belarus in 1973, guaranteeing*
10 *Belarusians the freedom of expression and the freedom*
11 *of association.*

12 *“(2) Alyaksandr Lukashenka has ruled Belarus*
13 *as an undemocratic dictatorship since the first presi-*
14 *dential election in Belarus in 1994.*

15 *“(3) Subsequent presidential elections in Belarus*
16 *have been neither free nor fair and have been rejected*
17 *by the international community as not meeting mini-*
18 *mal electoral standards, with the jailing of opposition*
19 *activists frequently used as a tool of government re-*
20 *pression before and after the elections.*

21 *“(4) In response to the repression and violence*
22 *during the 2006 presidential election, Congress passed*
23 *the Belarus Democracy Reauthorization Act of 2006*
24 *(Public Law 109–480).*

25 *“(5) In 2006, President George W. Bush issued*
26 *Executive Order 13405, titled ‘Blocking Property of*

1 *Certain Persons Undermining Democratic Processes*
2 *or Institutions in Belarus*, which authorized the im-
3 *position of sanctions against persons responsible for—*

4 “(A) *undermining democratic processes in*
5 *Belarus; or*

6 “(B) *participating in human rights abuses*
7 *related to political repression in Belarus.*

8 “(6) *In March 2011, the Senate unanimously*
9 *passed Senate Resolution 105, which—*

10 “(A) *condemned the December 2010 election*
11 *in Belarus as ‘illegitimate, fraudulent, and not*
12 *representative of the will or the aspirations of*
13 *the voters in Belarus’; and*

14 “(B) *called on the Lukashenka regime ‘to*
15 *immediately and unconditionally release all po-*
16 *litical prisoners in Belarus who were arrested in*
17 *association with the December 19, 2010, elec-*
18 *tion’.*

19 “(7) *The Government of Belarus, led illegally by*
20 *Alyaksandr Lukashenka, continues to engage in a*
21 *pattern of clear and persistent violations of human*
22 *rights and fundamental freedoms.*

23 “(8) *The Government of Belarus, led illegally by*
24 *Alyaksandr Lukashenka, continues to engage in a*
25 *pattern of clear and uncorrected violations of basic*

1 *principles of democratic governance, including*
2 *through a series of fundamentally flawed presidential*
3 *and parliamentary elections undermining the legit-*
4 *imacy of executive and legislative authority in that*
5 *country.*

6 “(9) *The Government of Belarus, led illegally by*
7 *Alyaksandr Lukashenka, continues to subject thou-*
8 *sands of pro-democracy political activists and peace-*
9 *ful protesters to harassment, beatings, and imprison-*
10 *ment, particularly as a result of their attempts to*
11 *peacefully exercise their right to freedom of assembly*
12 *and association.*

13 “(10) *The Government of Belarus, led illegally*
14 *by Alyaksandr Lukashenka, continues to suppress*
15 *independent media and journalists and to restrict ac-*
16 *cess to the internet, including social media and other*
17 *digital communication platforms, in violation of the*
18 *right to freedom of speech and expression of those dis-*
19 *senting from the dictatorship of Alyaksandr*
20 *Lukashenka.*

21 “(11) *The Government of Belarus, led illegally*
22 *by Alyaksandr Lukashenka, continues a systematic*
23 *campaign of harassment, repression, and closure of*
24 *nongovernmental organizations, including inde-*
25 *pendent trade unions and entrepreneurs, creating a*

1 *climate of fear that inhibits the development of civil*
2 *society and social solidarity.*

3 “(12) *The Government of Belarus, led illegally*
4 *by Alyaksandr Lukashenka, has pursued a policy un-*
5 *dermining the country’s sovereignty and independence*
6 *by making Belarus political, economic, cultural, and*
7 *societal interests subservient to those of Russia.*

8 “(13) *The Government of Belarus, led illegally*
9 *by Alyaksandr Lukashenka, continues to reduce the*
10 *independence of Belarus through integration into a*
11 *so-called ‘Union State’ that is under the control of*
12 *Russia.*

13 “(14) *In advance of the August 2020 presidential*
14 *elections in Belarus, authorities acting on behalf of*
15 *President Lukashenka arrested journalists, bloggers,*
16 *political activists, and opposition leaders, including 3*
17 *leading presidential candidates (Syarhey*
18 *Tsikhanouski, Mikalay Statkevich, and Viktor*
19 *Babaryka), who were barred from running in the*
20 *election by the Central Election Commission of the*
21 *Republic of Belarus.*

22 “(15) *While the 3 opposition candidates were*
23 *imprisoned, 2 of their wives and 1 of their campaign*
24 *managers (Sviatlana Tsikhanouskaya, Veranika*

1 *Tsepkala, and Maria Kalesnikava) joined together*
2 *and ran in place of the candidates.*

3 “(16) *Thousands of Belarusian people dem-*
4 *onstrated their support for these candidates by attend-*
5 *ing rallies, including 1 rally that included an esti-*
6 *mated 63,000 participants.*

7 “(17) *On August, 5, 2020, the Senate unani-*
8 *mously passed Senate Resolution 658, which calls for*
9 *a free, fair, and transparent presidential election in*
10 *Belarus, including the unimpeded participation of all*
11 *presidential candidates.*

12 “(18) *On August 9, 2020, the Government of*
13 *Belarus conducted a presidential election that—*

14 “(A) *was held under undemocratic condi-*
15 *tions that did not meet international standards;*

16 “(B) *involved government malfeasance and*
17 *serious irregularities with ballot counting and*
18 *the reporting of election results, including—*

19 “(i) *early voting ballot stuffing;*

20 “(ii) *ballot burning;*

21 “(iii) *pressuring poll workers; and*

22 “(iv) *removing bags full of ballots by*
23 *climbing out of windows;*

24 “(C) *included restrictive measures that im-*
25 *peded the work of local independent observers*

1 *and did not provide sufficient notice to the*
2 *OSCE to allow for the OSCE to monitor the*
3 *elections, as is customary.*

4 “(19) *Incumbent president Alyaksandr*
5 *Lukashenka declared a landslide victory in the elec-*
6 *tion and claimed to have received more than 80 per-*
7 *cent of the votes cast in the election.*

8 “(20) *The leading opposition candidate,*
9 *Sviatlana Tsikhanouskaya—*

10 “(A) *formally disputed the government’s re-*
11 *ported election results;*

12 “(B) *explained that her staff had examined*
13 *the election results from more than 50 polling*
14 *places; and*

15 “(C) *found that her share of the vote exceed-*
16 *ed Lukashenka’s share by many times.*

17 “(21) *On August 10, 2020, Sviatlana*
18 *Tsikhanouskaya was detained while attending a meet-*
19 *ing with the Central Election Commission of the Re-*
20 *public of Belarus and forced to flee to Lithuania*
21 *under pressure from government authorities.*

22 “(22) *On August 11, 2020, Lithuanian Foreign*
23 *Minister Linas Linkevičius announced that Sviatlana*
24 *Tsikhanouskaya was safe in Lithuania and has con-*
25 *tinued to be one of the strongest voices supporting the*

1 *pro-democracy movement in Belarus within the Euro-*
2 *pean Union and globally.*

3 “(23) On August 18, 2020, Sviatlana
4 *Tsikhanouskaya announced the formation of a Co-*
5 *ordination Council to oversee a resolution to the crisis*
6 *in Belarus and a peaceful transition of power by sub-*
7 *jecting the Council’s senior members to violence, de-*
8 *tention, and forced exile. The Government of Belarus,*
9 *led illegally by Alyaksandr Lukashenka, has sought to*
10 *stop the work of the Coordination Council.*

11 “(24) Before the European Parliament on Au-
12 *gust 25, 2020, Sviatlana Tsikhanouskaya stressed*
13 *that a ‘peaceful revolution’ was underway in Belarus,*
14 *and that ‘It is neither a pro-Russian nor anti-Rus-*
15 *sian revolution. It is neither an anti-European Union*
16 *nor a pro-European Union revolution. It is a demo-*
17 *cratic revolution.’.*

18 “(25) On or around September 6, 2020, opposi-
19 *tion leader Maria Kalesnikava and members of the*
20 *Coordination Council, including Anton Ronenkov,*
21 *Ivan Kravtsov, and Maxim Bogretsov, were detained*
22 *by authorities who sought to forcibly expel them to*
23 *Ukraine. Ms. Kalesnikava tore up her passport at the*
24 *Ukrainian border in a successful effort to prevent this*

1 *expulsion, subsequently disappeared, and was discov-*
2 *ered in a Minsk prison on September 9, 2020.*

3 *“(26) On August 11, 2020, the European Union*
4 *High Representative for Foreign and Security Policy,*
5 *Josep Borrell, issued a declaration on the presidential*
6 *election in Belarus stating that the elections were nei-*
7 *ther free nor fair.*

8 *“(27) On August 28, 2020, United States Deputy*
9 *Secretary of State Stephen Biegun declared that the*
10 *August 9th election in Belarus was fraudulent.*

11 *“(28) Following Alyaksandr Lukashenka’s Sep-*
12 *tember 23, 2020, secret inauguration, the United*
13 *States, the European Union, numerous European*
14 *Union member states, the United Kingdom, and Can-*
15 *ada announced that they did not recognize Mr.*
16 *Lukashenka as the legitimately elected leader of*
17 *Belarus.*

18 *“(29) Since the sham election on August 9, 2020,*
19 *tens of thousands of Belarusian citizens have partici-*
20 *ipated in daily peaceful protests calling for a new,*
21 *free, and fair election, and the release of political*
22 *prisoners.*

23 *“(30) According to Amnesty International, on*
24 *August 30, 2020, Belarusians held one of the largest*
25 *protest rallies in the country’s modern history in*

1 *Minsk and in other cities, which was attended by at*
2 *least 100,000 people who demanded the resignation of*
3 *President Lukashenka and an investigation into the*
4 *human rights violations in Belarus.*

5 *“(31) Women have served as the leading force in*
6 *demonstrations across the country, protesting the po-*
7 *lice brutality and mass detentions by wearing white,*
8 *carrying flowers, forming ‘solidarity chains’, and un-*
9 *masking undercover police trying to arrest dem-*
10 *onstrators.*

11 *“(32) The Government of Belarus has responded*
12 *to the peaceful opposition protests, which are the larg-*
13 *est in Belarus history, with a violent crackdown, in-*
14 *cluding, according to the United Nations Special*
15 *Rapporteur, the detention by government authorities*
16 *of more than 10,000 peaceful protestors as of Sep-*
17 *tember 18, 2020, mostly for taking part in or observ-*
18 *ing peaceful protests, with many of these arrests fol-*
19 *lowed by beatings and torture at the hands of*
20 *Belarusian law enforcement.*

21 *“(33) According to the Viasna Human Rights*
22 *Centre, at least 450 detainees have reported being tor-*
23 *tured or otherwise ill-treated while held in incommu-*
24 *nicado detention for up to 10 days, including*
25 *through—*

1 “(A) *severe beatings;*

2 “(B) *forced performance of humiliating*
3 *acts; and*

4 “(C) *sexual violence and other forms of vio-*
5 *lence.*

6 “(34) *At least 4 Belarusians have been killed at*
7 *protests, and dozens of Belarusians who were detained*
8 *during the protests are still missing.*

9 “(35) *The Belarus Ministry of Defense threat-*
10 *ened to send the army to confront protestors, warning*
11 *that in case of any violation of peace and order in*
12 *areas around national monuments, ‘you will have the*
13 *army to deal with now, not the police’.*

14 “(36) *The Government of Belarus, led illegally*
15 *by Alyaksandr Lukashenka, has consistently restricted*
16 *the free flow of information to silence the opposition*
17 *and to conceal the regime’s violent crackdown on*
18 *peaceful protestors, including by—*

19 “(A) *stripping the accreditation of journal-*
20 *ists from major foreign news outlets;*

21 “(B) *detaining and harassing countless*
22 *journalists.*

23 “(C) *arresting dozens of journalists, 6 of*
24 *whom report for Radio Free Europe/Radio Lib-*
25 *erty;*

1 “(D) halting the publishing of 2 inde-
2 pendent newspapers; and

3 “(E) disrupting internet access;

4 “(F) blocking more than 50 news websites
5 that were covering the protests; and

6 “(G) limiting access to social media and
7 other digital communication platforms.

8 “(37) Internet access in Belarus has been repeat-
9 edly disrupted and restricted since August 9, 2020,
10 which independent experts and monitoring groups
11 have attributed to government interference.

12 “(38) Thousands of employees at Belarusian
13 state-owned enterprises, who have been seen as
14 Alyaksandr Lukashenka’s traditional base during his
15 26-year rule, went on strike across the country to pro-
16 test Lukashenka’s illegitimate election and the subse-
17 quent crackdowns, including at some of Belarus’s
18 largest factories such as the BelAZ truck plant, the
19 Minsk Tractor Works, and the Minsk Automobile
20 Plant.

21 “(39) After the employees of state media outlets
22 walked off the job in protest rather than help report
23 misleading government propaganda, Lukashenka con-
24 firmed that he ‘asked the Russians’ to send teams of
25 Russian journalists to replace local employees.

1 “(40) On August 19, 2020, European Council
2 President Charles Michel announced that the Euro-
3 pean Union would impose sanctions on a substantial
4 number of individuals responsible for violence, repres-
5 sion, and election fraud in Belarus.

6 “(41) On October 2, 2020, the Department of
7 Treasury announced new sanctions under Executive
8 Order 13405 on eight individuals ‘for their roles in
9 the fraudulent August 9, 2020 Belarus presidential
10 election or the subsequent violent crackdown on peace-
11 ful protesters’.

12 “(42) Similar sanctions have also been applied
13 to Belarusian human rights violators by the Govern-
14 ment of Canada and the Government of the United
15 Kingdom.

16 “(43) Against the will of the majority of the
17 Belarusian people—

18 “(A) Alyaksandr Lukashenka appealed to
19 Russian President Vladimir Putin to provide se-
20 curity assistance to his government, if requested;
21 and

22 “(B) President Putin has agreed to prop up
23 the Alyaksandr Lukashenka regime by—

1 “(i) confirming that a Russian police
2 force was ready to be deployed if ‘the situa-
3 tion gets out of control’;

4 “(ii) providing significant financial
5 support; and

6 “(iii) sending Russian propagandists
7 to help disseminate pro-regime propaganda
8 on Belarus state television.

9 “(44) The Governments of the United States, the
10 European Union, the United Kingdom, and Canada
11 have—

12 “(A) condemned the violent crackdown on
13 peaceful protestors;

14 “(B) refused to accept the results of the
15 fraudulent election; and

16 “(C) called for new free and fair elections
17 under independent observation.”.

18 **SEC. 323. STATEMENT OF POLICY.**

19 Section 3 of the Belarus Democracy Act of 2004 (Pub-
20 lic Law 109–480; 22 U.S.C. 5811 note) is amended to read
21 as follows:

22 **“SEC. 3. STATEMENT OF POLICY.**

23 *“It is the policy of the United States—*

24 *“(1) to condemn—*

1 “(A) the conduct of the August 9, 2020,
2 presidential election in Belarus, which was nei-
3 ther free nor fair;

4 “(B) the Belarusian authorities’ unrelenting
5 crackdown on, arbitrary arrests of, and violence
6 against opposition candidates, peaceful
7 protestors, human rights activists, employees
8 from state-owned enterprises participating in
9 strikes, independent election observers, and inde-
10 pendent journalists and bloggers; and

11 “(C) the unjustified detention and forced or
12 attempted expulsion of members of the Coordina-
13 tion Council in Belarus;

14 “(2) to continue demanding the immediate re-
15 lease without preconditions of all political prisoners
16 in Belarus and those arrested for peacefully pro-
17 testing, including all those individuals detained in
18 connection with the August 9, 2020, presidential elec-
19 tion;

20 “(3) to stand in solidarity with the people of
21 Belarus, including human rights defenders, bloggers,
22 and journalists, who are exercising their right to free-
23 dom of assembly, freedom of expression, and rule of
24 law and to continue supporting the aspirations of the

1 *people of Belarus for democracy, human rights, and*
2 *the rule of law;*

3 *“(4) to continue actively supporting the aspira-*
4 *tions of the people of the Republic of Belarus—*

5 *“(A) to preserve the independence and sov-*
6 *ereignty of their country; and*

7 *“(B) to freely exercise their religion, includ-*
8 *ing the head of the Catholic Church in Belarus,*
9 *Archbishop Tadeusz Kondrusiewicz, who was*
10 *barred from entering the country after criticizing*
11 *Belarusian authorities;*

12 *“(5) to recognize the leading role of women in*
13 *the peaceful protests and pro-democracy movement in*
14 *Belarus;*

15 *“(6) to continue—*

16 *“(A) rejecting the invalid results of the*
17 *fraudulent August 9, 2020 presidential election*
18 *in Belarus announced by the Central Election*
19 *Commission of the Republic of Belarus; and*

20 *“(B) supporting calls for new presidential*
21 *and parliamentary elections, conducted in a*
22 *manner that is free and fair according to OSCE*
23 *standards and under the supervision of OSCE*
24 *observers and independent domestic observers;*

1 “(7) to refuse to recognize *Alyaksandr*
2 *Lukashenka* as the legitimately elected leader of
3 *Belarus*;

4 “(8) to not recognize any incorporation of
5 *Belarus* into a ‘Union State’ with *Russia*, since this
6 so-called ‘Union State’ would be both an attempt to
7 absorb *Belarus* and a step to reconstituting the totali-
8 tarian Soviet Union;

9 “(9) to continue calling for the fulfillment by the
10 Government of *Belarus* of *Belarus*’s freely undertaken
11 obligations as an OSCE participating state and as a
12 signatory of the Charter of the United Nations;

13 “(10) to support an OSCE role in mediating a
14 dialogue within *Belarus* between the government and
15 genuine representatives of *Belarusian* society;

16 “(11) to recognize the Coordination Council as a
17 legitimate institution to participate in a dialogue on
18 a peaceful transition of power;

19 “(12) to applaud the commitment by foreign
20 diplomats in *Minsk* to engage with Coordination
21 Council member and Nobel Laureate, *Svetlana*
22 *Alexievich*, and to encourage an ongoing dialogue
23 with her and with other leaders of the democratically-
24 oriented political opposition in *Belarus*;

1 “(13) to urge an expanded United States diplo-
2 matic presence in Belarus to advocate for the aspira-
3 tions of the people of Belarus for democracy, human
4 rights, and the rule of law;

5 “(14) to encourage the United States Govern-
6 ment—

7 “(A) to continue working closely with the
8 European Union, the United Kingdom, Canada,
9 and other countries and international organiza-
10 tions to promote the principles of democracy, the
11 rule of law, and human rights in Belarus; and

12 “(B) to impose targeted sanctions, in co-
13 ordination with the European Union and other
14 international partners, against officials in
15 Belarus who are responsible for—

16 “(i) undermining democratic processes
17 in Belarus; or

18 “(ii) participating in human rights
19 abuses related to political repression in
20 Belarus;

21 “(15) to call on the Government of Belarus to
22 uphold its human rights obligations, including those
23 rights enumerated in the International Covenant on
24 Civil and Political Rights; and

25 “(16) to support—

1 “(A) the continued territorial integrity of
2 Belarus; and

3 “(B) the right of the Belarusian people to
4 determine their future.”.

5 **SEC. 324. ASSISTANCE TO PROMOTE DEMOCRACY, CIVIL SO-**
6 **CIETY, AND SOVEREIGNTY IN BELARUS.**

7 Section 4 of the Belarus Democracy Act of 2004 (Pub-
8 lic Law 109–480; 22 U.S.C. 5811 note) is amended—

9 (1) by amending the section heading to read as
10 follows: “**ASSISTANCE TO PROMOTE DEMOC-**
11 **RACY, CIVIL SOCIETY, AND SOVEREIGNTY IN**
12 **BELARUS.**”;

13 (2) in subsection (a)—

14 (A) in paragraph (1), by striking “Euro-
15 pean” and inserting “Trans-Atlantic”; and

16 (B) by redesignating paragraphs (2) and
17 (3) as paragraphs (3) and (4), respectively; and

18 (C) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) To assist the people of Belarus in building
21 the sovereignty and independence of their country.”;

22 (3) in subsection (b)—

23 (A) by inserting “and Belarusian groups
24 outside of Belarus” after “indigenous Belarusian
25 groups”; and

1 (B) by inserting “and Belarusian sov-
2 ereignty” before the period at the end;

3 (4) in subsection (c)—

4 (A) by striking paragraph (8);

5 (B) by redesignating paragraphs (3)
6 through (7) as paragraphs (4) through (8), re-
7 spectively;

8 (C) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) countering internet censorship and repres-
11 sive surveillance technology that seek to limit free as-
12 sociation, control access to information, and prevent
13 citizens from exercising their rights to free speech;”;

14 (D) in paragraph (8), as redesignated, by
15 striking “and” at the end; and

16 (E) by adding at the end the following:

17 “(9) supporting the work of women advocating
18 freedom, human rights, and human progress;

19 “(10) supporting the development of Belarusian
20 language education;

21 “(11) enhancing the development of the private
22 sector, particularly the information technology sector,
23 and its role in the economy of Belarus, including by
24 increasing the capacity of private sector actors, devel-
25 oping business support organizations, offering entre-

1 *preneurship training, and expanding access to fi-*
2 *nance for small and medium enterprises;*

3 *“(12) supporting political refugees in neigh-*
4 *boring European countries fleeing the crackdown in*
5 *Belarus;*

6 *“(13) supporting the gathering of evidence on*
7 *and investigating of the human rights abuses in*
8 *Belarus;*

9 *“(14) supporting the public health response, in-*
10 *cluding filling the information void, in Belarus dur-*
11 *ing the COVID–19 pandemic; and*

12 *“(15) other activities consistent with the pur-*
13 *poses of this Act.”;*

14 *(5) by redesignating subsection (d) as subsection*
15 *(g);*

16 *(6) by inserting after subsection (c) the fol-*
17 *lowing:*

18 *“(d) SENSE OF CONGRESS.—It is the sense of Congress*
19 *that, in light of the political crisis in Belarus and the un-*
20 *precedented mobilization of the Belarusian people, United*
21 *States foreign assistance to Belarusian civil society should*
22 *be reevaluated and increased—*

23 *“(1) to carry out the purposes described in sub-*
24 *section (a); and*

1 “(2) to include the activities described in sub-
2 section (c).

3 “(e) *COORDINATION WITH EUROPEAN PARTNERS.*—In
4 order to maximize impact, eliminate duplication, and fur-
5 ther the achievement of the purposes described in subsection
6 (a), the Secretary of State shall ensure coordination with
7 the European Union and its institutions, the governments
8 of countries that are members of the European Union, the
9 United Kingdom, and Canada.

10 “(f) *REPORT ON ASSISTANCE.*—Not later than 1 year
11 after the date of the enactment of the Belarus Democracy,
12 Human Rights, and Sovereignty Act of 2020, the Secretary
13 of State, acting through the Office of the Coordinator of U.S.
14 Assistance to Europe and Eurasia, and in coordination
15 with the Administrator of the United States Agency for
16 International Development, shall submit a report to the ap-
17 propriate congressional committees describing the programs
18 and activities carried out to achieve the purposes described
19 in subsection (a), including an assessment of whether or not
20 progress was made in achieving those purposes.”; and

21 (7) in subsection (g), as redesignated—

22 (A) in the subsection heading, by striking
23 “*AUTHORIZATION OF APPROPRIATIONS*” and all
24 that follows through “*There are*” and inserting

1 “AUTHORIZATION OF APPROPRIATIONS.—There
2 are”;

3 (B) by striking “fiscal years 2007 and
4 2008” and inserting “fiscal years 2021 and
5 2022”; and

6 (C) by striking paragraph (2).

7 **SEC. 325. INTERNATIONAL BROADCASTING, INTERNET**
8 **FREEDOM, AND ACCESS TO INFORMATION IN**
9 **BELARUS.**

10 Section 5 of the Belarus Democracy Act of 2004 (Pub-
11 lic Law 109–480; 22 U.S.C. 5811 note) is amended to read
12 as follows:

13 **“SEC. 5. INTERNATIONAL BROADCASTING, INTERNET FREE-**
14 **DOM, AND ACCESS TO INFORMATION IN**
15 **BELARUS.**

16 “(a) *SENSE OF CONGRESS.—It is the sense of Congress*
17 *that—*

18 “(1) *the President should support and reallocate*
19 *resources to radio, television, and internet broad-*
20 *casting conducted by Radio Free Europe/Radio Lib-*
21 *erty in languages spoken in Belarus;*

22 “(2) *the United States should also support other*
23 *independent media providing objective information to*
24 *the Belarusian people, particularly in the Belarusian*
25 *language;*

1 “(3) *the President should provide the United*
2 *States Agency for Global Media with a surge capacity*
3 *(as such term is defined in section 316 of the United*
4 *States International Broadcasting Act (22 U.S.C.*
5 *6216)) for programs and activities in Belarus;*

6 “(4) *the Chief Executive Officer of the United*
7 *States Agency for Global Media, working through the*
8 *Open Technology Fund and in coordination with the*
9 *Secretary of State, should expand and prioritize ef-*
10 *forts to provide anti-censorship technology and serv-*
11 *ices to journalists and civil society in Belarus in*
12 *order to enhance their ability to safely access or share*
13 *digital news and information without fear of reper-*
14 *cussions or surveillance; and*

15 “(5) *the United States should continue to con-*
16 *demn the Belarusian authorities’ crackdown on inde-*
17 *pendent media, including the harassment and mass*
18 *detentions of independent and foreign journalists and*
19 *the denial of accreditation.*

20 “(b) *STRATEGY TO PROMOTE EXPANDED BROAD-*
21 *CASTING, INTERNET FREEDOM, AND ACCESS TO INFORMA-*
22 *TION IN BELARUS.—*

23 “(1) *IN GENERAL.—Not later than 120 days*
24 *after the date of the enactment of the Belarus Democ-*
25 *racy, Human Rights, and Sovereignty Act of 2020,*

1 *the Chief Executive Officer of the United States Agen-*
2 *cy for Global Media and the Secretary of State shall*
3 *jointly submit to the appropriate congressional com-*
4 *mittees a comprehensive strategy, including a cost es-*
5 *timate, to carry out the following:*

6 *“(A) Expand independent radio, television,*
7 *live stream, and social network broadcasting and*
8 *communications in Belarus to provide news and*
9 *information, particularly in the Belarusian lan-*
10 *guage, that is credible, comprehensive, and accu-*
11 *rate.*

12 *“(B) Support the development and use of*
13 *anti-censorship and circumvention technologies*
14 *by the Open Technology Fund and the Bureau of*
15 *Democracy Human Rights and Labor that en-*
16 *able the citizens of Belarus to communicate se-*
17 *curely and undertake internet activities without*
18 *interference from the Government of Belarus.*

19 *“(C) Assist efforts to overcome attempts by*
20 *the Government of Belarus to disrupt internet*
21 *access and block content online.*

22 *“(D) Monitor the cooperation of the Govern-*
23 *ment of Belarus with any foreign government or*
24 *organization for purposes related to the censor-*
25 *ship or surveillance of the internet, including an*

1 *assessment of any such cooperation in the pre-*
2 *ceding ten years.*

3 “(E) Monitor the purchase or receipt by the
4 Government of Belarus of any technology or
5 training from any foreign government or organi-
6 zation for purposes related to the censorship or
7 surveillance of the internet, including an assess-
8 ment of any such purchase or receipt in the pre-
9 ceding ten years.

10 “(F) Assist with the protection of journal-
11 ists who have been targeted for free speech activi-
12 ties, including through the denial of accredita-
13 tion.

14 “(G) Provide cyber-attack mitigation serv-
15 ices to civil society organizations in Belarus.

16 “(H) Provide resources for educational ma-
17 terials and training on digital literacy, bypass-
18 ing internet censorship, digital safety, and inves-
19 tigative and analytical journalism for inde-
20 pendent journalists working in Belarus.

21 “(I) Build the capacity of civil society,
22 media, and other nongovernmental and organi-
23 zations to identify, track, and counter
24 disinformation, including from proxies of the

1 *Government of Russia working at Belarusian*
2 *state television.*

3 “(2) *FORM.*—*The report required under para-*
4 *graph (1) shall be transmitted in unclassified form,*
5 *but may contain a classified annex.”.*

6 **SEC. 326. SANCTIONS AGAINST THE GOVERNMENT OF**
7 ***BELARUS.***

8 *Section 6 of the Belarus Democracy Act of 2004 (Pub-*
9 *lic Law 109–480; 22 U.S.C. 5811 note) is amended—*

10 (1) *in subsection (b)—*

11 (A) *by striking “December 19, 2010” each*
12 *place it appears and inserting “August 9, 2020”;*

13 (B) *in paragraph (2), by inserting “, peace-*
14 *ful protesters,” after “all opposition activists”;*

15 (C) *by striking paragraphs (3) and (6); and*

16 (D) *by redesignating paragraphs (4), (5),*
17 *and (7) as paragraphs (3), (4), and (5), respec-*
18 *tively;*

19 (2) *in subsection (c)—*

20 (A) *in the subsection heading, by inserting*
21 *“AND RUSSIAN INDIVIDUALS COMPLICIT IN THE*
22 *CRACKDOWN THAT OCCURRED AFTER THE AU-*
23 *GUST 9, 2020, ELECTION” after “BELARUS”;*

24 (B) *by redesignating paragraphs (4) and*
25 *(5) as paragraphs (5) and (6), respectively;*

1 (C) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) is a member of the Central Election Com-
4 mission of Belarus or assisted the Commission in ma-
5 nipulating the presidential election of August 9,
6 2020;”;

7 (D) in paragraph (5), as redesignated, to
8 read as follows:

9 “(5) is a member of any branch of the security
10 or law enforcement services of Belarus, including the
11 KGB, Interior Ministry, and OMON special police
12 unit, and is responsible for, or complicit in, ordering,
13 controlling, materially assisting, sponsoring, or pro-
14 viding financial, material, or technological support
15 for, or otherwise directing, the crackdown on opposi-
16 tion leaders, journalists, and peaceful protestors that
17 occurred in connection with the presidential election
18 of August 9, 2020; or”;

19 (E) by adding at the end the following:

20 “(7) is a government official, including at the
21 Information Ministry, responsible for the crackdown
22 on independent media, including revoking the accred-
23 itation of journalists, disrupting internet access, and
24 restricting online content;

1 “(8) is an official in the so-called ‘Union State’
2 *between Russia and Belarus (regardless of nationality*
3 *of the individual); or*

4 “(9) is a Russian individual that has signifi-
5 *cantly participated in the crackdown on independent*
6 *press or human rights abuses related to political re-*
7 *pression in Belarus, including the Russian propa-*
8 *gandists sent to replace local employees at Belarusian*
9 *state media outlets.”;*

10 (3) in subsection (d)(1), by striking “the Over-
11 *seas Private Investment Corporation” and inserting*
12 *“the United States International Development Fi-*
13 *nance Corporation”;*

14 (4) in subsection (e), by striking “(including any
15 *technical assistance or grant) of any kind”; and*

16 (5) in subsection (f)—

17 (A) in paragraph (1)(A), by striking “or by
18 *any member or family member closely linked to*
19 *any member of the senior leadership of the Gov-*
20 *ernment of Belarus” and inserting “or by the*
21 *senior leadership of the Government of Belarus*
22 *or by any member or family member closely*
23 *linked to the senior leadership of the Government*
24 *of Belarus, or an official of the so-called ‘Union*
25 *State’ with Russia”; and*

1 (B) in paragraph (2)—

2 (i) in subparagraph (A), by adding at
3 the end before the semicolon the following: “,
4 or an official of the so-called ‘Union State’
5 with Russia”; and

6 (ii) in subparagraph (B), by inserting
7 “, or the so-called ‘Union State’ with Rus-
8 sia,” after “the Government of Belarus”.

9 **SEC. 327. MULTILATERAL COOPERATION.**

10 Section 7 of the Belarus Democracy Act of 2004 (Pub-
11 lic Law 109–480; 22 U.S.C. 5811 note) is amended to read
12 as follows:

13 **“SEC. 7. MULTILATERAL COOPERATION.**

14 *“It is the sense of Congress that the President should*
15 *continue to coordinate with the European Union and its*
16 *institutions, European Union member states, the United*
17 *Kingdom, and Canada to develop a comprehensive, multi-*
18 *lateral strategy—*

19 *“(1) to further the purposes of this Act, includ-*
20 *ing, as appropriate, encouraging other countries to*
21 *take measures with respect to the Republic of Belarus*
22 *that are similar to measures described in this Act;*
23 *and*

24 *“(2) to deter the Government of the Russian Fed-*
25 *eration from undermining democratic processes and*

1 *institutions in Belarus or threatening the independ-*
2 *ence, sovereignty, and territorial integrity of*
3 *Belarus.”.*

4 **SEC. 328. REPORTS.**

5 *Section 8 of the Belarus Democracy Act of 2004 (Pub-*
6 *lic Law 109–480; 22 U.S.C. 5811 note) is amended to read*
7 *as follows:*

8 **“SEC. 8. REPORTS.**

9 **“(a) REPORT ON THREAT TO SOVEREIGNTY AND INDE-**
10 **PENDENCE OF BELARUS.—**

11 **“(1) IN GENERAL.—***Not later than 120 days*
12 *after the date of the enactment of the Belarus Democ-*
13 *racy, Human Rights, and Sovereignty Act of 2020,*
14 *the Secretary of State, in coordination with the Di-*
15 *rector of National Intelligence and the Secretary of*
16 *the Treasury, shall transmit to the appropriate con-*
17 *gressional committees a report describing the threat*
18 *that the Government of Russia poses to the sov-*
19 *ereignty and independence of Belarus.*

20 **“(2) MATTERS TO BE INCLUDED.—***The report re-*
21 *quired under paragraph (1) shall include—*

22 **“(A) an assessment of how the Government**
23 *of Russia is exploiting the current political crisis*
24 *in Belarus to push for deeper political and eco-*
25 *nomical control of or integration with Belarus;*

1 “(B) a description of the economic and en-
2 ergy assets in Belarus that the Government of
3 Russia, including Russian state-owned or state-
4 controlled companies, controls;

5 “(C) a description of Belarus major enter-
6 prises that are vulnerable of being taken over by
7 Russian entities amid the country’s worsening
8 financial crisis;

9 “(D) a description of how and to what ends
10 the Government of Russia seeks to augment its
11 military presence in Belarus;

12 “(E) a description of Russian influence over
13 the media and information space in Belarus and
14 how the Government of Russia uses
15 disinformation and other malign techniques to
16 undermine Belarusian history, culture, and lan-
17 guage;

18 “(F) a description of other actors in
19 Belarus that the Government of Russia uses to
20 advance its malign influence, including veterans’
21 organizations and extrajudicial networks;

22 “(G) a description of efforts to undermine
23 Belarusian language, cultural, and national
24 symbols, including the traditional red and white
25 flag and the ‘Pahonia’ mounted knight; and

1 “(H) the identification of Russian individ-
2 uals and government agencies that are signifi-
3 cantly supporting or involved in the crackdown
4 on peaceful protestors and the opposition or the
5 repression of independent media following the
6 August 9, 2020, presidential election.

7 “(3) FORM.—The report required under this sub-
8 section shall be transmitted in unclassified form, but
9 may contain a classified annex.

10 “(b) REPORT ON PERSONAL ASSETS OF ALYAKSANDR
11 LUKASHENKA.—

12 “(1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of the Belarus Democracy,
14 Human Rights, and Sovereignty Act of 2020, the Di-
15 rector of National Intelligence, in consultation with
16 the Secretary of the Treasury and the Secretary of
17 State, shall submit to the appropriate congressional
18 committees a report describing—

19 “(A) the total assets under the direct or in-
20 direct control of Alyaksandr Lukashenka, includ-
21 ing estimated assets and known sources of in-
22 come of Alyaksandr Lukashenka and his imme-
23 diate family members, including assets, invest-
24 ments, bank accounts, and other business inter-
25 ests; and

1 “(B) an identification of the most signifi-
2 cant senior foreign political figures in Belarus,
3 as determined by their closeness to Alyaksandr
4 Lukashenka.

5 “(2) WAIVER.—The Director of National Intel-
6 ligence may waive, in whole or in part, the reporting
7 requirement under paragraph (1)(A) if the Director
8 submits to the appropriate congressional commit-
9 tees—

10 “(A) a written justification stating that the
11 waiver is in the national interest of the United
12 States; and

13 “(B) a detailed explanation of the reasons
14 therefor.

15 “(3) FORM.—The report required under this sub-
16 section shall be transmitted in unclassified form, but
17 may contain a classified annex.”.

18 **SEC. 329. DEFINITIONS.**

19 Section 9 of the Belarus Democracy Act of 2004 (*Pub-*
20 *lic Law 109–480; 22 U.S.C. 5811 note*) is amended—

21 (1) by amending paragraph (1) to read as fol-
22 lows:

23 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term ‘appropriate congressional commit-
25 tees’ means—

1 “(A) the Committee on Foreign Relations of
2 the Senate;

3 “(B) the Committee on Banking, Housing,
4 and Urban Affairs of the Senate;

5 “(C) the Committee on Appropriations of
6 the Senate;

7 “(D) the Committee on Foreign Affairs of
8 the House of Representatives;

9 “(E) the Committee on Financial Services
10 of the House of Representatives; and

11 “(F) the Committee on Appropriations of
12 the House of Representatives.”; and

13 (2) in paragraph (3)(B)—

14 (A) in clause (i), by inserting “members of
15 the security and intelligence services,” after
16 “prosecutors,”; and

17 (B) in clause (ii), by inserting “, electoral
18 fraud, online censorship, or restrictions on inde-
19 pendent media and journalists” after “public
20 corruption”.

21 **SEC. 330. DETERMINATION OF BUDGETARY EFFECTS.**

22 The budgetary effects of this subtitle, for the purpose
23 of complying with the Statutory Pay-As-You-Go Act of
24 2010, shall be determined by reference to the latest state-
25 ment titled “Budgetary Effects of PAYGO Legislation” for

1 *this subtitle, submitted for printing in the Congressional*
2 *Record by the Chairman of the House Budget Committee,*
3 *provided that such statement has been submitted prior to*
4 *the vote on passage.*

5 ***Subtitle D—Gandhi-King Scholarly***
6 ***Exchange Initiative Act***

7 ***SEC. 331. SHORT TITLE.***

8 *This subtitle may be cited as the “Gandhi-King Schol-*
9 *arly Exchange Initiative Act”.*

10 ***SEC. 332. FINDINGS.***

11 *Congress makes the following findings:*

12 *(1) The peoples of the United States and India*
13 *have a long history of friendship and the interests of*
14 *the peoples of the United States, India, and the world*
15 *will benefit from a stronger United States-India part-*
16 *nership.*

17 *(2) Mohandas Karamchand Gandhi and Martin*
18 *Luther King, Jr., were dedicated leaders fighting for*
19 *social justice and social change, peace, and civil*
20 *rights in their respective communities, and countries*
21 *and in the world.*

22 *(3) The use of nonviolent civil disobedience is a*
23 *shared tactic that has played a key role in defeating*
24 *social injustice in India, the United States, and in*
25 *other parts of the world.*

1 (4) *Mohandas Gandhi, who was born on October*
2 *2, 1869, was murdered on January 30, 1948, after*
3 *dedicating his life to the peaceful empowerment of the*
4 *people of India and to the end of British colonial*
5 *rule.*

6 (5) *Martin Luther King, Jr., who was born on*
7 *January 15, 1929, was murdered on April 4, 1968,*
8 *after a life dedicated to peaceful movements against*
9 *segregation, discrimination, racial injustice, and pov-*
10 *erty.*

11 (6) *In February 1959, Dr. King and his wife,*
12 *Coretta Scott King, traveled throughout India. By the*
13 *end of his monthlong visit, Dr. King said, “I am*
14 *more convinced than ever before that the method of*
15 *nonviolent resistance is the most potent weapon avail-*
16 *able to oppressed people in their struggle for justice*
17 *and human dignity.”.*

18 (7) *Fifty years after Dr. King’s visit, All India*
19 *Radio, the national radio station of India, discovered*
20 *a taped message by Dr. King that emphasized the in-*
21 *tellectual harmony between the messages of Dr. King*
22 *and Mohandas Gandhi on nonviolent social action.*

23 (8) *On August 22, 2011, the Dr. Martin Luther*
24 *King, Jr., National Memorial opened to the public in*
25 *Washington, DC. This newest memorial on the Na-*

1 *tional Mall pays tribute to Dr. King’s national and*
2 *international contributions to world peace through*
3 *nonviolent social change.*

4 *(9) The 116th Congress coincides with both the*
5 *150th birth anniversary of Mohandas Gandhi and the*
6 *90th birth anniversary of Dr. Martin Luther King,*
7 *Jr.*

8 *(10) Mohandas Gandhi, who employed the prin-*
9 *ciple of satyagraha, or “fighting with peace”, has*
10 *come to represent the moral force inspiring many*
11 *civil and social rights movement around the world.*

12 *(11) Dr. King’s effective use of Gandhi’s prin-*
13 *ciples was instrumental to the American civil rights*
14 *movement.*

15 *(12) There is a long history of civil and social*
16 *rights movements in the United States and in India.*
17 *As the relationship between the United States and*
18 *India evolves, a binational foundation through which*
19 *the governments of each country can work together*
20 *and catalyze private investment toward development*
21 *objectives would provide an ongoing, productive insti-*
22 *tution and symbol of the friendship and common*
23 *ideals of the respective governments and their peoples.*

24 *(13) There is a global goal of ending tuberculosis*
25 *by 2030, the United States and India seek a TB-Free*

1 *India by 2025, and the United States-India Gandhi-*
2 *King Development Foundation, as described in this*
3 *subtitle, could help address gaps across the TB value*
4 *chain in prevention, detection, diagnosis, and treat-*
5 *ment, and catalyze market-based strategies to bridge*
6 *the service gap for the “last mile”.*

7 *(14) Leaders in both countries have prioritized*
8 *the United States-India relationship and continue to*
9 *support a strengthened United States-India partner-*
10 *ship, recognizing that it will be one of the defining*
11 *partnerships of the 21st century.*

12 **SEC. 333. GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.**

13 *(a) IN GENERAL.—In order to further the shared ideals*
14 *and values of Mohandas Gandhi and Martin Luther King,*
15 *Jr, the Secretary of State should establish, in cooperation*
16 *with the appropriate representatives of the Government of*
17 *India, a professional exchange program known as the*
18 *“Gandhi-King Scholarly Exchange Initiative”. The initia-*
19 *tive should be comprised of the following:*

20 *(1) An annual educational forum for scholars*
21 *from the United States and India that focuses on the*
22 *social justice and human and civil rights legacies of*
23 *Mohandas Gandhi and Martin Luther King, Jr.,*
24 *which should—*

1 (A) be held alternately in the United States
2 and in India;

3 (B) include representatives from govern-
4 ments, nongovernmental organizations, civic or-
5 ganizations, and educational, cultural, women's,
6 civil, and human rights groups, including reli-
7 gious and ethnic minorities and marginalized
8 communities; and

9 (C) focus on studying the works of Gandhi
10 and King, and applying their philosophies of
11 nonviolent resistance to addressing current
12 issues, including poverty alleviation, conflict
13 mitigation, human and civil rights challenges,
14 refugee crises, and threats to democracy and
15 democratic norms in countries around the world.

16 (2) An undergraduate, graduate, and post-grad-
17 uate student exchange for students in the United
18 States and India to—

19 (A) study the history and legacies of Martin
20 Luther King, Jr., and Mohandas Gandhi; and

21 (B) research, develop, and recommend best
22 practices relating to peace, nonviolence, and rec-
23 onciliation in current conflict regions.

1 (b) *SUNSET.*—*The authorities provided under this sec-*
2 *tion shall terminate on the date that is five years after the*
3 *date of enactment of this Act.*

4 **SEC. 334. GANDHI-KING GLOBAL ACADEMY.**

5 (a) *IN GENERAL.*—*The president and chief executive*
6 *officer of the United States Institute of Peace should create*
7 *a professional development training initiative on conflict*
8 *resolution tools based on the principles of nonviolence. Such*
9 *training initiative shall be known as the Gandhi-King*
10 *Global Academy and should—*

11 (1) *include representatives from governments,*
12 *nongovernmental organizations, civic organizations,*
13 *and educational, cultural, women’s, civil, and human*
14 *rights groups, including religious and ethnic minori-*
15 *ties and marginalized communities in countries with*
16 *ongoing political, social, ethnic, or violent conflict;*

17 (2) *include a specific focus on the success of non-*
18 *violent movements, inclusion, and representation in*
19 *conflict resolution;*

20 (3) *develop a curriculum on conflict resolution*
21 *tools based on the principles of nonviolence; and*

22 (4) *make the curriculum publicly available on-*
23 *line, in person, and through a variety of media.*

24 (b) *PROHIBITION.*—*The United States Institute of*
25 *Peace may not, in the course of any activity authorized by*

1 *subsection (a), enter into any contract with an outside enti-*
2 *ty to conduct advocacy on its behalf.*

3 *(c) SUNSET.—The authorities provided under this sec-*
4 *tion shall terminate on the date that is five years after the*
5 *date of enactment of this Act.*

6 **SEC. 335. ESTABLISHMENT OF THE UNITED STATES-INDIA**
7 **GANDHI-KING DEVELOPMENT FOUNDATION.**

8 *(a) ESTABLISHMENT.—The Administrator of the*
9 *United States Agency for International Development*
10 *(USAID), with the concurrence of the Secretary of State*
11 *and in coordination with appropriate counterparts in the*
12 *Government of India, is authorized to establish, on such*
13 *terms and conditions as are determined necessary, one or*
14 *more legal entities to compose the United States-India Gan-*
15 *dhi-King Development Foundation (in this section referred*
16 *to as the “Foundation”). Each such legal entity within the*
17 *Foundation shall be organized under the laws of India and*
18 *shall not be considered to be an agency or establishment*
19 *of the United States Government and shall not have the full*
20 *faith and credit of the United States.*

21 *(b) FUNCTIONS.—The Foundation, through one or*
22 *more entities referred to in subsection (a)—*

23 *(1) shall identify development priorities and ad-*
24 *minister and oversee competitively-awarded grants to*

1 *private nongovernmental entities to address such pri-*
2 *orities in India, including—*

3 *(A) health initiatives addressing tuber-*
4 *culosis (TB), water, sanitation, and health*
5 *(WASH), and pollution and related health im-*
6 *pacts (PHI);*

7 *(B) pollution, plastic waste reduction, and*
8 *climate-related shocks;*

9 *(C) education; and*

10 *(D) empowerment of women;*

11 *(2) should provide credible platforms and models,*
12 *including returnable capital to attract and blend pub-*
13 *lic and private capital, which can then be deployed*
14 *efficiently and effectively to address the priorities*
15 *identified in paragraph (1).*

16 *(c) ADDITIONALITY.—*

17 *(1) IN GENERAL.—Before an entity within the*
18 *Foundation makes a grant under subsection (b)(1) to*
19 *address a priority identified under such subsection,*
20 *the Foundation shall ensure that private sector enti-*
21 *ties are afforded an opportunity to support the*
22 *projects funded by such grants.*

23 *(2) SAFEGUARDS, POLICIES, AND GUIDELINES.—*

24 *The Foundation shall develop appropriate safeguards,*
25 *policies, and guidelines to ensure that grants made*

1 *under subsection (b)(1) operate according to inter-*
2 *nationally recognized best practices and standards,*
3 *including for transparency and accountability.*

4 *(d) LIMITATIONS.—No party receiving a grant made*
5 *under subsection (b)(1) may receive such grant in an*
6 *amount that is more than five percent of amounts appro-*
7 *riated or otherwise made available under section 337(a)(3)*
8 *to the entity in the Foundation making such grant.*

9 *(e) GOVERNING COUNCIL.—*

10 *(1) PURPOSE.—The Government of the United*
11 *States and the Government of India shall convene a*
12 *Governing Council to provide guidance and direction*
13 *to the Foundation.*

14 *(2) APPOINTMENT OF MEMBERS.—The Adminis-*
15 *trator of the United States Agency for International*
16 *Development, with the concurrence of the Secretary of*
17 *State, shall appoint a majority of the Governing*
18 *Council of the Foundation for a period of five years*
19 *following the establishment of the Foundation.*

20 *(3) CHARTER.—The Governing Council of the*
21 *Foundation shall adopt a charter for the operation of*
22 *the Foundation, which shall include provisions to—*

23 *(A) identify development priorities or a*
24 *process to identify development priorities;*

1 (B) *define criteria for application, merit re-*
2 *view, and transparent, competitive awarding of*
3 *grants by the Foundation;*

4 (C) *establish an annual organization-wide*
5 *audit by an independent auditor in accordance*
6 *with generally accepted auditing standards, the*
7 *results of which shall be made immediately*
8 *available to the Board, the Administrator of the*
9 *United States Agency for International Develop-*
10 *ment, and the appropriate Government of India*
11 *counterpart;*

12 (D) *assist in the creation of project specific*
13 *timetables for each of the projects funded by a*
14 *grant from the Foundation;*

15 (E) *establish an oversight role and march-*
16 *in audit rights for the Administrator of the*
17 *United States Agency for International Develop-*
18 *ment and the appropriate Government of India*
19 *counterpart; and*

20 (F) *establish an annual report on the ac-*
21 *tivities of the Foundation to be made publicly*
22 *available.*

23 (f) *PUBLICLY AVAILABLE PROJECT INFORMATION.—*
24 *The Foundation shall maintain a user-friendly, publicly*
25 *available, machine readable database with detailed project*

1 *level information, as appropriate, including a description*
2 *of the grants made by the Foundation under this section*
3 *and project level performance metrics.*

4 (g) *DETAIL OF UNITED STATES GOVERNMENT PER-*
5 *SONNEL TO THE FOUNDATION.—*

6 (1) *IN GENERAL.—Whenever the Administrator*
7 *of the United States Agency for International Devel-*
8 *opment or the Secretary of State determines it to be*
9 *in furtherance of the purposes of this subtitle, the Ad-*
10 *ministrator and the Secretary are authorized to detail*
11 *or assign any officer or employee of the Agency or the*
12 *Department, respectively, to any position in the*
13 *Foundation to provide technical, scientific, or profes-*
14 *sional assistance to the Foundation or, in cooperation*
15 *with the Foundation, to implementing partners of the*
16 *Foundation, without reimbursement to the United*
17 *States Government.*

18 (2) *STATUS.—Any United States Government of-*
19 *ficer or employee, while detailed or assigned under*
20 *this subsection, shall be considered, for the purpose of*
21 *preserving their allowances, privileges, rights, senior-*
22 *ity, and other benefits as such, an officer or employee*
23 *of the United States Government and of the agency of*
24 *the United States Government from which detailed or*
25 *assigned, and shall continue to receive compensation,*

1 *allowances, and benefits from program funds appro-*
2 *propriated to that agency or made available to that*
3 *agency for purposes related to the activities of the de-*
4 *tail or assignment, in accordance with authorities re-*
5 *lated to their employment status and agency policies.*

6 (3) *SUNSET.*—*The authorities provided under*
7 *this subsection shall terminate on the date that is five*
8 *years after the establishment of the Foundation.*

9 **SEC. 336. REPORTING REQUIREMENTS.**

10 (a) *INITIAL REPORTS.*—*Not later than 120 days after*
11 *the date of the enactment of this Act—*

12 (1) *the Secretary of State shall submit to the*
13 *Committee on Foreign Affairs and the Committee on*
14 *Appropriations of the House of Representatives and*
15 *the Committee on Foreign Relations and the Com-*
16 *mittee on Appropriations of the Senate a report on*
17 *the Secretary of State’s plan to establish the initiative*
18 *authorized under section 333;*

19 (2) *the president and chief executive officer of the*
20 *United States Institute of Peace shall submit to the*
21 *Committee on Foreign Affairs and the Committee on*
22 *Appropriations of the House of Representatives and*
23 *the Committee on Foreign Relations and the Com-*
24 *mittee on Appropriations of the Senate a report on*
25 *the president and chief executive officer’s plan to es-*

1 *tablish the initiative authorized under section 334;*
2 *and*

3 *(3) the Administrator of the United States Agen-*
4 *cy for International Development shall submit to the*
5 *Committee on Foreign Affairs and the Committee on*
6 *Appropriations of the House of Representatives and*
7 *the Committee on Foreign Relations and the Com-*
8 *mittee on Appropriations of the Senate a report on*
9 *the Administrator's plan to establish the organization*
10 *authorized under section 335.*

11 *(b) PERIODIC UPDATES.—The Secretary of State,*
12 *president and chief executive officer of the United States*
13 *Institute of Peace, and Administrator of the United States*
14 *Agency for International Development shall submit to the*
15 *committees described in subsection (a)(3) an update on a*
16 *semiannual basis regarding the progress in implementing*
17 *each of the initiatives or establishing the organization re-*
18 *ferred to in such subsection.*

19 **SEC. 337. AUTHORIZATION OF APPROPRIATIONS.**

20 *(a) IN GENERAL.—There is authorized to be appro-*
21 *priated to carry out—*

22 *(1) section 333, up to \$1,000,000 for each of fis-*
23 *cal years 2021 through 2025 to the Secretary of State*

24 *(2) section 334, up to \$2,000,000 for fiscal year*
25 *2021 to the United States Institute of Peace;*

1 (3) *section 335, up to \$30,000,000 for fiscal year*
2 *2021 to the Administrator of the United States Agen-*
3 *cy for International Development; and*

4 (4) *section 335, up to an additional \$15,000,000*
5 *for each of fiscal years 2022 through 2025 to the Ad-*
6 *ministrator of the United States Agency for Inter-*
7 *national Development, if the private sector in India*
8 *commits amounts equal to that contributed by the*
9 *United States.*

10 (b) *SENSE OF CONGRESS ON FOREIGN ASSISTANCE*
11 *FUNDS.—It is the sense of Congress that the authorization*
12 *of appropriations under subsection (a) should be renewable*
13 *for one or more periods of not more than 5 years if—*

14 (1) *authorized by Congress; and*

15 (2) *the Secretary of State, in consultation with*
16 *the Administrator of the United States Agency for*
17 *International Development, determines that the Foun-*
18 *ation's work is successful in addressing the priorities*
19 *identified in section 335(b)(1) and that the private*
20 *sector in India has committed funds to the Founda-*
21 *tion in accordance with subsection (a)(4).*

1 ***Subtitle E—Tibetan Policy and***
2 ***Support Act of 2020***

3 ***SEC. 341. MODIFICATIONS TO AND REAUTHORIZATION OF***
4 ***TIBETAN POLICY ACT OF 2020.***

5 *(a) TIBETAN NEGOTIATIONS.—Section 613 of the Ti-*
6 *betan Policy Act of 2002 (22 U.S.C. 6901 note) is amend-*
7 *ed—*

8 *(1) in subsection (a)—*

9 *(A) in paragraph (1)—*

10 *(i) by inserting “without pre-*
11 *conditions” after “a dialogue”;*

12 *(ii) by inserting “or democratically-*
13 *elected leaders of the Tibetan community”*
14 *after “his representatives”; and*

15 *(iii) by inserting before the period at*
16 *the end the following: “and should coordi-*
17 *nate with other governments in multilateral*
18 *efforts toward this goal”;*

19 *(B) by redesignating paragraph (2) as*
20 *paragraph (3); and*

21 *(C) by inserting after paragraph (1) the fol-*
22 *lowing new paragraph:*

23 *“(2) POLICY COMMUNICATION.—The Secretary of*
24 *State shall ensure that, in accordance with this Act,*
25 *United States policy on Tibet, as coordinated by the*

1 *United States Special Coordinator for Tibetan Issues,*
2 *is communicated to all Federal departments and*
3 *agencies in contact with the Government of the Peo-*
4 *ple’s Republic of China.”;*

5 (2) *in subsection (b)—*

6 (A) *in the matter preceding paragraph*

7 (1)—

8 (i) *by striking “until December 31,*
9 *2021” and inserting “until December 31,*
10 *2031”; and*

11 (ii) *by inserting “and direct the De-*
12 *partment of State to make public on its*
13 *website” after “appropriate congressional*
14 *committees”;*

15 (B) *in paragraph (1), by striking “; and”*
16 *and inserting a semicolon;*

17 (C) *in paragraph (2), by striking the period*
18 *at the end and inserting “; and” ; and*

19 (D) *by adding at the end the following new*
20 *paragraph:*

21 “(3) *the steps taken by the United States Gov-*
22 *ernment to promote the human rights and distinct re-*
23 *ligious, cultural, linguistic, and historical identity of*
24 *the Tibetan people, including the right of the Tibetan*
25 *people to select, educate, and venerate their own reli-*

1 *gious leaders in accordance with their established reli-*
2 *gious practice and system.”.*

3 *(b) TIBET PROJECT PRINCIPLES.—Section 616 of such*
4 *Act (22 U.S.C. 6901 note) is amended—*

5 *(1) in subsection (d)—*

6 *(A) in paragraph (5), by inserting “human*
7 *rights,” after “respect Tibetan”;*

8 *(B) in paragraph (8), by striking “; and”*
9 *and inserting a semicolon;*

10 *(C) in paragraph (9)—*

11 *(i) by inserting “involuntary or co-*
12 *erced” after “nor facilitate the”; and*

13 *(ii) by striking the period at the end*
14 *and inserting “; and”; and*

15 *(D) by adding at the end the following new*
16 *paragraph:*

17 *“(10) neither provide incentive for, nor facilitate*
18 *the involuntary or coerced relocation of, Tibetan no-*
19 *maids from their traditional pasturelands into con-*
20 *centrated settlements.”;*

21 *(2) by adding at the end the following new sub-*
22 *sections:*

23 *“(e) UNITED STATES ASSISTANCE.—*

24 *“(1) IN GENERAL.—The President is authorized*
25 *to provide assistance to nongovernmental organiza-*

1 *tions to support inclusive economic growth, resilience,*
2 *global health, education, environmental stewardship,*
3 *and cultural and historical preservation for Tibetan*
4 *communities in Tibet, in accordance with the prin-*
5 *ciples specified in subsection (d).*

6 “(2) *COORDINATION.*—*Assistance authorized*
7 *under paragraph (1) shall be carried out in coordina-*
8 *tion with the United States Special Coordinator for*
9 *Tibetan Issues in accordance with section 621(d).*

10 “(f) *PRIVATE SECTOR INVESTMENT.*—*The Secretary of*
11 *State, in coordination with the Secretary of Commerce,*
12 *should—*

13 “(1) *encourage United States businesses and in-*
14 *dividuals that are engaged in commerce or investing*
15 *in enterprises in Tibet to be guided by the principles*
16 *specified in subsection (d) and the United Nations*
17 *Guiding Principles on Business and Human Rights;*
18 *and*

19 “(2) *hold regular consultations with businesses*
20 *and individuals that are engaged in commerce or are*
21 *investing in enterprises in Tibet about the principles*
22 *referenced in paragraph (1) and the business prac-*
23 *tices of such businesses and individuals in Tibet.”.*

1 “(1) a specific and detailed rationale for the de-
2 termination that the waiver is in the national secu-
3 rity interests of the United States; and

4 “(2) a description of the efforts by the Depart-
5 ment of State to seek the establishment of a United
6 States consulate in Lhasa.”.

7 (d) *RELIGIOUS PERSECUTION IN TIBET.*—Section
8 620(b) of such Act (22 U.S.C. 6901 note) is amended by
9 inserting before the period at the end the following: “, in-
10 cluding with respect to the reincarnation system of Tibetan
11 Buddhism”.

12 (e) *UNITED STATES SPECIAL COORDINATOR FOR TI-*
13 *BETAN ISSUES.*—Section 621 of such Act (22 U.S.C. 6901
14 note) is amended—

15 (1) by amending subsection (c) to read as fol-
16 lows:

17 “(c) *OBJECTIVES.*—The objectives of the Special Coor-
18 dinator are to—

19 “(1) promote substantive dialogue without pre-
20 conditions, between the Government of the People’s
21 Republic of China and the Dalai Lama, his or her
22 representatives, or democratically elected leaders of
23 the Tibetan community, or explore activities to im-
24 prove prospects for dialogue, that leads to a nego-
25 tiated agreement on Tibet;

1 “(2) coordinate with other governments in multi-
2 lateral efforts towards the goal of a negotiated agree-
3 ment on Tibet;

4 “(3) encourage the Government of the People’s
5 Republic of China to address the aspirations of the
6 Tibetan people with regard to their distinct historical,
7 cultural, religious, and linguistic identity;

8 “(4) promote the human rights of the Tibetan
9 people;

10 “(5) promote activities to preserve environment
11 and water resources of the Tibetan plateau;

12 “(6) encourage that any initiatives or activities
13 for Tibetan communities in the Tibet Autonomous Re-
14 gion are conducted in accordance with the principles
15 espoused in section 616(d); and

16 “(7) promote access to Tibet in accordance with
17 the Reciprocal Access to Tibet Act of 2018 (Public
18 Law 115–330).”;

19 (2) in subsection (d)—

20 (A) in paragraph (5), by striking “; and”
21 and inserting a semicolon;

22 (B) by redesignating paragraph (6) as
23 paragraph (8); and

24 (C) by inserting after paragraph (5) the fol-
25 lowing new paragraphs:

1 “(6) provide guidance with respect to all projects
2 carried out pursuant to assistance provided under
3 section 616(e);

4 “(7) seek to establish international diplomatic
5 coalitions to—

6 “(A) oppose any effort by the Government of
7 the People’s Republic of China to select, educate,
8 and venerate Tibetan Buddhist religious leaders
9 in a manner inconsistent with the principle that
10 the succession or identification of Tibetan Bud-
11 dhist lamas, including the Dalai Lama, should
12 occur without interference, in a manner con-
13 sistent with traditional practice; and

14 “(B) ensure that the identification and in-
15 stallation of Tibetan Buddhist religious leaders,
16 including any future Dalai Lama, is determined
17 solely within the Tibetan Buddhist faith commu-
18 nity, in accordance with the internationally-rec-
19 ognized right to religious freedom; and”;

20 (3) by adding at the end the following new sub-
21 section:

22 “(e) PERSONNEL.—The Secretary shall ensure that the
23 Office of the Special Coordinator is adequately staffed at
24 all times to assist in the management of the responsibilities
25 of this section.”.

1 **SEC. 342. STATEMENT OF POLICY REGARDING THE SUCCES-**
2 **SION OR REINCARNATION OF THE DALAI**
3 **LAMA.**

4 *(a) FINDINGS.—Congress finds the following:*

5 *(1) Tibetan Buddhism is practiced in many*
6 *countries including Bhutan, India, Mongolia, Nepal,*
7 *the People’s Republic of China, the Russian Federa-*
8 *tion, and the United States, yet the Government of*
9 *the People’s Republic of China has repeatedly insisted*
10 *on its role in managing the selection of Tibet’s next*
11 *spiritual leader, the Dalai Lama, through actions*
12 *such as those described in the “Measures on the Man-*
13 *agement of the Reincarnation of Living Buddhas” in*
14 *2007.*

15 *(2) On March 19, 2019, Chinese Ministry of Af-*
16 *airs spokesperson reiterated that the “reincarnation*
17 *of living Buddhas including the Dalai Lama must*
18 *comply with Chinese laws and regulations and follow*
19 *religious rituals and historical conventions”.*

20 *(3) The Government of the People’s Republic of*
21 *China has interfered in the process of recognizing a*
22 *successor or reincarnation of Tibetan Buddhist lead-*
23 *ers, including in 1995 by arbitrarily detaining*
24 *Gedhun Choekyi Nyima, a 6-year old boy who was*
25 *identified as the 11th Panchen Lama, and purporting*
26 *to install its own candidate as the Panchen Lama.*

1 (4) *The 14th Dalai Lama, Tenzin Gyatso, issued*
2 *a statement on September 24, 2011, explaining the*
3 *traditions and spiritual precepts of the selection of*
4 *Dalai Lamas, setting forth his views on the consider-*
5 *ations and process for selecting his successor, and pro-*
6 *viding a response to the Chinese government's claims*
7 *that only the Chinese government has the ultimate*
8 *authority in the selection process of the Dalai Lama.*

9 (5) *The 14th Dalai Lama said in his statement*
10 *that the person who reincarnates has sole legitimate*
11 *authority over where and how he or she takes rebirth*
12 *and how that reincarnation is to be recognized and*
13 *if there is a need for a 15th Dalai Lama to be recog-*
14 *nized, then the responsibility shall primarily rest*
15 *with the officers of the Dalai Lama's Gaden Phodrang*
16 *Trust, who will be informed by the written instruc-*
17 *tions of the 14th Dalai Lama.*

18 (6) *Since 2011, the 14th Dalai Lama has reiter-*
19 *ated publicly on numerous occasions that decisions on*
20 *the successions, emanations, or reincarnations of the*
21 *Dalai Lama belongs to the Tibetan Buddhist faith*
22 *community alone.*

23 (7) *On June 8, 2015, the United States House*
24 *of Representatives unanimously approved House Res-*
25 *olution 337 which calls on the United States Govern-*

1 *ment to “underscore that government interference in*
2 *the Tibetan reincarnation process is a violation of the*
3 *internationally recognized right to religious freedom*
4 *. . . and to highlight the fact that other countries be-*
5 *sides China have long Tibetan Buddhist traditions,*
6 *and that matters related to reincarnations in Tibetan*
7 *Buddhism are of keen interest to Tibetan Buddhist*
8 *populations worldwide”.*

9 *(8) On April 25, 2018, the United States Senate*
10 *unanimously approved Senate Resolution 429 which*
11 *“expresses its sense that the identification and instal-*
12 *lation of Tibetan Buddhist religious leaders, includ-*
13 *ing a future 15th Dalai Lama, is a matter that*
14 *should be determined solely within the Tibetan Bud-*
15 *dhist faith community, in accordance with the in-*
16 *alienable right to religious freedom”.*

17 *(9) The Department of State’s Report on Inter-*
18 *national Religious Freedom for 2018 reported on poli-*
19 *cies and efforts of the Government of the People’s Re-*
20 *public of China to exert control over the selection of*
21 *Tibetan Buddhist religious leaders, including reincar-*
22 *nate lamas, and stated that “[United States] officials*
23 *underscored that decisions on the reincarnation of the*
24 *Dalai Lama should be made solely by faith leaders.”.*

1 **(b) STATEMENT OF POLICY.**—*It is the policy of the*
2 *United States that—*

3 (1) *decisions regarding the selection, education,*
4 *and veneration of Tibetan Buddhist religious leaders*
5 *are exclusively spiritual matters that should be made*
6 *by the appropriate religious authorities within the*
7 *Tibetan Buddhist tradition and in the context of the*
8 *will of practitioners of Tibetan Buddhism;*

9 (2) *the wishes of the 14th Dalai Lama, including*
10 *any written instructions, should play a key role in*
11 *the selection, education, and veneration of a future*
12 *15th Dalai Lama; and*

13 (3) *interference by the Government of the Peo-*
14 *ple’s Republic of China or any other government in*
15 *the process of recognizing a successor or reincarnation*
16 *of the 14th Dalai Lama and any future Dalai Lamas*
17 *would represent a clear abuse of the right to religious*
18 *freedom of Tibetan Buddhists and the Tibetan people.*

19 **(c) HOLDING CHINESE OFFICIALS RESPONSIBLE FOR**
20 **RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN BUD-**
21 **DHISTS.**—*It is the policy of the United States to take all*
22 *appropriate measures to hold accountable senior officials of*
23 *the Government of the People’s Republic of China or the*
24 *Chinese Communist Party who directly interfere with the*
25 *identification and installation of the future 15th Dalai*

1 *and supply for an estimated 1,800,000,000 people.*
2 *Environmental changes threaten the glaciers in Tibet*
3 *that feed the major rivers of South and East Asia,*
4 *which supply freshwater to an estimated*
5 *1,800,000,000 people.*

6 *(2) Several factors, including temperature*
7 *changes, large government-backed infrastructure*
8 *projects, and resettlement of Tibetan nomads, are like-*
9 *ly to result in variable water flows in the future.*

10 *(3) The grasslands of Tibet play a significant*
11 *role in carbon production and sequestration and Ti-*
12 *bet's rivers support wetlands that play a key role in*
13 *water storage, water quality, and the regulation of*
14 *water flow, support biodiversity, foster vegetation*
15 *growth, and act as carbon sinks.*

16 *(4) Traditional Tibetan grassland stewardship*
17 *practices, which can be key to mitigating the negative*
18 *effects of environmental changes on the Tibetan Pla-*
19 *teau, are undermined by the resettlement of nomads*
20 *from Tibetan grasslands.*

21 *(5) The People's Republic of China has approxi-*
22 *mately 20 percent of the world's population but only*
23 *around 7 percent of the world's water supply, while*
24 *many countries in South and Southeast Asia rely on*

1 *the rivers flowing from the Himalayas of the Tibetan*
2 *Plateau.*

3 *(6) The People's Republic of China has already*
4 *completed water transfer programs diverting billions*
5 *of cubic meters of water yearly and has plans to di-*
6 *vert more waters from the Tibetan plateau in China.*

7 *(b) WATER RESOURCES IN TIBET AND THE TIBETAN*
8 *WATERSHED.—The Secretary of State, in coordination*
9 *with relevant agencies of the United States Government,*
10 *should—*

11 *(1) pursue collaborative efforts with Chinese and*
12 *international scientific institutions, as appropriate,*
13 *to monitor the environment on the Tibetan Plateau,*
14 *including glacial retreat, temperature rise, and car-*
15 *bon levels, in order to promote a greater under-*
16 *standing of the effects on permafrost, river flows,*
17 *grasslands and desertification, and the monsoon cycle;*

18 *(2) engage with the Government of the People's*
19 *Republic of China, the Tibetan people, and non-*
20 *governmental organizations to encourage the partici-*
21 *ipation of Tibetan nomads and other Tibetan stake-*
22 *holders in the development and implementation of*
23 *grassland management policies, in order to utilize*
24 *their indigenous experience in mitigation and stew-*

1 *ardship of the land and to assess policies on the forced*
2 *resettlement of nomads; and*

3 *(3) encourage a regional framework on water se-*
4 *curity, or use existing frameworks, such as the Lower*
5 *Mekong Initiative, to facilitate cooperative agreements*
6 *among all riparian nations that would promote*
7 *transparency, sharing of information, pollution regu-*
8 *lation, and arrangements on impounding and diver-*
9 *sion of waters that originate on the Tibetan Plateau.*

10 **SEC. 344. DEMOCRACY IN THE TIBETAN EXILE COMMUNITY.**

11 *(a) FINDINGS.—Congress finds the following:*

12 *(1) The 14th Dalai Lama advocates the Middle*
13 *Way Approach, which seeks genuine autonomy for the*
14 *6,000,000 Tibetans in Tibet.*

15 *(2) The 14th Dalai Lama has overseen a process*
16 *of democratization within the Tibetan polity and de-*
17 *veloped his political responsibilities to the elected rep-*
18 *resentatives of the Tibetan people in exile in 2011.*

19 *(3) In 2011 and again in 2016, members of the*
20 *Tibetan exile community across some 30 countries*
21 *held free and fair elections to select political leaders*
22 *to serve in the Central Tibetan Administration par-*
23 *liament and as chief executive.*

24 *(4) The Dalai Lama has said that the Central*
25 *Tibetan Administration will cease to exist once a ne-*

1 *gotiated settlement has been achieved that allows Ti-*
2 *betans to freely enjoy their culture, religion, and lan-*
3 *guage in Tibet.*

4 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
5 *that—*

6 *(1) Tibetan exile communities around the world*
7 *should be commended for the adoption of a system of*
8 *self-governance with democratic institutions to choose*
9 *their leaders;*

10 *(2) the Dalai Lama should be commended for his*
11 *decision to devolve political authority to elected lead-*
12 *ers in accordance with democratic principles;*

13 *(3) as of the date of the enactment of this Act,*
14 *the Central Tibetan Administration is the institution*
15 *that represents and reflects, to the greatest extent, the*
16 *aspirations of the Tibetan diaspora around the world,*
17 *and the Sikyong is the President of the Central Ti-*
18 *betan Administration; and*

19 *(4) as consistent with section 621(d)(3) of the Ti-*
20 *betan Policy Act of 2002 (22 U.S.C. 6901 note), the*
21 *United States Special Coordinator for Tibetan Issues*
22 *should continue to maintain close contact with the re-*
23 *ligious, cultural, and political leaders of the Tibetan*
24 *people.*

1 **SEC. 345. SUSTAINABILITY IN TIBETAN COMMUNITIES**
2 **SEEKING TO PRESERVE THEIR CULTURE, RE-**
3 **LIGION, AND LANGUAGE.**

4 *The Secretary of State should urge the Government of*
5 *Nepal to honor the Gentleman's Agreement with the United*
6 *Nations High Commissioner for Refugees and the Govern-*
7 *ment of India, which commits the Government of Nepal to*
8 *respect the principle of non-refoulement by continuing to*
9 *give Tibetan new arrivals access to the territory of Nepal*
10 *and allowing them safe passage through Nepal to India.*

11 **SEC. 346. AUTHORIZATION OF APPROPRIATIONS.**

12 *(a) OFFICE OF THE UNITED STATES SPECIAL COORDI-*
13 *NATOR FOR TIBETAN ISSUES.—There is authorized to be*
14 *appropriated \$1,000,000 for each of the fiscal years 2021*
15 *through 2025 for the Office of the United States Special*
16 *Coordinator for Tibetan Issues.*

17 *(b) TIBETAN SCHOLARSHIP PROGRAM AND NGAWANG*
18 *CHOEPHEL EXCHANGE PROGRAMS.—*

19 *(1) TIBETAN SCHOLARSHIP PROGRAM.—There is*
20 *authorized to be appropriated \$675,000 for each of the*
21 *fiscal years 2021 through 2025 to carry out the Ti-*
22 *betan scholarship program established under section*
23 *103(b)(1) of the Human Rights, Refugee, and Other*
24 *Foreign Relations Provisions Act of 1996 (Public*
25 *Law 104–319; 22 U.S.C. 2151 note).*

1 (2) *NGAWANG CHOEPHEL EXCHANGE PRO-*
2 *GRAMS.—There is authorized to be appropriated*
3 *\$575,000 for each of the fiscal years 2021 through*
4 *2025 to carry out the “Ngawang Choephel Exchange*
5 *Programs” (formerly known as “programs of edu-*
6 *catational and cultural exchange between the United*
7 *States and the people of Tibet”) under section 103(a)*
8 *of the Human Rights, Refugee, and Other Foreign Re-*
9 *lations Provisions Act of 1996 (Public Law 104–319;*
10 *110 Stat. 3865).*

11 (c) *HUMANITARIAN ASSISTANCE AND SUPPORT TO TI-*
12 *BETAN REFUGEES IN SOUTH ASIA.—Amounts authorized*
13 *to be appropriated or otherwise made available to carry out*
14 *chapter 9 of part I of the Foreign Assistance Act of 1961*
15 *(22 U.S.C. 2292 et seq.) and the Migration and Refugee*
16 *Assistance Act of 1962 (Public Law 87–510) for each of the*
17 *fiscal years 2021 through 2025 are authorized to be made*
18 *available for humanitarian assistance, including food, med-*
19 *icine, clothing, and medical and vocational training, for*
20 *Tibetan refugees in South Asia who have fled facing a cred-*
21 *ible threat of persecution in the People’s Republic of China.*

22 (d) *TIBETAN AUTONOMOUS REGION AND TIBETAN*
23 *COMMUNITIES IN CHINA.—There is authorized to be appro-*
24 *priated \$8,000,000 for each year of the fiscal years 2021*
25 *through 2025 under chapter 4 of part II of the Foreign As-*

1 *sistance Act of 1961 (22 U.S.C. 2346 et seq.) to support*
2 *activities for Tibetan communities in the Tibet Autonomous*
3 *Region and in other Tibetan communities in China that*
4 *are conducted in accordance with subsection 616(d) of the*
5 *Tibetan Policy Act of 2002 (22 U.S.C. 6901 note).*

6 *(e) ASSISTANCE FOR TIBETANS IN INDIA AND*
7 *NEPAL.—There is authorized to be appropriated \$6,000,000*
8 *for each of the fiscal years 2021 through 2025 under chapter*
9 *4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C.*
10 *2346 et seq.) for programs to promote and preserve Tibetan*
11 *culture and language development, and the resilience of Ti-*
12 *betan communities in India and Nepal, and to assist in*
13 *the education and development of the next generation of Ti-*
14 *betan leaders from such communities.*

15 *(f) TIBETAN GOVERNANCE.—There is authorized to be*
16 *appropriated \$3,000,000 for each of the fiscal years 2021*
17 *through 2025 under chapter 4 of part II of the Foreign As-*
18 *sistance Act of 1961 (22 U.S.C. 2346 et seq.) for programs*
19 *to strengthen the capacity of Tibetan institutions and*
20 *strengthen democracy, governance, information and inter-*
21 *national outreach, and research.*

22 *(g) VOICE OF AMERICA AND RADIO FREE ASIA.—*

23 *(1) VOICE OF AMERICA.—There is authorized to*
24 *be appropriated \$3,344,000 for each of the fiscal years*

1 *2021 through 2025 to Voice of America for broadcasts*
 2 *described in paragraph (3).*

3 (2) *RADIO FREE ASIA.*—*There is authorized to be*
 4 *appropriated \$4,060,000 for each of the fiscal years*
 5 *2021 through 2025 to Radio Free Asia for broadcasts*
 6 *described in paragraph (3).*

7 (3) *BROADCASTS DESCRIBED.*—*Broadcasts de-*
 8 *scribed in this paragraph are broadcasts to provide*
 9 *uncensored news and information in the Tibetan lan-*
 10 *guage to Tibetans, including Tibetans in Tibet.*

11 ***Subtitle F—The United States –***
 12 ***Northern Triangle Enhanced***
 13 ***Engagement Act***

14 ***SEC. 351. SHORT TITLE.***

15 *This subtitle may be cited as the “The United States*
 16 *– Northern Triangle Enhanced Engagement Act”.*

17 ***SEC. 352. STRATEGY TO ADVANCE PROSPERITY, COMBAT***
 18 ***CORRUPTION, STRENGTHEN DEMOCRATIC***
 19 ***GOVERNANCE, AND IMPROVE CIVILIAN SECU-***
 20 ***RITY IN EL SALVADOR, GUATEMALA, AND***
 21 ***HONDURAS.***

22 (a) *ELEMENTS.*—*Not later than 180 days after the*
 23 *date of the enactment of this Act, the Secretary of State,*
 24 *in coordination with the Administrator of the United States*
 25 *Agency for International Development, and the heads of*

1 *other relevant Federal agencies, shall submit to the appro-*
2 *priate congressional committees a 5-year strategy to ad-*
3 *vance economic prosperity, combat corruption, strengthen*
4 *democratic governance, and improve civilian security in El*
5 *Salvador, Guatemala, and Honduras and to curb irregular*
6 *migration from the region.*

7 (b) *CONSIDERATION.*—*In developing the strategy re-*
8 *quired under this section, the Secretary of State should con-*
9 *sider the following priorities:*

10 (1) *Promoting economic prosperity, including*
11 *by—*

12 (A) *supporting market-based solutions to*
13 *eliminate constraints to inclusive economic*
14 *growth;*

15 (B) *addressing the underlying causes of*
16 *poverty and inequality;*

17 (C) *responding to immediate humanitarian*
18 *needs by improving humanitarian outcomes, in-*
19 *cluding through access to sanitation, hygiene,*
20 *and shelter, and by enabling the provision of*
21 *health resources;*

22 (D) *supporting conservation and commu-*
23 *nity resilience and strengthening community*
24 *preparedness for natural disasters;*

1 (E) identifying, as appropriate, a role for
2 relevant United States agencies and the United
3 States private sector in supporting efforts to in-
4 crease private sector investment and advance
5 economic prosperity; and

6 (F) improving domestic resource mobiliza-
7 tion, including by strengthening tax collection
8 and enforcement and legal arbitration mecha-
9 nisms.

10 (2) Combating corruption, including by—

11 (A) strengthening the capacity of national
12 justice systems and attorneys generals to identify
13 and prosecute money laundering and other fi-
14 nancial crimes and breaking up financial hold-
15 ings of organized criminal syndicates, including
16 illegally acquired lands and proceeds from illegal
17 activities;

18 (B) strengthening special prosecutorial of-
19 fices and financial institutions to conduct asset
20 forfeitures and criminal analysis, and to combat
21 corruption, money laundering, financial crimes,
22 extortion, and human rights crimes;

23 (C) implementing transparent, merit-based
24 selection processes for prosecutors and judges and

1 *the development of professional and merit-based*
2 *civil services;*

3 *(D) establishing or strengthening methods,*
4 *procedures for internal and external control*
5 *mechanisms for the security and police services*
6 *and judiciary; and*

7 *(E) supporting anticorruption efforts*
8 *through bilateral assistance and complementary*
9 *support through multilateral anticorruption*
10 *mechanisms when necessary.*

11 *(3) Advancing democratic governance, including*
12 *by—*

13 *(A) strengthening government institutions*
14 *at the local and national levels to provide serv-*
15 *ices and respond to citizen needs through trans-*
16 *parent, inclusive, and democratic processes;*

17 *(B) strengthening access to information*
18 *laws and reforming laws that currently limit ac-*
19 *cess to information;*

20 *(C) building the capacity of independent*
21 *media to engage in professional investigative*
22 *journalism;*

23 *(D) ensuring that threats and attacks on*
24 *journalists, labor leaders, human rights defend-*
25 *ers, and other members of civil society are fully*

1 *investigated and perpetrators are held account-*
2 *able; and*

3 *(E) strengthening electoral institutions and*
4 *processes to ensure free, fair, and transparent*
5 *elections.*

6 *(4) Improving security conditions, including*
7 *by—*

8 *(A) implementing the Central America Re-*
9 *gional Security Initiative;*

10 *(B) increasing the professionalization of se-*
11 *curity services, including the civilian police and*
12 *military units;*

13 *(C) combating the illicit activities of*
14 *transnational criminal organizations through*
15 *support to fully vetted elements of attorneys gen-*
16 *eral offices, appropriate government institutions,*
17 *and security services; and*

18 *(D) enhancing the capacity of relevant secu-*
19 *rity services and attorneys general to support*
20 *counternarcotics efforts and combat human traf-*
21 *ficking, forcible recruitment of children and*
22 *youth by gangs, gender-based violence, and other*
23 *illicit activities, including trafficking of wildlife,*
24 *and natural resources.*

1 (c) *CONSULTATION.*—*In developing the strategy re-*
2 *quired under this section, the Secretary of State may con-*
3 *sult with civil society and the private sector in the United*
4 *States, El Salvador, Guatemala, and Honduras.*

5 (d) *BENCHMARKS.*—*The strategy required under this*
6 *section shall include annual benchmarks to track the strat-*
7 *egy’s progress in curbing irregular migration from the re-*
8 *gion to the United States and improving conditions in El*
9 *Salvador, Guatemala, and Honduras by measuring*
10 *progress in key areas, including—*

11 (1) *reducing poverty and unemployment, in-*
12 *creasing private sector investment, responding to im-*
13 *mediate humanitarian needs, sustainably reinte-*
14 *grating returnees, supporting conservation and com-*
15 *munity resilience, and addressing forced displacement*
16 *in accordance with the priorities outlined in sub-*
17 *section (b)(1);*

18 (2) *strengthening national justice systems and*
19 *attorneys generals, supporting multilateral*
20 *anticorruption mechanisms, identifying and pros-*
21 *ecuting money laundering and other financial crimes,*
22 *breaking up financial holdings of organized criminal*
23 *syndicates, and advancing judicial integrity and in-*
24 *vestigative capacity of local authorities in accordance*
25 *with the priorities outlined in subsection (b)(2);*

1 (3) *strengthening government institutions at the*
2 *local and national levels to provide services and re-*
3 *spond to citizen needs through transparent, inclusive,*
4 *and democratic processes, promoting human rights,*
5 *building the capacity of independent media, devel-*
6 *oping the capacity of civil society to conduct over-*
7 *sight, affording legal protections for human rights de-*
8 *fenders and members of civil society, and strength-*
9 *ening electoral institutions in accordance with prior-*
10 *ities outlined in subsection (b)(3); and*

11 (4) *implementing the objectives stated under the*
12 *Central America Regional Security Initiative and*
13 *building the capacity of civilian security services in*
14 *accordance with the priorities outlined in subsection*
15 *(b)(4).*

16 (e) *PUBLIC DIPLOMACY.*—*The strategy required under*
17 *this section shall include a public diplomacy strategy for*
18 *educating citizens of the region about United States assist-*
19 *ance and its benefits to them, and informing such citizens*
20 *of the dangers of irregular migration to the United States.*

21 (f) *ANNUAL PROGRESS UPDATES.*—*Not later than 1*
22 *year after the submission of the strategy required under this*
23 *section and annually thereafter for 4 years, the Secretary*
24 *of State shall provide the appropriate congressional com-*

1 *mittees with a written description of progress made in*
2 *meeting the benchmarks established in the strategy.*

3 (g) *PUBLIC AVAILABILITY.*—*The strategy required*
4 *under this section shall be made publicly available on the*
5 *website of the Department of State. If appropriate, a classi-*
6 *fied annex may be submitted to the appropriate congres-*
7 *sional committees.*

8 (h) *DEFINITION.*—*In this section, the term “appro-*
9 *priate congressional committees” means—*

10 (1) *the Committee on Foreign Relations and the*
11 *Committee on Appropriations of the Senate; and*

12 (2) *the Committee on Foreign Affairs and the*
13 *Committee on Appropriations of the House of Rep-*
14 *resentatives.*

15 **SEC. 353. TARGETED SANCTIONS TO FIGHT CORRUPTION IN**

16 **EL SALVADOR, GUATEMALA, AND HONDURAS.**

17 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
18 *that—*

19 (1) *corruption in El Salvador, Guatemala, and*
20 *Honduras by private citizens and select officials in*
21 *local, regional, and Federal governments significantly*
22 *damages the economies of such countries and deprives*
23 *citizens of opportunities;*

24 (2) *corruption in El Salvador, Guatemala, and*
25 *Honduras is facilitated and carried out not only by*

1 *private citizens and select officials from those coun-*
2 *tries but also in many instances by individuals from*
3 *third countries; and*

4 (3) *imposing targeted sanctions on individuals*
5 *from throughout the world and particularly in the*
6 *Western Hemisphere who are engaged in acts of sig-*
7 *nificant corruption that impact El Salvador, Guate-*
8 *mala, and Honduras or obstruction of investigations*
9 *into such acts of corruption will benefit the citizens*
10 *and governments of such countries.*

11 (b) *REPORT REQUIRED.*—*Not later than 180 days*
12 *after the date of the enactment of this Act, and not less fre-*
13 *quently than annually thereafter, the President shall submit*
14 *to the appropriate congressional committees an unclassified*
15 *report with classified annex if necessary that identifies each*
16 *foreign person who the President determines to have know-*
17 *ingly engaged in actions that undermine democratic proc-*
18 *esses or institutions, or in significant corruption or obstruc-*
19 *tion of investigations into such acts of corruption in El Sal-*
20 *vador, Guatemala, and Honduras, including the following:*

21 (1) *Corruption related to government contracts.*

22 (2) *Bribery and extortion.*

23 (3) *The facilitation or transfer of the proceeds of*
24 *corruption, including through money laundering.*

1 (4) *Acts of violence, harassment, or intimidation*
2 *directed at governmental and nongovernmental cor-*
3 *ruption investigators.*

4 (c) *IMPOSITION OF SANCTIONS.—The President shall*
5 *impose the sanctions described in subsection (d) with re-*
6 *spect to each foreign person identified in the report required*
7 *under subsection (b).*

8 (d) *SANCTIONS DESCRIBED.—*

9 (1) *IN GENERAL.—The sanctions described in*
10 *this subsection are the following:*

11 (A) *INELIGIBILITY FOR VISAS AND ADMIS-*
12 *SION TO THE UNITED STATES.—In the case of a*
13 *foreign person who is an individual, such foreign*
14 *person is—*

15 (i) *inadmissible to the United States;*

16 (ii) *ineligible to receive a visa or other*
17 *documentation to enter the United States;*
18 *and*

19 (iii) *otherwise ineligible to be admitted*
20 *or paroled into the United States or to re-*
21 *ceive any other benefit under the Immigra-*
22 *tion and Nationality Act (8 U.S.C. 1101 et*
23 *seq.).*

24 (B) *CURRENT VISAS REVOKED.—*

1 (i) *IN GENERAL.*—*The issuing consular*
2 *officer or the Secretary of State, (or a des-*
3 *ignee of the Secretary of State) shall, in ac-*
4 *cordance with section 221(i) of the Immig-*
5 *ration and Nationality Act (8 U.S.C.*
6 *1201(i)), revoke any visa or other entry doc-*
7 *umentation issued to a foreign person re-*
8 *gardless of when the visa or other entry doc-*
9 *umentation is issued.*

10 (ii) *EFFECT OF REVOCATION.*—*A rev-*
11 *ocation under clause (i) shall—*

12 (I) *take effect immediately; and*

13 (II) *automatically cancel any*
14 *other valid visa or entry documenta-*
15 *tion that is in the foreign person's pos-*
16 *session.*

17 (2) *EXCEPTION TO COMPLY WITH INTER-*
18 *NATIONAL OBLIGATIONS.*—*Sanctions under subpara-*
19 *graph (B) and (C) of paragraph (1) shall not apply*
20 *with respect to a foreign person if admitting or parol-*
21 *ing such person into the United States is necessary to*
22 *permit the United States to comply with the Agree-*
23 *ment regarding the Headquarters of the United Na-*
24 *tions, signed at Lake Success June 26, 1947, and en-*
25 *tered into force November 21, 1947, between the*

1 *United Nations and the United States, or other appli-*
2 *cable international obligations.*

3 *(e) NATIONAL SECURITY WAIVER.—The President may*
4 *waive the application of the sanctions under subsection (c)*
5 *if the President—*

6 *(1) determines that such a waiver is in the na-*
7 *tional security interest of the United States; and*

8 *(2) submits to the appropriate congressional*
9 *committees within 15 days after such determination*
10 *a notice of and justification for the waiver.*

11 *(f) TERMINATION.—The authority to impose sanctions*
12 *under subsection (b), and any sanctions imposed pursuant*
13 *to such authority, shall expire on the date that is 3 years*
14 *after the date of the enactment of this Act.*

15 *(g) PUBLIC AVAILABILITY.—The unclassified portion*
16 *of the report required by subsection (b) shall be made avail-*
17 *able to the public, including through publication in the Fed-*
18 *eral Register. In any case in which the President concludes*
19 *that such publication would be harmful to the national se-*
20 *curity of the United States, only a statement that a deter-*
21 *mination or finding has been made by the President, in-*
22 *cluding the name and section of the Act under which it was*
23 *made, shall be published.*

24 *(h) DEFINITIONS.—In this section, the term “appro-*
25 *priate congressional committees” means—*

1 (1) *the Committee on Foreign Relations and the*
2 *Committee on the Judiciary of the Senate;*

3 (2) *the Committee on Foreign Affairs and the*
4 *Committee on the Judiciary of the House of Rep-*
5 *resentatives.*

6 ***Subtitle G—Other Provisions***

7 ***SEC. 361. OFFICE OF SANCTIONS COORDINATION.***

8 (a) *OFFICE OF SANCTIONS COORDINATION OF THE DE-*
9 *PARTMENT OF STATE.—*

10 (1) *IN GENERAL.—Section 1 of the State Depart-*
11 *ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)*
12 *is amended by adding at the end the following new*
13 *subsection:*

14 “(h) *OFFICE OF SANCTIONS COORDINATION.—*

15 “(1) *IN GENERAL.—There is established, within*
16 *the Department of State, an Office of Sanctions Co-*
17 *ordination (in this subsection referred to as the ‘Of-*
18 *fice’).*

19 “(2) *HEAD.—The head of the Office shall—*

20 “(A) *have the rank and status of ambas-*
21 *sador;*

22 “(B) *be appointed by the President, by and*
23 *with the advice and consent of the Senate; and*

24 “(C) *report directly to the Secretary of*
25 *State.*

1 “(3) *DUTIES.*—*The head of the Office shall—*

2 “(A) *exercise sanctions authorities delegated*
3 *to the Secretary;*

4 “(B) *serve as the principal advisor to the*
5 *senior management of the Department and the*
6 *Secretary regarding the development and imple-*
7 *mentation of sanctions policy;*

8 “(C) *serve as the lead representative of the*
9 *United States in diplomatic engagement on*
10 *sanctions matters;*

11 “(D) *consult and closely coordinate with al-*
12 *lies and partners of the United States, including*
13 *the United Kingdom, the European Union and*
14 *member countries of the European Union, Can-*
15 *ada, Australia, New Zealand, Japan, and South*
16 *Korea, to ensure the maximum effectiveness of*
17 *sanctions imposed by the United States and such*
18 *allies and partners;*

19 “(E) *serve as the coordinator for the devel-*
20 *opment and implementation of sanctions policy*
21 *with respect to all activities, policies, and pro-*
22 *grams of all bureaus and offices of the Depart-*
23 *ment relating to the development and implemen-*
24 *tation of sanctions policy; and*

1 “(F) serve as the lead representative of the
2 Department in interagency discussions with re-
3 spect to the development and implementation of
4 sanctions policy.

5 “(4) *DIRECT HIRE AUTHORITY.*—

6 “(A) *IN GENERAL.*—The head of the Office
7 may appoint, without regard to the provisions of
8 sections 3309 through 3318 of title 5, United
9 States Code, candidates directly to positions in
10 the competitive service, as defined in section
11 2102 of that title, in the Office.

12 “(B) *TERMINATION.*—The authority pro-
13 vided under subparagraph (A) shall terminate
14 on the date that is two years after the date of the
15 enactment of this subsection.”.

16 (2) *CONFORMING AMENDMENT.*—Section 1(c)(3)
17 of the State Department Basic Authorities Act of
18 1956 (22 U.S.C. 2651a(c)(3)) is amended by adding
19 at the end the following new subparagraph:

20 “(C) *COORDINATION.*—The Assistant Sec-
21 retary authorized under subparagraph (A) shall
22 coordinate with the Office of Sanctions Coordi-
23 nation established under subsection (h) with re-
24 spect to the development and implementation of
25 economic sanctions.”.

1 (3) *BRIEFING REQUIRED.*—Not later than 60
2 days after the date of the enactment of this Act and
3 every 90 days thereafter until the date that is two
4 years after such date of enactment, the Secretary of
5 State shall brief the appropriate congressional com-
6 mittees on the efforts of the Department of State to
7 establish the Office of Sanctions Coordination pursu-
8 ant to subsection (h) of section 1 of the State Depart-
9 ment Basic Authorities Act of 1956, as added by
10 paragraph (1), including a description of—

11 (A) measures taken to implement the re-
12 quirements of such subsection and to establish the
13 Office;

14 (B) actions taken by the Office to carry out
15 the duties listed in paragraph (3) of such sub-
16 section;

17 (C) the resources devoted to the Office, in-
18 cluding the number of employees working in the
19 Office; and

20 (D) plans for the use of the direct hire au-
21 thority provided under paragraph (4) of such
22 subsection.

23 (b) *COORDINATION WITH ALLIES AND PARTNERS OF*
24 *THE UNITED STATES.*—

1 (1) *IN GENERAL.*—*The Secretary of State shall*
2 *develop and implement mechanisms and programs, as*
3 *appropriate, through the head of the Office of Sanc-*
4 *tions Coordination established pursuant to subsection*
5 *(h) of section 1 of the State Department Basic Au-*
6 *thorities Act of 1956, as added by subsection (a)(1),*
7 *to coordinate the development and implementation of*
8 *United States sanctions policies with allies and part-*
9 *ners of the United States, including the United King-*
10 *dom, the European Union and member countries of*
11 *the European Union, Canada, Australia, New Zea-*
12 *land, Japan, and South Korea.*

13 (2) *INFORMATION SHARING.*—*The Secretary*
14 *should pursue the development and implementation of*
15 *mechanisms and programs under paragraph (1), as*
16 *appropriate, that involve the sharing of information*
17 *with respect to policy development and sanctions im-*
18 *plementation.*

19 (3) *CAPACITY BUILDING.*—*The Secretary should*
20 *pursue efforts, in coordination with the Secretary of*
21 *the Treasury and the head of any other Federal agen-*
22 *cy the Secretary considers appropriate, to assist allies*
23 *and partners of the United States, including the*
24 *countries specified in paragraph (1), as appropriate,*

1 *in the development of their legal and technical capaci-*
2 *ties to develop and implement sanctions authorities.*

3 (4) *EXCHANGE PROGRAMS.*—*In furtherance of*
4 *the efforts described in paragraph (3), the Secretary,*
5 *in coordination with the Secretary of the Treasury*
6 *and the head of any other Federal agency the Sec-*
7 *retary considers appropriate, may enter into agree-*
8 *ments with counterpart agencies in foreign govern-*
9 *ments establishing exchange programs for the tem-*
10 *porary detail of Federal Government employees to*
11 *share information and expertise with respect to the*
12 *development and implementation of sanctions au-*
13 *thorities.*

14 (5) *BRIEFING REQUIRED.*—*Not later than 90*
15 *days after the date of the enactment of this Act and*
16 *every 180 days thereafter until the date that is five*
17 *years after such date of enactment, the Secretary of*
18 *State shall brief the appropriate congressional com-*
19 *mittees on the efforts of the Department of State to*
20 *implement this section, including a description of—*

21 (A) *measures taken to implement paragraph*

22 (1);

23 (B) *actions taken pursuant to paragraphs*

24 (2) *through (4);*

1 (C) *the extent of coordination between the*
2 *United States and allies and partners of the*
3 *United States, including the countries specified*
4 *in paragraph (1), with respect to the develop-*
5 *ment and implementation of sanctions policy;*
6 *and*

7 (D) *obstacles preventing closer coordination*
8 *between the United States and such allies and*
9 *partners with respect to the development and im-*
10 *plementation of sanctions policy.*

11 (c) *SENSE OF CONGRESS.—It is the sense of the Con-*
12 *gress that the President should appoint a coordinator for*
13 *sanctions and national economic security issues within the*
14 *framework of the National Security Council.*

15 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
16 *FINED.—In this section, the term “appropriate congres-*
17 *sional committees” means—*

18 (1) *the Committee on Foreign Relations, the*
19 *Committee on Banking, Housing, and Urban Affairs,*
20 *the Committee on Homeland Security and Govern-*
21 *mental Affairs, and the Committee on Finance of the*
22 *Senate; and*

23 (2) *the Committee on Foreign Affairs, the Com-*
24 *mittee on Financial Services, the Committee on Over-*

1 *sight and Reform, and the Committee on Way and*
2 *Means of the House of Representatives.*

3 ***TITLE IV—SENATE SERGEANT AT***
4 ***ARMS CLOUD SERVICES***

5 ***SEC. 401. SENATE SERGEANT AT ARMS CLOUD SERVICES.***

6 *(a) Section 10 of the Legislative Branch Appropria-*
7 *tions Act, 2005 (2 U.S.C. 6628) is amended—*

8 *(1) by redesignating subsection (b) as subsection*
9 *(h); and*

10 *(2) by striking subsection (a) and inserting the*
11 *following:*

12 *“(a) IN GENERAL.—In this section—*

13 *“(1) the term ‘agent of the Office of the SAA’ in-*
14 *cludes a provider of electronic communication service*
15 *or remote computing service commissioned or used*
16 *through the Office of the SAA by a Senate office to*
17 *provide such services to the Senate office;*

18 *“(2) the term ‘electronic communication service’*
19 *has the meaning given that term in section 2510 of*
20 *title 18, United States Code;*

21 *“(3) the term ‘Office of the SAA’ means the Of-*
22 *fice of the Sergeant at Arms and Doorkeeper of the*
23 *Senate;*

24 *“(4) the term ‘provider for a Senate office’*
25 *means a provider of electronic communication service*

1 *or remote computing service directly commissioned or*
2 *used by a Senate office to provide such services;*

3 “(5) the term ‘remote computing service’ has the
4 *meaning given that term in section 2711 of title 18,*
5 *United States Code;*

6 “(6) the term ‘Senate data’, with respect to a
7 *Senate office, means any electronic mail or other elec-*
8 *tronic or data communication, other data (including*
9 *metadata), or other information of the Senate office;*
10 *and*

11 “(7) the term ‘Senate office’ means a committee
12 *or office of the Senate, including a Senator, an officer*
13 *of the Senate, or an employee of, intern at, or other*
14 *agent of a committee or office of the Senate.*

15 “(b) *TREATMENT.—*

16 “(1) *RETAINING POSSESSION.—*

17 “(A) *IN GENERAL.—A Senate office shall be*
18 *deemed to retain possession of any Senate data*
19 *of the Senate office, without regard to the use by*
20 *the Senate office of any individual or entity de-*
21 *scribed in paragraph (2) for the purposes of any*
22 *function or service described in paragraph (2).*

23 “(B) *RULE OF CONSTRUCTION.—Subpara-*
24 *graph (A) shall not be construed to limit the use*

1 *by an intended recipient of any Senate data*
2 *from a Senate office.*

3 “(2) *SERGEANT AT ARMS AND PROVIDERS FOR A*
4 *SENATE OFFICE.—The Office of the SAA, any officer,*
5 *employee, or agent of the Office of the SAA, and any*
6 *provider for a Senate office shall not be treated as ac-*
7 *quiring possession, custody, or control of any Senate*
8 *data by reason of its being transmitted, processed, or*
9 *stored (whether temporarily or otherwise) through the*
10 *use of an electronic system established, maintained, or*
11 *operated, or the use of electronic services provided, in*
12 *whole or in part by the Office of the SAA, the officer,*
13 *employee, or agent of the Office of the SAA, or the*
14 *provider for the Senate office.*

15 “(c) *NOTIFICATION.—Notwithstanding any other pro-*
16 *vision of law or rule of civil or criminal procedure, the Of-*
17 *fice of the SAA, any officer, employee, or agent of the Office*
18 *of the SAA, and any provider for a Senate office that is*
19 *providing services to or used by a Senate office shall not*
20 *be barred, through operation of any court order or any stat-*
21 *utory provision, from notifying the Senate office of any*
22 *legal process seeking disclosure of Senate data of the Senate*
23 *office that is transmitted, processed, or stored (whether tem-*
24 *porarily or otherwise) through the use of an electronic sys-*
25 *tem established, maintained, or operated, or the use of elec-*

1 *tronic services provided, in whole or in part by the Office*
2 *of the SAA, the officer, employee, or agent of the Office of*
3 *the SAA, or the provider for a Senate office.*

4 “(d) *MOTIONS TO QUASH OR MODIFY.*—Upon a mo-
5 *tion made promptly by a Senate office or provider for a*
6 *Senate office, a court of competent jurisdiction shall quash*
7 *or modify any legal process directed to the provider for a*
8 *Senate office if compliance with the legal process would re-*
9 *quire the disclosure of Senate data of the Senate office.*

10 “(e) *INFORMATION REGARDING IMPLICATIONS OF*
11 *USING PROVIDERS.*—The Office of the SAA, in consultation
12 *with the Senate Legal Counsel, shall provide information*
13 *to each Senate office that commissions or uses a provider*
14 *of electronic communication service or remote computing*
15 *service to provide such services to the Senate office regard-*
16 *ing the potential constitutional implications and the poten-*
17 *tial impact on privileges that may be asserted by the Senate*
18 *office.*

19 “(f) *APPLICABLE PRIVILEGES.*—Nothing in this sec-
20 *tion shall be construed to limit or supersede any applicable*
21 *privilege, immunity, or other objection that may apply to*
22 *the disclosure of Senate data.*

23 “(g) *PREEMPTION.*—Except as provided in this sec-
24 *tion, any provision of law or rule of civil or criminal proce-*
25 *dure of any State, political subdivision, or agency thereof,*

1 *which is inconsistent with this section shall be deemed to*
2 *be preempted and superseded.”.*

3 **(b)(1)** *In this subsection, the terms “Senate data” and*
4 *“Senate office” have the meanings given such terms in sec-*
5 *tion 10 of the Legislative Branch Appropriations Act, 2005,*
6 *as amended by subsection (a) of this section.*

7 **(2)** *The amendments made by this section shall—*

8 **(A)** *take effect as though included in the Legisla-*
9 *tive Branch Appropriations Act, 2005 (division G of*
10 *Public Law 108–447; 118 Stat. 3166); and*

11 **(B)** *apply with respect to—*

12 **(i)** *any legal process seeking disclosure of*
13 *Senate data of a Senate office that is filed,*
14 *issued, or made on or after the date of enactment*
15 *of this Act; and*

16 **(ii)** *any matter that is pending on or after*
17 *the date of enactment of this Act that relates to*
18 *legal process described in clause (i) that is filed,*
19 *issued, or made before the date of enactment of*
20 *this Act, unless the Senate data of the Senate of-*
21 *fice was disclosed in accordance with such legal*
22 *process before the date of enactment of this Act.*

1 **TITLE V—REPEAL OF REQUIRE-**
2 **MENT TO SELL CERTAIN FED-**
3 **ERAL PROPERTY IN PLUM IS-**
4 **LAND, NEW YORK**

5 **SEC. 501. REPEAL OF REQUIREMENT TO SELL CERTAIN**
6 **FEDERAL PROPERTY IN PLUM ISLAND, NEW**
7 **YORK.**

8 (a) *REPEAL OF REQUIREMENT IN PUBLIC LAW 110-*
9 *329.—Section 540 of the Department of Homeland Security*
10 *Appropriations Act, 2009 (division D of Public Law 110-*
11 *329; 122 Stat. 3688) is repealed.*

12 (b) *REPEAL OF REQUIREMENT IN PUBLIC LAW 112-*
13 *74.—Section 538 of the Department of Homeland Security*
14 *Appropriations Act, 2012 (6 U.S.C. 190 note; division D*
15 *of Public Law 112-74) is repealed.*

16 (c) *REQUIREMENT.—The Administrator of General*
17 *Services shall ensure that—*

18 (1) *Federal property commonly known as Plum*
19 *Island, New York, including the Orient point facility,*
20 *all real and personal property and transportation as-*
21 *sets that support Plum Island operations and access*
22 *to Plum Island, be disposed of as a single consoli-*
23 *dated asset; and*

1 (2) *such disposal is subject to conditions as may*
2 *be necessary to protect Government interests and meet*
3 *program requirements.*

4 **TITLE VI—PREVENTING ONLINE**
5 **SALES OF E-CIGARETTES TO**
6 **CHILDREN**

7 **SEC. 601. SHORT TITLE.**

8 *This title may be cited as the “Preventing Online Sales*
9 *of E-Cigarettes to Children Act”.*

10 **SEC. 602. AMENDMENTS TO THE JENKINS ACT.**

11 (a) *IN GENERAL.—The Act entitled “An Act to assist*
12 *States in collecting sales and use taxes on cigarettes”, ap-*
13 *proved October 19, 1949 (commonly known as the “Jenkins*
14 *Act”)* (15 U.S.C. 375 *et seq.*), *is amended—*

15 (1) *in section 1 (15 U.S.C. 375)—*

16 (A) *in paragraph (2)(A)(ii)—*

17 (i) *by striking “includes roll-your-own*
18 *tobacco” and inserting the following: “in-*
19 *cludes—*

20 “(I) *roll-your-own tobacco”;*

21 (ii) *in subclause (I), as so designated,*
22 *by striking the period at the end and insert-*
23 *ing “; and”; and*

24 (iii) *by adding at the end the fol-*
25 *lowing:*

1 “(II) *an electronic nicotine deliv-*
2 *ery system.*”;

3 (B) *by redesignating paragraphs (7)*
4 *through (14) as paragraphs (8) through (15), re-*
5 *spectively; and*

6 (C) *by inserting after paragraph (6) the fol-*
7 *lowing:*

8 “(7) *ELECTRONIC NICOTINE DELIVERY SYS-*
9 *TEM.—The term ‘electronic nicotine delivery sys-*
10 *tem’—*

11 “(A) *means any electronic device that,*
12 *through an aerosolized solution, delivers nicotine,*
13 *flavor, or any other substance to the user inhal-*
14 *ing from the device;*

15 “(B) *includes—*

16 “(i) *an e-cigarette;*

17 “(ii) *an e-hookah;*

18 “(iii) *an e-cigar;*

19 “(iv) *a vape pen;*

20 “(v) *an advanced refillable personal*
21 *vaporizer;*

22 “(vi) *an electronic pipe; and*

23 “(vii) *any component, liquid, part, or*
24 *accessory of a device described in subpara-*
25 *graph (A), without regard to whether the*

1 *component, liquid, part, or accessory is sold*
2 *separately from the device; and*

3 “(C) does not include a product that is—

4 “(i) approved by the Food and Drug
5 Administration for—

6 “(I) sale as a tobacco cessation
7 product; or

8 “(II) any other therapeutic pur-
9 pose; and

10 “(ii) marketed and sold solely for a
11 purpose described in clause (i).”; and

12 (2) in section 2A(b)(1) (15 U.S.C. 376a(b)(1)),

13 by inserting “NICOTINE/” after
14 “CIGARETTES/”.

15 (b) *EFFECTIVE DATE.*—This section, and the amend-
16 ments made by this section, shall take effect on the date
17 that is 90 days after the date of enactment of this Act.

18 (c) *RULE OF CONSTRUCTION.*—Nothing in this section,
19 or an amendment made by this section, may be construed
20 to affect or otherwise alter any provision of the Federal
21 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), in-
22 cluding its implementing regulations.

1 **SEC. 603. NONMAILABILITY OF ELECTRONIC NICOTINE DE-**
2 **LIVERY SYSTEMS.**

3 (a) *REGULATIONS.*—Not later than 120 days after the
4 date of enactment of this Act, the United States Postal Serv-
5 ice shall promulgate regulations to clarify the applicability
6 of the prohibition on mailing of cigarettes under section
7 1716E of title 18, United States Code, to electronic nicotine
8 delivery systems, in accordance with the amendment to the
9 definition of “cigarette” made by section 602.

10 (b) *EFFECTIVE DATE.*—The prohibition on mailing of
11 cigarettes under section 1716E of title 18, United States
12 Code, shall apply to electronic nicotine delivery systems on
13 and after the date on which the United States Postal Service
14 promulgates regulations under subsection (a) of this section.

15 **TITLE VII—FAFSA**
16 **SIMPLIFICATION**

17 **SEC. 701. SHORT TITLE; EFFECTIVE DATE.**

18 (a) *SHORT TITLE.*—This title may be cited as the
19 “FAFSA Simplification Act”.

20 (b) *GENERAL EFFECTIVE DATE.*—Except as otherwise
21 expressly provided, this Act, and the amendments made by
22 this title to the Higher Education Act of 1965 (20 U.S.C.
23 1001 et seq.), shall take effect on July 1, 2023, and shall
24 apply with respect to award year 2023–2024 and each sub-
25 sequent award year, as determined under the Higher Edu-
26 cation Act of 1965. The Secretary of Education shall have

1 *the authority to take such steps as are necessary before July*
 2 *1, 2023, to provide for the orderly implementation on such*
 3 *date of the amendments to the Higher Education Act of*
 4 *1965 made by this Act.*

5 **SEC. 702. MAKING IT EASIER TO APPLY FOR FEDERAL AID**
 6 **AND MAKING THAT AID PREDICTABLE.**

7 *(a) NEED ANALYSIS.—*

8 *(1) IN GENERAL.—Section 471 of the Higher*
 9 *Education Act of 1965 (20 U.S.C. 1087kk) is amend-*
 10 *ed to read as follows:*

11 **“SEC. 471. AMOUNT OF NEED.**

12 *“Except as otherwise provided therein, for award year*
 13 *2023–2024 and each subsequent award year, the amount*
 14 *of need of any student for financial assistance under this*
 15 *title (except subpart 1 or 2 of part A) is equal to—*

16 *“(1) the cost of attendance of such student,*
 17 *minus*

18 *“(2) the student aid index (as defined in section*
 19 *473) for such student, minus*

20 *“(3) other financial assistance not received under*
 21 *this title (as defined in section 480(i)).”.*

22 *(2) MAXIMUM AID UNDER PART D.—Section 451*
 23 *of the Higher Education Act of 1965 (20 U.S.C.*
 24 *1087a) is amended by adding at the end the fol-*
 25 *lowing:*

1 “(c) *MAXIMUM AID.*—*The maximum dollar amount of*
2 *financial assistance provided under this part to a student*
3 *shall not exceed the cost of attendance for such student.*”.

4 (3) *GUIDANCE TO STATES.*—*The Secretary of*
5 *Education shall issue guidance for States on interpre-*
6 *tation and implementation of the terminology and*
7 *formula adjustments made to the Higher Education*
8 *Act of 1965 (20 U.S.C. 1001 et seq.) under the*
9 *amendments by this Act, including the student aid*
10 *index, formerly known as the expected family con-*
11 *tribution, and the need analysis formulas.*

12 (b) *COST OF ATTENDANCE AND STUDENT AID*
13 *INDEX.*—*Sections 472 and 473 of the Higher Education Act*
14 *of 1965 (20 U.S.C. 1087ll and 1087mm) are amended to*
15 *read as follows:*

16 “**SEC. 472. COST OF ATTENDANCE.**

17 “(a) *IN GENERAL.*—*For the purpose of this title, the*
18 *term ‘cost of attendance’ means—*

19 “(1) *tuition and fees normally assessed a student*
20 *carrying the same academic workload as determined*
21 *by the institution;*

22 “(2) *an allowance for books, course materials,*
23 *supplies, and equipment, which shall include all such*
24 *costs required of all such students in the same course*
25 *of study, including a reasonable allowance for the*

1 *documented rental or upfront purchase of a personal*
2 *computer, as determined by the institution;*

3 *“(3) an allowance for transportation, which may*
4 *include transportation between campus, residences,*
5 *and place of work, as determined by the institution;*

6 *“(4) an allowance for miscellaneous personal ex-*
7 *penditures, for a student attending the institution on at*
8 *least a half-time basis, as determined by the institu-*
9 *tion;*

10 *“(5) an allowance for living expenses, including*
11 *food and housing costs, to be incurred by the student*
12 *attending the institution on at least a half-time basis,*
13 *as determined by the institution, which shall in-*
14 *clude—*

15 *“(A) for a student electing institutionally*
16 *owned or operated food services, such as board or*
17 *meal plans, a standard allowance for such serv-*
18 *ices that provides the equivalent of three meals*
19 *each day;*

20 *“(B) for a student not electing institution-*
21 *ally owned or operated food services, such as*
22 *board or meal plans, a standard allowance for*
23 *purchasing food off campus that provides the*
24 *equivalent of three meals each day;*

1 “(C) for a student without dependents resid-
2 ing in institutionally owned or operated housing,
3 a standard allowance determined by the institu-
4 tion based on the average or median amount as-
5 sessed to such residents for housing charges,
6 whichever is greater;

7 “(D) for a student with dependents residing
8 in institutionally owned or operated housing, a
9 standard allowance determined by the institution
10 based on the average or median amount assessed
11 to such residents for housing charges, whichever
12 is greater;

13 “(E) for a student living off campus, and
14 not in institutionally owned or operated housing,
15 a standard allowance for rent or other housing
16 costs;

17 “(F) for a dependent student residing at
18 home with parents, a standard allowance that
19 shall not be zero determined by the institution;

20 “(G) for a student living in housing located
21 on a military base or for which a basic allow-
22 ance is provided under section 403(b) of title 37,
23 United States Code, a standard allowance for
24 food based upon such student’s choice of pur-
25 chasing food on-campus or off-campus (deter-

1 *mined respectively in accordance with subpara-*
2 *graph (A) or (B)), but not for housing costs; and*

3 *“(H) for all other students, an allowance*
4 *based on the expenses reasonably incurred by*
5 *such students for housing and food;*

6 *“(6) for a student engaged in a program of study*
7 *by correspondence, only tuition and fees and, if re-*
8 *quired, books and supplies, travel, and housing and*
9 *food costs incurred specifically in fulfilling a required*
10 *period of residential training;*

11 *“(7) for a confined or incarcerated student, only*
12 *tuition, fees, books, course materials, supplies, equip-*
13 *ment, and the cost of obtaining a license, certifi-*
14 *cation, or a first professional credential in accordance*
15 *with paragraph (14);*

16 *“(8) for a student enrolled in an academic pro-*
17 *gram in a program of study abroad approved for*
18 *credit by the student’s home institution, reasonable*
19 *costs associated with such study (as determined by the*
20 *institution at which such student is enrolled);*

21 *“(9) for a student with one or more dependents,*
22 *an allowance based on the estimated actual expenses*
23 *incurred for such dependent care, based on the num-*
24 *ber and age of such dependents, except that—*

1 “(A) such allowance shall not exceed the
2 reasonable cost in the community in which such
3 student resides for the kind of care provided; and

4 “(B) the period for which dependent care is
5 required includes, but is not limited to, class-
6 time, study-time, field work, internships, and
7 commuting time;

8 “(10) for a student with a disability, an allow-
9 ance (as determined by the institution) for those ex-
10 penses related to the student’s disability, including
11 special services, personal assistance, transportation,
12 equipment, and supplies that are reasonably incurred
13 and not provided for by other assisting agencies;

14 “(11) for a student receiving all or part of the
15 student’s instruction by means of telecommunications
16 technology, no distinction shall be made with respect
17 to the mode of instruction in determining costs;

18 “(12) for a student engaged in a work experience
19 under a cooperative education program, an allowance
20 for reasonable costs associated with such employment
21 (as determined by the institution);

22 “(13) for a student who receives a Federal stu-
23 dent loan made under this title or any other Federal
24 law, to cover a student’s cost of attendance at the in-
25 stitution, an allowance for the actual cost of any loan

1 *fee, origination fee, or insurance premium charged to*
2 *such student or the parent of such student on such*
3 *loan; and*

4 *“(14) for a student in a program requiring pro-*
5 *fessional licensure, certification, or a first professional*
6 *credential, the cost of obtaining the license, certifi-*
7 *cation, or a first professional credential.*

8 *“(b) SPECIAL RULE FOR LIVING EXPENSES FOR LESS-*
9 *THAN-HALF-TIME STUDENTS.—For students attending an*
10 *institution of higher education less than half-time, an insti-*
11 *tution of higher education may include an allowance for*
12 *living expenses, including food and housing costs in accord-*
13 *ance with subsection (a)(4) for up to three semesters, or the*
14 *equivalent, with no more than two semesters being consec-*
15 *utive.*

16 *“(c) DISCLOSURE OF COST OF ATTENDANCE ELE-*
17 *MENTS.—Each institution shall make publicly available on*
18 *the institution’s website a list of all the elements of cost*
19 *of attendance described in paragraphs (1) through (14) of*
20 *subsection (a), and shall disclose such elements on any por-*
21 *tion of the website describing tuition and fees of the institu-*
22 *tion.*

23 **“SEC. 473. SPECIAL RULES FOR STUDENT AID INDEX.**

24 *“(a) IN GENERAL.—For the purpose of this Act, the*
25 *term ‘student aid index’ means, with respect to a student,*

1 *an index that reflects an evaluation of a student's approxi-*
2 *mate financial resources to contribute toward the student's*
3 *postsecondary education for the academic year, as deter-*
4 *mined in accordance with this part.*

5 “(b) *SPECIAL RULE FOR STUDENTS ELIGIBLE FOR*
6 *THE TOTAL MAXIMUM PELL GRANT.*—*The Secretary shall*
7 *consider an applicant to automatically have a student aid*
8 *index equal to zero if the applicant is eligible for the total*
9 *maximum Federal Pell Grant under section 401(b)(1)(A),*
10 *except that, if the applicant has a calculated student aid*
11 *index of less than zero the Secretary shall consider the nega-*
12 *tive number as the student aid index for the applicant.*

13 “(c) *SPECIAL RULE FOR NONFILERS.*—*Notwith-*
14 *standing subsection (b), for an applicant (or, as applicable,*
15 *an applicant and spouse, or an applicant's parents) who*
16 *is not required to file a Federal tax return for the second*
17 *preceding tax year, the Secretary shall for the purposes of*
18 *this title consider the student aid index as equal to – \$1,500*
19 *for the applicant.”.*

20 “(c) *DETERMINATION OF STUDENT AID INDEX.*—*Sec-*
21 *tion 474 of the Higher Education Act of 1965 (20 U.S.C.*
22 *1087nn) is amended to read as follows:*

23 “**SEC. 474. DETERMINATION OF STUDENT AID INDEX.**

24 “*The student aid index—*

1 “(C) the student’s available assets (deter-
2 mined in accordance with subsection (h)).

3 “(2) *EXCEPTION.*—If the sum determined under
4 paragraph (1) with respect to a dependent student is
5 less than – \$1,500, the student aid index for the de-
6 pendent student shall be – \$1,500.

7 “(b) *ASSESSMENT OF PARENTS’ ADJUSTED AVAIL-*
8 *ABLE INCOME.*—The assessment of parents’ adjusted avail-
9 able income is equal to the amount determined by—

10 “(1) computing adjusted available income by
11 adding—

12 “(A) the parents’ available income (deter-
13 mined in accordance with subsection (c)); and

14 “(B) the parents’ available assets (deter-
15 mined in accordance with subsection (d));

16 “(2) assessing such adjusted available income in
17 accordance with the assessment schedule set forth in
18 subsection (e); and

19 “(3) considering such assessment resulting under
20 paragraph (2) as the amount determined under this
21 subsection.

22 “(c) *PARENTS’ AVAILABLE INCOME.*—

23 “(1) *IN GENERAL.*—The parents’ available in-
24 come is determined by subtracting from total income
25 (as defined in section 480)—

1 “(A) *Federal income taxes*;

2 “(B) *an allowance for payroll taxes, deter-*
3 *mined in accordance with paragraph (2);*

4 “(C) *an income protection allowance, deter-*
5 *mined in accordance with paragraph (3); and*

6 “(D) *an employment expense allowance, de-*
7 *termined in accordance with paragraph (4).*

8 “(2) *ALLOWANCE FOR PAYROLL TAXES.—The al-*
9 *lowance for payroll taxes is equal to the sum of—*

10 “(A) *the total amount earned by the par-*
11 *ents, multiplied by the rate of tax under section*
12 *3101(b) of the Internal Revenue Code of 1986;*
13 *and*

14 “(B) *the amount earned by the parents that*
15 *does not exceed such contribution and benefit*
16 *base (twice such contribution and benefit base, in*
17 *the case of a joint return) for the year of the*
18 *earnings, multiplied by the rate of tax applicable*
19 *to such earnings under section 3101(a) of the In-*
20 *ternal Revenue Code of 1986.*

21 “(3) *INCOME PROTECTION ALLOWANCE.—The in-*
22 *come protection allowance shall equal the amount de-*
23 *termined in the following table, as adjusted by the*
24 *Secretary pursuant to section 478(b):*

“Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)”

<i>Family Size (including student)</i>	<i>Amount</i>
2	\$23,330
3	\$29,040
4	\$35,870
5	\$42,320
6	\$49,500
<i>For each additional add</i>	<i>\$5,590.</i>

1 “(4) *EMPLOYMENT EXPENSE ALLOWANCE.*—*The*
2 *employment expense allowance is equal to the lesser of*
3 *\$4,000 or 35 percent of the single parent’s earned in-*
4 *come or married parents’ combined earned income (as*
5 *adjusted by the Secretary pursuant to section 478(g)).*

6 “(d) *PARENTS’ AVAILABLE ASSETS.*—

7 “(1) *IN GENERAL.*—

8 “(A) *DETERMINATION.*—*Except as provided*
9 *in subparagraph (B), the parents’ available as-*
10 *sets are equal to—*

11 “(i) *the difference between the parents’*
12 *assets and the asset protection allowance*
13 *(determined in accordance with paragraph*
14 *(2)); multiplied by*

15 “(ii) *12 percent.*

16 “(B) *NOT LESS THAN ZERO.*—*The parents’*
17 *available assets under this subsection shall not be*
18 *less than zero.*

19 “(2) *ASSET PROTECTION ALLOWANCE.*—*The asset*
20 *protection allowance is calculated based on the fol-*

1 *lowing table (as revised by the Secretary pursuant to*
 2 *section 478(d)):*

“Asset Protection Allowances for Parents of Dependent Students

<i>If the age of the oldest parent is—</i>	<i>And there are</i>	
	<i>two parents</i>	<i>one parent</i>
<i>then the allowance is—</i>		
<i>25 or less</i>	\$0	\$0
<i>26</i>	\$400	\$100
<i>27</i>	\$700	\$300
<i>28</i>	\$1,100	\$400
<i>29</i>	\$1,500	\$600
<i>30</i>	\$1,800	\$700
<i>31</i>	\$2,200	\$800
<i>32</i>	\$2,600	\$1,000
<i>33</i>	\$2,900	\$1,100
<i>34</i>	\$3,300	\$1,300
<i>35</i>	\$3,700	\$1,400
<i>36</i>	\$4,000	\$1,500
<i>37</i>	\$4,400	\$1,700
<i>38</i>	\$4,800	\$1,800
<i>39</i>	\$5,100	\$2,000
<i>40</i>	\$5,500	\$2,100
<i>41</i>	\$5,600	\$2,200
<i>42</i>	\$5,700	\$2,200
<i>43</i>	\$5,900	\$2,300
<i>44</i>	\$6,000	\$2,300
<i>45</i>	\$6,200	\$2,400
<i>46</i>	\$6,300	\$2,400
<i>47</i>	\$6,500	\$2,500
<i>48</i>	\$6,600	\$2,500
<i>49</i>	\$6,800	\$2,600
<i>50</i>	\$7,000	\$2,700
<i>51</i>	\$7,100	\$2,700
<i>52</i>	\$7,300	\$2,800
<i>53</i>	\$7,500	\$2,900
<i>54</i>	\$7,700	\$2,900
<i>55</i>	\$7,900	\$3,000
<i>56</i>	\$8,100	\$3,100
<i>57</i>	\$8,400	\$3,100
<i>58</i>	\$8,600	\$3,200
<i>59</i>	\$8,800	\$3,300
<i>60</i>	\$9,100	\$3,400
<i>61</i>	\$9,300	\$3,500
<i>62</i>	\$9,600	\$3,600
<i>63</i>	\$9,900	\$3,700
<i>64</i>	\$10,200	\$3,800
<i>65 or more</i>	\$10,500	\$3,900.

1 “(e) *ASSESSMENT SCHEDULE.*—*The assessment of the*
 2 *parents’ adjusted available income (as determined under*
 3 *subsection (b)(1) and hereafter in this subsection referred*
 4 *to as ‘AAI’) is calculated based on the following table (as*
 5 *revised by the Secretary pursuant to section 478(e)):*

“Parents’ Contribution From AAI

<i>If the parents’ AAI is—</i>	<i>Then the parents’ contribution from AAI is—</i>
<i>Less than – \$6,820</i>	<i>– \$1,500</i>
<i>– \$6,820 to \$17,400</i>	<i>22% of AAI</i>
<i>\$17,401 to \$21,800</i>	<i>\$3,828 + 25% of AAI over \$17,400</i>
<i>\$21,801 to \$26,200</i>	<i>\$4,928 + 29% of AAI over \$21,800</i>
<i>\$26,201 to \$30,700</i>	<i>\$6,204 + 34% of AAI over \$26,200</i>
<i>\$30,701 to \$35,100</i>	<i>\$7,734 + 40% of AAI over \$30,700</i>
<i>\$35,101 or more</i>	<i>\$9,494 + 47% of AAI over \$35,100.</i>

6 “(f) *CONSIDERATION OF PARENTAL INCOME.*—

7 “(1) *PARENTS WHO LIVE TOGETHER.*—*Parental*
 8 *income and assets in the case of student whose par-*
 9 *ents are married and not separated, or who are un-*
 10 *married but live together, shall include the income*
 11 *and assets of both parents.*

12 “(2) *DIVORCED OR SEPARATED PARENTS.*—*Pa-*
 13 *rental income and assets for a student whose parents*
 14 *are divorced or separated, but not remarried, is deter-*
 15 *mined by including only the income and assets of the*
 16 *parent who provides the greater portion of the stu-*
 17 *dent’s financial support.*

18 “(3) *DEATH OF A PARENT.*—*Parental income*
 19 *and assets in the case of the death of any parent is*
 20 *determined as follows:*

1 “(A) If either of the parents has died, the
2 surviving parent shall be considered a single
3 parent, until that parent has remarried.

4 “(B) If both parents have died, the student
5 shall not report any parental income or assets.

6 “(4) REMARRIED PARENTS.—If a parent whose
7 income and assets are taken into account under para-
8 graph (2), or if a parent who is a widow or widower
9 and whose income is taken into account under para-
10 graph (3), has remarried, the income of that parent’s
11 spouse shall be included in determining the parent’s
12 assessment of adjusted available income if the stu-
13 dent’s parent and the stepparent are married as of
14 the date of application for the award year concerned.

15 “(5) SINGLE PARENT WHO IS NOT DIVORCED OR
16 SEPARATED.—Parental income and assets in the case
17 of a student whose parent is not described in para-
18 graph (1) and is a single parent who is not divorced,
19 separated, or remarried, shall include the income and
20 assets of such single parent.

21 “(g) STUDENT’S AVAILABLE INCOME.—

22 “(1) IN GENERAL.—The student’s available in-
23 come is equal to—

24 “(A) the difference between the student’s
25 total income (determined in accordance with sec-

1 tion 480) and the adjustment to student income
2 (determined in accordance with paragraph (2));
3 multiplied by

4 “(B) 50 percent.

5 “(2) *ADJUSTMENT TO STUDENT INCOME.*—The
6 adjustment to student income is equal to the sum of—

7 “(A) Federal income taxes;

8 “(B) an allowance for payroll taxes deter-
9 mined in accordance with paragraph (3);

10 “(C) an income protection allowance that is
11 equal to \$9,410, as adjusted pursuant to section
12 478(b); and

13 “(D) an allowance for parents’ negative
14 available income, determined in accordance with
15 paragraph (4).

16 “(3) *ALLOWANCE FOR PAYROLL TAXES.*—The al-
17 lowance for payroll taxes is equal to the sum of—

18 “(A) the total amount earned by the stu-
19 dent, multiplied by the rate of tax under section
20 3101(b) of the Internal Revenue Code of 1986;
21 and

22 “(B) the amount earned by the student that
23 does not exceed such contribution and benefit
24 base for the year of the earnings, multiplied by
25 the rate of tax applicable to such earnings under

1 *section 3101(a) of the Internal Revenue Code of*
2 *1986.*

3 “(4) *ALLOWANCE FOR PARENTS’ NEGATIVE*
4 *AVAILABLE INCOME.—The allowance for parents’ neg-*
5 *ative available income is the amount, if any, by*
6 *which the sum of the amounts deducted under sub-*
7 *section (c)(1) exceeds the sum of the parents’ total in-*
8 *come (as defined in section 480) and the parents’*
9 *available assets (as determined in accordance with*
10 *subsection (d)).*

11 “(h) *STUDENT’S ASSETS.—The student’s assets are de-*
12 *termined by calculating the assets of the student and multi-*
13 *plying such amount by 20 percent, except that the result*
14 *shall not be less than zero.”.*

15 “(e) *STUDENT AID INDEX FOR INDEPENDENT STU-*
16 *DENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—*
17 *Section 476 of the Higher Education Act of 1965 (20 U.S.C.*
18 *1087pp) is amended to read as follows:*

19 “**SEC. 476. STUDENT AID INDEX FOR INDEPENDENT STU-**
20 **DENTS WITHOUT DEPENDENTS OTHER THAN**
21 **A SPOUSE.**”

22 “(a) *COMPUTATION OF STUDENT AID INDEX.—*

23 “(1) *IN GENERAL.—For each independent stu-*
24 *dent without dependents other than a spouse, the stu-*

1 *dent aid index is equal to (except as provided in*
2 *paragraph (2)) the sum of—*

3 *“(A) the family’s available income (deter-*
4 *mined in accordance with subsection (b)); and*

5 *“(B) the family’s available assets (deter-*
6 *mined in accordance with subsection (c)).*

7 *“(2) EXCEPTION.—If the sum determined under*
8 *paragraph (1) with respect to an independent student*
9 *without dependents other than a spouse is less than*
10 *– \$1,500, the student aid index for the independent*
11 *student shall be – \$1,500.*

12 *“(b) FAMILY’S AVAILABLE INCOME.—*

13 *“(1) IN GENERAL.—The family’s available in-*
14 *come is determined by—*

15 *“(A) deducting from total income (as de-*
16 *finied in section 480)—*

17 *“(i) Federal income taxes;*

18 *“(ii) an allowance for payroll taxes,*
19 *determined in accordance with paragraph*
20 *(2);*

21 *“(iii) an income protection allowance*
22 *that is equal to—*

23 *“(I) in the case of a single inde-*
24 *pendent student without dependents,*

1 \$14,630, as adjusted pursuant to sec-
2 tion 478(b); and

3 “(II) in the case of a married
4 independent student without depend-
5 ents, \$23,460, as adjusted pursuant to
6 section 478(b); and

7 “(iv) in the case of a married inde-
8 pendent student, an employment expense al-
9 lowance, as determined in accordance with
10 paragraph (3); and

11 “(B) multiplying the amount determined
12 under subparagraph (A) by 50 percent.

13 “(2) ALLOWANCE FOR PAYROLL TAXES.—The al-
14 lowance for payroll taxes is equal to the sum of—

15 “(A) the total amount earned by the student
16 (and spouse, if appropriate), multiplied by the
17 rate of tax under section 3101(b) of the Internal
18 Revenue Code of 1986; and

19 “(B) the amount earned by the student (and
20 spouse, if appropriate) that does not exceed such
21 contribution and benefit base (twice such con-
22 tribution and benefit base, in the case of a joint
23 return) for the year of the earnings, multiplied
24 by the rate of tax applicable to such earnings

1 *under section 3101(a) of the Internal Revenue*
2 *Code of 1986.*

3 “(3) *EMPLOYMENT EXPENSE ALLOWANCE.—The*
4 *employment expense allowance is equal to the fol-*
5 *lowing:*

6 “(A) *If the student is married, such allow-*
7 *ance is equal to the lesser of \$4,000 or 35 percent*
8 *of the couple’s combined earned income (as ad-*
9 *justed by the Secretary pursuant to section*
10 *478(g)).*

11 “(B) *If the student is not married, the em-*
12 *ployment expense allowance is zero.*

13 “(c) *FAMILY’S AVAILABLE ASSETS.—*

14 “(1) *IN GENERAL.—*

15 “(A) *DETERMINATION.—Except as provided*
16 *in subparagraph (B), the family’s available as-*
17 *sets are equal to—*

18 “(i) *the difference between the family’s*
19 *assets (as defined in section 480(f)) and the*
20 *asset protection allowance (determined in*
21 *accordance with paragraph (2)); multiplied*
22 *by*

23 “(ii) *20 percent.*

1 “(B) *NOT LESS THAN ZERO.*—*The family’s*
 2 *available assets under this subsection shall not be*
 3 *less than zero.*

4 “(2) *ASSET PROTECTION ALLOWANCE.*—*The asset*
 5 *protection allowance is calculated based on the fol-*
 6 *lowing table (as revised by the Secretary pursuant to*
 7 *section 478(d)):*

“Asset Protection Allowances for Families and Students

<i>If the age of the student is—</i>	<i>And the student is</i>	
	<i>married</i>	<i>single</i>
	<i>then the allowance is—</i>	
25 or less	\$0	\$0
26	\$400	\$100
27	\$700	\$300
28	\$1,100	\$400
29	\$1,500	\$600
30	\$1,800	\$700
31	\$2,200	\$800
32	\$2,600	\$1,000
33	\$2,900	\$1,100
34	\$3,300	\$1,300
35	\$3,700	\$1,400
36	\$4,000	\$1,500
37	\$4,400	\$1,700
38	\$4,800	\$1,800
39	\$5,100	\$2,000
40	\$5,500	\$2,100
41	\$5,600	\$2,200
42	\$5,700	\$2,200
43	\$5,900	\$2,300
44	\$6,000	\$2,300
45	\$6,200	\$2,400
46	\$6,300	\$2,400
47	\$6,500	\$2,500
48	\$6,600	\$2,500
49	\$6,800	\$2,600
50	\$7,000	\$2,700
51	\$7,100	\$2,700
52	\$7,300	\$2,800
53	\$7,500	\$2,900
54	\$7,700	\$2,900
55	\$7,900	\$3,000
56	\$8,100	\$3,100
57	\$8,400	\$3,100

“Asset Protection Allowances for Families and Students—Continued

	<i>And the student is</i>	
	<i>married</i>	<i>single</i>
<i>If the age of the student is—</i>	<i>then the allowance is—</i>	
58	\$8,600	\$3,200
59	\$8,800	\$3,300
60	\$9,100	\$3,400
61	\$9,300	\$3,500
62	\$9,600	\$3,600
63	\$9,900	\$3,700
64	\$10,200	\$3,800
65 or more	\$10,500	\$3,900.

1 “(d) *COMPUTATIONS IN CASE OF SEPARATION, DI-*
2 *VORCE, OR DEATH.—In the case of a student who is di-*
3 *vorced or separated, or whose spouse has died, the spouse’s*
4 *income and assets shall not be considered in determining*
5 *the family’s available income or assets.”.*

6 (f) *STUDENT AID INDEX FOR INDEPENDENT STU-*
7 *DENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Sec-*
8 *tion 477 of the Higher Education Act of 1965 (20 U.S.C.*
9 *1087qq) is amended to read as follows:*

10 “**SEC. 477. STUDENT AID INDEX FOR INDEPENDENT STU-**
11 **DENTS WITH DEPENDENTS OTHER THAN A**
12 **SPOUSE.**”

13 “(a) *COMPUTATION OF STUDENT AID INDEX.—*

14 “(1) *IN GENERAL.—For each independent stu-*
15 *dent with dependents other than a spouse, the student*
16 *aid index is equal to the amount determined by—*

17 “(A) *computing adjusted available income*
18 *by adding—*

1 “(i) the family’s available income (de-
2 termined in accordance with subsection (b));
3 and

4 “(ii) the family’s available assets (de-
5 termined in accordance with subsection (c));

6 “(B) assessing such adjusted available in-
7 come in accordance with an assessment schedule
8 set forth in subsection (d); and

9 “(C) considering such assessment resulting
10 under subparagraph (B) as the amount deter-
11 mined under this subsection.

12 “(2) *EXCEPTION.*—If the sum determined under
13 paragraph (1) with respect to an independent student
14 with dependents other than a spouse is less than –
15 \$1,500, the student aid index for the independent stu-
16 dent shall be – \$1,500.

17 “(b) *FAMILY’S AVAILABLE INCOME.*—

18 “(1) *IN GENERAL.*—The family’s available in-
19 come is determined by deducting from total income
20 (as defined in section 480)—

21 “(A) Federal income taxes;

22 “(B) an allowance for payroll taxes, deter-
23 mined in accordance with paragraph (2);

24 “(C) an income protection allowance, deter-
25 mined in accordance with paragraph (3); and

1 “(D) an employment expense allowance, de-
2 termined in accordance with paragraph (4).

3 “(2) ALLOWANCE FOR PAYROLL TAXES.—The al-
4 lowance for payroll taxes is equal to the sum of—

5 “(A) the total amount earned by the student
6 (and spouse, if appropriate), multiplied by the
7 rate of tax under section 3101(b) of the Internal
8 Revenue Code of 1986; and

9 “(B) the amount earned by the student (and
10 spouse, if appropriate) that does not exceed such
11 contribution and benefit base (twice such con-
12 tribution and benefit base, in the case of a joint
13 return) for the year of the earnings, multiplied
14 by the rate of tax applicable to such earnings
15 under section 3101(a) of the Internal Revenue
16 Code of 1986.

17 “(3) INCOME PROTECTION ALLOWANCE.—The in-
18 come protection allowance shall equal the amount de-
19 termined in the following table, as adjusted by the
20 Secretary pursuant to section 478(b):

21 “(A) In the case of a married independent
22 student with dependents:

“Income Protection Allowance (to be adjusted for 2023–2024 and
succeeding years)

	<i>Family Size (including student)</i>	<i>Amount</i>
3		\$46,140
4		\$56,970

“Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)—Continued

<i>Family Size (including student)</i>	<i>Amount</i>
5	\$67,230
6	\$78,620
<i>For each additional add</i>	\$8,880.

1 *“(B) In the case of a single independent*
 2 *student with dependents:*

“Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)

<i>Family Size (including student)</i>	<i>Amount</i>
2	\$43,920
3	\$54,690
4	\$67,520
5	\$79,680
6	\$93,180
<i>For each additional add</i>	\$10,530.

3 *“(4) EMPLOYMENT EXPENSE ALLOWANCE.—The*
 4 *employment expense allowance is equal to the lesser of*
 5 *\$4,000 or 35 percent of the student’s earned income*
 6 *or the combined earned income of the student and the*
 7 *student’s spouse, if applicable (as adjusted by the Sec-*
 8 *retary pursuant to section 478(g)).*

9 *“(c) FAMILY’S AVAILABLE ASSETS.—*

10 *“(1) IN GENERAL.—*

11 *“(A) DETERMINATION.—Except as provided*
 12 *in subparagraph (B), the family’s available as-*
 13 *sets are equal to—*

14 *“(i) the difference between the family’s*
 15 *assets (as defined in 480(f)) and the asset*

1 *protection allowance (determined in accord-*
 2 *ance with paragraph (2)); multiplied by*
 3 *“(ii) 7 percent.*

4 *“(B) NOT LESS THAN ZERO.—The family’s*
 5 *available assets under this subsection shall not be*
 6 *less than zero.*

7 *“(2) ASSET PROTECTION ALLOWANCE.—The asset*
 8 *protection allowance is calculated based on the fol-*
 9 *lowing table (as revised by the Secretary pursuant to*
 10 *section 478(d)):*

“Asset Protection Allowances for Families and Students

<i>If the age of the student is—</i>	<i>And the student is</i>	
	<i>married</i>	<i>single</i>
<i>then the allowance is—</i>		
<i>25 or less</i>	<i>\$0</i>	<i>\$0</i>
<i>26</i>	<i>\$400</i>	<i>\$100</i>
<i>27</i>	<i>\$700</i>	<i>\$300</i>
<i>28</i>	<i>\$1,100</i>	<i>\$400</i>
<i>29</i>	<i>\$1,500</i>	<i>\$600</i>
<i>30</i>	<i>\$1,800</i>	<i>\$700</i>
<i>31</i>	<i>\$2,200</i>	<i>\$800</i>
<i>32</i>	<i>\$2,600</i>	<i>\$1,000</i>
<i>33</i>	<i>\$2,900</i>	<i>\$1,100</i>
<i>34</i>	<i>\$3,300</i>	<i>\$1,300</i>
<i>35</i>	<i>\$3,700</i>	<i>\$1,400</i>
<i>36</i>	<i>\$4,000</i>	<i>\$1,500</i>
<i>37</i>	<i>\$4,400</i>	<i>\$1,700</i>
<i>38</i>	<i>\$4,800</i>	<i>\$1,800</i>
<i>39</i>	<i>\$5,100</i>	<i>\$2,000</i>
<i>40</i>	<i>\$5,500</i>	<i>\$2,100</i>
<i>41</i>	<i>\$5,600</i>	<i>\$2,200</i>
<i>42</i>	<i>\$5,700</i>	<i>\$2,200</i>
<i>43</i>	<i>\$5,900</i>	<i>\$2,300</i>
<i>44</i>	<i>\$6,000</i>	<i>\$2,300</i>
<i>45</i>	<i>\$6,200</i>	<i>\$2,400</i>
<i>46</i>	<i>\$6,300</i>	<i>\$2,400</i>
<i>47</i>	<i>\$6,500</i>	<i>\$2,500</i>
<i>48</i>	<i>\$6,600</i>	<i>\$2,500</i>
<i>49</i>	<i>\$6,800</i>	<i>\$2,600</i>
<i>50</i>	<i>\$7,000</i>	<i>\$2,700</i>

“Asset Protection Allowances for Families and Students—Continued

	<i>And the student is</i>	
	<i>married</i>	<i>single</i>
<i>If the age of the student is—</i>	<i>then the allowance is—</i>	
51	\$7,100	\$2,700
52	\$7,300	\$2,800
53	\$7,500	\$2,900
54	\$7,700	\$2,900
55	\$7,900	\$3,000
56	\$8,100	\$3,100
57	\$8,400	\$3,100
58	\$8,600	\$3,200
59	\$8,800	\$3,300
60	\$9,100	\$3,400
61	\$9,300	\$3,500
62	\$9,600	\$3,600
63	\$9,900	\$3,700
64	\$10,200	\$3,800
65 or more	\$10,500	\$3,900.

1 “(d) *ASSESSMENT SCHEDULE.—The assessment of ad-*
2 *justed available income (as determined under subsection*
3 *(a)(1) and hereafter in this subsection referred to as ‘AAI’*
4 *is calculated based on the following table (as revised by the*
5 *Secretary pursuant to section 478(e)):*

“Assessment From Adjusted Available Income

<i>If AAI is—</i>	<i>Then the assessment is—</i>
<i>Less than – \$6,820</i>	<i>– \$1,500</i>
<i>– \$6,820 to \$17,400</i>	<i>22% of AAI</i>
<i>\$17,401 to \$21,800</i>	<i>\$3,828 + 25% of AAI over \$17,400</i>
<i>\$21,801 to \$26,200</i>	<i>\$4,928 + 29% of AAI over \$21,800</i>
<i>\$26,201 to \$30,700</i>	<i>\$6,204 + 34% of AAI over \$26,200</i>
<i>\$30,701 to \$35,100</i>	<i>\$7,734 + 40% of AAI over \$30,700</i>
<i>\$35,101 or more</i>	<i>\$9,494 + 47% of AAI over \$35,100.</i>

6 “(e) *COMPUTATIONS IN CASE OF SEPARATION, DI-*
7 *VORCE, OR DEATH.—In the case of a student who is di-*
8 *vorced or separated, or whose spouse has died, the spouse’s*
9 *income and assets shall not be considered in determining*
10 *the family’s available income or assets.”.*

1 (g) *REGULATIONS; UPDATED TABLES.*—Section 478 of
2 *the Higher Education Act of 1965 (20 U.S.C. 1087rr)* is
3 *amended to read as follows:*

4 **“SEC. 478. REGULATIONS; UPDATED TABLES.**

5 “(a) *AUTHORITY TO PRESCRIBE REGULATIONS RE-*
6 *STRICTED.*—Notwithstanding any other provision of law,
7 *the Secretary shall not have the authority to prescribe regu-*
8 *lations to carry out this part except—*

9 “(1) *to prescribe updated tables in accordance*
10 *with subsections (b) through (g); and*

11 “(2) *with respect to the definition of cost of at-*
12 *tendance under section 472, excluding section*
13 *472(a)(1).*

14 “(b) *INCOME PROTECTION ALLOWANCE ADJUST-*
15 *MENTS.*—For award year 2023–2024 and each subsequent
16 *award year, the Secretary shall publish in the Federal Reg-*
17 *ister revised income protection allowances for the purposes*
18 *of subsections (c)(3) and (g)(2)(C) of section 475, subclauses*
19 *(I) and (II) of section 476(b)(1)(A)(iii), and section*
20 *477(b)(3), by increasing the income protection allowances*
21 *in each of such provisions, by a percentage equal to the per-*
22 *centage increase in the Consumer Price Index, as defined*
23 *in subsection (f), between April 2020 and the April in the*
24 *year prior to the beginning of the award year and rounding*
25 *the result to the nearest \$10.*

1 “(c) *ADJUSTED NET WORTH OF A FARM OR BUSI-*
2 *NESS.*—

3 “(1) *TABLE.*—*The table of the net worth of a*
4 *farm or business for purposes of making determina-*
5 *tions of assets as defined under section 480(f) is the*
6 *following:*

“Farm/Business Net Worth Adjustment

<i>If the net worth of a farm or business is—</i>	<i>Then the adjusted net worth is—</i>
<i>Less than \$1</i>	<i>\$0</i>
<i>\$1 to \$140,000</i>	<i>40% of net worth of farm/business</i>
<i>\$140,001 to \$415,000</i>	<i>\$56,000 + 50% of net worth over \$140,000</i>
<i>\$415,001 to \$695,000</i>	<i>\$193,500 + 60% of net worth over \$415,000</i>
<i>\$695,001 or more</i>	<i>\$361,500 + 100% of net worth over \$695,000.</i>

7 “(2) *REVISED TABLES.*—*For award year 2023–*
8 *2024 and each subsequent award year, the Secretary*
9 *shall publish in the Federal Register a revised table*
10 *of the adjusted net worth of a farm or business for*
11 *purposes of section 480(f). Such revised table shall be*
12 *developed—*

13 “(A) *by increasing each dollar amount that*
14 *refers to net worth of a farm or business by a*
15 *percentage equal to the percentage increase in the*
16 *Consumer Price Index between April 2020 and*
17 *the April in the year prior to the beginning of*
18 *such award year, and rounding the result to the*
19 *nearest \$5,000; and*

20 “(B) *by adjusting the dollar amounts in the*
21 *column referring to the adjusted net worth to re-*

1 *flect the changes made pursuant to subparagraph*
2 *(A).*

3 “(d) *ASSET PROTECTION ALLOWANCE.—For award*
4 *year 2023–2024 and each subsequent award year, the Sec-*
5 *retary shall publish in the Federal Register a revised table*
6 *of allowances for the purpose of sections 475(d)(2),*
7 *476(c)(2), and 477(c)(2). Such revised table shall be devel-*
8 *oped by determining the present value cost, rounded to the*
9 *nearest \$100, of an annuity that would provide, for each*
10 *age cohort of 40 and above, a supplemental income at age*
11 *65 (adjusted for inflation) equal to the difference between*
12 *the moderate family income (as most recently determined*
13 *by the Bureau of Labor Statistics), and the current average*
14 *social security retirement benefits. For each age cohort*
15 *below 40, the allowance shall be computed by decreasing the*
16 *allowance for age 40, as updated, by one-fifteenth for each*
17 *year of age below age 40 and rounding the result to the*
18 *nearest \$100. In making such determinations—*

19 “(1) *the tables of allowances specified in sections*
20 *475(d)(2), 476(c)(2), and 477(c)(2) shall be considered*
21 *to be for award year 2021–2022 for the purposes of*
22 *calculating inflation;*

23 “(2) *inflation shall be presumed to be 6 percent*
24 *per year;*

1 “(3) the rate of return of an annuity shall be
2 presumed to be 8 percent; and

3 “(4) the sales commission on an annuity shall be
4 presumed to be 6 percent.

5 “(e) ASSESSMENT SCHEDULES AND RATES.—For
6 award year 2023–2024 and each subsequent award year,
7 the Secretary shall publish in the Federal Register a revised
8 table of assessments from adjusted available income for the
9 purpose of sections 475(e) and 477(d). Such revised table
10 shall be developed—

11 “(1) by increasing each dollar amount that refers
12 to adjusted available income by a percentage equal to
13 the percentage increase in the Consumer Price Index
14 between April 2020 and the April in the year prior
15 to the beginning of such academic year, rounded to
16 the nearest \$100; and

17 “(2) by adjusting the other dollar amounts to re-
18 flect the changes made pursuant to paragraph (1).

19 “(f) CONSUMER PRICE INDEX DEFINED.—In this sec-
20 tion, the term ‘Consumer Price Index’ means the Consumer
21 Price Index for All Urban Consumers published by the De-
22 partment of Labor. Each annual update of tables to reflect
23 changes in the Consumer Price Index shall be corrected for
24 misestimation of actual changes in such Index in previous
25 years.

1 “(g) *EMPLOYMENT EXPENSE ALLOWANCE.—For*
2 *award year 2023–2024 and each succeeding award year,*
3 *the Secretary shall publish in the Federal Register a revised*
4 *table of employment expense allowances for the purpose of*
5 *sections 475(c)(4), 476(b)(3), and 477(b)(4). Such revised*
6 *table shall be developed by increasing the dollar amount*
7 *specified in sections 475(c)(4), 476(b)(3), and 477(b)(4) by*
8 *a percentage equal to the percentage increase in the Con-*
9 *sumer Price Index, as defined in subsection (f), between*
10 *April 2020 and the April in the year prior to the beginning*
11 *of the award year and rounding the result to the nearest*
12 *\$10.*

13 “(h) *CLARIFICATION FOR AWARD YEAR 2023–2024.—*
14 *For award year 2023–2024, the Secretary shall determine*
15 *adjusted amounts and prescribe revised tables with respect*
16 *to the income protection, employment expense, and asset*
17 *protection allowances and the assessment schedules under*
18 *sections 475, 476, and 477, pursuant to this section. The*
19 *amounts and tables specified in sections 475, 476, and 477*
20 *with respect to such allowances and schedules shall only be*
21 *used by the Secretary as a baseline for adjustments and*
22 *table revisions prescribed in accordance with this section.”.*

23 “(h) *APPLICANTS EXEMPT FROM ASSET REPORTING.—*
24 *Section 479 of the Higher Education Act of 1965 (20 U.S.C.*
25 *1087ss) is amended to read as follows:*

1 **“SEC. 479. ELIGIBLE APPLICANTS EXEMPT FROM ASSET RE-**
2 **PORTING.**

3 “(a) *IN GENERAL.*—Notwithstanding any other provi-
4 sion of law, this section shall be effective for each individual
5 seeking to apply for Federal financial aid under this title,
6 as part of the simplified application for Federal student
7 financial aid under section 483, on or after July 1, 2023.

8 “(b) *APPLICANTS EXEMPT FROM ASSET REPORT-*
9 *ING.*—

10 “(1) *IN GENERAL.*—Except as provided in para-
11 graph (3), in carrying out section 483, the Secretary
12 shall not use asset information from an eligible appli-
13 cant or, as applicable, the parent or spouse of an eli-
14 gible applicant.

15 “(2) *ELIGIBLE APPLICANTS.*—In this subsection,
16 the term ‘eligible applicant’ means an applicant who
17 meets at least one of the following criteria:

18 “(A) *Is an applicant who qualifies for an*
19 *automatic zero student aid index or negative stu-*
20 *dent aid index under subsection (b) or (c) of sec-*
21 *tion 473.*

22 “(B) *Is an applicant who is a dependent*
23 *student and the student’s parents have a total*
24 *adjusted gross income (excluding any income of*
25 *the dependent student) that is less than \$60,000*
26 *and do not file a Schedule A, B, D, E, F, or H*

1 *(or equivalent successor schedules) with the Fed-*
2 *eral income tax return for the second preceding*
3 *tax year, and—*

4 *“(i) do not file a Schedule C (or the*
5 *equivalent successor schedule) with the Fed-*
6 *eral income tax return for the second pre-*
7 *ceding tax year; or*

8 *“(ii) file a Schedule C (or the equiva-*
9 *lent successor schedule) with net business*
10 *income of not more than a \$10,000 loss or*
11 *gain with the Federal income tax return for*
12 *the second preceding tax year.*

13 *“(C) Is an applicant who is an independent*
14 *student and the student (including the student’s*
15 *spouse, if any) has a total adjusted gross income*
16 *that is less than \$60,000 and does not file a*
17 *Schedule A, B, D, E, F, or H (or equivalent suc-*
18 *cessor schedules), with the Federal income tax re-*
19 *turn for the second preceding tax year, and—*

20 *“(i) does not file a Schedule C (or the*
21 *equivalent successor schedule) with the Fed-*
22 *eral income tax return for the second pre-*
23 *ceding tax year; or*

24 *“(ii) files a Schedule C (or the equiva-*
25 *lent successor schedule) with net business*

1 *income of not more than a \$10,000 loss or*
2 *gain with the Federal income tax return for*
3 *the second preceding tax year.*

4 “(D) *Is an applicant who, at any time dur-*
5 *ing the previous 24-month period, received a*
6 *benefit under a means-tested Federal benefit pro-*
7 *gram (or whose parent or spouse received such a*
8 *benefit, as applicable).*

9 “(3) *SPECIAL RULE.—An eligible applicant shall*
10 *not be exempt from asset reporting under this section*
11 *if the applicant is a dependent student and the stu-*
12 *dents’ parents do not—*

13 “(A) *reside in the United States or a*
14 *United States territory; or*

15 “(B) *file taxes in the United States or a*
16 *United States territory, except if such nonfiling*
17 *is due to not being required to file a Federal tax*
18 *return for the applicable tax year due to a low*
19 *income.*

20 “(4) *DEFINITIONS.—In this section:*

21 “(A) *SCHEDULE A.—The term ‘Schedule A’*
22 *means a form or information by a taxpayer to*
23 *report itemized deductions.*

1 “(B) *SCHEDULE B.*—*The term ‘Schedule B’*
2 *means a form or information filed by a taxpayer*
3 *to report interest and ordinary dividend income.*

4 “(C) *SCHEDULE C.*—*The term ‘Schedule C’*
5 *means a form or information filed by a taxpayer*
6 *to report income or loss from a business operated*
7 *or a profession practiced as a sole proprietor.*

8 “(D) *SCHEDULE D .*—*The term ‘Schedule*
9 *D’ means a form or information filed by a tax-*
10 *payer to report sales, exchanges or some involun-*
11 *tary conversions of capital assets, certain capital*
12 *gain distributions, and nonbusiness bad debts.*

13 “(E) *SCHEDULE E .*—*The term ‘Schedule*
14 *E’ means a form or information filed by a tax-*
15 *payer to report income from rental properties,*
16 *royalties, partnerships, S corporations, estates,*
17 *trusts, and residual interests in real estate mort-*
18 *gage investment conduits.*

19 “(F) *SCHEDULE F.*—*The term ‘Schedule F’*
20 *means a form or information filed by a taxpayer*
21 *to report farm income and expenses.*

22 “(G) *SCHEDULE H.*—*The term ‘Schedule H’*
23 *means a form or information filed by a taxpayer*
24 *to report household employment taxes.*

1 “(H) *MEANS-TESTED FEDERAL BENEFIT*
2 *PROGRAM.—The term ‘means-tested Federal ben-*
3 *efit program’ means any of the following:*

4 “(i) *The supplemental security income*
5 *program under title XVI of the Social Secu-*
6 *rity Act (42 U.S.C. 1381 et seq.).*

7 “(ii) *The supplemental nutrition as-*
8 *istance program under the Food and Nu-*
9 *trition Act of 2008 (7 U.S.C. 2011 et seq.),*
10 *a nutrition assistance program carried out*
11 *under section 19 of such Act (7 U.S.C.*
12 *2028), and a supplemental nutrition assist-*
13 *ance program carried out under section 3(c)*
14 *of the Act entitled ‘An Act to authorize ap-*
15 *propriations for certain insular areas of the*
16 *United States, and for other purposes’ (Pub-*
17 *lic Law 95–348).*

18 “(iii) *The program of block grants for*
19 *States for temporary assistance for needy*
20 *families established under part A of title IV*
21 *of the Social Security Act (42 U.S.C. 601 et*
22 *seq.).*

23 “(iv) *The special supplemental nutri-*
24 *tion program for women, infants, and chil-*

1 *dren established by section 17 of the Child*
2 *Nutrition Act of 1966 (42 U.S.C. 1786).*

3 “(v) *The Medicaid program under title*
4 *XIX of the Social Security Act (42 U.S.C.*
5 *1396 et seq.).*

6 “(vi) *Federal housing assistance pro-*
7 *grams, including tenant-based assistance*
8 *under section 8(o) of the United States*
9 *Housing Act of 1937 (42 U.S.C. 1437f(o)),*
10 *and public housing, as defined in section*
11 *3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).*

12 “(vii) *Other means-tested programs de-*
13 *termined by the Secretary to be approxi-*
14 *mately consistent with the income eligibility*
15 *requirements of the means-tested programs*
16 *under clauses (i) through (vi).”.*

17 *(i) DISCRETION OF STUDENT FINANCIAL AID ADMIN-*
18 *ISTRATORS.—Section 479A of the Higher Education Act of*
19 *1965 (20 U.S.C. 1087tt) is amended to read as follows:*

20 **“SEC. 479A. DISCRETION OF STUDENT FINANCIAL AID AD-**
21 **MINISTRATORS.**

22 “(a) *IN GENERAL.—*

23 “(1) *AUTHORITY OF FINANCIAL AID ADMINISTRA-*
24 *TORS.—A financial aid administrator shall have the*
25 *authority to, on the basis of adequate documentation,*

1 *make adjustments to any or all of the following on a*
2 *case-by-case basis:*

3 “(A) *For an applicant with special cir-*
4 *cumstances under subsection (b) to—*

5 “(i) *the cost of attendance;*

6 “(ii) *the values of the data used to cal-*
7 *culate the student aid index; or*

8 “(iii) *the values of the data used to*
9 *calculate the Federal Pell Grant award.*

10 “(B) *For an applicant with unusual cir-*
11 *cumstances under subsection (c), to the depend-*
12 *ency status of such applicant.*

13 “(2) *LIMITATIONS ON AUTHORITY.—*

14 “(A) *USE OF AUTHORITY.—No institution*
15 *of higher education or financial aid adminis-*
16 *trator shall maintain a policy of denying all re-*
17 *quests for adjustments under this section.*

18 “(B) *NO ADDITIONAL FEE.—No student or*
19 *parent shall be charged a fee for a documented*
20 *interview of the student by the financial aid ad-*
21 *ministrator or for the review of a student or par-*
22 *ent’s request for adjustments under this section*
23 *including the review of any supplementary infor-*
24 *mation or documentation of a student or par-*

1 *ent's special circumstances or a student's un-*
2 *usual circumstances.*

3 “(C) *RULE OF CONSTRUCTION.*—*The au-*
4 *thority to make adjustments under paragraph*
5 *(1)(A) shall not be construed to permit financial*
6 *aid administrators to deviate from the cost of at-*
7 *tendance, the values of data used to calculate the*
8 *student aid index or the values of data used to*
9 *calculate the Federal Pell Grant award (or both)*
10 *for awarding aid under this title in the absence*
11 *of special circumstances.*

12 “(3) *ADEQUATE DOCUMENTATION.*—*Adequate*
13 *documentation for adjustments under this section*
14 *must substantiate the special circumstances or un-*
15 *usual circumstances of an individual student, and*
16 *may include, to the extent relevant and appro-*
17 *priate—*

18 “(A) *a documented interview between the*
19 *student and the financial aid administrator;*

20 “(B) *for the purposes of determining that a*
21 *student qualifies for an adjustment under para-*
22 *graph (1)(B)—*

23 “(i) *submission of a court order or offi-*
24 *cial Federal or State documentation that*
25 *the student or the student's parents or legal*

1 *guardians are incarcerated in any Federal*
2 *or State penal institution;*

3 “(ii) a documented phone call or a
4 written statement, which confirms the spe-
5 cific unusual circumstances with—

6 “(I) a child welfare agency au-
7 thorized by a State or county;

8 “(II) a Tribal welfare authority
9 or agency;

10 “(III) an independent living case
11 worker, such as a case worker who sup-
12 ports current and former foster youth
13 with the transition to adulthood; or

14 “(IV) a public or private agency,
15 facility, or program servicing the vic-
16 tims of abuse, neglect, assault, or vio-
17 lence, which may include domestic vio-
18 lence;

19 “(iii) a documented phone call or a
20 written statement from an attorney, a
21 guardian ad litem, or a court-appointed
22 special advocate, or a person serving in a
23 similar capacity which confirms the specific
24 unusual circumstances and documents the
25 person’s relationship to the student;

1 “(iv) a documented phone call or writ-
2 ten statement from a representative under
3 chapter 1 or 2 of subpart 2 of part A, which
4 confirms the specific unusual circumstances
5 and documents the representative’s relation-
6 ship to the student;

7 “(v) documents, such as utility bills or
8 health insurance documentation, that dem-
9 onstrate a separation from parents or legal
10 guardians; and

11 “(vi) in the absence of documentation
12 described in this subparagraph, other docu-
13 mentation the financial aid administrator
14 determines is adequate to confirm the un-
15 usual circumstances, pursuant to section
16 480(d)(9); and

17 “(C) supplementary information, as nec-
18 essary, about the financial status or personal cir-
19 cumstances of eligible applicants as it relates to
20 the special circumstances or unusual cir-
21 cumstances based on which the applicant is re-
22 questing an adjustment.

23 “(4) SPECIAL RULE.—In making adjustments
24 under paragraph (1), a financial aid administrator
25 may offer a dependent student financial assistance

1 *under a Federal Direct Unsubsidized Stafford Loan*
2 *without requiring the parents of such student to pro-*
3 *vide their parent information on the Free Application*
4 *for Federal Student Aid if the student does not qual-*
5 *ify for, or does not choose to use, the unusual cir-*
6 *cumstance option described in section 480(d)(9), and*
7 *the financial aid administrator determines that the*
8 *parents of such student ended financial support of*
9 *such student or refuse to file such form.*

10 *“(5) PUBLIC DISCLOSURE.—Each institution of*
11 *higher education shall make publicly available infor-*
12 *mation that students applying for aid under this title*
13 *have the opportunity to pursue adjustments under*
14 *this section.*

15 *“(b) ADJUSTMENTS FOR STUDENTS WITH SPECIAL*
16 *CIRCUMSTANCES.—*

17 *“(1) SPECIAL CIRCUMSTANCES FOR ADJUST-*
18 *MENTS RELATED TO PELL GRANTS.—Special cir-*
19 *cumstances for adjustments to calculate a Federal Pell*
20 *Grant award—*

21 *“(A) shall be conditions that differentiate*
22 *an individual student from a group of students*
23 *rather than conditions that exist across a group*
24 *of students; and*

25 *“(B) may include—*

1 “(i) recent unemployment of a family
2 member or student;

3 “(ii) a student or family member who
4 is a dislocated worker (as defined in section
5 3 of the Workforce Innovation and Oppor-
6 tunity Act);

7 “(iii) a change in housing status that
8 results in an individual being a homeless
9 youth;

10 “(iv) an unusual amount of claimed
11 losses against income on the Federal tax re-
12 turn that substantially lower adjusted gross
13 income, such as business, investment, or
14 real estate losses;

15 “(v) receipt of foreign income of per-
16 manent residents or United States citizens
17 exempt from Federal taxation, or the for-
18 eign income for which a permanent resident
19 or citizen received a foreign tax credit;

20 “(vi) in the case of an applicant who
21 does not qualify for the exemption from
22 asset reporting under section 479, assets as
23 defined in section 480(f); or

1 “(vii) other changes or adjustments in
2 the income, assets, or size of a family, or a
3 student’s dependency status.

4 “(2) SPECIAL CIRCUMSTANCES FOR ADJUST-
5 MENTS RELATED TO COST OF ATTENDANCE AND STU-
6 DENT AID INDEX.—Special circumstances for adjust-
7 ments to the cost of attendance or the values of the
8 data used to calculate the student aid index—

9 “(A) shall be conditions that differentiate
10 an individual student from a group of students
11 rather than conditions that exist across a group
12 of students, except as provided in sections 479B
13 and 479C; and

14 “(B) may include—

15 “(i) tuition expenses at an elementary
16 school or secondary school;

17 “(ii) medical, dental, or nursing home
18 expenses not covered by insurance;

19 “(iii) child care or dependent care
20 costs not covered by the dependent care cost
21 allowance calculated in accordance with sec-
22 tion 472;

23 “(iv) recent unemployment of a family
24 member or student;

1 “(v) a student or family member who
2 is a dislocated worker (as defined in section
3 3 of the Workforce Innovation and Oppor-
4 tunity Act);

5 “(vi) the existence of additional family
6 members enrolled in a degree, certificate, or
7 other program leading to a recognized edu-
8 cational credential at an institution with a
9 program participation agreement under sec-
10 tion 487;

11 “(vii) a change in housing status that
12 results in an individual being a homeless
13 youth;

14 “(viii) a condition of severe disability
15 of the student, or in the case of a dependent
16 student, the dependent student’s parent or
17 guardian, or in the case of an independent
18 student, the independent student’s depend-
19 ent or spouse;

20 “(ix) unusual amount of claimed losses
21 against income on the Federal tax return
22 that substantially lower adjusted gross in-
23 come, such as business, investment, or real
24 estate losses; or

1 “(x) other changes or adjustments in
2 the income, assets, or size of a family, or a
3 student’s dependency status.

4 “(c) UNUSUAL CIRCUMSTANCES ADJUSTMENTS.—

5 “(1) IN GENERAL.—Unusual circumstances for
6 adjustments to the dependency status of an applicant
7 shall be—

8 “(A) conditions that differentiate an indi-
9 vidual student from a group of students; and

10 “(B) based on unusual circumstances, pur-
11 suant to section 480(d)(9).

12 “(2) PROVISIONAL INDEPENDENT STUDENTS.—

13 “(A) REQUIREMENTS FOR THE SEC-
14 RETARY.—The Secretary shall—

15 “(i) enable each student who, based on
16 an unusual circumstance described in sec-
17 tion 480(d)(9), may qualify for an adjust-
18 ment under subsection (a)(1)(B) that will
19 result in a determination of independence
20 under this section or section 479D to com-
21 plete the Free Application for Federal Stu-
22 dent Aid as an independent student for the
23 purpose of a provisional determination of
24 the student’s Federal financial aid award,
25 with the final determination of the award

1 *subject to the documentation requirements of*
2 *subsection (a)(3);*

3 “(ii) upon completion of the Free Ap-
4 plication for Federal Student Aid provide
5 an estimate of the student’s Federal Pell
6 Grant award, and other information as
7 specified in section 483(a)(3)(A), based on
8 the assumption that the student is deter-
9 mined to be an independent student; and

10 “(iii) specify, on the Free Application
11 for Federal Student Aid, the consequences
12 under section 490(a) of knowingly and will-
13 fully completing the Free Application for
14 Federal Student Aid as an independent stu-
15 dent under clause (i) without meeting the
16 unusual circumstances to qualify for such a
17 determination.

18 “(B) *REQUIREMENTS FOR FINANCIAL AID*
19 *ADMINISTRATORS.*—With respect to a student ac-
20 cepted for admission who completes the Free Ap-
21 plication for Federal Student Aid as an inde-
22 pendent student under subparagraph (A), a fi-
23 nancial aid administrator shall—

24 “(i) notify the student of the institu-
25 tional process, requirements, and timeline

1 *for an adjustment under this section and*
2 *section 480(d)(9) that will result in a re-*
3 *view of the student's request for an adjust-*
4 *ment and a determination of the student's*
5 *dependency status under such sections with-*
6 *in a reasonable time after the student com-*
7 *pletes the Free Application for Federal Stu-*
8 *dent Aid;*

9 *“(ii) provide the student a final deter-*
10 *mination of the student's dependency status*
11 *and Federal financial aid award as soon as*
12 *practicable after all requested documenta-*
13 *tion is provided;*

14 *“(iii) retain all documents related to*
15 *the adjustment under this section and sec-*
16 *tion 480(d)(9), including documented inter-*
17 *views, for at least the duration of the stu-*
18 *dent's enrollment, and shall abide by all*
19 *other record keeping requirements of this*
20 *Act; and*

21 *“(iv) presume that any student who*
22 *has obtained an adjustment under this sec-*
23 *tion and section 480(d)(9) and a final de-*
24 *termination of independence for any pre-*
25 *ceding award year at an institution of*

1 *higher education to be independent for each*
2 *subsequent award year at the same institu-*
3 *tion unless—*

4 “(I) *the student informs the insti-*
5 *tution that circumstances have*
6 *changed; or*

7 “(II) *the institution has specific*
8 *conflicting information about the stu-*
9 *dent’s independence.*

10 “(C) *ELIGIBILITY.—If a student pursues*
11 *provisional independent student status and is*
12 *not determined to be an independent student by*
13 *a financial aid administrator, such student shall*
14 *only be eligible for a Federal Direct Unsub-*
15 *sidized Stafford Loan for that award year unless*
16 *such student subsequently completes the Free Ap-*
17 *plication for Federal Student Aid as a dependent*
18 *student.*

19 “(d) *ADJUSTMENTS TO ASSETS OR INCOME TAKEN*
20 *INTO ACCOUNT.—A financial aid administrator shall be*
21 *considered to be making a necessary adjustment in accord-*
22 *ance with this section if—*

23 “(1) *the administrator makes adjustments ex-*
24 *cluding from family income or assets any proceeds or*
25 *losses from a sale of farm or business assets of a fam-*

1 *ily if such sale results from a voluntary or involun-*
2 *tary foreclosure, forfeiture, or bankruptcy or a vol-*
3 *untary or involuntary liquidation; or*

4 *“(2) the administrator makes adjustments for a*
5 *condition of disability of a student, or in the case of*
6 *a dependent student, the dependent student’s parent*
7 *or guardian, or in the case of an independent student,*
8 *the independent student’s dependent or spouse, so as*
9 *to take into consideration the additional costs in-*
10 *curring as a result of such disability.*

11 *“(e) REFUSAL OR ADJUSTMENT OF LOAN CERTIFI-*
12 *CATIONS.—On a case-by-case basis, an eligible institution*
13 *may refuse to use the authority provided under this section,*
14 *certify a statement that permits a student to receive a loan*
15 *under part D, certify a loan amount, or make a loan that*
16 *is less than the student’s determination of need (as deter-*
17 *mined under this part), if the reason for the action is docu-*
18 *mented and provided in writing to the student. No eligible*
19 *institution shall discriminate against any borrower or ap-*
20 *plicant in obtaining a loan on the basis of race, ethnicity,*
21 *national origin, religion, sex, marital status, age, or dis-*
22 *ability status.*

23 *“(f) SPECIAL RULE REGARDING PROFESSIONAL JUDG-*
24 *MENT DURING A DISASTER, EMERGENCY, OR ECONOMIC*
25 *DOWNTURN.—*

1 “(1) *IN GENERAL.*—*For the purposes of making*
2 *a professional judgment under this section, financial*
3 *aid administrators may, during a qualifying emer-*
4 *gency—*

5 “(A) *determine that the income earned from*
6 *work for an applicant is zero, if the applicant*
7 *can provide paper or electronic documentation of*
8 *receipt of unemployment benefits or confirmation*
9 *that an application for unemployment benefits*
10 *was submitted; and*

11 “(B) *make additional appropriate adjust-*
12 *ments to the income earned from work for a stu-*
13 *dent, parent, or spouse, as applicable, based on*
14 *the totality of the family’s situation, including*
15 *consideration of unemployment benefits.*

16 “(2) *DOCUMENTATION.*—*For the purposes of doc-*
17 *umenting unemployment under paragraph (1), docu-*
18 *mentation shall be accepted if such documentation is*
19 *submitted not more than 90 days from the date on*
20 *which such documentation was issued, except if a fi-*
21 *nancial aid administrator knows that the student,*
22 *parent, or spouse, as applicable, has already obtained*
23 *other employment.*

24 “(3) *PROGRAM REVIEWS.*—*The Secretary shall*
25 *make adjustments to the model used to select institu-*

1 *tions of higher education participating under this*
2 *title for program reviews in order to account for any*
3 *rise in the use of professional judgment under this*
4 *section during the award years applicable to the*
5 *qualifying emergency, as determined by the Secretary.*

6 “(4) *QUALIFYING EMERGENCY.*—*In this sub-*
7 *section, the term ‘qualifying emergency’ means—*

8 “(A) *an event for which the President de-*
9 *clared a major disaster or an emergency under*
10 *section 401 or 501, respectively, of the Robert T.*
11 *Stafford Disaster Relief and Emergency Assist-*
12 *ance Act (42 U.S.C. 5170 and 5191);*

13 “(B) *a national emergency related to the*
14 *coronavirus declared by the President under sec-*
15 *tion 201 of the National Emergencies Act (50*
16 *U.S.C. 1601 et seq.); or*

17 “(C) *a period of recession or economic*
18 *downturn as determined by the Secretary, in*
19 *consultation with the Secretary of Labor.”.*

20 (j) *DISREGARD OF STUDENT AID IN OTHER PRO-*
21 *GRAMS.*—*Section 479B of the Higher Education Act of 1965*
22 *(20 U.S.C. 1087uu) is amended to read as follows:*

1 **“SEC. 479B. DISREGARD OF STUDENT AID IN OTHER PRO-**
2 **GRAMS.**

3 *“Notwithstanding any other provision of law, student*
4 *financial assistance received under this title, Bureau of In-*
5 *dian Education student assistance programs, and employ-*
6 *ment and training programs under section 134 of the Work-*
7 *force Innovation and Opportunity Act (29 U.S.C. 3174 et.*
8 *seq.) shall not be taken into account in determining the need*
9 *or eligibility of any person for benefits or assistance, or the*
10 *amount of such benefits or assistance, under any Federal,*
11 *State, or local program financed in whole or in part with*
12 *Federal funds.”.*

13 *(k) NATIVE AMERICAN STUDENTS.—Section 479C of*
14 *the Higher Education Act of 1965 (20 U.S.C. 1087uu–1)*
15 *is amended to read as follows:*

16 **“SEC. 479C. NATIVE AMERICAN STUDENTS.**

17 *“(a) IN GENERAL.—In determining the student aid*
18 *index for Native American students, computations per-*
19 *formed pursuant to this part shall exclude—*

20 *“(1) any income and assets of \$2,000 or less per*
21 *individual payment received by the student (and*
22 *spouse) and student’s parents under Public Law 98–*
23 *64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly*
24 *known as the ‘Per Capita Act’) or the Indian Tribal*
25 *Judgment Funds Use or Distribution Act (25 U.S.C.*
26 *1401 et seq.); and*

1 “(2) any income received by the student (and
2 spouse) and student’s parents under the Alaska Na-
3 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
4 or the Maine Indian Claims Settlement Act of 1980
5 (25 U.S.C. 1721 et seq.).

6 “(b) *GUIDANCE.*—The Secretary shall develop guid-
7 ance, in consultation with Tribal Colleges and Universities
8 (as defined in section 316) and the State higher education
9 agency in Alaska and Maine, to implement the determina-
10 tion under subsection (a) without adding additional ques-
11 tions to the FAFSA, including through the use of the au-
12 thority under section 479A.”.

13 (l) *SPECIAL RULES FOR INDEPENDENT STUDENTS.*—
14 Part F of title IV of the Higher Education Act of 1965 (20
15 U.S.C. 1087kk et seq.) is further amended—

16 (1) by inserting after section 479C the following:

17 “**SEC. 479D. SPECIAL RULES FOR INDEPENDENT STUDENTS.**

18 “(a) *DETERMINATION PROCESS FOR UNACCOMPANIED*
19 *HOMELESS YOUTH.*—In making a determination of inde-
20 pendence under section 480(d)(8), a financial aid adminis-
21 trator shall comply with the following:

22 “(1) Consider documentation of the student’s cir-
23 cumstance to be adequate in the absence of docu-
24 mented conflicting information, if such documenta-
25 tion is provided through a documented phone call,

1 *written statement, or verifiable electronic data match*
2 *by—*

3 *“(A) a local educational agency homeless li-*
4 *aision, designated pursuant to section*
5 *722(g)(1)(J)(ii) of the McKinney-Vento Homeless*
6 *Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)) or*
7 *a designee of the liaison;*

8 *“(B) the director of an emergency or transi-*
9 *tional shelter, street outreach program, homeless*
10 *youth drop-in center, or other program serving*
11 *individuals who are experiencing homelessness,*
12 *or a designee of the director;*

13 *“(C) the director of a project supported by*
14 *a Federal TRIO program or a Gaining Early*
15 *Awareness and Readiness for Undergraduate*
16 *program grant under chapter 1 or 2 of subpart*
17 *2 of part A, or a designee of the director; or*

18 *“(D) a financial aid administrator at an-*
19 *other institution who documented the student’s*
20 *circumstance in a prior award year.*

21 *“(2) If a student is unable to provide docu-*
22 *mentation from any individual described in para-*
23 *graph (1), make a case-by-case determination, which*
24 *shall be—*

1 “(A) based on a written statement from, or
2 a documented interview with, the student that
3 confirms that the student is an unaccompanied
4 homeless youth, or unaccompanied, at risk of
5 homelessness, and self-supporting; and

6 “(B) made without regard to the reasons
7 that the student is an unaccompanied homeless
8 youth, or unaccompanied, at risk of homeles-
9 ness, and self-supporting.

10 “(3) Consider a determination made under this
11 subsection as distinct from a determination of inde-
12 pendence under section 480(d)(9).

13 “(b) *DOCUMENTATION PROCESS FOR FOSTER CARE*
14 *YOUTH.*—If an institution requires that a student provide
15 documentation that the student was in foster care when the
16 student was age 13 or older, a financial aid administrator
17 shall consider any of the following as adequate documenta-
18 tion, in the absence of documented conflicting information:

19 “(1) Submission of a court order or official State
20 documentation that the student received Federal or
21 State support in foster care.

22 “(2) A documented phone call, written statement,
23 or verifiable electronic data match, which confirms
24 the student was in foster care at an applicable age,
25 from—

1 “(A) a State, county, or tribal agency ad-
2 ministering a program under part B or E of
3 title IV of the Social Security Act (42 U.S.C.
4 621 et seq. and 670 et seq.);

5 “(B) a State Medicaid agency; or

6 “(C) a public or private foster care placing
7 agency or foster care facility or placement.

8 “(3) A documented phone call or a written state-
9 ment from an attorney, a guardian ad litem, or a
10 Court Appointed Special Advocate that confirms that
11 the student was in foster care at an applicable age
12 and documents the person’s relationship to the stu-
13 dent.

14 “(4) Verification of the student’s eligibility for
15 an education and training voucher under the John H.
16 Chafee Foster Care Program under section 477 of the
17 Social Security Act (42 U.S.C. 677).

18 “(5) A documented phone call or written state-
19 ment from a financial aid administrator who docu-
20 mented the student’s circumstance in a prior award
21 year.

22 “(c) *TIMING.*—A determination of independence under
23 paragraph (2), (8), or (9) of section 480(d) for a student—

24 “(1) shall be made as quickly as practicable;

1 “(2) may be made as early as the year before the
2 award year for which the student initially submits an
3 application; and

4 “(3) shall be made not later than 60 days after
5 the date of the student’s enrollment during the award
6 year for which the student initially submits an appli-
7 cation.

8 “(d) *USE OF EARLIER DETERMINATIONS.*—

9 “(1) *EARLIER DETERMINATION BY THE INSTITU-*
10 *TION.*—Any student who is determined to be inde-
11 pendent under paragraph (2), (8), or (9) of section
12 480(d) for a preceding award year at an institution
13 shall be presumed to be independent for each subse-
14 quent award year at the same institution unless—

15 “(A) the student informs the institution
16 that circumstances have changed; or

17 “(B) the institution has specific conflicting
18 information about the student’s independence
19 and has informed the student of this informa-
20 tion.

21 “(2) *EARLIER DETERMINATION BY ANOTHER IN-*
22 *STITUTION.*—A financial aid administrator may
23 make a determination of independence pursuant to
24 section 479A(c), based upon a documented determina-
25 tion of independence that was previously made by an-

1 *other financial aid administrator under such para-*
2 *graph in the same award year.*

3 “(e) *RETENTION OF DOCUMENTS.*—*A financial aid*
4 *administrator shall retain all documents related to any de-*
5 *termination of independence, including documented inter-*
6 *views, for at least the duration of the student’s enrollment*
7 *and an additional period prescribed by the Secretary to en-*
8 *able a student to utilize the documents for the purposes of*
9 *subsection (a)(1)(D), (b)(5), or (d) of this section.”; and*
10 (2) *by amending section 480 to read as follows:*

11 **“SEC. 480. DEFINITIONS.**

12 *“In this part:*

13 “(a) *TOTAL INCOME.*—*The term ‘total income’ means*
14 *the amount equal to adjusted gross income for the second*
15 *preceding tax year plus untaxed income and benefits for*
16 *the second preceding tax year minus excludable income for*
17 *the second preceding tax year. The factors used to determine*
18 *total income shall be derived from the Federal income tax*
19 *return, if available, except for the applicant’s ability to in-*
20 *dicade a qualified rollover in the second preceding tax year*
21 *as outlined in section 483 or foreign income described in*
22 *subsection (b)(5).*

23 “(b) *UNTAXED INCOME AND BENEFITS.*—*The term*
24 *‘untaxed income and benefits’ means—*

1 “(1) *deductions and payments to self-employed*
2 *SEP, SIMPLE, Keogh, and other qualified individual*
3 *retirement accounts excluded from income for Federal*
4 *tax purposes, except such term shall not include pay-*
5 *ments made to tax-deferred pension and retirement*
6 *plans, paid directly or withheld from earnings, that*
7 *are not delineated on the Federal tax return;*

8 “(2) *tax-exempt interest income;*

9 “(3) *untaxed portion of individual retirement*
10 *account distributions;*

11 “(4) *untaxed portion of pensions; and*

12 “(5) *foreign income of permanent residents of the*
13 *United States or United States citizens exempt from*
14 *Federal taxation, or the foreign income for which such*
15 *a permanent resident or citizen receives a foreign tax*
16 *credit.*

17 “(c) *VETERANS AND VETERANS’ EDUCATION BENE-*
18 *FITS.—(1) The term ‘veteran’ has the meaning given the*
19 *term in section 101(2) of title 38, United States Code, and*
20 *includes individuals who served in the United States Armed*
21 *Forces as described in sections 101(21), 101(22), and*
22 *101(23) of title 38, United States Code.*

23 “(2) *The term ‘veterans’ education benefits’ means vet-*
24 *erans’ benefits under the following provisions of law:*

1 “(A) Chapter 103 of title 10, United States Code
2 *(Senior Reserve Officers’ Training Corps).*

3 “(B) Chapter 106A of title 10, United States
4 Code *(Educational Assistance for Persons Enlisting*
5 *for Active Duty).*

6 “(C) Chapter 1606 of title 10, United States
7 Code *(Selected Reserve Educational Assistance Pro-*
8 *gram).*

9 “(D) Chapter 1607 of title 10, United States
10 Code *(Educational Assistance Program for Reserve*
11 *Component Members Supporting Contingency Oper-*
12 *ations and Certain Other Operations).*

13 “(E) Chapter 30 of title 38, United States Code
14 *(All-Volunteer Force Educational Assistance Program,*
15 *also known as the ‘Montgomery GI Bill—active*
16 *duty’).*

17 “(F) Chapter 31 of title 38, United States Code
18 *(Training and Rehabilitation for Veterans with Serv-*
19 *ice-Connected Disabilities).*

20 “(G) Chapter 32 of title 38, United States Code
21 *(Post-Vietnam Era Veterans’ Educational Assistance*
22 *Program).*

23 “(H) Chapter 33 of title 38, United States Code
24 *(Post-9/11 Educational Assistance).*

1 “(I) Chapter 35 of title 38, United States Code
2 (Survivors’ and Dependents’ Educational Assistance
3 Program).

4 “(J) Section 903 of the Department of Defense
5 Authorization Act, 1981 (10 U.S.C. 2141 note) (Edu-
6 cational Assistance Pilot Program).

7 “(K) Section 156(b) of the ‘Joint Resolution
8 making further continuing appropriations and pro-
9 viding for productive employment for the fiscal year
10 1983, and for other purposes’ (42 U.S.C. 402 note)
11 (Restored Entitlement Program for Survivors, also
12 known as ‘Quayle benefits’).

13 “(L) The provisions of chapter 3 of title 37,
14 United States Code, related to subsistence allowances
15 for members of the Reserve Officers Training Corps.

16 “(d) INDEPENDENT STUDENTS AND DETERMINA-
17 TIONS.—The term ‘independent’, when used with respect to
18 a student, means any individual who—

19 “(1) is 24 years of age or older by December 31
20 of the award year;

21 “(2) is, or was at any time when the individual
22 was 13 years of age or older—

23 “(A) an orphan;

24 “(B) a ward of the court; or

25 “(C) in foster care;

1 “(3) is, or was immediately prior to attaining
2 the age of majority, an emancipated minor or in legal
3 guardianship as determined by a court of competent
4 jurisdiction in the individual’s State of legal resi-
5 dence;

6 “(4) is a veteran of the Armed Forces of the
7 United States (as defined in subsection (c)) or is cur-
8 rently serving on active duty in the Armed Forces for
9 other than training purposes;

10 “(5) is a graduate or professional student;

11 “(6) is married and not separated;

12 “(7) has legal dependents other than a spouse;

13 “(8) is an unaccompanied homeless youth or is
14 unaccompanied, at risk of homelessness, and self-sup-
15 porting, without regard to such individual’s age; and

16 “(9) is a student for whom a financial aid ad-
17 ministrator makes a documented determination of
18 independence by reason of other unusual cir-
19 cumstances pursuant to section 479A(c) in which the
20 student is unable to contact a parent or where contact
21 with parents poses a risk to such student, which in-
22 cludes circumstances of—

23 “(A) human trafficking, as described in the
24 *Trafficking Victims Protection Act of 2000* (22
25 U.S.C. 7101 et seq.);

1 “(B) *legally granted refugee or asylum sta-*
2 *tus;*

3 “(C) *parental abandonment or estrange-*
4 *ment; or*

5 “(D) *student or parental incarceration.*

6 “(e) *EXCLUDABLE INCOME.—The term ‘excludable in-*
7 *come’ means—*

8 “(1) *an amount equal to the education credits*
9 *described in paragraphs (1) and (2) of section 25A(a)*
10 *of the Internal Revenue Code of 1986;*

11 “(2) *if an applicant elects to report it, college*
12 *grant and scholarship aid included in gross income*
13 *on a Federal tax return, including amounts attrib-*
14 *utable to grant and scholarship portions of fellowships*
15 *and assistantships and any national service edu-*
16 *cational award or post-service benefit received by an*
17 *individual under title I of the National and Commu-*
18 *nity Service Act of 1990 (42 U.S.C. 12511 et seq.),*
19 *including awards, living allowances, and interest ac-*
20 *crual payments; and*

21 “(3) *income earned from work under part C of*
22 *this title.*

23 “(f) *ASSETS.—*

24 “(1) *IN GENERAL.—The term ‘assets’ means the*
25 *amount in checking and savings accounts, time depos-*

1 *its, money market funds, investments, trusts, stocks,*
2 *bonds, derivatives, securities, mutual funds, tax shel-*
3 *ters, qualified education benefits (except as provided*
4 *in paragraph (3)), the annual amount of child sup-*
5 *port received and the net value of real estate, vacation*
6 *homes, income producing property, and business and*
7 *farm assets, determined in accordance with section*
8 *478(c).*

9 “(2) *EXCLUSIONS.*—*With respect to determina-*
10 *tions of need under this title, the term ‘assets’ shall*
11 *not include the net value of the family’s principal*
12 *place of residence.*

13 “(3) *CONSIDERATION OF QUALIFIED EDUCATION*
14 *BENEFIT.*—*A qualified education benefit shall be con-*
15 *sidered an asset of—*

16 “(A) *the student if the student is an inde-*
17 *pendent student; or*

18 “(B) *the parent if the student is a depend-*
19 *ent student and the account is designated for the*
20 *student, regardless of whether the owner of the*
21 *account is the student or the parent.*

22 “(4) *DEFINITION OF QUALIFIED EDUCATION BEN-*
23 *EFIT.*—*In this subsection, the term ‘qualified edu-*
24 *cation benefit’ means—*

1 “(A) a qualified tuition program (as de-
2 fined in section 529(b)(1)(A) of the Internal Rev-
3 enue Code of 1986) or other prepaid tuition plan
4 offered by a State; and

5 “(B) a Coverdell education savings account
6 (as defined in section 530(b)(1) of the Internal
7 Revenue Code of 1986).

8 “(g) NET VALUE.—The term ‘net value’ means the
9 market value at the time of application of the assets (as
10 defined in subsection (f)), minus the outstanding liabilities
11 or indebtedness against the assets.

12 “(h) TREATMENT OF INCOME TAXES PAID TO OTHER
13 JURISDICTIONS.—

14 “(1) The tax on income paid to the Governments
15 of the Commonwealth of Puerto Rico, Guam, Amer-
16 ican Samoa, the Virgin Islands, or the Common-
17 wealth of the Northern Mariana Islands, the Republic
18 of the Marshall Islands, the Federated States of Mi-
19 cronesia, or Palau under the laws applicable to those
20 jurisdictions, or the comparable tax paid to the cen-
21 tral government of a foreign country, shall be treated
22 as Federal income taxes.

23 “(2) References in this part to the Internal Rev-
24 enue Code of 1986, Federal income tax forms, and the
25 Internal Revenue Service shall, for purposes of the tax

1 *described in paragraph (1), be treated as references to*
2 *the corresponding laws, tax forms, and tax collection*
3 *agencies of those jurisdictions, respectively, subject to*
4 *such adjustments as the Secretary may provide by*
5 *regulation.*

6 *“(i) OTHER FINANCIAL ASSISTANCE.—*

7 *“(1) For purposes of determining a student’s eli-*
8 *gibility for funds under this title, other financial as-*
9 *sistance not received under this title shall include all*
10 *scholarships, grants, loans, or other assistance known*
11 *to the institution at the time the determination of the*
12 *student’s need is made, including national service*
13 *educational awards or post-service benefits under title*
14 *I of the National and Community Service Act of 1990*
15 *(42 U.S.C. 12511 et seq.), but excluding veterans’ edu-*
16 *cation benefits.*

17 *“(2) Notwithstanding paragraph (1), a tax cred-*
18 *it taken under section 25A of the Internal Revenue*
19 *Code of 1986, or a distribution that is not includable*
20 *in gross income under section 529 of such Code, under*
21 *another prepaid tuition plan offered by a State, or*
22 *under a Coverdell education savings account under*
23 *section 530 of such Code, shall not be treated as other*
24 *financial assistance for purposes of section 471(a)(3).*

1 “(3) Notwithstanding paragraph (1) and section
2 472, assistance not received under this title may be
3 excluded from both other financial assistance and cost
4 of attendance, if that assistance is provided by a
5 State and is designated by such State to offset a spe-
6 cific component of the cost of attendance. If that as-
7 sistance is excluded from either other financial assist-
8 ance or cost of attendance, it shall be excluded from
9 both.

10 “(4) Notwithstanding paragraph (1), payments
11 made and services provided under part E of title IV
12 of the Social Security Act to or on behalf of any child
13 or youth over whom the State agency has responsi-
14 bility for placement, care, or supervision, including
15 the value of vouchers for education and training and
16 amounts expended for room and board for youth who
17 are not in foster care but are receiving services under
18 section 477 of such Act, shall not be treated as other
19 financial assistance for purposes of section 471(a)(3).

20 “(5) Notwithstanding paragraph (1), emergency
21 financial assistance provided to the student for unex-
22 pected expenses that are a component of the student’s
23 cost of attendance, and not otherwise considered when
24 the determination of the student’s need is made, shall

1 *not be treated as other financial assistance for pur-*
2 *poses of section 471(a)(3).*

3 “(j) *DEPENDENTS.*—

4 “(1) *Except as otherwise provided, the term ‘de-*
5 *pendent of the parent’ means the student who is*
6 *deemed to be a dependent student when applying for*
7 *aid under this title, and any other person who lives*
8 *with and receives more than one-half of their support*
9 *from the parent (or parents) and will continue to re-*
10 *ceive more than half of their support from the parent*
11 *(or parents) during the award year.*

12 “(2) *Except as otherwise provided, the term ‘de-*
13 *pendent of the student’ means the student’s dependent*
14 *children and other persons (except the student’s*
15 *spouse) who live with and receive more than one-half*
16 *of their support from the student and will continue*
17 *to receive more than half of their support from the*
18 *student during the award year.*

19 “(k) *FAMILY SIZE.*—

20 “(1) *DEPENDENT STUDENT.*—*Except as provided*
21 *in paragraph (3), in determining family size in the*
22 *case of a dependent student—*

23 “(A) *if the parents are not divorced or sepa-*
24 *rated, family members include the student’s par-*
25 *ents, and any dependent (within the meaning of*

1 *section 152 of the Internal Revenue Code of 1986*
2 *or an eligible individual for purposes of the cred-*
3 *it under section 24 of the Internal Revenue Code*
4 *of 1986) of the student's parents for the taxable*
5 *year used in determining the amount of need of*
6 *the student for financial assistance under this*
7 *title;*

8 *“(B) if the parents are divorced or sepa-*
9 *rated, family members include the parent whose*
10 *income is included in computing available in-*
11 *come and any dependent (within the meaning of*
12 *section 152 of the Internal Revenue Code of 1986*
13 *or an eligible individual for purposes of the cred-*
14 *it under section 24 of the Internal Revenue Code*
15 *of 1986) of that parent for the taxable year used*
16 *in determining the amount of need of the student*
17 *for financial assistance under this title;*

18 *“(C) if the parents are divorced and the*
19 *parents whose income is so included are remar-*
20 *ried, or if the parent was a widow or widower*
21 *who has remarried, family members also include,*
22 *in addition to those individuals referred to in*
23 *subparagraph (B), the new spouse and any de-*
24 *pendent (within the meaning of section 152 of*
25 *the Internal Revenue Code of 1986 or an eligible*

1 *individual for purposes of the credit under sec-*
2 *tion 24 of the Internal Revenue Code of 1986) of*
3 *the new spouse for the taxable year used in deter-*
4 *mining the amount of need of the student for fi-*
5 *nancial assistance under this title, if that*
6 *spouse's income is included in determining the*
7 *parent's adjusted available income; and*

8 “(D) if the student is not considered as a
9 dependent (within the meaning of section 152 of
10 the Internal Revenue Code of 1986 or an eligible
11 individual for purposes of the credit under sec-
12 tion 24 of the Internal Revenue Code of 1986) of
13 any parent, the parents' family size shall include
14 the student and the family members applicable
15 to the parents' situation under subparagraph
16 (A), (B), or (C).

17 “(2) *INDEPENDENT STUDENT.*—*Except as pro-*
18 *vided in paragraph (3), in determining family size in*
19 *the case of an independent student—*

20 “(A) family members include the student,
21 the student's spouse, and any dependent (within
22 the meaning of section 152 of the Internal Rev-
23 enue Code of 1986 or an eligible individual for
24 purposes of the credit under section 24 of the In-
25 ternal Revenue Code of 1986) of that student for

1 *the taxable year used in determining the amount*
2 *of need of the student for financial assistance*
3 *under this title; and*

4 “(B) *if the student is divorced or separated,*
5 *family members do not include the spouse (or ex-*
6 *spouse), but do include the student and any de-*
7 *pendent (within the meaning of section 152 of*
8 *the Internal Revenue Code of 1986 or an eligible*
9 *individual for purposes of the credit under sec-*
10 *tion 24 of the Internal Revenue Code of 1986) of*
11 *that student for the taxable year used in deter-*
12 *mining the amount of need of the student for fi-*
13 *nancial assistance under this title.*

14 “(3) *PROCEDURES AND MODIFICATION.—The*
15 *Secretary shall provide procedures for determining*
16 *family size in cases in which information for the tax-*
17 *able year used in determining the amount of need of*
18 *the student for financial assistance under this title*
19 *has changed or does not accurately reflect the appli-*
20 *cant’s current household size, including when a di-*
21 *vorce settlement only allows a parent to file for the*
22 *Earned Income Tax Credit available under section 32*
23 *of the Internal Revenue Code of 1986.*

24 “(l) *BUSINESS ASSETS.—The term ‘business assets’*
25 *means property that is used in the operation of a trade*

1 *or business, including real estate, inventories, buildings,*
2 *machinery, and other equipment, patents, franchise rights,*
3 *and copyrights.*

4 “(m) *HOMELESS YOUTH.*—*The term ‘homeless youth’*
5 *has the meaning given the term ‘homeless children and*
6 *youths’ in section 725 of the McKinney-Vento Homeless As-*
7 *sistance Act (42 U.S.C. 11434a).*

8 “(n) *UNACCOMPANIED.*—*The terms ‘unaccompanied’,*
9 *‘unaccompanied youth’, or ‘unaccompanied homeless youth’*
10 *have the meaning given the term ‘unaccompanied youth’*
11 *in section 725 of the McKinney-Vento Homeless Assistance*
12 *Act (42 U.S.C. 11434a).”.*

13 (m) *FAFSA.*—

14 (1) *IN GENERAL.*—*Section 483 of the Higher*
15 *Education Act of 1965 (20 U.S.C. 1090) is amended*
16 *to read as follows:*

17 **“SEC. 483. FREE APPLICATION FOR FEDERAL STUDENT AID.**

18 “(a) *SIMPLIFIED APPLICATION FOR FEDERAL STU-*
19 *DENT FINANCIAL AID.*—

20 “(1) *IN GENERAL.*—*Each individual seeking to*
21 *apply for Federal financial aid under this title for*
22 *award year 2023–2024 and any subsequent award*
23 *year shall file a free application with the Secretary,*
24 *known as the ‘Free Application for Federal Student*
25 *Aid’, to determine eligibility for such aid, as de-*

1 *scribed in paragraph (2), and in accordance with sec-*
2 *tion 479.*

3 *“(2) FREE APPLICATION.—*

4 *“(A) IN GENERAL.—The Secretary shall*
5 *make available, for the purposes of paragraph*
6 *(1), a free application to determine the eligi-*
7 *bility of a student for Federal financial aid*
8 *under this title.*

9 *“(B) INFORMATION REQUIRED BY THE AP-*
10 *PLICANT.—*

11 *“(i) IN GENERAL.—The applicant,*
12 *and, if necessary, the parents or spouse of*
13 *the applicant, shall provide the Secretary*
14 *with the applicable information described*
15 *in clause (ii) in order to be eligible for Fed-*
16 *eral financial aid under this title.*

17 *“(ii) INFORMATION TO BE PRO-*
18 *VIDED.—The information described in this*
19 *clause is the following:*

20 *“(I) Name.*

21 *“(II) Contact information, includ-*
22 *ing address, phone number, email ad-*
23 *dress, or other electronic address.*

24 *“(III) Social security number.*

25 *“(IV) Date of birth.*

1 “(V) *Marital status.*

2 “(VI) *Citizenship status, includ-*
3 *ing alien registration number, if appli-*
4 *cable.*

5 “(VII) *Sex.*

6 “(VIII) *Race or ethnicity, using*
7 *categories developed in consultation*
8 *with the Bureau of the Census and the*
9 *Director of the Institute of Education*
10 *Sciences that, to the greatest extent*
11 *practicable, separately capture the ra-*
12 *cial groups specified in the American*
13 *Community Survey of the Bureau of*
14 *the Census.*

15 “(IX) *State of legal residence and*
16 *date of residency.*

17 “(X) *The following information*
18 *on secondary school completion:*

19 “(aa) *Name and location of*
20 *the high school from which the ap-*
21 *plicant received, or will receive*
22 *prior to the period of enrollment*
23 *for which aid is sought, a regular*
24 *high school diploma;*

1 “(bb) name and location of
2 the entity from which the appli-
3 cant received, or will receive prior
4 to the period of enrollment for
5 which aid is sought, a recognized
6 equivalent of a regular high school
7 diploma; or

8 “(cc) if the applicant com-
9 pleted or will complete prior to
10 the period of enrollment for which
11 aid is sought, a secondary school
12 education in a home school setting
13 that is treated as a home school or
14 private school under State law.

15 “(XI) Name of each institution
16 where the applicant intends to apply
17 for enrollment or continue enrollment.

18 “(XII) Year in school for period of
19 enrollment for which aid is sought, in-
20 cluding whether applicant will have
21 finished first bachelor’s degree prior to
22 the period of enrollment for which aid
23 is sought.

24 “(XIII) Whether one or both of the
25 applicant’s parents attended college.

1 “(XIV) *Any required asset infor-*
2 *mation, unless exempt under section*
3 *479, in which the applicant shall indi-*
4 *cate—*

5 “(aa) *the annual amount of*
6 *child support received, if applica-*
7 *ble; and*

8 “(bb) *all required asset infor-*
9 *mation not described in item (aa).*

10 “(XV) *The number of members of*
11 *the applicant’s family who will also be*
12 *enrolled in an eligible institution of*
13 *higher education on at least a half-*
14 *time basis during the same enrollment*
15 *period as the applicant.*

16 “(XVI) *If the applicant meets any*
17 *of the following designations:*

18 “(aa) *Is an unaccompanied*
19 *homeless youth, or is unaccom-*
20 *panied, at risk of homelessness,*
21 *and self-supporting.*

22 “(bb) *Is an emancipated*
23 *minor.*

24 “(cc) *Is in legal guardian-*
25 *ship.*

1 “(dd) *Has been a dependent*
2 *ward of the court at any time*
3 *since the applicant turned 13.*

4 “(ee) *Has been in foster care*
5 *at any time since the applicant*
6 *turned 13.*

7 “(ff) *Both parents have died*
8 *since the applicant turned 13.*

9 “(gg) *Is a veteran of the*
10 *Armed Forces of the United States*
11 *or is serving (on the date of the*
12 *application) on active duty in the*
13 *Armed Forces for other than*
14 *training purposes.*

15 “(hh) *Is under the age of 24*
16 *and has a dependent child or rel-*
17 *ative.*

18 “(ii) *Does not have access to*
19 *parental information due to an*
20 *unusual circumstance described in*
21 *section 480(d)(9).*

22 “(XVII) *If the applicant receives*
23 *or has received any of the following*
24 *means-tested Federal benefits within*
25 *the last two years:*

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“(aa) *The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).*

“(bb) *The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), a nutrition assistance program carried out under section 19 of such Act (7 U.S.C. 2028), or a supplemental nutrition assistance program carried out under section 3(c) of the Act entitled ‘An Act to authorize appropriations for certain insular areas of the United States, and for other purposes’ (Public Law 95–348).*

“(cc) *The free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).*

“(dd) *The program of block grants for States for temporary*

1 *assistance for needy families es-*
2 *tablished under part A of title IV*
3 *of the Social Security Act (42*
4 *U.S.C. 601 et seq.).*

5 *“(ee) The special supple-*
6 *mental nutrition program for*
7 *women, infants, and children es-*
8 *tablished by section 17 of the*
9 *Child Nutrition Act of 1966 (42*
10 *U.S.C. 1786).*

11 *“(ff) The Medicaid program*
12 *under title XIX of the Social Se-*
13 *curity Act (42 U.S.C. 1396 et*
14 *seq.).*

15 *“(gg) Federal housing assist-*
16 *ance programs, including tenant-*
17 *based assistance under section*
18 *8(o) of the United States Housing*
19 *Act of 1937 (42 U.S.C. 1437f(o)),*
20 *and public housing, as defined in*
21 *section 3(b)(1) of such Act (42*
22 *U.S.C. 1437a(b)(1)).*

23 *“(hh) Refundable credit for*
24 *coverage under a qualified health*

1 *plan under section 36B of the In-*
2 *ternal Revenue Code of 1986.*

3 *“(i) The Earned Income*
4 *Tax Credit under section 32 of the*
5 *Internal Revenue Code of 1986.*

6 *“(j) Any other means-tested*
7 *program determined by the Sec-*
8 *retary to be appropriate.*

9 *“(XVIII) If the applicant, or, if*
10 *necessary, the parents or spouse of the*
11 *applicant, reported receiving tax ex-*
12 *empt payments from an individual re-*
13 *irement plan (as defined in section*
14 *7701 of the Internal Revenue Code of*
15 *1986) distribution or from pensions or*
16 *annuities on a Federal tax return, in-*
17 *formation as to how much of the indi-*
18 *vidual retirement plan distribution or*
19 *pension or annuity disbursement was*
20 *a qualified rollover.*

21 *“(XIX) If the applicant, or, if*
22 *necessary, the parents or spouse of the*
23 *applicant, reported receiving foreign*
24 *income that is exempt from Federal*
25 *taxation or for which a permanent*

1 *resident of the United States or United*
2 *States citizen receives a foreign tax*
3 *credit, information regarding the*
4 *amount of such foreign income.*

5 “(XX) *If the applicant, or, if ap-*
6 *plicable, the parents or spouse of the*
7 *applicant, elects to report receiving col-*
8 *lege grant and scholarship aid included*
9 *in gross income on a Federal tax re-*
10 *turn described in section 480(e)(2), in-*
11 *formation regarding the amount of*
12 *such aid*

13 “(iii) *PROHIBITION AGAINST REQUEST-*
14 *ING INFORMATION MORE THAN ONCE.—Any*
15 *information requested during the process of*
16 *creating an account for completing the free*
17 *application under this subsection, shall, to*
18 *the fullest extent possible, not be required a*
19 *second time for the same award year, or in*
20 *a duplicative manner, when completing*
21 *such free application except in the case of*
22 *an unusual situation, such as a temporary*
23 *inability to access an account for com-*
24 *pleting such free application.*

1 “(iv) *CHANGE IN FAMILY SIZE.*—The
2 *Secretary shall provide a process by which*
3 *an applicant shall confirm the accuracy of*
4 *family size or update the family size with*
5 *respect to such applicant for purposes of de-*
6 *termining the need of such applicant for fi-*
7 *nancial assistance under this title based on*
8 *a change in family size from the tax year*
9 *data used for such determination.*

10 “(v) *SINGLE QUESTION FOR HOMELESS*
11 *STATUS.*—The *Secretary shall ensure that—*

12 “(I) *on the form developed under*
13 *this section for which the information*
14 *is applicable, there is a single, easily*
15 *understood screening question to iden-*
16 *tify an applicant who is an unaccom-*
17 *panied homeless youth or is unaccom-*
18 *panied, at risk of homelessness, and*
19 *self-supporting; and*

20 “(II) *such question is distinct*
21 *from those relating to an individual*
22 *who does not have access to parental*
23 *income due to an unusual cir-*
24 *cumstance.*

1 “(vi) *ADJUSTMENTS.*—*The Secretary*
2 *shall disclose on the FAFSA that the stu-*
3 *dent may, on a case-by-case basis, qualify*
4 *for an adjustment under section 479A to the*
5 *cost of attendance or the values of the data*
6 *items required to calculate the student’s eli-*
7 *gibility for a Federal Pell Grant or the stu-*
8 *dent aid index for the student or parent.*

9 “(C) *NOTIFICATION AND APPROVAL OF RE-*
10 *QUEST FOR TAX RETURN INFORMATION.*—*The*
11 *Secretary shall notify students and borrowers*
12 *who wish to submit an application for Federal*
13 *student financial aid under this title (as well as*
14 *parents and spouses who must sign such an ap-*
15 *plication or request or a Master Promissory Note*
16 *on behalf of those students and borrowers) of the*
17 *authority of the Secretary to require that such*
18 *persons affirmatively approve that the Internal*
19 *Revenue Service disclose their tax return infor-*
20 *mation as described in section 494.*

21 “(D) *AUTHORIZATIONS AVAILABLE TO THE*
22 *APPLICANT.*—

23 “(i) *AUTHORIZATION TO DISCLOSE*
24 *FAFSA INFORMATION, INCLUDING A RE-*
25 *DISCLOSURE OF TAX RETURN INFORMATION,*

1 *TO INSTITUTION, STATE HIGHER EDUCATION*
2 *AGENCY, AND DESIGNATED SCHOLARSHIP*
3 *ORGANIZATIONS.—An applicant and, if nec-*
4 *essary, the parents or spouse of the appli-*
5 *cant shall provide the Secretary with au-*
6 *thorization to disclose to an institution,*
7 *State higher education agency, and scholar-*
8 *ship organizations (designated (prior to the*
9 *date of enactment of the FUTURE Act*
10 *(Public Law 116–91)) by the Secretary*
11 *under section 483(a)(3)(E)) as in effect on*
12 *such date of enactment, as specified by the*
13 *applicant and in accordance with section*
14 *494, in order for the applicant’s eligibility*
15 *for Federal financial aid programs, State*
16 *financial aid programs, institutional finan-*
17 *cial aid programs, and scholarship pro-*
18 *grams at scholarship organizations (des-*
19 *ignated (prior to the date of enactment of*
20 *the FUTURE Act (Public Law 116–91)) by*
21 *the Secretary under section 483(a)(3)(E))*
22 *as in effect on such date of enactment, to be*
23 *determined, the following:*

1 “(I) Information described under
2 section 6103(l)(13) of the Internal Rev-
3 enue Code of 1986.

4 “(II) All information provided by
5 the applicant on the application de-
6 scribed by this subsection to determine
7 the applicant’s eligibility for Federal
8 financial aid under this title and for
9 the application, award, and adminis-
10 tration of such Federal financial aid,
11 except the name of an institution to
12 which an applicant selects to redisclose
13 information shall not be disclosed to
14 any other institution.

15 “(ii) AUTHORIZATION TO DISCLOSE TO
16 BENEFITS PROGRAMS.—An applicant and,
17 if necessary, the parents or spouse of the ap-
18 plicant may provide the Secretary with au-
19 thorization to disclose to applicable agencies
20 that handle applications for means-tested
21 Federal benefit programs, as defined in sec-
22 tion 479(b)(4)(H), all information provided
23 by the applicant on the application de-
24 scribed by this subsection as well as such
25 applicant’s student aid index and scheduled

1 *Federal Pell Grant award to assist in iden-*
2 *tification, outreach and application efforts*
3 *for the application, award, and administra-*
4 *tion of such means-tested Federal benefits*
5 *programs, except such information shall not*
6 *include Federal tax information as specified*
7 *in section 6103(l)(13)(C) of the Internal*
8 *Revenue Code of 1986.*

9 “(E) ACTION BY THE SECRETARY.—Upon
10 receiving—

11 “(i) an application under this section,
12 the Secretary shall, as soon as practicable,
13 perform the necessary functions with the
14 Commissioner of Internal Revenue to cal-
15 culate the applicant’s student aid index and
16 scheduled award for a Federal Pell Grant,
17 if applicable, assuming full-time enrollment
18 for an academic year, and note to the ap-
19 plicant the assumptions relationship to the
20 scheduled award; and

21 “(ii) an authorization under subpara-
22 graph (D), the Secretary shall, as soon as
23 practicable, disclose the information de-
24 scribed under such subparagraph, as speci-
25 fied by the applicant, in order for the appli-

1 *cant’s eligibility for Federal, State, or insti-*
2 *tutional student financial aid programs or*
3 *means-tested Federal benefit programs to be*
4 *estimated or determined.*

5 “(F) *WORK STUDY WAGES.*—*With respect to*
6 *an applicant who has received income earned*
7 *from work under part C of this title, the Sec-*
8 *retary shall take the steps necessary to collect in-*
9 *formation on the amount of such income for the*
10 *purposes of calculating such applicant’s student*
11 *aid index and scheduled award for a Federal*
12 *Pell Grant, if applicable, without adding addi-*
13 *tional questions to the FAFSA, including by col-*
14 *lecting such information from institutions of*
15 *higher education participating in work-study*
16 *programs under part C of this title.*

17 “(3) *INFORMATION TO BE SUPPLIED BY THE*
18 *SECRETARY OF EDUCATION.*—

19 “(A) *IN GENERAL.*—*Upon receiving and*
20 *timely processing a free application that con-*
21 *tains the information described in paragraph*
22 *(2), the Secretary shall provide to the applicant*
23 *the following information based on full-time at-*
24 *tendance for an academic year:*

1 “(i) *The estimated dollar amount of a*
2 *Federal Pell Grant scheduled award for*
3 *which the applicant is eligible for such*
4 *award year.*

5 “(ii) *Information on other types of*
6 *Federal financial aid for which the appli-*
7 *cant may be eligible (including situations*
8 *in which the applicant could qualify for*
9 *150 percent of a scheduled Federal Pell*
10 *Grant award and loans made under this*
11 *title) and how the applicant can find addi-*
12 *tional information regarding such aid.*

13 “(iii) *Consumer-tested information re-*
14 *garding each institution selected by the ap-*
15 *plicant in accordance with paragraph*
16 *(2)(B)(ii)(XI), which may include the fol-*
17 *lowing:*

18 “(I) *The following information, as*
19 *collected through the Integrated Post-*
20 *secondary Education Data System or*
21 *a successor Federal data system as des-*
22 *ignated by the Secretary:*

23 “(aa) *Net price by the in-*
24 *come categories, as described*
25 *under section 132(i)(6), and*

1 *disaggregated by undergraduate*
2 *and graduate programs, as appli-*
3 *cable.*

4 *“(bb) Graduation rate.*

5 *“(cc) Retention rate.*

6 *“(dd) Transfer rate, if avail-*
7 *able.*

8 *“(II) Median debt of students*
9 *upon completion.*

10 *“(III) Institutional default rate,*
11 *as calculated under section 435.*

12 *“(iv) If the student is eligible for a stu-*
13 *dent aid index of less than or equal to zero*
14 *under section 473, a notification of the Fed-*
15 *eral means-tested benefits that they have not*
16 *already indicated they receive, but for*
17 *which they may be eligible, and relevant*
18 *links and information on how to apply for*
19 *such benefits.*

20 *“(v) Information on education tax ben-*
21 *efits described in paragraphs (1) and (2) of*
22 *section 25A(a) of the Internal Revenue Code*
23 *of 1986 or other applicable education tax*
24 *benefits determined in consultation with the*
25 *Secretary of the Treasury.*

1 “(vi) *If the individual identified as a*
2 *veteran, or as serving (on the date of the*
3 *application) on active duty in the Armed*
4 *Forces for other than training purposes, in-*
5 *formation on benefits administered by the*
6 *Department of Veteran Affairs or Depart-*
7 *ment of Defense, respectively.*

8 “(vii) *If applicable, the applicant’s*
9 *current outstanding balance of loans under*
10 *this title.*

11 “(B) *INFORMATION PROVIDED TO THE*
12 *STATE.—*

13 “(i) *IN GENERAL.—The Secretary shall*
14 *redisclose, with authorization from the ap-*
15 *plicant in accordance with paragraph*
16 *(2)(D)(i), to a State higher education agen-*
17 *cy administering State-based financial aid*
18 *and serving the applicant’s State of resi-*
19 *dence, the information described under sec-*
20 *tion 6103(l)(13) of the Internal Revenue*
21 *Code of 1986 and information described in*
22 *paragraph (2)(B) for the application,*
23 *award, and administration of grants and*
24 *other student financial aid provided di-*
25 *rectly from the State to be determined by*

1 *such State. Such information shall include*
2 *the list of institutions provided by the ap-*
3 *plicant on the application.*

4 “(ii) *USE OF INFORMATION.—A State*
5 *agency administering State-based financial*
6 *aid—*

7 “(I) *shall use the information pro-*
8 *vided under clause (i) solely for the ap-*
9 *plication, award, and administration*
10 *of State-based financial aid for which*
11 *the applicant is eligible;*

12 “(II) *may use the information, ex-*
13 *cept for the information described*
14 *under section 6103(l)(13) of the Inter-*
15 *nal Revenue Code of 1986, for State*
16 *agency research that does not release*
17 *any individually identifiable informa-*
18 *tion on any applicant to promote col-*
19 *lege attendance, persistence, and com-*
20 *pletion;*

21 “(III) *may use identifying infor-*
22 *mation provided by student applicants*
23 *on the FAFSA to determine whether or*
24 *not a graduating secondary student*
25 *has filed the application in coordina-*

1 *tion with local educational agencies or*
2 *secondary schools to encourage students*
3 *to complete the application; and*

4 *“(IV) may share the application*
5 *information, excluding the information*
6 *described under section 6103(l)(13) of*
7 *the Internal Revenue Code of 1986,*
8 *with any other entity, only if such ap-*
9 *plicant provides explicit written con-*
10 *sent of the applicant, except as pro-*
11 *vided in subclause (III).*

12 *“(iii) LIMITATION ON CONSENT PROC-*
13 *ESS.—A State may provide a consent proc-*
14 *ess whereby an applicant may elect to share*
15 *the information described in clause (i), ex-*
16 *cept for the information described in section*
17 *6103(l)(13) of the Internal Revenue Code of*
18 *1986, through explicit written consent to*
19 *Federal, State, or local government agencies*
20 *or tribal organizations to assist such appli-*
21 *cant in applying for and receiving Federal,*
22 *State, or local government assistance, or*
23 *tribal assistance for any component of the*
24 *applicant’s cost of attendance that may in-*

1 *clude financial assistance or non-monetary*
2 *assistance.*

3 “(iv) *PROHIBITION.—Any entity that*
4 *receives applicant information under clause*
5 *(iii) shall not sell, share, or otherwise use*
6 *applicant information other than for the*
7 *purposes outlined in clause (iii).*

8 “(C) *USE OF INFORMATION PROVIDED TO*
9 *THE INSTITUTION.—An institution—*

10 “(i) *shall use the information provided*
11 *to it solely for the application, award, and*
12 *administration of financial aid to the ap-*
13 *plicant;*

14 “(ii) *may use the information pro-*
15 *vided, excluding the information described*
16 *under section 6013(l)(13) of the Internal*
17 *Revenue Code of 1986, for research that does*
18 *not release any individually identifiable in-*
19 *formation on any applicant, to promote col-*
20 *lege attendance, persistence, and completion;*
21 *and*

22 “(iii) *shall not share such educational*
23 *record information with any other entity*
24 *without the explicit written consent of the*
25 *applicant.*

1 “(D) *PROHIBITION.*—Any entity that re-
2 ceives applicant information under subpara-
3 graph (C)(iii) shall not sell, share, or otherwise
4 use applicant information other than for the
5 purposes outlined in subparagraph (C).

6 “(E) *FAFSA INFORMATION THAT INCLUDES*
7 *TAX RETURN INFORMATION.*—An applicant’s
8 *FAFSA* information that includes return or re-
9 turn information as described in section
10 6103(l)(13) of the Internal Revenue Code of 1986
11 may be disclosed or redisclosed (which shall in-
12 clude obtaining, sharing, or discussing such in-
13 formation) only in accordance with the proce-
14 dures described in section 494.

15 “(4) *DEVELOPMENT OF FORM AND INFORMATION*
16 *EXCHANGE.*—Prior to the design of the free applica-
17 tion under this subsection, the Secretary shall, to the
18 maximum extent practicable, on an annual basis—

19 “(A) consult with stakeholders to gather in-
20 formation about innovations and technology
21 available to—

22 “(i) ensure an efficient and effective
23 process;

24 “(ii) mitigate unintended consequences;
25 and

1 “(iii) *determine the best practices for*
2 *outreach to students and families during the*
3 *transition to the streamlined process for the*
4 *determination of Federal financial aid and*
5 *Federal Pell Grant eligibility while reduc-*
6 *ing the data burden on applicants and fam-*
7 *ilies; and*

8 “(B) *solicit public comments for the format*
9 *of the free application that provides for adequate*
10 *time to incorporate feedback prior to develop-*
11 *ment of the application for the succeeding award*
12 *year.*

13 “(5) *NO ADDITIONAL INFORMATION REQUESTS*
14 *PERMITTED.—In carrying out this subsection, the*
15 *Secretary may not require additional information to*
16 *be submitted by an applicant (or the parents or*
17 *spouse of an applicant) for Federal financial aid*
18 *through other requirements or reporting, except as re-*
19 *quired under a process or procedure exercised in ac-*
20 *cordance with the authority under section 479A.*

21 “(6) *STATE-RUN PROGRAMS.—*

22 “(A) *IN GENERAL.—The Secretary shall*
23 *conduct outreach to States in order to research*
24 *the benefits to students of States relying solely on*
25 *the student aid index, scheduled Pell Grant*

1 *Award, or the financial data made available,*
2 *upon authorization by the applicant, as a result*
3 *of an application for aid under this subsection*
4 *for determining the eligibility of the applicant*
5 *for State provided financial aid.*

6 “(B) *SECRETARIAL REVIEW.*—*If a State de-*
7 *termines that there is a need for additional data*
8 *elements beyond those provided pursuant to this*
9 *subsection for determining the eligibility of an*
10 *applicant for State provided financial aid, the*
11 *State shall forward a list of those additional*
12 *data elements determined necessary, but not pro-*
13 *vided by virtue of the application under this sub-*
14 *section, to the Secretary. The Secretary shall*
15 *make readily available to the public through the*
16 *Department’s websites and other means—*

17 “(i) *a list of States that do not require*
18 *additional financial information separate*
19 *from the Free Application for Federal Stu-*
20 *dent Aid and do not require asset informa-*
21 *tion from students who qualify for the ex-*
22 *emption from asset reporting under section*
23 *479 for the purposes of awarding State*
24 *scholarships and grant aid;*

1 “(ii) a list of States that require asset
2 information from students who qualify for
3 the exemption from asset reporting under
4 section 479 for the purposes of awarding
5 State scholarships and grant aid;

6 “(iii) a list of States that have indi-
7 cated that they require additional financial
8 information separate from the Free Appli-
9 cation for Federal Student Aid for purposes
10 of awarding State scholarships and grant
11 aid; and

12 “(iv) with the publication of the lists
13 under this subparagraph, information about
14 additional resources available to applicants,
15 including links to such State websites.

16 “(7) INSTITUTION-RUN FINANCIAL AID.—

17 “(A) IN GENERAL.—The Secretary shall
18 conduct outreach to institutions of higher edu-
19 cation to describe the benefits to students of rely-
20 ing solely on the student aid index, scheduled
21 Pell Grant Award, or the financial data made
22 available, upon authorization for release by the
23 applicant, as a result of an application for aid
24 under this subsection for determining the eligi-
25 bility of the applicant for institutional financial

1 *aid. The Secretary shall make readily available*
2 *to the public through its websites and other*
3 *means—*

4 “(i) *a list of institutions that do not*
5 *require additional financial information*
6 *separate from the Free Application for Fed-*
7 *eral Student Aid and do not require asset*
8 *information from students who qualify for*
9 *the exemption from asset reporting under*
10 *section 479 for the purpose of awarding in-*
11 *stitution-run financial aid;*

12 “(ii) *a list of institutions that require*
13 *asset information from students who qualify*
14 *for the exemption from asset reporting*
15 *under section 479 for the purpose of award-*
16 *ing institution-run financial aid;*

17 “(iii) *a list of institutions that require*
18 *additional financial information separate*
19 *from the Free Application for Federal Stu-*
20 *dent Aid for the purpose of awarding insti-*
21 *tution-run financial aid; and*

22 “(iv) *with the publication of the list in*
23 *clause (iii), information about additional*
24 *resources available to applicants.*

1 “(8) *SECURITY OF DATA.*—*The Secretary shall,*
2 *in consultation with the Secretary of the Treasury—*

3 “(A) *take all necessary steps to safeguard*
4 *the data required to be transmitted for the pur-*
5 *pose of this section between Federal agencies and*
6 *to States and institutions of higher education*
7 *and secure the transmittal of such data;*

8 “(B) *provide guidance to States and insti-*
9 *tutions of higher education regarding their obli-*
10 *gation to ensure the security of the data provided*
11 *under this section and section 6103 of the Inter-*
12 *nal Revenue Code of 1986; and*

13 “(C) *provide guidance on the implementa-*
14 *tion of section 6103 of the Internal Revenue Code*
15 *of 1986, including how it intersects with the pro-*
16 *visions of section 444 of the General Education*
17 *Provisions Act (commonly known as the ‘Family*
18 *Educational Rights and Privacy Act of 1974’),*
19 *and any additional consent processes that may*
20 *be available to applicants in accordance with the*
21 *Internal Revenue Code of 1986 regarding shar-*
22 *ing of Federal tax information.*

23 “(9) *REPORT TO CONGRESS.*—

24 “(A) *IN GENERAL.*—*Not later than 1 year*
25 *after the date of enactment of the FAFSA Sim-*

1 *plification Act, the Secretary shall report to the*
2 *authorizing committees on the progress of the*
3 *Secretary in carrying out this subsection, includ-*
4 *ing planning and stakeholder consultation. Such*
5 *report shall include—*

6 *“(i) benchmarks for implementation;*

7 *“(ii) entities and organizations that*
8 *the Secretary consulted;*

9 *“(iii) system requirements for such im-*
10 *plementation and how they will be ad-*
11 *dressed;*

12 *“(iv) any areas of concern and poten-*
13 *tial problem issues uncovered that may*
14 *hamper such implementation; and*

15 *“(v) solutions determined to address*
16 *such issues.*

17 *“(B) UPDATES.—The Secretary shall pro-*
18 *vide updates to the authorizing committees—*

19 *“(i) as to the progress and planning*
20 *described in subparagraph (A) prior to im-*
21 *plementation of the revisions to the Free*
22 *Application for Federal Student Aid under*
23 *this subsection not less often than quarterly;*
24 *and*

1 “(i) *at least 6 months and 1 year*
2 *after implementation of the revisions to the*
3 *Free Application for Federal Student Aid.*

4 “(b) *ADJUSTMENTS AND IMPROVEMENTS.—*

5 “(1) *IN GENERAL.—The Secretary shall disclose*
6 *in a consumer-tested format, upon completion of the*
7 *Free Application for Federal Student Aid under this*
8 *section, that the student may, on a case-by-case basis,*
9 *qualify for an adjustment under section 479A to the*
10 *cost of attendance or the values of the data items re-*
11 *quired to calculate the Federal Pell Grant or the need*
12 *analysis for the student or parent. Such disclosure*
13 *shall specify—*

14 “(A) *examples of the special circumstances*
15 *under which a student or family member may*
16 *qualify for such adjustment or determination of*
17 *independence; and*

18 “(B) *additional information regarding the*
19 *steps a student or family member may take in*
20 *order to seek an adjustment under section 479A.*

21 “(2) *CONSUMER TESTING.—*

22 “(A) *IN GENERAL.—Not later than 9*
23 *months after the date of enactment of the FAFSA*
24 *Simplification Act, the Secretary shall begin*
25 *consumer testing the design of the Free Applica-*

1 *tion for Federal Student Aid under this section*
2 *with prospective first-generation college students,*
3 *representatives of students (including low-income*
4 *students, English learners, first-generation col-*
5 *lege students, adult students, veterans,*
6 *servicemembers, and prospective students), stu-*
7 *dents' families (including low-income families,*
8 *families with English learners, families with*
9 *first-generation college students, and families*
10 *with prospective students), institutions of higher*
11 *education, secondary school and postsecondary*
12 *counselors, and nonprofit consumer groups.*

13 *“(B) UPDATES.—For award year 2023–*
14 *2024 and at least each fourth succeeding award*
15 *year thereafter, the Secretary shall update the*
16 *design of the Free Application for Federal Stu-*
17 *dent Aid based on additional consumer testing*
18 *with the populations described in subparagraph*
19 *(A) in order to improve the usability and acces-*
20 *sibility of the application.*

21 *“(3) ACCESSIBILITY OF THE FAFSA.—The Sec-*
22 *retary shall—*

23 *“(A) in conjunction with the Bureau of the*
24 *Census, determine the most common languages*

1 *spoken by English learner students and their*
2 *parents in the United States;*

3 *“(B) develop and make publicly available*
4 *versions of the Free Application for Federal Stu-*
5 *dent Aid form in not fewer than 11 of the most*
6 *common languages determined under subpara-*
7 *graph (A) and make such versions available and*
8 *accessible to applicants in paper and electronic*
9 *formats; and*

10 *“(C) ensure that the Free Application for*
11 *Federal Student Aid is available in formats ac-*
12 *cessible to individuals with disabilities and com-*
13 *pliant with the most recent Web Content Accessi-*
14 *bility Guidelines, or successor guidelines.*

15 *“(4) REAPPLICATION IN A SUCCEEDING ACA-*
16 *DEMIC YEAR.—In order to streamline an applicant’s*
17 *experience in applying for financial aid, the Sec-*
18 *retary shall allow an applicant who electronically ap-*
19 *plies for financial assistance under this title for an*
20 *academic year subsequent to an academic year for*
21 *which such applicant applied for financial assistance*
22 *under this title to automatically electronically import*
23 *all of the applicant’s (including parents’, guardians’,*
24 *or spouses’, as applicable) identifying, demographic,*
25 *and school data from the previous application and to*

1 *update such information to reflect any circumstances*
2 *that have changed.*

3 “(5) *TECHNOLOGY ACCESSIBILITY.*—*The Sec-*
4 *retary shall make the application under this section*
5 *available through prevalent technology. Such tech-*
6 *nology shall, at a minimum, enable applicants to—*

7 “(A) *save data; and*

8 “(B) *submit the application under this title*
9 *to the Secretary through such technology.*

10 “(6) *VERIFICATION BURDEN.*—*The Secretary*
11 *shall—*

12 “(A) *to the maximum extent practicable,*
13 *streamline and simplify the process of*
14 *verification for applicants for Federal financial*
15 *aid;*

16 “(B) *in establishing policies and procedures*
17 *to verify applicants’ eligibility for Federal finan-*
18 *cial aid, consider—*

19 “(i) *the burden placed on low-income*
20 *applicants;*

21 “(ii) *the risk to low-income applicants*
22 *of failing to complete the application, enroll*
23 *in college, or complete a postsecondary cre-*
24 *dential as a result of being selected for*
25 *verification;*

1 “(iii) the effectiveness of the policies
2 and procedures in preventing overpayments;
3 and

4 “(iv) the reasons for the source of any
5 improper payments; and

6 “(C) issue a public report not less often
7 than annually that includes the number and per-
8 centage of applicants subject to verification,
9 whether the applicants ultimately received Fed-
10 eral financial aid disbursements, the extent to
11 which the student aid index changed for such ap-
12 plicants as a result of verification, and the ex-
13 tent to which such applicants’ eligibility for Fed-
14 eral financial aid under this title changed.

15 “(7) STUDIES.—The Secretary shall periodically
16 conduct studies on—

17 “(A) whether the Free Application for Fed-
18 eral Student Aid is a barrier to college enroll-
19 ment by examining—

20 “(i) the effect of States requiring addi-
21 tional information specified in clauses (ii)
22 and (iii) of subsection (a)(6)(B) on the de-
23 termination of State financial aid awards,
24 including—

1 “(I) *how much financial aid*
2 *awards would change if the additional*
3 *information were not required; and*

4 “(II) *the number of students who*
5 *started but did not finish the Free Ap-*
6 *plication for Federal Student Aid,*
7 *compared to the baseline year of 2021;*
8 *and*

9 “(ii) *the number of students who—*

10 “(I) *started a Free Application*
11 *for Federal Student Aid but did not re-*
12 *ceive financial assistance under this*
13 *title for the applicable academic year;*
14 *and*

15 “(II) *if available, did not enroll*
16 *in an institution of higher education*
17 *in the applicable academic year;*

18 “(B) *the most common barriers faced by ap-*
19 *plicants in completing the Free Application for*
20 *Federal Student Aid; and*

21 “(C) *the most common reasons that students*
22 *and families do not fill out the Free Applications*
23 *for Federal Student Aid.*

24 “(c) *DATA AND INFORMATION.—*

1 “(1) *IN GENERAL.*—*The Secretary shall publish*
2 *data in a publicly accessible manner—*

3 “(A) *annually on the total number of Free*
4 *Applications for Federal Student Aid submitted*
5 *by application cycle, disaggregated by demo-*
6 *graphic characteristics, type of institution or in-*
7 *stitutions of higher education to which the appli-*
8 *cant applied, the applicant’s State of legal resi-*
9 *dence, and high school and public school district;*

10 “(B) *quarterly on the total number of Free*
11 *Applications for Federal Student Aid submitted*
12 *by application cycle, disaggregated by type of in-*
13 *stitution or institutions of higher education to*
14 *which the applicant applied, the applicant’s*
15 *State of legal residence, and high school and*
16 *public school district;*

17 “(C) *weekly on the total number of Free Ap-*
18 *plications for Federal Student Aid submitted,*
19 *disaggregated by high school and public school*
20 *district; and*

21 “(D) *annually on the number of individuals*
22 *who apply for federal financial aid pursuant to*
23 *this section who indicated that they are—*

1 “(i) *an unaccompanied homeless youth*
2 *or unaccompanied, at risk of homelessness,*
3 *and self-supporting; or*

4 “(ii) *a foster care youth.*

5 “(2) *CONTENTS.—The data described in para-*
6 *graph (1)(D) with respect to homeless youth shall in-*
7 *clude, at a minimum, for each application cycle—*

8 “(A) *the total number of all applicants who*
9 *were determined to be individuals described in*
10 *section 480(d)(8); and*

11 “(B) *the number of applicants described in*
12 *subparagraph (A), disaggregated—*

13 “(i) *by State; and*

14 “(ii) *by the sources of determination as*
15 *described in section 479D(b).*

16 “(3) *DATA SHARING.—The Secretary may enter*
17 *into data sharing agreements with the appropriate*
18 *Federal or State agencies to conduct outreach regard-*
19 *ing, and connect applicants directly with, the means-*
20 *tested Federal benefit programs described in sub-*
21 *section (a)(2)(B)(ii)(XVII) for which the applicants*
22 *may be eligible.*

23 “(d) *ENSURING FORM USABILITY.—*

24 “(1) *SIGNATURE.—Notwithstanding any other*
25 *provision of this title, the Secretary may permit the*

1 *Free Application for Federal Student Aid to be sub-*
2 *mitted without a signature, if a signature is subse-*
3 *quently submitted by the applicant, or if the appli-*
4 *cant uses an access device provided by the Secretary.*

5 “(2) *FREE PREPARATION AUTHORIZED.—Not-*
6 *withstanding any other provision of this title, an ap-*
7 *plicant may use a preparer for consultative or prepa-*
8 *ration services for the completion of the Free Applica-*
9 *tion for Federal Student Aid without charging a fee*
10 *to the applicant if the preparer—*

11 “(A) *includes, at the time the application is*
12 *submitted to the Department, the name, address*
13 *or employer’s address, social security number or*
14 *employer identification number, and organiza-*
15 *tional affiliation of the preparer on the appli-*
16 *cant’s form;*

17 “(B) *is subject to the same penalties as an*
18 *applicant for purposely giving false or mis-*
19 *leading information in the application;*

20 “(C) *clearly informs each individual upon*
21 *initial contact, that the Free Application for*
22 *Federal Student Aid is a free form that may be*
23 *completed without professional assistance; and*

24 “(D) *does not produce, use, or disseminate*
25 *any other form for the purpose of applying for*

1 *Federal financial aid other than the Free Appli-*
2 *cation for Federal Student Aid developed by the*
3 *Secretary under this section.*

4 “(3) *CHARGES TO STUDENTS AND PARENTS FOR*
5 *USE OF FORMS PROHIBITED.—The need for and eligi-*
6 *bility of a student for financial assistance under this*
7 *title may be determined only by using the Free Appli-*
8 *cation for Federal Student Aid developed by the Sec-*
9 *retary under this section. Such application shall be*
10 *produced, distributed, and processed by the Secretary,*
11 *and no parent or student shall be charged a fee by the*
12 *Secretary, a contractor, a third-party servicer or pri-*
13 *vate software provider, or any other public or private*
14 *entity for the collection, processing, or delivery of*
15 *Federal financial aid through the use of such applica-*
16 *tion. No data collected on a form for which a fee is*
17 *charged shall be used to complete the Free Application*
18 *for Federal Student Aid prescribed under this section,*
19 *except that a Federal or State income tax form pre-*
20 *pared by a paid income tax preparer or preparer*
21 *service for the primary purpose of filing a Federal or*
22 *State income tax return may be used to complete the*
23 *Free Application for Federal Student Aid prescribed*
24 *under this section.*

1 “(4) *APPLICATION PROCESSING CYCLE.*—The
2 *Secretary shall enable applicants to submit a Free*
3 *Application for Federal Student Aid developed under*
4 *this section and initiate the processing of such appli-*
5 *cation, not later than January 1 of the applicant’s*
6 *planned year of enrollment, to the maximum extent*
7 *practicable, on or around October 1 prior to the ap-*
8 *plicant’s planned year of enrollment.*

9 “(5) *EARLY ESTIMATES.*—The *Secretary shall*
10 *maintain an electronic method for applicants to enter*
11 *income and family size information to calculate a*
12 *non-binding estimate of the applicant’s Federal fi-*
13 *nancial aid available under this title and shall place*
14 *such calculator on a prominent location at the begin-*
15 *ning of the Free Application for Federal Student Aid.*

16 “(6) *ADDITIONAL FORMS.*—*Notwithstanding any*
17 *other provision of this title, an institution may not*
18 *condition the packaging or receipt of Federal finan-*
19 *cial aid on the completion of additional requests for*
20 *financial information beyond the Free Application for*
21 *Federal Student Aid, unless such information is re-*
22 *quired for verification, a determination of independ-*
23 *ence, or professional judgement.”.*

24 “(2) *REPORTS.*—*Notwithstanding section 701(b)*
25 *of this title, the Secretary of Education shall have the*

1 *authority to issue reports and begin consumer testing*
2 *prior to July 1, 2023, as provided in the amendment*
3 *made by paragraph (1).*

4 *(n) STUDENT ELIGIBILITY.—*

5 *(1) AMENDMENTS.—*

6 *(A) IN GENERAL.—Section 484 of the High-*
7 *er Education Act of 1965 (20 U.S.C. 1091) is*
8 *amended—*

9 *(i) by striking subsections (n) and (r);*

10 *(ii) by redesignating subsections (o),*
11 *(p), (s), and (t), as subsections (n), (o), (q),*
12 *and (r), respectively;*

13 *(iii) by inserting between subsections*
14 *(o) and (q), as redesignated under clause*
15 *(i), the following:*

16 *“(p) USE OF INCOME DATA WITH IRS.—The Sec-*
17 *retary, in cooperation with the Secretary of the Treasury,*
18 *shall fulfill the data transfer requirements under section*
19 *6103(l)(13) of the Internal Revenue Code of 1986 and the*
20 *procedure and requirements outlined in section 494.”; and*

21 *(iv) by adding at the end the following:*

22 *“(s) EXCEPTION TO REQUIRED REGISTRATION WITH*
23 *THE SELECTIVE SERVICE SYSTEM.—Notwithstanding sec-*
24 *tion 12(f) of the Military Selective Service Act (50 U.S.C.*
25 *3811(f)), an individual shall not be ineligible for assistance*

1 *or a benefit provided under this title if the individual is*
2 *required under section 3 of such Act (50 U.S.C. 3802) to*
3 *present himself for and submit to registration under such*
4 *section and fails to do so in accordance with any proclama-*
5 *tion issued under such section, or in accordance with any*
6 *rule or regulation issued under such section.*

7 “(t) *CONFINED OR INCARCERATED INDIVIDUALS.*—

8 “(1) *DEFINITIONS.*—*In this subsection:*

9 “(A) *CONFINED OR INCARCERATED INDI-*
10 *VIDUAL.*—*The term ‘confined or incarcerated in-*
11 *dividual’—*

12 “(i) *means an individual who is serv-*
13 *ing a criminal sentence in a Federal, State,*
14 *or local penal institution, prison, jail, re-*
15 *formatory, work farm, or other similar cor-*
16 *rectional institution; and*

17 “(ii) *does not include an individual*
18 *who is in a halfway house or home deten-*
19 *tion or is sentenced to serve only weekends.*

20 “(B) *PRISON EDUCATION PROGRAM.*—*The*
21 *term ‘prison education program’ means an edu-*
22 *cation or training program that—*

23 “(i) *is an eligible program under this*
24 *title offered by an institution of higher edu-*

1 *cation (as defined in section 101 or*
2 *102(a)(1)(B));*

3 *“(ii) is offered by an institution that*
4 *has been approved to operate in a correc-*
5 *tional facility by the appropriate State de-*
6 *partment of corrections or other entity that*
7 *is responsible for overseeing correctional fa-*
8 *cilities, or by the Bureau of Prisons;*

9 *“(iii) has been determined by the ap-*
10 *propriate State department of corrections or*
11 *other entity that is responsible for over-*
12 *seeing correctional facilities, or by the Bu-*
13 *reau of Prisons, to be operating in the best*
14 *interest of students, the determination of*
15 *which shall be made by the State depart-*
16 *ment of corrections or other entity or by the*
17 *Bureau of Prisons, respectively, and may be*
18 *based on—*

19 *“(I) rates of confined or incarcer-*
20 *ated individuals continuing their edu-*
21 *cation post-release;*

22 *“(II) job placement rates for such*
23 *individuals;*

24 *“(III) earnings for such individ-*
25 *uals;*

1 “(IV) rates of recidivism for such
2 individuals;

3 “(V) the experience, credentials,
4 and rates of turnover or departure of
5 instructors;

6 “(VI) the transferability of credits
7 for courses available to confined or in-
8 carcerated individuals and the appli-
9 cability of such credits toward related
10 degree or certificate programs; or

11 “(VII) offering relevant academic
12 and career advising services to partici-
13 pating confined or incarcerated indi-
14 viduals while they are confined or in-
15 carcerated, in advance of reentry, and
16 upon release;

17 “(iv) offers transferability of credits to
18 at least 1 institution of higher education (as
19 defined in section 101 or 102(a)(1)(B)) in
20 the State in which the correctional facility
21 is located, or, in the case of a Federal cor-
22 rectional facility, in the State in which
23 most of the individuals confined or incar-
24 cerated in such facility will reside upon re-
25 lease;

1 “(v) is offered by an institution that
2 has not been subject, during the 5 years pre-
3 ceding the date of the determination, to—

4 “(I) any suspension, emergency
5 action, or termination of programs
6 under this title;

7 “(II) any adverse action by the
8 institution’s accrediting agency or as-
9 sociation; or

10 “(III) any action by the State to
11 revoke a license or other authority to
12 operate;

13 “(vi) satisfies any applicable edu-
14 cational requirements for professional licen-
15 sure or certification, including licensure or
16 certification examinations needed to prac-
17 tice or find employment in the sectors or oc-
18 cupations for which the program prepares
19 the individual, in the State in which the
20 correctional facility is located or, in the
21 case of a Federal correctional facility, in the
22 State in which most of the individuals con-
23 fined or incarcerated in such facility will
24 reside upon release; and

1 “(vii) does not offer education that is
2 designed to lead to licensure or employment
3 for a specific job or occupation in the State
4 if such job or occupation typically involves
5 prohibitions on the licensure or employment
6 of formerly incarcerated individuals in the
7 State in which the correctional facility is
8 located, or, in the case of a Federal correc-
9 tional facility, in the State in which most
10 of the individuals confined or incarcerated
11 in such facility will reside upon release.

12 “(2) *TECHNICAL ASSISTANCE.*—*The Secretary,*
13 *in collaboration with the Attorney General, shall pro-*
14 *vide technical assistance and guidance to the Bureau*
15 *of Prisons, State departments of corrections, and*
16 *other entities that are responsible for overseeing cor-*
17 *rectional facilities in making determinations under*
18 *paragraph (1)(B)(iii).*

19 “(3) *FEDERAL PELL GRANT ELIGIBILITY.*—*Not-*
20 *withstanding subsection (a), in order for a confined*
21 *or incarcerated individual who otherwise meets the*
22 *eligibility requirements of this title to be eligible to re-*
23 *ceive a Federal Pell Grant under section 401, the in-*
24 *dividual shall be enrolled or accepted for enrollment*
25 *in a prison education program.*

1 “(4) *EVALUATION.*—

2 “(A) *IN GENERAL.*—Not later than 1 year
3 after the date of enactment of the *FAFSA Sim-*
4 *plification Act*, in order to evaluate and improve
5 the impact of activities supported under this sub-
6 section, the Secretary, in partnership with the
7 Director of the Institute of Education Sciences,
8 shall award 1 or more grants or contracts to, or
9 enter into cooperative agreements with, experi-
10 enced public and private institutions and orga-
11 nizations to enable the institutions and organi-
12 zations to conduct an external evaluation that
13 shall—

14 “(i) assess the ability of confined or in-
15 carcerated individuals to access and com-
16 plete the *Free Application for Federal Stu-*
17 *dent Aid*;

18 “(ii) examine in-custody outcomes and
19 post-release outcomes related to providing
20 *Federal Pell Grants* to confined or incarcer-
21 ated individuals, including—

22 “(I) attainment of a postsec-
23 ondary degree or credential;

24 “(II) safety in penal institutions
25 with prison education programs;

1 “(III) *the size of waiting lists for*
2 *prison education programs;*

3 “(IV) *the extent to which such in-*
4 *dividuals continue their education*
5 *post-release;*

6 “(V) *employment and earnings*
7 *outcomes for such individuals; and*

8 “(VI) *rates of recidivism for such*
9 *individuals;*

10 “(iii) *track individuals who received*
11 *Federal Pell Grants under subpart 1 of part*
12 *A at 1, 3, and 5 years after the individuals’*
13 *release from confinement or incarceration;*
14 *and*

15 “(iv) *examine the extent to which in-*
16 *stitutions provide re-entry or relevant ca-*
17 *reer services to participating confined or in-*
18 *carcerated individuals as part of the prison*
19 *education program and the efficacy of such*
20 *services, if offered.*

21 “(B) *REPORT.—Beginning not later than 1*
22 *year after the Secretary awards the grant, con-*
23 *tract, or cooperative agreement described in sub-*
24 *paragraph (A) and annually thereafter, each in-*
25 *stitution of higher education operating a prison*

1 *education program under this subsection shall*
2 *submit a report to the Secretary on activities as-*
3 *sisted and students served under this subsection,*
4 *which shall include the information, as applica-*
5 *ble, contained in clauses (i) through (iv) of sub-*
6 *paragraph (A).*

7 “(5) *REPORT.*—*Not later than 1 year after the*
8 *date of enactment of the FAFSA Simplification Act*
9 *and on at least an annual basis thereafter, the Sec-*
10 *retary shall submit to the authorizing committees,*
11 *and make publicly available on the website of the De-*
12 *partment, a report on the—*

13 “(A) *impact of this subsection which shall*
14 *include, at a minimum—*

15 “(i) *the names and types of institu-*
16 *tions of higher education offering prison*
17 *education programs at which confined or*
18 *incarcerated individuals are enrolled and*
19 *receiving Federal Pell Grants;*

20 “(ii) *the number of confined or incar-*
21 *cerated individuals receiving Federal Pell*
22 *Grants through each prison education pro-*
23 *gram;*

1 “(iii) the amount of Federal Pell
2 Grant expenditures for each prison edu-
3 cation program;

4 “(iv) the average amount of Federal
5 Pell Grant expenditures per full-time equiv-
6 alent students in a prison education pro-
7 gram compared to the average amount of
8 Federal Pell Grant expenditures per full-
9 time equivalent students not in prison edu-
10 cation programs;

11 “(v) the demographics of confined or
12 incarcerated individuals receiving Federal
13 Pell Grants;

14 “(vi) the cost of attendance for such in-
15 dividuals;

16 “(vii) the mode of instruction (such as
17 distance education, in-person instruction, or
18 a combination of such modes) for each pris-
19 on education program;

20 “(viii) information on the academic
21 outcomes of such individuals (such as cred-
22 its attempted and earned, and credential
23 and degree completion) and any informa-
24 tion available from student satisfaction sur-

1 *veys conducted by the applicable institution*
2 *or correctional facility;*

3 *“(ix) information on post-release out-*
4 *comes of such individuals, including, to the*
5 *extent practicable, continued postsecondary*
6 *enrollment, earnings, credit transfer, and*
7 *job placement;*

8 *“(x) rates of recidivism for confined or*
9 *incarcerated individuals receiving Federal*
10 *Pell Grants;*

11 *“(xi) information on transfers of con-*
12 *fined or incarcerated individuals between*
13 *prison education programs;*

14 *“(xii) the most common programs and*
15 *courses offered in prison education pro-*
16 *grams; and*

17 *“(xiii) rates of instructor turnover or*
18 *departure for courses offered in prison edu-*
19 *cation programs;*

20 *“(B) results of each prison education pro-*
21 *gram at each institution of higher education, in-*
22 *cluding the information described in clauses (ii)*
23 *through (xiii) of subparagraph (A); and*

24 *“(C) findings regarding best practices with*
25 *respect to prison education programs.”.*

1 (B) *CONFORMING AMENDMENT.*—Section
2 428B(f)(2) of the Higher Education Act of 1965
3 (20 U.S.C. 1078–2(f)(2)) is amended by striking
4 “section 484(p)” and inserting “section 484(o)”.

5 (C) *INSTITUTIONAL AND FINANCIAL ASSIST-*
6 *ANCE INFORMATION FOR STUDENTS.*—Section
7 485 of the Higher Education Act of 1965 (20
8 U.S.C. 1092) is amended by repealing subsection
9 (k).

10 (2) *EARLY EFFECTIVE DATE PERMITTED.*—Not-
11 withstanding section 701(b) of this Act, sections
12 401(b)(6) and 484(r) of the Higher Education Act of
13 1965 (20 U.S.C. 1070a(b)(6); 1091(r)) as in effect on
14 the date of enactment of this Act, and section 12(f) of
15 the Military Selective Service Act (50 U.S.C. 3811(f)),
16 the Secretary of Education may implement the
17 amendments made by paragraph (1) of this subsection
18 before (but not later than) July 1, 2023. The Sec-
19 retary shall specify in a designation on what date,
20 under what conditions, and for which award years
21 the Secretary will implement such amendments prior
22 to July 1, 2023. The Secretary shall publish any des-
23 ignation under this paragraph in the Federal Reg-
24 ister at least 60 days before implementation.

1 “(A) *IN GENERAL.*—*The method of esti-*
2 *inating eligibility described in paragraph (1)*
3 *shall be consumer tested with prospective first-*
4 *generation students and families as well as low-*
5 *income individuals and families.*

6 “(B) *UPDATES.*—*For award year 2023–*
7 *2024 and each fourth succeeding award year*
8 *thereafter, the design of the method of estimating*
9 *eligibility shall be updated based on additional*
10 *consumer testing with the populations described*
11 *in subparagraph (A).*

12 “(3) *DISTRIBUTION.*—*The method of estimating*
13 *eligibility described in paragraph (1) shall be—*

14 “(A) *made publicly and prominently avail-*
15 *able on the Department’s website; and*

16 “(B) *actively shared by the Secretary*
17 *with—*

18 “(i) *institutions of higher education*
19 *participating in programs under this title;*

20 “(ii) *all middle and secondary schools*
21 *eligible for funds under part A of title I of*
22 *the Elementary and Secondary Education*
23 *Act of 1965;*

24 “(iii) *local educational agencies and*
25 *middle schools and high schools that serve*

1 *students not less than 25 percent of whom*
2 *meet a measure of poverty as described in*
3 *section 1113(a)(5) of the Elementary and*
4 *Secondary Education Act of 1965; and*

5 *“(iv) agencies responsible for admin-*
6 *istering means-tested Federal benefit pro-*
7 *grams, as defined in section 479(b)(4)(H).*

8 *“(4) ELECTRONIC ESTIMATOR ON FAFSA.—In ac-*
9 *cordance with subsection (d)(5) of section 483, the*
10 *Secretary shall maintain an electronic method for ap-*
11 *plicants to enter income and family size, and level of*
12 *education sought information to calculate a non-bind-*
13 *ing estimate (which may include a range, ceiling, or*
14 *minimum) of the applicant’s Federal financial aid*
15 *available under this title and shall place such calcu-*
16 *lator on a prominent location on the FAFSA website*
17 *and in a manner that encourages students to fill out*
18 *the FAFSA.*

19 *“(c) EARLY AWARENESS PLANS.—The Secretary shall*
20 *establish and implement early awareness and outreach*
21 *plans to provide early information about the availability*
22 *of Federal financial aid and estimates of prospective stu-*
23 *dents’ eligibility for Federal financial aid as well as to pro-*
24 *mote the attainment of postsecondary education specifically*

1 *among prospective first-generation students and families as*
2 *well as low-income individuals and families, as follows:*

3 “(1) *OUTREACH PLANS FOR LOW-INCOME FAMI-*
4 *LIES.—*

5 “(A) *IN GENERAL.—The Secretary shall de-*
6 *velop plans for each population described in this*
7 *subparagraph to disseminate information about*
8 *the availability of Federal financial aid under*
9 *this title, in addition to and in coordination*
10 *with the distribution of the method of estimating*
11 *eligibility under subsection (b), to—*

12 “(i) *all middle schools and secondary*
13 *schools eligible for funds under part A of*
14 *title I of the Elementary and Secondary*
15 *Education Act of 1965;*

16 “(ii) *local educational agencies and*
17 *middle schools and high schools that serve*
18 *students not less than 25 percent of whom*
19 *meet a measure of poverty as described in*
20 *section 1113(a)(5) of the Elementary and*
21 *Secondary Education Act;*

22 “(iii) *households receiving assistance*
23 *under the supplemental nutrition assistance*
24 *program established under the Food and*

1 *Nutrition Act of 2008 (7 U.S.C. 2011 et*
2 *seq.); and*

3 “*(iv) agencies responsible for admin-*
4 *istering means-tested Federal benefit pro-*
5 *grams, as defined in section 479(b)(4)(H).*

6 “(B) *CONTENT OF PLANS.—The plans de-*
7 *scribed in paragraph (A) shall—*

8 “*(i) provide students and their families*
9 *with information on—*

10 “*(I) the availability of the College*
11 *Scorecard or any similar successor*
12 *website;*

13 “*(II) the electronic estimates of fi-*
14 *ancial aid available under subsection*
15 *(b);*

16 “*(III) Federal financial aid avail-*
17 *able to students, including eligibility*
18 *criteria for the Federal financial aid*
19 *and an explanation of the Federal fi-*
20 *ancial aid programs (including ap-*
21 *plicable Federal educational tax cred-*
22 *its); and*

23 “*(IV) resources that can inform*
24 *students of financial aid that may be*
25 *available from state-based financial*

1 *aid, state-based college savings pro-*
2 *grams, and scholarships and other*
3 *non-governmental sources;*

4 “(ii) describe how the dissemination of
5 information will be conducted by the Sec-
6 retary.

7 “(C) *REPORTING AND UPDATES.*—*The Sec-*
8 *retary shall post the information about the plans*
9 *under subparagraph (A) and associated goals*
10 *publicly on the Department’s website. On an an-*
11 *annual basis, the Secretary shall report qualitative*
12 *and quantitative outcomes regarding the imple-*
13 *mentation of the plans under subparagraph (A).*
14 *The Secretary shall review and update such*
15 *plans not less often than every 4 award years*
16 *with the goal of progressively increasing the im-*
17 *act of the activities under this paragraph.*

18 “(D) *PARTNERSHIP.*—*The Secretary may*
19 *partner with States, State systems of higher edu-*
20 *cation, institutions of higher education, or college*
21 *access organizations to carry out this paragraph.*

22 “(2) *INTERAGENCY COORDINATION PLANS.*—

23 “(A) *IN GENERAL.*—*The Secretary shall de-*
24 *velop interagency coordination plans in order to*
25 *inform more students and families, including*

1 *low-income individuals or families and recipi-*
2 *ents of means-tested Federal benefits, about the*
3 *availability of Federal financial aid under this*
4 *title through participation in existing Federal*
5 *programs or tax benefits that serve low-income*
6 *individuals or families, in coordination with the*
7 *following Secretaries:*

8 “(i) *The Secretary of the Treasury.*

9 “(ii) *The Secretary of Labor.*

10 “(iii) *The Secretary of Health and*
11 *Human Services.*

12 “(iv) *The Secretary of Agriculture.*

13 “(v) *The Secretary of Housing and*
14 *Urban Development.*

15 “(vi) *The Secretary of Commerce.*

16 “(vii) *The Secretary of Veterans Af-*
17 *fairs.*

18 “(viii) *The Secretary of the Interior.*

19 “(B) *PROCESS, ACTIVITIES, AND GOALS.—*
20 *Each interagency coordination plan under sub-*
21 *paragraph (A) shall—*

22 “(i) *identify opportunities in which*
23 *low-income individuals and families could*
24 *be informed of the availability of Federal fi-*
25 *nancial aid under this title through access*

1 to other Federal programs that serve low-in-
2 come individuals and families;

3 “(ii) identify methods to effectively in-
4 form low-income individuals and families of
5 the availability of Federal financial aid for
6 postsecondary education under this title
7 and assist such individuals in completing
8 the Free Application for Federal Student
9 Aid;

10 “(iii) develop early awareness and
11 FAFSA completion activities that align
12 with the opportunities and methods identi-
13 fied under clauses (i) and (ii);

14 “(iv) establish goals regarding the ef-
15 fects of the activities to be implemented
16 under clause (iii); and

17 “(v) provide information on how stu-
18 dents and families can maintain access to
19 Federal programs that serve low-income in-
20 dividuals and families operated by the
21 agencies identified under subsection (A)
22 while attending an institution of higher
23 education.

24 “(C) PLAN WITH SECRETARY OF THE
25 TREASURY.—The interagency coordination plan

1 *under subparagraph (A)(i) between the Secretary*
2 *and the Secretary of the Treasury shall further*
3 *include specific methods to increase the applica-*
4 *tion for Federal financial aid under this title*
5 *from individuals who file Federal tax returns,*
6 *including collaboration with tax preparation en-*
7 *tities or other third parties, as appropriate.*

8 “(D) *REPORTING AND UPDATES.*—*The Sec-*
9 *retary shall post the information about the inter-*
10 *agency coordination plans under this paragraph*
11 *and associated goals publicly on the Depart-*
12 *ment’s website. The plans shall have the goal of*
13 *progressively increasing the impact of the activi-*
14 *ties under this paragraph by increasing the*
15 *number of low-income applicants for, and recipi-*
16 *ents of, Federal financial aid. The plans shall be*
17 *updated not less than once every 4 years.*

18 “(3) *NATIONWIDE PARTICIPATION IN EARLY*
19 *AWARENESS PLANS.*—

20 “(A) *IN GENERAL.*—*The Secretary shall so-*
21 *licit voluntary public commitments from entities,*
22 *such as States, State systems of higher education,*
23 *institutions of higher education, and other inter-*
24 *ested organizations, to carry out early awareness*
25 *plans, which shall include goals, to—*

1 “(i) *notify prospective and existing*
2 *students who are low-income individuals*
3 *and families about their eligibility for Fed-*
4 *eral aid under this title, as well as State-*
5 *based financial aid, if applicable, on an an-*
6 *nual basis;*

7 “(ii) *increase the number of prospec-*
8 *tive and current students who are low-in-*
9 *come individuals and families filing the*
10 *Free Application for Federal Student Aid;*
11 *and*

12 “(iii) *increase the number of prospec-*
13 *tive and current students who are low-in-*
14 *come individuals and families enrolling in*
15 *postsecondary education.*

16 “(B) *REPORTING AND UPDATES.—Each en-*
17 *tity that makes a voluntary public commitment*
18 *to carry out an early awareness plan may sub-*
19 *mit quantitative and qualitative data based on*
20 *the entity’s progress toward the goals of the plan*
21 *annually prior to a date selected by the Sec-*
22 *retary.*

23 “(C) *EARLY AWARENESS CHAMPIONS.—*
24 *Based on data submitted by entities, the Sec-*
25 *retary shall select and designate entities submit-*

1 *ting public commitments, plans, and goals, as*
2 *Early Awareness Champions on an annual*
3 *basis. Those entities designated as Early Aware-*
4 *ness Champions shall provide one or more case*
5 *studies regarding the activities the entity under-*
6 *took under this paragraph which shall be made*
7 *public by the Secretary on the Department of*
8 *Education website to promote best practices.*

9 “(d) *PUBLIC AWARENESS CAMPAIGN.*—

10 “(1) *IN GENERAL.*—*The Secretary shall develop*
11 *and implement a public awareness campaign de-*
12 *signed using current and relevant independent re-*
13 *search regarding strategies and media platforms*
14 *found to be most effective in communicating with low-*
15 *income populations in order to increase national*
16 *awareness regarding the availability of Federal Pell*
17 *Grants and financial aid under this title and, at the*
18 *option of the Secretary, potential availability of state*
19 *need-based financial aid.*

20 “(2) *COORDINATION.*—*The public awareness*
21 *campaign described in paragraph (1) shall leverage*
22 *the activities in subsections (b) and (c) to highlight*
23 *eligibility among low-income populations. In devel-*
24 *oping and implementing the campaign, the Secretary*
25 *may work in coordination with States, institutions of*

1 *higher education, early intervention and outreach*
2 *programs under this title, other Federal agencies,*
3 *agencies responsible for administering means-tested*
4 *Federal benefit programs (as defined in section*
5 *479(b)(4)(H)), organizations involved in college access*
6 *and student financial aid, secondary schools, local*
7 *educational agencies, public libraries, community*
8 *centers, businesses, employers, workforce investment*
9 *boards, and organizations that provide services to in-*
10 *dividuals who are or were homeless, in foster care, or*
11 *are disconnected youth.*

12 *“(3) REPORTING.—The Secretary shall report on*
13 *the success of the public awareness campaign de-*
14 *scribed in paragraph (1) annually regarding the ex-*
15 *tent to which the public and target populations were*
16 *reached using data commonly used to evaluate adver-*
17 *tising and outreach campaigns and data regarding*
18 *whether the campaign produced any increase in ap-*
19 *plicants for Federal aid under this title publicly on*
20 *the Department of Education website.”.*

21 *(p) PROCEDURE AND REQUIREMENTS FOR REQUEST-*
22 *ING TAX RETURN INFORMATION FROM THE INTERNAL REV-*
23 *ENUE SERVICE.—Section 494(a)(1) of the Higher Edu-*
24 *cation Act of 1965 (20 U.S.C. 1098h(a)(1)) is amended—*

1 (1) *in subparagraph (A)(ii), by striking “and”*
2 *after the semicolon;*

3 (2) *in subparagraph (B), by striking the period*
4 *at the end and inserting “; and”; and*

5 (3) *by adding at the end the following:*

6 “(C) *if an individual is pursuing provi-*
7 *sional independent student status due to an un-*
8 *usual circumstance, as described in section 479A*
9 *and provided for in section 479D, require such*
10 *individual to provide an affirmative approval*
11 *under subparagraph (B), but not require a par-*
12 *ent of such individual to provide an affirmative*
13 *approval under subparagraph (B).”.*

14 **SEC. 703. FEDERAL PELL GRANTS: AMOUNT AND DETER-**
15 **MINATIONS; APPLICATIONS.**

16 *Section 401 of the Higher Education Act of 1965 (20*
17 *U.S.C. 1070a) is amended to read as follows:*

18 **“SEC. 401. FEDERAL PELL GRANTS: AMOUNT AND DETER-**
19 **MINATIONS; APPLICATIONS.**

20 “(a) *PURPOSE; DEFINITIONS.—*

21 “(1) *PURPOSE.—The purpose of this subpart is*
22 *to provide a Federal Pell Grant to low-income stu-*
23 *dents.*

24 “(2) *DEFINITIONS.—In this section—*

1 “(A) the term ‘adjusted gross income’
2 means—

3 “(i) in the case of a dependent student,
4 the adjusted gross income (as defined in sec-
5 tion 62 of the Internal Revenue Code of
6 1986) of the student’s parents in the second
7 tax year preceding the academic year; and

8 “(ii) in the case of an independent stu-
9 dent, the adjusted gross income (as defined
10 in section 62 of the Internal Revenue Code
11 of 1986) of the student (and the student’s
12 spouse, if applicable) in the second tax year
13 preceding the academic year;

14 “(B) the term ‘family size’ has the meaning
15 given the term in section 480(k);

16 “(C) the term ‘poverty line’ means the pov-
17 erty line (as determined under the poverty guide-
18 lines updated periodically in the Federal Reg-
19 ister by the Department of Health and Human
20 Services under the authority of section 673(2) of
21 the Community Services Block Grant Act (42
22 U.S.C. 9902(2))) applicable to the student’s fam-
23 ily size and applicable to the second tax year
24 preceding the academic year;

25 “(D) the term ‘single parent’ means—

1 “(i) a parent of a dependent student
2 who was a head of household (as defined in
3 section 2(b) of the Internal Revenue Code of
4 1986) or a surviving spouse (as defined in
5 section 2(a) of the Internal Revenue Code of
6 1986) or was an eligible individual for pur-
7 poses of the credit under section 32 of such
8 Code, in the second tax year preceding the
9 academic year; or

10 “(ii) an independent student who is a
11 parent and was a head of household (as de-
12 fined in section 2(b) of the Internal Revenue
13 Code of 1986) or a surviving spouse (as de-
14 fined in section 2(a) of the Internal Rev-
15 enue Code of 1986) or was an eligible indi-
16 vidual for purposes of the credit under sec-
17 tion 32 of such Code, in the second tax year
18 preceding the academic year;

19 “(E) the term ‘total maximum Federal Pell
20 Grant’ means the total maximum Federal Pell
21 Grant award per student for any academic year
22 described under subsection (b)(5); and

23 “(F) the term ‘minimum Federal Pell
24 Grant’ means the minimum amount of a Federal
25 Pell Grant that shall be awarded to a student for

1 *any academic year in which that student is at-*
2 *tending full time, which shall be equal to 10 per-*
3 *cent of the total maximum Federal Pell Grant*
4 *for such academic year.*

5 “(b) *AMOUNT AND DISTRIBUTION OF GRANTS.*—

6 “(1) *DETERMINATION OF AMOUNT OF A FEDERAL*
7 *PELL GRANT.*—*Subject to paragraphs (2) and (3), the*
8 *amount of a Federal Pell Grant for a student shall*
9 *be determined in accordance with the following:*

10 “(A) *A student shall be eligible for a total*
11 *maximum Federal Pell Grant for an academic*
12 *year in which the student is enrolled in an eligi-*
13 *ble program full time—*

14 “(i) *if the student (and the student’s*
15 *spouse, if applicable), or, in the case of a*
16 *dependent student, the dependent student’s*
17 *parents (or single parent), is not required*
18 *to file a Federal income tax return in the*
19 *second year preceding the academic year;*

20 “(ii) *if the student or, in the case of a*
21 *dependent student, the dependent student’s*
22 *parent, is a single parent, and the adjusted*
23 *gross income is greater than zero and equal*
24 *to or less than 225 percent of the poverty*
25 *line; or*

1 “(iii) if the student or, in the case of
2 a dependent student, the dependent student’s
3 parent, is not a single parent, and the ad-
4 justed gross income is greater than zero and
5 equal to or less than 175 percent of the pov-
6 erty line.

7 “(B) A student who is not eligible for a
8 total maximum Federal Pell Grant under sub-
9 paragraph (A) for an academic year, shall be eli-
10 gible for a Federal Pell Grant for an academic
11 year in which the student is enrolled in an eligi-
12 ble program full time if such student’s student
13 aid index in such award year is less than the
14 total maximum Federal Pell Grant for that
15 award year. The amount of the Federal Pell
16 Grant for a student eligible under this subpara-
17 graph shall be—

18 “(i) the total maximum Federal Pell
19 Grant as calculated under paragraph (5)(A)
20 for that year, less

21 “(ii) an amount equal to the amount
22 determined to be the student aid index with
23 respect to that student for that year, except
24 that a student aid index of less than zero

1 *shall be considered to be zero for the pur-*
2 *poses of this clause,*
3 *rounded to the nearest \$5, except that a student*
4 *eligible for less than the minimum Federal Pell*
5 *Grant as defined in section (a)(2)(F) shall not be*
6 *eligible for an award.*

7 “(C) *A student who is not eligible for a*
8 *Federal Pell Grant under subparagraph (A) or*
9 *(B) shall be eligible for the minimum Federal*
10 *Pell Grant for an academic year in which the*
11 *student is enrolled in an eligible program full*
12 *time—*

13 “(i) *in the case of a dependent stu-*
14 *dent—*

15 “(I) *if the student’s parent is a*
16 *single parent, and the adjusted gross*
17 *income is equal to or less than 325 per-*
18 *cent of the poverty line; or*

19 “(II) *if the student’s parent is not*
20 *a single parent, and the adjusted gross*
21 *income is equal to or less than 275 per-*
22 *cent of the poverty line; or*

23 “(ii) *in the case of an independent stu-*
24 *dent—*

1 “(I) if the student is a single par-
2 ent, and the adjusted gross income is
3 equal to or less than 400 percent of the
4 poverty line;

5 “(II) if the student is a parent
6 and is not a single parent, and the ad-
7 justed gross income is equal to or less
8 than 350 percent of the poverty line; or

9 “(III) if the student is not a par-
10 ent, and the adjusted gross income is
11 equal to or less than 275 percent of the
12 poverty line.

13 “(D) A student eligible for the total max-
14 imum Federal Pell Grant under subparagraph
15 (A) who has (or whose spouse or parent, as ap-
16 plicable based on whose information is used
17 under such subparagraph, has) foreign income
18 that would, if added to adjusted gross income, re-
19 sult in the student no longer being eligible for
20 such total maximum Federal Pell Grant, shall
21 not be provided a Federal Pell Grant until the
22 student aid administrator evaluates the student’s
23 FAFSA and makes a determination regarding
24 whether it is appropriate to make an adjustment
25 under section 479A(b)(1)(B)(v) to account for

1 *such foreign income when determining the stu-*
2 *dent's eligibility for such total maximum Federal*
3 *Pell Grant.*

4 *“(E) With respect to a student who is not*
5 *eligible for the total maximum Federal Pell*
6 *Grant under subparagraph (A) or a minimum*
7 *Federal Pell Grant under subparagraph (C), the*
8 *Secretary shall subtract from the student or par-*
9 *ents' adjusted gross income, as applicable based*
10 *on whose income is used for the Federal Pell*
11 *Grant calculation, the sum of the following for*
12 *the individual whose income is so used, and con-*
13 *sider such difference the adjusted gross income*
14 *for purposes of determining the student's eligi-*
15 *bility for such Federal Pell Grant award under*
16 *such subparagraph:*

17 *“(i) If the applicant, or, if applicable,*
18 *the parents or spouse of the applicant, elects*
19 *to report receiving college grant and schol-*
20 *arship aid included in gross income on a*
21 *Federal tax return described in section*
22 *480(e)(2), the amount of such aid.*

23 *“(ii) Income earned from work under*
24 *part C of this title.*

1 “(2) *LESS THAN FULL-TIME ENROLLMENT.*—*In*
2 *any case where a student is enrolled in an eligible*
3 *program of an institution of higher education on less*
4 *than a full-time basis (including a student who at-*
5 *tends an institution of higher education on less than*
6 *a half-time basis) during any academic year, the*
7 *amount of the Federal Pell Grant to which that stu-*
8 *dent is entitled shall be reduced in direct proportion*
9 *to the degree to which that student is not so enrolled*
10 *on a full-time basis, rounded to the nearest whole per-*
11 *centage point, as provided in a schedule of reductions*
12 *published by the Secretary computed in accordance*
13 *with this subpart. Such schedule of reductions shall be*
14 *published in the Federal Register in accordance with*
15 *section 482. Such reduced Federal Pell Grant for a*
16 *student enrolled on a less than full-time basis shall*
17 *also apply proportionally to students who are other-*
18 *wise eligible to receive the minimum Federal Pell*
19 *Grant, if enrolled full-time.*

20 “(3) *AWARD MAY NOT EXCEED COST OF ATTEND-*
21 *ANCE.*—*No Federal Pell Grant under this subpart*
22 *shall exceed the cost of attendance (as defined in sec-*
23 *tion 472) at the institution at which that student is*
24 *in attendance. If, with respect to any student, it is*
25 *determined that the amount of a Federal Pell Grant*

1 *for that student exceeds the cost of attendance for that*
2 *year, the amount of the Federal Pell Grant shall be*
3 *reduced until the Federal Pell Grant does not exceed*
4 *the cost of attendance at such institution.*

5 “(4) *STUDY ABROAD.*—*Notwithstanding any*
6 *other provision of this subpart, the Secretary shall*
7 *allow the amount of the Federal Pell Grant to be ex-*
8 *ceeded for students participating in a program of*
9 *study abroad approved for credit by the institution at*
10 *which the student is enrolled when the reasonable*
11 *costs of such program are greater than the cost of at-*
12 *tendance at the student’s home institution, except that*
13 *the amount of such Federal Pell Grant in any fiscal*
14 *year shall not exceed the maximum amount of a Fed-*
15 *eral Pell Grant for which a student is eligible under*
16 *paragraph (1) or (2) during such award year. If the*
17 *preceding sentence applies, the financial aid adminis-*
18 *trator at the home institution may use the cost of the*
19 *study abroad program, rather than the home institu-*
20 *tion’s cost, to determine the cost of attendance of the*
21 *student.*

22 “(5) *TOTAL MAXIMUM FEDERAL PELL GRANT.*—

23 “(A) *IN GENERAL.*—*For award year 2023–*
24 *2024, and each subsequent award year, the total*

1 *maximum Federal Pell Grant award per student*
2 *shall be equal to the sum of—*

3 “(i) \$1,060; and

4 “(ii) the amount specified as the max-
5 *imum Federal Pell Grant in the last en-*
6 *acted appropriation Act applicable to that*
7 *award year.*

8 “(B) *ROUNDING.—The total maximum Fed-*
9 *eral Pell Grant for any award year shall be*
10 *rounded to the nearest \$5.*

11 “(6) *FUNDS BY FISCAL YEAR.—*

12 “(A) *IN GENERAL.—To carry out this sec-*
13 *tion—*

14 “(i) *there are authorized to be appro-*
15 *priated and are appropriated (in addition*
16 *to any other amounts appropriated to carry*
17 *out this section and out of any money in*
18 *the Treasury not otherwise appropriated)*
19 *such sums as are necessary to carry out*
20 *paragraph (5)(A)(i) for fiscal year 2023*
21 *and each subsequent fiscal year; and*

22 “(ii) *such sums as may be necessary*
23 *are authorized to be appropriated to carry*
24 *out paragraph (5)(A)(ii) for each of the fis-*
25 *cal years 2023 through 2033.*

1 “(B) *AVAILABILITY OF FUNDS.*—*The*
2 *amounts made available by subparagraph (A)*
3 *for any fiscal year shall be available beginning*
4 *on October 1 of that fiscal year, and shall re-*
5 *main available through September 30 of the suc-*
6 *ceeding fiscal year.*

7 “(7) *APPROPRIATION.*—

8 “(A) *IN GENERAL.*—*In addition to any*
9 *funds appropriated under paragraph (6) and*
10 *any funds made available for this section under*
11 *any appropriations Act, there are authorized to*
12 *be appropriated, and there are appropriated (out*
13 *of any money in the Treasury not otherwise ap-*
14 *propriated) to carry out this section,*
15 *\$1,170,000,000 for fiscal year 2023 and each*
16 *subsequent award year.*

17 “(B) *NO EFFECT ON PREVIOUS APPROPRIA-*
18 *TIONS.*—*The amendments made to this section*
19 *by the FAFSA Simplification Act shall not—*

20 “(i) *increase or decrease the amounts*
21 *that have been appropriated or are avail-*
22 *able to carry out this section for fiscal year*
23 *2017, 2018, 2019, 2020, 2021, or 2022 as of*
24 *the day before the effective date of such Act;*
25 *or*

1 “(i) extend the period of availability
2 for obligation that applied to any such
3 amount, as of the day before such effective
4 date.

5 “(C) AVAILABILITY OF FUNDS.—The
6 amounts made available by this paragraph for
7 any fiscal year shall be available beginning on
8 October 1 of that fiscal year, and shall remain
9 available through September 30 of the succeeding
10 fiscal year.

11 “(8) METHOD OF DISTRIBUTION.—

12 “(A) IN GENERAL.—For each fiscal year
13 through fiscal year 2033, the Secretary shall pay
14 to each eligible institution such sums as may be
15 necessary to pay each eligible student for each
16 academic year during which that student is in
17 attendance at an institution of higher education
18 as an undergraduate, a Federal Pell Grant in
19 the amount for which that student is eligible.

20 “(B) ALTERNATIVE DISBURSEMENT.—Noth-
21 ing in this section shall be interpreted to pro-
22 hibit the Secretary from paying directly to stu-
23 dents, in advance of the beginning of the aca-
24 demic term, an amount for which they are eligi-
25 ble, in the cases where an eligible institution does

1 *not participate in the disbursement system under*
2 *subparagraph (A).*

3 “(9) *ADDITIONAL PAYMENT PERIODS IN SAME*
4 *AWARD YEAR.—*

5 “(A) *Effective in the 2017–2018 award year*
6 *and thereafter, the Secretary shall award an eli-*
7 *gible student not more than one and one-half*
8 *Federal Pell Grants during a single award year*
9 *to permit such student to work toward comple-*
10 *tion of an eligible program if, during that single*
11 *award year, the student has received a Federal*
12 *Pell Grant for an award year and is enrolled in*
13 *an eligible program for one or more additional*
14 *payment periods during the same award year*
15 *that are not otherwise fully covered by the stu-*
16 *dent’s Federal Pell Grant.*

17 “(B) *In the case of a student receiving more*
18 *than one Federal Pell Grant in a single award*
19 *year under subparagraph (A), the total amount*
20 *of Federal Pell Grants awarded to such student*
21 *for the award year may exceed the total max-*
22 *imum Federal Pell Grant available for an award*
23 *year.*

24 “(C) *Any period of study covered by a Fed-*
25 *eral Pell Grant awarded under subparagraph*

1 (A) shall be included in determining a student's
2 duration limit under subsection (d)(5).

3 “(D) In any case where an eligible student
4 is receiving a Federal Pell Grant for a payment
5 period that spans 2 award years, the Secretary
6 shall allow the eligible institution in which the
7 student is enrolled to determine the award year
8 to which the additional period shall be assigned,
9 as it determines is most beneficial to students.

10 “(c) SPECIAL RULE.—

11 “(1) IN GENERAL.—A student described in para-
12 graph (2) shall be eligible for the total maximum Fed-
13 eral Pell Grant.

14 “(2) APPLICABILITY.—Paragraph (1) shall apply
15 to any dependent or independent student—

16 “(A) who is eligible to receive a Federal Pell
17 Grant according to subsection (b)(1) for the
18 award year for which the determination is made;

19 “(B) whose parent or guardian was—

20 “(i) an individual who, on or after
21 September 11, 2001, died in the line of duty
22 while serving on active duty as a member
23 of the Armed Forces; or

1 “(i) *actively serving as a public safety*
2 *officer and died in the line of duty while*
3 *performing as a public safety officer; and*

4 “(C) *who is less than 33 years of age.*

5 “(3) *INFORMATION.—Notwithstanding any other*
6 *provision of law—*

7 “(A) *the Secretary shall establish the nec-*
8 *essary data-sharing agreements with the Sec-*
9 *retary of Veterans Affairs and the Secretary of*
10 *Defense, as applicable, to provide the informa-*
11 *tion necessary to determine which students meet*
12 *the requirements of paragraph (2)(B)(i); and*

13 “(B) *the financial aid administrator shall*
14 *verify with the student that the student is eligible*
15 *for the adjustment and notify the Secretary of*
16 *the adjustment of the student’s eligibility.*

17 “(4) *TREATMENT OF PELL AMOUNT.—Notwith-*
18 *standing section 1212 of the Omnibus Crime Control*
19 *and Safe Streets Act of 1968 (34 U.S.C. 10302), in*
20 *the case of a student who receives an increased Fed-*
21 *eral Pell Grant amount under this section, the total*
22 *amount of such Federal Pell Grant, including the in-*
23 *crease under this subsection, shall not be considered*
24 *in calculating that student’s educational assistance*
25 *benefits under the Public Safety Officers’ Benefits*

1 *program under subpart 2 of part L of title I of such*
2 *Act.*

3 “(5) *DEFINITION OF PUBLIC SAFETY OFFICER.—*
4 *For purposes of this subsection, the term ‘public safe-*
5 *ty officer’ means—*

6 “(A) *a public safety officer, as defined in*
7 *section 1204 of title I of the Omnibus Crime*
8 *Control and Safe Streets Act of 1968 (34 U.S.C.*
9 *10284); or*

10 “(B) *a fire police officer, defined as an in-*
11 *dividual who—*

12 “(i) *is serving in accordance with*
13 *State or local law as an officially recog-*
14 *nized or designated member of a legally or-*
15 *ganized public safety agency;*

16 “(ii) *is not a law enforcement officer,*
17 *a firefighter, a chaplain, or a member of a*
18 *rescue squad or ambulance crew; and*

19 “(iii) *provides scene security or directs*
20 *traffic—*

21 “(I) *in response to any fire drill,*
22 *fire call, or other fire, rescue, or police*
23 *emergency; or*

24 “(II) *at a planned special event.*

25 “(d) *PERIOD OF ELIGIBILITY FOR GRANTS.—*

1 “(1) *IN GENERAL.*—*The period during which a*
2 *student may receive Federal Pell Grants shall be the*
3 *period required for the completion of the first under-*
4 *graduate baccalaureate course of study being pursued*
5 *by that student at the institution at which the student*
6 *is in attendance, except that any period during which*
7 *the student is enrolled in a noncredit or remedial*
8 *course of study, as described in paragraph (2), shall*
9 *not be counted for the purpose of this paragraph.*

10 “(2) *NONCREDIT OR REMEDIAL COURSES; STUDY*
11 *ABROAD.*—*Nothing in this section shall exclude from*
12 *eligibility courses of study which are noncredit or re-*
13 *medial in nature (including courses in English lan-*
14 *guage instruction) which are determined by the insti-*
15 *tution to be necessary to help the student be prepared*
16 *for the pursuit of a first undergraduate baccalaureate*
17 *degree or certificate or, in the case of courses in*
18 *English language instruction, to be necessary to en-*
19 *able the student to use already existing knowledge,*
20 *training, or skills. Nothing in this section shall ex-*
21 *clude from eligibility programs of study abroad that*
22 *are approved for credit by the home institution at*
23 *which the student is enrolled.*

24 “(3) *NO CONCURRENT PAYMENTS.*—*No student is*
25 *entitled to receive Pell Grant payments concurrently*

1 *from more than one institution or from both the Sec-*
2 *retary and an institution.*

3 “(4) *POSTBACCALAUREATE PROGRAM.*—*Notwith-*
4 *standing paragraph (1), the Secretary may allow, on*
5 *a case-by-case basis, a student to receive a Federal*
6 *Pell Grant if the student—*

7 “(A) *is carrying at least one-half the nor-*
8 *mal full-time work load for the course of study*
9 *the student is pursuing, as determined by the in-*
10 *stitution of higher education; and*

11 “(B) *is enrolled or accepted for enrollment*
12 *in a postbaccalaureate program that does not*
13 *lead to a graduate degree, and in courses re-*
14 *quired by a State in order for the student to re-*
15 *ceive a professional certification or licensing cre-*
16 *dential that is required for employment as a*
17 *teacher in an elementary school or secondary*
18 *school in that State,*

19 *except that this paragraph shall not apply to a stu-*
20 *dent who is enrolled in an institution of higher edu-*
21 *cation that offers a baccalaureate degree in education.*

22 “(5) *MAXIMUM PERIOD.*—

23 “(A) *IN GENERAL.*—*Except as provided in*
24 *subparagraph (B), the period during which a*
25 *student may receive Federal Pell Grants shall*

1 *not exceed 12 semesters, or the equivalent of 12*
2 *semesters, as determined by the Secretary by reg-*
3 *ulation. Such regulations shall provide, with re-*
4 *spect to a student who received a Federal Pell*
5 *Grant for a term but was enrolled at a fraction*
6 *of full time, that only that same fraction of such*
7 *semester or equivalent shall count towards such*
8 *duration limits.*

9 “(B) *EXCEPTION.*—

10 “(i) *IN GENERAL.*—*Any Federal Pell*
11 *Grant that a student received during a pe-*
12 *riod described in subclause (I) or (II) of*
13 *clause (ii) shall not count towards the stu-*
14 *dent’s duration limits under this para-*
15 *graph.*

16 “(ii) *APPLICABLE PERIODS.*—*Clause*
17 *(i) shall apply with respect to any Federal*
18 *Pell Grant awarded to a student to enroll*
19 *in an eligible program at an institution—*

20 “(I) *during a period of a student’s*
21 *attendance at an institution—*

22 “(aa) *at which the student*
23 *was unable to complete a course of*
24 *study due to the closing of the in-*
25 *stitution; or*

1 “(bb) for which the student
2 was falsely certified as eligible for
3 Federal aid under this title; or

4 “(II) during a period—

5 “(aa) for which the student
6 received a loan under this title;
7 and

8 “(bb) for which the loan de-
9 scribed in item (aa) is discharged
10 under—

11 “(AA) section 437(c)(1)
12 or section 464(g)(1);

13 “(BB) section 432(a)(6);
14 or

15 “(CC) section 455(h)
16 due to the student’s successful
17 assertion of a defense to re-
18 payment of the loan, includ-
19 ing defenses provided to any
20 applicable groups of students.

21 “(e) *APPLICATIONS FOR GRANTS.*—

22 “(1) *DEADLINES.*—The Secretary shall from
23 time to time set dates by which students shall file the
24 Free Application for Federal Student Aid under sec-
25 tion 483.

1 “(2) *APPLICATION.*—*Each student desiring a*
2 *Federal Pell Grant for any year shall file the Free*
3 *Application for Federal Student Aid containing the*
4 *information necessary to enable the Secretary to carry*
5 *out the functions and responsibilities of this subpart.*

6 “(f) *DISTRIBUTION OF GRANTS TO STUDENTS.*—*Pay-*
7 *ments under this section shall be made in accordance with*
8 *regulations promulgated by the Secretary for such purpose,*
9 *in such manner as will best accomplish the purpose of this*
10 *section. Any disbursement allowed to be made by crediting*
11 *the student’s account shall be limited to tuition and fees,*
12 *and food and housing if that food and housing is institu-*
13 *tionally owned or operated. The student may elect to have*
14 *the institution provide other such goods and services by*
15 *crediting the student’s account.*

16 “(g) *INSUFFICIENT APPROPRIATIONS.*—*If, for any fis-*
17 *cal year, the funds appropriated for payments under this*
18 *subpart are insufficient to satisfy fully all entitlements, as*
19 *calculated under subsections (b) and (c) (but at the max-*
20 *imum grant level specified in such appropriation), the Sec-*
21 *retary shall promptly transmit a notice of such insuffi-*
22 *ciency to each House of the Congress, and identify in such*
23 *notice the additional amount that would be required to be*
24 *appropriated to satisfy fully all entitlements (as so cal-*
25 *culated at such maximum grant level).*

1 “(h) *USE OF EXCESS FUNDS.*—

2 “(1) *15 PERCENT OR LESS.*—*If, at the end of a*
3 *fiscal year, the funds available for making payments*
4 *under this subpart exceed the amount necessary to*
5 *make the payments required under this subpart to eli-*
6 *gible students by 15 percent or less, then all of the ex-*
7 *cess funds shall remain available for making pay-*
8 *ments under this subpart during the next succeeding*
9 *fiscal year.*

10 “(2) *MORE THAN 15 PERCENT.*—*If, at the end of*
11 *a fiscal year, the funds available for making pay-*
12 *ments under this subpart exceed the amount necessary*
13 *to make the payments required under this subpart to*
14 *eligible students by more than 15 percent, then all of*
15 *such funds shall remain available for making such*
16 *payments but payments may be made under this*
17 *paragraph only with respect to entitlements for that*
18 *fiscal year.*

19 “(i) *TREATMENT OF INSTITUTIONS AND STUDENTS*
20 *UNDER OTHER LAWS.*—*Any institution of higher education*
21 *which enters into an agreement with the Secretary to dis-*
22 *burse to students attending that institution the amounts*
23 *those students are eligible to receive under this subpart shall*
24 *not be deemed, by virtue of such agreement, a contractor*
25 *maintaining a system of records to accomplish a function*

1 *of the Secretary. Recipients of Pell Grants shall not be con-*
2 *sidered to be individual grantees for purposes of chapter*
3 *81 of title 41, United States Code.*

4 “(j) *INSTITUTIONAL INELIGIBILITY BASED ON DE-*
5 *FAULT RATES.*—

6 “(1) *IN GENERAL.*—*No institution of higher edu-*
7 *cation shall be an eligible institution for purposes of*
8 *this subpart if such institution of higher education is*
9 *ineligible to participate in a loan program under*
10 *part B or D as a result of a final default rate deter-*
11 *mination made by the Secretary under part B or D*
12 *after the final publication of cohort default rates for*
13 *fiscal year 1996 or a succeeding fiscal year.*

14 “(2) *SANCTIONS SUBJECT TO APPEAL OPPOR-*
15 *TUNITY.*—*No institution may be subject to the terms*
16 *of this subsection unless the institution has had the*
17 *opportunity to appeal the institution’s default rate*
18 *determination under regulations issued by the Sec-*
19 *retary for the loan program authorized under part B*
20 *or D, as applicable. This subsection shall not apply*
21 *to an institution that was not participating in the*
22 *loan program authorized under part B or D on Octo-*
23 *ber 7, 1998, unless the institution subsequently par-*
24 *ticipates in the loan programs.”.*

1 **SEC. 704. CONFORMING AMENDMENTS.**

2 *The Higher Education Act of 1965 (20 U.S.C. 1001*
3 *et seq.) is amended—*

4 (1) *by striking “the expected family contribu-*
5 *tion” each place the term appears and inserting “the*
6 *student aid index”;*

7 (2) *by striking “expected family contributions”*
8 *each place the term appears and inserting “student*
9 *aid indexes”;*

10 (3) *by striking “an expected family contribu-*
11 *tion” each place the term appears and inserting “a*
12 *student aid index”;*

13 (4) *by striking “average expected family con-*
14 *tribution” each place the term appears and inserting*
15 *“average student aid index”;*

16 (5) *in section 415E(c)(1)(B)(vii), by striking*
17 *“automatic zero expected family contribution” and*
18 *inserting “automatic zero student aid index”; and*

19 (6) *in section 428(a)(2)(B), by striking “expected*
20 *family contribution” and inserting “student aid*
21 *index”.*

22 **SEC. 705. REPEAL OF THE SUBSIDIZED USAGE LIMIT AP-**
23 **PLIES (SULA) RESTRICTION.**

24 (a) *REPEAL.—Section 455(q) of the Higher Education*
25 *Act of 1965 (20 U.S.C. 1087e(q)) is repealed.*

1 (b) *EARLY EFFECTIVE DATE PERMITTED.*—Notwith-
2 *standing section 701(b) of this Act and section 455(q) of*
3 *the Higher Education Act of 1965 (20 U.S.C. 1087e(q)) as*
4 *in effect on the date of enactment of this Act, the Secretary*
5 *of Education may implement the repeal authorized under*
6 *subsection (a) before (but not later than) July 1, 2023. The*
7 *Secretary shall specify in a designation on what date and*
8 *for which award years the implementation of such repeal*
9 *will be effective prior to July 1, 2023. The Secretary shall*
10 *publish any designation under this paragraph in the Fed-*
11 *eral Register at least 60 days before implementation.*

12 **SEC. 706. FORGIVENESS OF HBCU CAPITAL FINANCING**
13 **LOANS.**

14 (a) *FORGIVENESS.*—Not later than 90 days after the
15 *effective date of this section, the Secretary of Education*
16 *shall repay each institution of higher education’s out-*
17 *standing balance of principal, interest, fees, and costs on*
18 *the disbursed loan amounts (as of such effective date) under*
19 *each applicable closed loan agreement, including paying*
20 *any reimbursement (including reimbursements of escrow*
21 *and return of fees and deposits) relating to the applicable*
22 *closed loan agreement that are usual and customary when*
23 *the loan is paid off by the institution.*

1 (b) *APPLICABLE CLOSED LOAN AGREEMENT.*—*In this*
2 *section, the term “applicable closed loan agreement” means*
3 *each of the following:*

4 (1) *A closed loan agreement executed before the*
5 *date of enactment of this Act and made under part*
6 *D of title III of the Higher Education Act of 1965 (20*
7 *U.S.C. 1066 et seq.).*

8 (2) *A closed loan agreement executed before the*
9 *date of enactment of this Act and made for deferment*
10 *balances authorized under—*

11 (A) *section 3512 of the CARES Act (20*
12 *U.S.C. 1001 note);*

13 (B) *title III of division A of the Further*
14 *Consolidated Appropriations Act, 2020 (Public*
15 *Law 116–94; 133 Stat. 2586);*

16 (C) *title III of division B of the Department*
17 *of Defense and Labor, Health and Human Serv-*
18 *ices, and Education Appropriations Act, 2019*
19 *and Continuing Appropriations Act, 2019 (Pub-*
20 *lic Law 115–245; 132 Stat. 3097); or*

21 (D) *title III of division H of the Consoli-*
22 *dated Appropriations Act, 2018 (Public Law*
23 *115–141; 132 Stat. 741).*

24 (c) *AUTHORIZATION AND APPROPRIATION.*—*There are*
25 *authorized to be appropriated, and there are appropriated,*

1 *out of any amounts in the Treasury not otherwise appro-*
2 *priated, such sums as may be necessary to carry out sub-*
3 *section (a).*

4 (d) *EFFECTIVE DATE.*—*Notwithstanding section*
5 *701(b), this section shall take effect on the date of enactment*
6 *of this Act.*

7 **TITLE VIII—ACCESS TO DEATH**
8 **INFORMATION FURNISHED**
9 **TO OR MAINTAINED BY THE**
10 **SOCIAL SECURITY ADMINIS-**
11 **TRATION**

12 **SEC. 801. ACCESS TO DEATH INFORMATION FURNISHED TO**
13 **OR MAINTAINED BY THE SOCIAL SECURITY**
14 **ADMINISTRATION.**

15 (a) *IN GENERAL.*—*Section 205(r) of the Social Secu-*
16 *rity Act (42 U.S.C. 405(r)) is amended—*

17 (1) *in paragraph (2)—*

18 (A) *by striking “Each State” and inserting*
19 *“(A) Each State”;*

20 (B) *by striking “may” and inserting*
21 *“shall”;*

22 (C) *by striking “from amounts available for*
23 *administration of this Act the reasonable costs*
24 *(established by the Commissioner of Social Secu-*
25 *rity in consultations with the States) for tran-*

1 *scribing and transmitting such information to*
2 *the Commissioner of Social Security.” and in-*
3 *serting “for the following:*

4 *“(i) A fee, to be established pursuant to*
5 *subparagraph (B), for the use of such infor-*
6 *mation by—*

7 *“(I) the Commissioner; and*

8 *“(II) any other agency that re-*
9 *ceives such information from the Com-*
10 *missioner and is subject to the require-*
11 *ments of subparagraph (3)(A).*

12 *“(ii) The full documented cost to the*
13 *State of transmitting such information to*
14 *the Commissioner, including the costs of*
15 *maintaining, enhancing, and operating any*
16 *electronic system used solely for transmit-*
17 *ting such information to the Commissioner.*

18 *“(B) The fee for the use of such information*
19 *shall be established by the Commissioner of So-*
20 *cial Security in consultations with the States,*
21 *and shall include—*

22 *“(i) a share of the costs to the State as-*
23 *sociated with collecting and maintaining*
24 *such information; ensuring the complete-*
25 *ness, timeliness, and accuracy of such infor-*

1 *mation; and maintaining, enhancing, and*
2 *operating the electronic systems that allow*
3 *for the transmission of such information;*
4 *and*

5 *“(ii) a fee for the right to use such in-*
6 *formation.*

7 *“(C) The Commissioner of Social Security*
8 *shall not use amounts provided for a fiscal year*
9 *in an appropriation Act under the heading*
10 *‘Limitation on Administrative Expenses’ for the*
11 *Social Security Administration for the amounts*
12 *under paragraph (3)(A), except as the Commis-*
13 *sioner determines is necessary on a temporary*
14 *basis and subject to reimbursement under such*
15 *paragraph.”;*

16 *(2) in paragraph (3)(A), by striking “for the*
17 *reasonable cost of carrying out such arrangement,*
18 *and” and inserting “for—*

19 *“(i) the agency’s proportional share (as*
20 *determined by the Commissioner in con-*
21 *sultation with the head of the agency) of—*

22 *“(I) the payments to States re-*
23 *quired under paragraph (2)(A);*

1 “(II) the costs to the Commis-
2 sioner of developing the contracts de-
3 scribed in paragraph (1); and

4 “(III) the costs to the Commis-
5 sioner of carrying out the study re-
6 quired under section 802 of division
7 FF of the Consolidated Appropriations
8 Act, 2021; and

9 “(ii) the full documented cost to the
10 Commissioner of developing such arrange-
11 ment and transmitting such information to
12 the agency; and”;

13 (3) in paragraph (5)—

14 (A) by striking “such records as may be cor-
15 rected under this section” and inserting “all in-
16 formation regarding deceased individuals fur-
17 nished to or maintained by the Commissioner
18 under this subsection”; and

19 (B) by striking “by Federal and State agen-
20 cies” and inserting “by a Federal or State agen-
21 cy, provided that the requirements of subpara-
22 graphs (A) and (B) of paragraph (3) are met”;

23 (4) by redesignating paragraphs (7) through (9)
24 as paragraphs (8) through (10), respectively, and in-

1 *serting after paragraph (6) the following new para-*
2 *graph:*

3 *“(7) In the event an individual is incorrectly*
4 *identified as deceased in the records furnished by a*
5 *State to the Commissioner of Social Security under*
6 *this subsection and the individual provides the Com-*
7 *missioner with the necessary documentation to correct*
8 *such identification, the Commissioner may—*

9 *“(A) notify the State of the error in the*
10 *records so furnished; and*

11 *“(B) inform the individual of the source of*
12 *the incorrect death data.”;*

13 *(5) in paragraph (9)(F), as so redesignated, by*
14 *striking “the Commission” and inserting “the Com-*
15 *missioner”;*

16 *(6) in paragraph (10), as so redesignated—*

17 *(A) by adjusting the left margin so as to*
18 *align with the left margin of paragraph (9); and*

19 *(B) in subparagraph (A)(i), by inserting “,*
20 *provided that the requirements of subparagraphs*
21 *(A) and (B) of paragraph (3) are met with re-*
22 *spect to such agreement” before the semicolon;*
23 *and*

24 *(7) by adding at the end the following new para-*
25 *graph:*

1 “(11) *During the 3-year period that begins on*
2 *the effective date of this paragraph, the Commissioner*
3 *of Social Security shall, to the extent feasible, provide*
4 *information furnished to the Commissioner under*
5 *paragraph (1) to the agency operating the Do Not*
6 *Pay working system described in section 3354(c) of*
7 *title 31, United States Code, to prevent improper*
8 *payments to deceased individuals through a coopera-*
9 *tive arrangement with such agency, provided that the*
10 *requirements of subparagraphs (A) and (B) of para-*
11 *graph (3) are met with respect to such arrangement*
12 *with such agency.”.*

13 ***(b) EFFECTIVE DATES.—***

14 ***(1) IN GENERAL.—****Subject to paragraph (2), the*
15 *amendments made by this section shall take effect on*
16 *the date of enactment of this Act.*

17 ***(2) DELAY.—****The amendment made by para-*
18 *graph (7) of subsection (a) shall take effect on the date*
19 *that is 3 years after the date of enactment of this Act.*

20 **SEC. 802. STUDY AND REPORT TO CONGRESS ON SOURCES**
21 **AND ACCESS TO DEATH DATA.**

22 ***(a) STUDY.—****Not later than 180 days after the date*
23 *of enactment of this Act, the Commissioner of Social Secu-*
24 *rity shall enter into an agreement with the National Acad-*
25 *emy of Public Administration to conduct an independent*

1 *study of the current and potential sources for, and provision*
2 *of access to, State-owned death data for limited use by Fed-*
3 *eral agencies and programs for purposes of program admin-*
4 *istration and payment integrity. Such study shall be per-*
5 *formed in consultation with State vital records agencies,*
6 *the National Association for Public Health Statistics and*
7 *Information Systems (NAPHSIS), the Commissioner of So-*
8 *cial Security, the agency operating the Do Not Pay working*
9 *system described in section 3354(c) of title 31, United*
10 *States Code, and other Federal agencies using such death*
11 *data, as appropriate, and shall include the following:*

12 *(1) Analysis of the following:*

13 *(A) The sources and owners of the death*
14 *data.*

15 *(B) The timeliness, accuracy, and complete-*
16 *ness of State-owned death data, including the*
17 *process for correcting inaccuracies .*

18 *(C) Federal and State laws that may affect*
19 *legal access to, and protections for, State-owned*
20 *death data.*

21 *(D) Federalism and the appropriate roles of*
22 *the relevant Federal and State entities, including*
23 *States' role in recording vital records and the*
24 *core mission and responsibility of any Federal*
25 *agency involved.*

1 (E) *The costs incurred for each step of the*
2 *death data collection, management, protection*
3 *(legal and otherwise), and transmission proc-*
4 *esses, and the challenges to adequate funding of*
5 *State vital records programs.*

6 (F) *Unmet needs (if any) for these data*
7 *among Federal agencies or programs.*

8 (G) *Options for providing Federal agencies*
9 *with limited access to State-owned death data,*
10 *including Federal agencies contracting directly*
11 *with States for access to such data or distribu-*
12 *tion of such data via the Commissioner of Social*
13 *Security or another Federal agency or program,*
14 *and corresponding options for appropriate reim-*
15 *bursement structures.*

16 (2) *An assessment of the strengths and limita-*
17 *tions of the options for distribution and reimburse-*
18 *ment identified in paragraph (1)(G).*

19 (b) *REPORT.*—*Upon completion of the study required*
20 *under subsection (a), the Commissioner of Social Security*
21 *shall transmit the study to the Committees on Ways and*
22 *Means and Oversight and Reform of the House of Rep-*
23 *resentatives, and the Committees on Finance and Home-*
24 *land Security and Governmental Affairs of the Senate.*

1 **TITLE** **IX—TELECOMMUNI-**
2 **CATIONS AND CONSUMER**
3 **PROTECTION**

4 **SEC. 901. PERFORMANCE STANDARDS TO PROTECT**
5 **AGAINST PORTABLE FUEL CONTAINER EX-**
6 **PLOSIONS NEAR OPEN FLAMES OR OTHER IG-**
7 **NITION SOURCES.**

8 (a) *SHORT TITLE.*—This section may be cited as the
9 “Portable Fuel Container Safety Act of 2020”.

10 (b) *STANDARDS.*—

11 (1) *RULE ON SAFETY PERFORMANCE STANDARDS*
12 *REQUIRED.*—Not later than 30 months after the date
13 of enactment of this Act, the Consumer Product Safe-
14 ty Commission (referred to in this Act as the “Com-
15 mission”) shall promulgate a final rule to require
16 flame mitigation devices in portable fuel containers
17 that impede the propagation of flame into the con-
18 tainer, except as provided in paragraph (3).

19 (2) *RULEMAKING; CONSUMER PRODUCT SAFETY*
20 *STANDARD.*—A rule under paragraph (1)—

21 (A) shall be promulgated in accordance
22 with section 553 of title 5, United States Code;
23 and

1 (B) shall be treated as a consumer product
2 safety rule promulgated under section 9 of the
3 Consumer Product Safety Act (15 U.S.C. 2058).

4 (3) EXCEPTION.—

5 (A) VOLUNTARY STANDARD.—Paragraph
6 (1) shall not apply for a class of portable fuel
7 containers in the scope of this Act if the Com-
8 mission determines at any time that—

9 (i) there is a voluntary standard for
10 flame mitigation devices for those con-
11 tainers that impedes the propagation of
12 flame into the container;

13 (ii) the voluntary standard described
14 in clause (i) is or will be in effect not later
15 than 18 months after the date of enactment
16 of this Act; and

17 (iii) the voluntary standard described
18 in clause (i) is developed by ASTM Inter-
19 national or such other standard develop-
20 ment organization that the Commission de-
21 termines to have met the intent of this Act.

22 (B) DETERMINATION REQUIRED TO BE PUB-
23 LISHED IN THE FEDERAL REGISTER.—Any de-
24 termination made by the Commission under this

1 *subsection shall be published in the Federal Reg-*
2 *ister.*

3 *(4) TREATMENT OF VOLUNTARY STANDARD FOR*
4 *PURPOSE OF ENFORCEMENT.—If the Commission de-*
5 *termines that a voluntary standard meets the condi-*
6 *tions described in paragraph (3)(A), the requirements*
7 *of such voluntary standard shall be treated as a con-*
8 *sumer product safety rule promulgated under section*
9 *9 of the Consumer Product Safety Act (15 U.S.C.*
10 *2058) beginning on the date which is the later of—*

11 *(A) 180 days after publication of the Com-*
12 *mission’s determination under paragraph (3); or*

13 *(B) the effective date contained in the vol-*
14 *untary standard.*

15 *(5) REVISION OF VOLUNTARY STANDARD.—*

16 *(A) NOTICE TO COMMISSION.—If the re-*
17 *quirements of a voluntary standard that meet*
18 *the conditions of paragraph (3) are subsequently*
19 *revised, the organization that revised the stand-*
20 *ard shall notify the Commission after the final*
21 *approval of the revision.*

22 *(B) EFFECTIVE DATE OF REVISION.—Not*
23 *later than 180 days after the Commission is no-*
24 *tified of a revised voluntary standard described*
25 *in subparagraph (A) (or such later date as the*

1 *Commission determines appropriate), such re-*
2 *vised voluntary standard shall become enforce-*
3 *able as a consumer product safety rule promul-*
4 *gated under section 9 of the Consumer Product*
5 *Safety Act (15 U.S.C. 2058), in place of the*
6 *prior version, unless within 90 days after receiv-*
7 *ing the notice the Commission determines that*
8 *the revised voluntary standard does not meet the*
9 *requirements described in paragraph (3).*

10 (6) *FUTURE RULEMAKING.*—*The Commission, at*
11 *any time after publication of the consumer product*
12 *safety rule required by paragraph (1), a voluntary*
13 *standard is treated as a consumer product safety rule*
14 *under paragraph (4), or a revision is enforceable as*
15 *a consumer product safety rule under paragraph (5)*
16 *may initiate a rulemaking in accordance with section*
17 *553 of title 5, United States Code, to modify the re-*
18 *quirements or to include any additional provision*
19 *that the Commission determines is reasonably nec-*
20 *essary to protect the public against flame jetting from*
21 *a portable fuel container. Any rule promulgated*
22 *under this subsection shall be treated as a consumer*
23 *product safety rule promulgated under section 9 of the*
24 *Consumer Product Safety Act (15 U.S.C. 2058).*

25 (7) *ACTION REQUIRED.*—

1 (A) *EDUCATION CAMPAIGN.*—Not later than
2 1 year after the date of enactment of this Act, the
3 Commission shall undertake a campaign to edu-
4 cate consumers about the dangers associated with
5 using or storing portable fuel containers for
6 flammable liquids near an open flame or any
7 other source of ignition.

8 (B) *SUMMARY OF ACTIONS.*—Not later than
9 2 years after the date of enactment of this Act,
10 the Commission shall submit to Congress a sum-
11 mary of actions taken by the Commission in
12 such campaign.

13 (8) *PORTABLE FUEL CONTAINER DEFINED.*—In
14 this Act, the term “portable fuel container” means
15 any container or vessel (including any spout, cap,
16 and other closure mechanism or component of such
17 container or vessel or any retrofit or aftermarket
18 spout or component intended or reasonably antici-
19 pated to be for use with such container)—

20 (A) *intended for flammable liquid fuels with*
21 *a flash point less than 140 degrees Fahrenheit,*
22 *including gasoline, kerosene, diesel, ethanol,*
23 *methanol, denatured alcohol, or biofuels;*

24 (B) *that is a consumer product with a ca-*
25 *capacity of 5 gallons or less; and*

1 (C) *that the manufacturer knows or reason-*
2 *ably should know is used by consumers for trans-*
3 *porting, storing, and dispensing flammable liq-*
4 *uid fuels.*

5 (9) *RULE OF CONSTRUCTION.—This Act may not*
6 *be interpreted to conflict with the Children’s Gasoline*
7 *Burn Prevention Act (Public Law 110–278; 122 Stat.*
8 *2602).*

9 (c) *CHILDREN’S GASOLINE BURN PREVENTION ACT.—*

10 (1) *AMENDMENT.—Section 2(c) of the Children’s*
11 *Gasoline Burn Prevention Act (15 U.S.C. 2056 note;*
12 *Public Law 110–278) is amended by inserting after*
13 *“for use by consumers” the following: “and any recep-*
14 *tacle for gasoline, kerosene, or diesel fuel, including*
15 *any spout, cap, and other closure mechanism and*
16 *component of such receptacle or any retrofit or*
17 *aftermarket spout or component intended or reason-*
18 *ably anticipated to be for use with such receptacle,*
19 *produced or distributed for sale to or use by con-*
20 *sumers for transport of, or refueling of internal com-*
21 *bustion engines with, gasoline, kerosene, or diesel*
22 *fuel”.*

23 (2) *APPLICABILITY.—The amendment made by*
24 *paragraph (1) shall take effect 6 months after the date*
25 *of enactment of this Act.*

1 **SEC. 902. DON'T BREAK UP THE T-BAND.**

2 (a) *SHORT TITLE.*—*This section may be cited as the*
3 *“Don’t Break Up the T-Band Act of 2020”.*

4 (b) *REPEAL OF REQUIREMENT TO REALLOCATE AND*
5 *AUCTION T-BAND SPECTRUM.*—

6 (1) *REPEAL.*—*Section 6103 of the Middle Class*
7 *Tax Relief and Job Creation Act of 2012 (47 U.S.C.*
8 *1413) is repealed.*

9 (2) *CLERICAL AMENDMENT.*—*The table of con-*
10 *tents in section 1(b) of such Act is amended by strik-*
11 *ing the item relating to section 6103.*

12 (c) *CLARIFYING ACCEPTABLE 9–1–1 OBLIGATIONS OR*
13 *EXPENDITURES.*—*Section 6 of the Wireless Communica-*
14 *tions and Public Safety Act of 1999 (47 U.S.C. 615a–1)*
15 *is amended—*

16 (1) *in subsection (f)—*

17 (A) *in paragraph (1), by striking “as speci-*
18 *fied in the provision of State or local law adopt-*
19 *ing the fee or charge” and inserting “consistent*
20 *with the purposes and functions designated in*
21 *the final rules issued under paragraph (3) as*
22 *purposes and functions for which the obligation*
23 *or expenditure of such a fee or charge is accept-*
24 *able”;*

25 (B) *in paragraph (2), by striking “any*
26 *purpose other than the purpose for which any*

1 *such fees or charges are specified” and inserting*
2 *“any purpose or function other than the pur-*
3 *poses and functions designated in the final rules*
4 *issued under paragraph (3) as purposes and*
5 *functions for which the obligation or expenditure*
6 *of any such fees or charges is acceptable”; and*

7 *(C) by adding at the end the following:*

8 *“(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-*
9 *TURES.—*

10 *“(A) RULES REQUIRED.—In order to pre-*
11 *vent diversion of 9–1–1 fees or charges, the Com-*
12 *mission shall, not later than 180 days after the*
13 *date of the enactment of this paragraph, issue*
14 *final rules designating purposes and functions*
15 *for which the obligation or expenditure of 9–1–*
16 *1 fees or charges, by any State or taxing juris-*
17 *isdiction authorized to impose such a fee or*
18 *charge, is acceptable.*

19 *“(B) PURPOSES AND FUNCTIONS.—The pur-*
20 *poses and functions designated under subpara-*
21 *graph (A) shall be limited to the support and*
22 *implementation of 9–1–1 services provided by or*
23 *in the State or taxing jurisdiction imposing the*
24 *fee or charge and operational expenses of public*
25 *safety answering points within such State or*

1 *taxing jurisdiction. In designating such purposes*
2 *and functions, the Commission shall consider the*
3 *purposes and functions that States and taxing*
4 *jurisdictions specify as the intended purposes*
5 *and functions for the 9–1–1 fees or charges of*
6 *such States and taxing jurisdictions, and deter-*
7 *mine whether such purposes and functions di-*
8 *rectly support providing 9–1–1 services.*

9 “(C) *CONSULTATION REQUIRED.*—*The Com-*
10 *mission shall consult with public safety organi-*
11 *zations and States and taxing jurisdictions as*
12 *part of any proceeding under this paragraph.*

13 “(D) *DEFINITIONS.*—*In this paragraph:*

14 “(i) *9–1–1 FEE OR CHARGE.*—*The*
15 *term ‘9–1–1 fee or charge’ means a fee or*
16 *charge applicable to commercial mobile*
17 *services or IP-enabled voice services specifi-*
18 *cally designated by a State or taxing juris-*
19 *isdiction for the support or implementation of*
20 *9–1–1 services.*

21 “(ii) *9–1–1 SERVICES.*—*The term ‘9–*
22 *1–1 services’ has the meaning given such*
23 *term in section 158(e) of the National Tele-*
24 *communications and Information Adminis-*

1 *tration Organization Act (47 U.S.C.*
2 *942(e)).*

3 “(iii) *STATE OR TAXING JURISDIC-*
4 *TION.—The term ‘State or taxing jurisdic-*
5 *tion’ means a State, political subdivision*
6 *thereof, Indian Tribe, or village or regional*
7 *corporation serving a region established*
8 *pursuant to the Alaska Native Claims Set-*
9 *tlement Act (43 U.S.C. 1601 et seq.).*

10 “(4) *PARTICIPATION.—If a State or taxing juris-*
11 *isdiction (as defined in paragraph (3)(D)) receives a*
12 *grant under section 158 of the National Tele-*
13 *communications and Information Administration Or-*
14 *ganization Act (47 U.S.C. 942) after the date of the*
15 *enactment of this paragraph, such State or taxing ju-*
16 *risdiction shall, as a condition of receiving such*
17 *grant, provide the information requested by the Com-*
18 *mission to prepare the report required by paragraph*
19 *(2).*

20 “(5) *PETITION REGARDING ADDITIONAL PUR-*
21 *POSES AND FUNCTIONS.—*

22 “(A) *IN GENERAL.—A State or taxing juris-*
23 *isdiction (as defined in paragraph (3)(D)) may*
24 *submit to the Commission a petition for a deter-*
25 *mination that an obligation or expenditure of a*

1 9–1–1 fee or charge (as defined in such para-
2 graph) by such State or taxing jurisdiction for
3 a purpose or function other than a purpose or
4 function designated under paragraph (3)(A)
5 should be treated as such a purpose or function.
6 If the Commission finds that the State or taxing
7 jurisdiction has provided sufficient documenta-
8 tion to make the demonstration described in sub-
9 paragraph (B), the Commission shall grant such
10 petition.

11 “(B) *DEMONSTRATION DESCRIBED.*—The
12 demonstration described in this subparagraph is
13 a demonstration that the purpose or function—

14 “(i) supports public safety answering
15 point functions or operations; or

16 “(ii) has a direct impact on the ability
17 of a public safety answering point to—

18 “(I) receive or respond to 9–1–1
19 calls; or

20 “(II) dispatch emergency respond-
21 ers.”; and

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

23 “(j) *SEVERABILITY CLAUSE.*—If any provision of this
24 section or the application thereof to any person or cir-
25 cumstance is held invalid, the remainder of this section and

1 *the application of such provision to other persons or cir-*
2 *cumstances shall not be affected thereby.”.*

3 (d) *PROHIBITION ON 9–1–1 FEE OR CHARGE DIVER-*
4 *SION.—*

5 (1) *IN GENERAL.—If the Commission obtains*
6 *evidence that suggests the diversion by a State or tax-*
7 *ing jurisdiction of 9–1–1 fees or charges, the Commis-*
8 *sion shall submit such information, including any in-*
9 *formation regarding the impact of any underfunding*
10 *of 9–1–1 services in the State or taxing jurisdiction,*
11 *to the interagency strike force established under para-*
12 *graph (3).*

13 (2) *REPORT TO CONGRESS.—Beginning with the*
14 *first report under section 6(f)(2) of the Wireless Com-*
15 *munications and Public Safety Act of 1999 (47*
16 *U.S.C. 615a–1(f)(2)) that is required to be submitted*
17 *after the date that is 1 year after the date of the en-*
18 *actment of this Act, the Commission shall include in*
19 *each report required under such section all evidence*
20 *that suggests the diversion by a State or taxing juris-*
21 *isdiction of 9–1–1 fees or charges, including any infor-*
22 *mation regarding the impact of any underfunding of*
23 *9–1–1 services in the State or taxing jurisdiction.*

24 (3) *INTERAGENCY STRIKE FORCE TO END 9–1–1*
25 *FEE OR CHARGE DIVERSION.—*

1 (A) *ESTABLISHMENT.*—Not later than 180
2 days after the date of the enactment of this Act,
3 the Commission shall establish an interagency
4 strike force to study how the Federal Government
5 can most expeditiously end diversion by a State
6 or taxing jurisdiction of 9–1–1 fees or charges.
7 Such interagency strike force shall be known as
8 the “Ending 9–1–1 Fee Diversion Now Strike
9 Force” (in this subsection referred to as the
10 “Strike Force”).

11 (B) *DUTIES.*—In carrying out the study
12 under subparagraph (A), the Strike Force
13 shall—

14 (i) determine the effectiveness of any
15 Federal laws, including regulations, poli-
16 cies, and practices, or budgetary or jurisdic-
17 tional constraints regarding how the Fed-
18 eral Government can most expeditiously end
19 diversion by a State or taxing jurisdiction
20 of 9–1–1 fees or charges;

21 (ii) consider whether criminal pen-
22 alties would further prevent diversion by a
23 State or taxing jurisdiction of 9–1–1 fees or
24 charges; and

1 (iii) determine the impacts of diversion
2 by a State or taxing jurisdiction of 9–1–1
3 fees or charges.

4 (C) MEMBERS.—The Strike Force shall be
5 composed of such representatives of Federal de-
6 partments and agencies as the Commission con-
7 siders appropriate, in addition to—

8 (i) State attorneys general;

9 (ii) States or taxing jurisdictions
10 found not to be engaging in diversion of 9–
11 1–1 fees or charges;

12 (iii) States or taxing jurisdictions try-
13 ing to stop the diversion of 9–1–1 fees or
14 charges;

15 (iv) State 9–1–1 administrators;

16 (v) public safety organizations;

17 (vi) groups representing the public and
18 consumers; and

19 (vii) groups representing public safety
20 answering point professionals.

21 (D) REPORT TO CONGRESS.—Not later than
22 270 days after the date of the enactment of this
23 Act, the Strike Force shall publish on the website
24 of the Commission and submit to the Committee
25 on Energy and Commerce of the House of Rep-

1 *representatives and the Committee on Commerce,*
2 *Science, and Transportation of the Senate a re-*
3 *port on the findings of the study under this*
4 *paragraph, including—*

5 *(i) any recommendations regarding*
6 *how to most expeditiously end the diversion*
7 *by a State or taxing jurisdiction of 9–1–1*
8 *fees or charges, including actions that can*
9 *be taken by Federal departments and agen-*
10 *cies and appropriate changes to law or reg-*
11 *ulations; and*

12 *(ii) a description of what progress, if*
13 *any, relevant Federal departments and*
14 *agencies have made in implementing the*
15 *recommendations under clause (i).*

16 *(4) FAILURE TO COMPLY.—Notwithstanding any*
17 *other provision of law, any State or taxing jurisdic-*
18 *tion identified by the Commission in the report re-*
19 *quired under section 6(f)(2) of the Wireless Commu-*
20 *nications and Public Safety Act of 1999 (47 U.S.C.*
21 *615a–1(f)(2)) as engaging in diversion of 9–1–1 fees*
22 *or charges shall be ineligible to participate or send a*
23 *representative to serve on any committee, panel, or*
24 *council established under section 6205(a) of the Mid-*
25 *dle Class Tax Relief and Job Creation Act of 2012*

1 (47 U.S.C. 1425(a)) or any advisory committee estab-
2 lished by the Commission.

3 (e) *RULE OF CONSTRUCTION.*—Nothing in this Act, the
4 *Wireless Communications and Public Safety Act of 1999*
5 *(Public Law 106–81)*, or the *Communications Act of 1934*
6 *(47 U.S.C. 151 et seq.)* shall be construed to prevent a State
7 or taxing jurisdiction from requiring an annual audit of
8 the books and records of a provider of 9–1–1 services con-
9 cerning the collection and remittance of a 9–1–1 fee or
10 charge.

11 (f) *DEFINITIONS.*—In this Act:

12 (1) *9–1–1 FEE OR CHARGE.*—The term “9–1–1
13 fee or charge” has the meaning given such term in
14 subparagraph (D) of paragraph (3) of section 6(f) of
15 the *Wireless Communications and Public Safety Act*
16 of 1999, as added by this Act.

17 (2) *9–1–1 SERVICES.*—The term “9–1–1 serv-
18 ices” has the meaning given such term in section
19 158(e) of the *National Telecommunications and Infor-*
20 *mation Administration Organization Act (47 U.S.C.*
21 *942(e))*.

22 (3) *COMMISSION.*—The term “Commission”
23 means the *Federal Communications Commission*.

24 (4) *DIVERSION.*—The term “diversion” means,
25 with respect to a 9–1–1 fee or charge, the obligation

1 *or expenditure of such fee or charge for a purpose or*
2 *function other than the purposes and functions des-*
3 *ignated in the final rules issued under paragraph (3)*
4 *of section 6(f) of the Wireless Communications and*
5 *Public Safety Act of 1999, as added by this Act, as*
6 *purposes and functions for which the obligation or ex-*
7 *penditure of such a fee or charge is acceptable.*

8 (5) *STATE OR TAXING JURISDICTION.*—*The term*
9 *“State or taxing jurisdiction” has the meaning given*
10 *such term in subparagraph (D) of paragraph (3) of*
11 *section 6(f) of the Wireless Communications and Pub-*
12 *lic Safety Act of 1999, as added by this Act.*

13 **SEC. 903. OFFICE OF INTERNET CONNECTIVITY AND**
14 **GROWTH.**

15 (a) *SHORT TITLE.*—*This section may be cited as the*
16 *“Advancing Critical Connectivity Expands Service, Small*
17 *Business Resources, Opportunities, Access, and Data Based*
18 *on Assessed Need and Demand Act” or the “ACCESS*
19 *BROADBAND Act”.*

20 (b) *ESTABLISHMENT.*—*Not later than 180 days after*
21 *the date of the enactment of this Act, the Assistant Secretary*
22 *shall establish the Office of Internet Connectivity and*
23 *Growth within the National Telecommunications and In-*
24 *formation Administration.*

25 (c) *DUTIES.*—

1 (1) *OUTREACH.—The Office shall—*

2 (A) *connect with communities that need ac-*
3 *cess to high-speed internet and improved digital*
4 *inclusion efforts through various forms of out-*
5 *reach and communication techniques;*

6 (B) *hold regional workshops across the*
7 *country to share best practices and effective*
8 *strategies for promoting broadband access and*
9 *adoption;*

10 (C) *develop targeted broadband training*
11 *and presentations for various demographic com-*
12 *munities through various media;*

13 (D) *develop and distribute publications (in-*
14 *cluding toolkits, primers, manuals, and white*
15 *papers) providing guidance, strategies, and in-*
16 *sights to communities as the communities de-*
17 *velop strategies to expand broadband access and*
18 *adoption; and*

19 (E) *as applicable in carrying out subpara-*
20 *graphs (A) through (D), coordinate with State*
21 *agencies that provide similar broadband invest-*
22 *ments, outreach, and coordination through Fed-*
23 *eral programs.*

24 (2) *TRACKING OF FEDERAL DOLLARS.—*

1 (A) *BROADBAND INFRASTRUCTURE.*—*The*
2 *Office shall track the construction and use of and*
3 *access to any broadband infrastructure built*
4 *using any Federal support in a central database.*

5 (B) *ACCOUNTING MECHANISM.*—*The Office*
6 *shall develop a streamlined accounting mecha-*
7 *nism by which any agency offering a Federal*
8 *broadband support program and the Commission*
9 *for any Universal Service Fund Program shall*
10 *provide the information described in subpara-*
11 *graph (A) in a standardized and efficient fash-*
12 *ion.*

13 (C) *REPORT.*—*Not later than 1 year after*
14 *the date of the enactment of this Act, and every*
15 *year thereafter, the Office shall make public on*
16 *the website of the Office and submit to the Com-*
17 *mittee on Energy and Commerce of the House of*
18 *Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Senate*
20 *a report on the following:*

21 (i) *A description of the work of the Of-*
22 *fice for the previous year and the number of*
23 *residents of the United States that received*
24 *broadband as result of Federal broadband*

1 *support programs and the Universal Service*
2 *Fund Programs.*

3 (ii) *A description of how many resi-*
4 *dents of the United States were provided*
5 *broadband by which universal service mech-*
6 *anism or which Federal broadband support*
7 *program.*

8 (iii) *An estimate of the economic im-*
9 *pect of such broadband deployment efforts*
10 *on local economies, including any effect on*
11 *small businesses or jobs.*

12 (d) *RELATION TO CURRENT BROADBAND ACTIVITIES*
13 *OF NTIA.—The Assistant Secretary shall assign to the Of-*
14 *fice all activities performed by the National Telecommuni-*
15 *cations and Information Administration as of the date of*
16 *the enactment of this Act that are similar to the activities*
17 *required to be conducted by the Office under this Act.*

18 (e) *STREAMLINED APPLICATIONS FOR SUPPORT.—*

19 (1) *AGENCY CONSULTATION.—The Office shall*
20 *consult with any agency offering a Federal broadband*
21 *support program to streamline and standardize the*
22 *applications process for financial assistance or grants*
23 *for such program.*

24 (2) *AGENCY STREAMLINING.—Any agency offer-*
25 *ing a Federal broadband support program shall*

1 *amend the applications of the agency for broadband*
2 *support, to the extent practicable and as necessary, to*
3 *streamline and standardize applications for Federal*
4 *broadband support programs across the Government.*

5 (3) *SINGLE APPLICATION.*—*To the greatest extent*
6 *practicable, the Office shall seek to create one applica-*
7 *tion that may be submitted to apply for all, or sub-*
8 *stantially all, Federal broadband support programs.*

9 (4) *WEBSITE REQUIRED.*—*Not later than 180*
10 *days after the date of the enactment of this Act, the*
11 *Office shall create a central website through which po-*
12 *tential applicants can learn about and apply for sup-*
13 *port through any Federal broadband support pro-*
14 *gram.*

15 (f) *COORDINATION OF SUPPORT.*—

16 (1) *IN GENERAL.*—*To ensure that Federal sup-*
17 *port for broadband deployment is being distributed in*
18 *an efficient, technology-neutral, and financially sus-*
19 *tainable manner, and that a program does not dupli-*
20 *cate any other Federal broadband support program or*
21 *any Universal Service Fund high-cost program—*

22 (A) *any agency that offers a Federal*
23 *broadband support program shall coordinate*
24 *with the Office consistent with the goals de-*
25 *scribed in paragraph (2); and*

1 (B) *the Office, with respect to Federal*
2 *broadband support programs, and the Commis-*
3 *sion, with respect to the Universal Service Fund*
4 *high-cost programs, shall coordinate with each*
5 *other consistent with the goals described in para-*
6 *graph (2).*

7 (2) *GOALS.—The goals of any coordination con-*
8 *ducted pursuant to this subsection are the following:*

9 (A) *Serving the largest number of unserved*
10 *locations in the United States and ensuring all*
11 *residents of the United States have access to*
12 *high-speed broadband.*

13 (B) *Promoting the most job and economic*
14 *growth for all residents of the United States.*

15 (3) *BROADBAND AVAILABILITY MAPS.—The Office*
16 *and the Commission shall consult the broadband*
17 *availability maps produced by the Commission when*
18 *coordinating under paragraph (1).*

19 (g) *DEFINITIONS.—In this Act:*

20 (1) *AGENCY.—The term “agency” has the mean-*
21 *ing given that term in section 551 of title 5, United*
22 *States Code.*

23 (2) *ASSISTANT SECRETARY.—The term “Assist-*
24 *ant Secretary” means the Assistant Secretary of Com-*
25 *merce for Communications and Information.*

1 (3) *COMMISSION.*—*The term “Commission”*
2 *means the Federal Communications Commission.*

3 (4) *FEDERAL BROADBAND SUPPORT PROGRAM.*—
4 *The term “Federal broadband support program” does*
5 *not include any Universal Service Fund Program*
6 *and means any of the following programs (or any*
7 *other similar Federal program) to the extent the pro-*
8 *gram offers broadband internet service, support for*
9 *broadband deployment, or programs for promoting*
10 *broadband access and adoption for various demo-*
11 *graphic communities through various media for resi-*
12 *dential, commercial, community providers, or aca-*
13 *demie establishments:*

14 (A) *The Telecommunications and Tech-*
15 *nology Program of the Appalachian Regional*
16 *Commission.*

17 (B) *The Telecommunications Infrastructure*
18 *Loan and Loan Guarantee Program established*
19 *under the Rural Electrification Act of 1936, the*
20 *rural broadband access program established*
21 *under title VI of that Act (7 U.S.C. 950bb et*
22 *seq.), the initiative under section 306F of that*
23 *Act (7 U.S.C. 936f), the Community Connect*
24 *Grant Program established under section 604 of*
25 *that Act (7 U.S.C. 950bb–3), the broadband loan*

1 *and grant pilot program authorized under sec-*
2 *tion 779 of division A of the Consolidated Ap-*
3 *propriations Act, 2018 (Public Law 115–141;*
4 *132 Stat. 399) (commonly known as the “Rural*
5 *eConnectivity Pilot Program” or the “ReConnect*
6 *Program”), and the Distance Learning and Tele-*
7 *medicine Program under chapter 1 of subtitle D*
8 *of title XXIII of the Food, Agriculture, Conserva-*
9 *tion, and Trade Act of 1990 (7 U.S.C. 950aaa*
10 *et seq.).*

11 *(C) Community facility direct and guaran-*
12 *teed loans under section 306(a) of the Consoli-*
13 *dated Farm and Rural Development Act (7*
14 *U.S.C. 1926(a)), community facility grants*
15 *under paragraph (19), (20), or (21) of section*
16 *306(a) of the Consolidated Farm and Rural De-*
17 *velopment Act (7 U.S.C. 1926(a)), and the Rural*
18 *Community Development Initiative authorized*
19 *under the heading “Rural Housing Service—*
20 *Rural Community Facilities Program Account”*
21 *under title III of division B of the Further Con-*
22 *solidated Appropriations Act, 2020 (Public Law*
23 *116–94; 133 Stat. 2629).*

24 *(D) The Public Works and Economic Ad-*
25 *justment Assistance Programs and the Planning*

1 *and Local Technical Assistance Programs of the*
2 *Economic Development Administration of the*
3 *Department of Commerce.*

4 *(E) The Community Development Block*
5 *Grants and Section 108 Loan Guarantees Pro-*
6 *grams, the Funds for Public Housing Authori-*
7 *ties: Capital Fund and Operating Fund, the*
8 *Multifamily Housing Programs, the Indian*
9 *Community Development Block Grant Program,*
10 *the Indian Housing Block Grant Program, the*
11 *Title VI Loan Guarantee Program, the Choice*
12 *Neighborhoods Program, the HOME Investment*
13 *Partnerships Program, the Housing Trust Fund,*
14 *and the Housing Opportunities for Persons with*
15 *AIDS Program of the Department of Housing*
16 *and Urban Development.*

17 *(F) The American Job Centers of the Em-*
18 *ployment and Training Administration of the*
19 *Department of Labor.*

20 *(G) The Library Services and Technology*
21 *Grant Programs of the Institute of Museum and*
22 *Library Services.*

23 (5) OFFICE.—*The term “Office” means the Office*
24 *of Internet Connectivity and Growth established pur-*
25 *suant to subsection (b).*

1 (6) *UNIVERSAL SERVICE FUND HIGH-COST PRO-*
2 *GRAMS.—The term “Universal Service Fund high-cost*
3 *programs” means—*

4 (A) *the program for Universal Service Sup-*
5 *port for High-Cost Areas set forth under subpart*
6 *D of part 54 of title 47, Code of Federal Regula-*
7 *tions, or any successor thereto;*

8 (B) *the Rural Digital Opportunity Fund*
9 *set forth under subpart J of part 54 of title 47,*
10 *Code of Federal Regulations, or any successor*
11 *thereto;*

12 (C) *the Interstate Common Line Support*
13 *Mechanism for Rate-of-Return Carriers set forth*
14 *under subpart K of part 54 of title 47, Code of*
15 *Federal Regulations, or any successor thereto;*

16 (D) *the Mobility Fund and 5G Fund set*
17 *forth under subpart L of part 54 of title 47, Code*
18 *of Federal Regulations, or any successor thereto;*
19 *and*

20 (E) *the High Cost Loop Support for Rate-*
21 *of-Return Carriers program set forth under sub-*
22 *part M of part 54 of title 47, Code of Federal*
23 *Regulations, or any successor thereto.*

24 (7) *UNIVERSAL SERVICE FUND PROGRAM.—The*
25 *term “Universal Service Fund Program” means any*

1 *program authorized under section 254 of the Commu-*
2 *nications Act of 1934 (47 U.S.C. 254) to help deploy*
3 *broadband.*

4 (8) *UNIVERSAL SERVICE MECHANISM.*—*The term*
5 *“universal service mechanism” means any funding*
6 *stream provided by a Universal Service Fund Pro-*
7 *gram to support broadband access.*

8 (h) *RULE OF CONSTRUCTION.*—*Nothing in this Act is*
9 *intended to alter or amend any provision of section 254*
10 *of the Communications Act of 1934 (47 U.S.C. 254).*

11 **SEC. 904. INTERAGENCY AGREEMENT.**

12 (a) *SHORT TITLE.*—*This section may be cited as the*
13 *“Broadband Interagency Coordination Act of 2020”.*

14 (b) *INTERAGENCY AGREEMENT.*—

15 (1) *DEFINITIONS.*—*In this Act—*

16 (A) *the term “covered agency” means—*

17 (i) *the Federal Communications Com-*
18 *mission;*

19 (ii) *the Department of Agriculture;*

20 *and*

21 (iii) *the National Telecommunications*
22 *and Information Administration; and*

23 (B) *the term “high-cost programs” means—*

24 (i) *the program for Universal Service*
25 *Support for High-Cost Areas set forth under*

1 *subpart D of part 54 of title 47, Code of*
2 *Federal Regulations, or any successor there-*
3 *to;*

4 *(ii) the Rural Digital Opportunity*
5 *Fund set forth under subpart J of part 54*
6 *of title 47, Code of Federal Regulations, or*
7 *any successor thereto;*

8 *(iii) the Interstate Common Line Sup-*
9 *port Mechanism for Rate-of-Return Carriers*
10 *set forth under subpart K of part 54 of title*
11 *47, Code of Federal Regulations, or any*
12 *successor thereto;*

13 *(iv) the Mobility Fund and 5G Fund*
14 *set forth under subpart L of part 54 of title*
15 *47, Code of Federal Regulations, or any*
16 *successor thereto; and*

17 *(v) the High Cost Loop Support for*
18 *Rate-of-Return Carriers program set forth*
19 *under subpart M of part 54 of title 47, Code*
20 *of Federal Regulations, or any successor*
21 *thereto.*

22 (2) *INTERAGENCY AGREEMENT.—Not later than*
23 *180 days after the date of enactment of this Act, the*
24 *heads of the covered agencies shall enter into an inter-*
25 *agency agreement requiring coordination between the*

1 covered agencies for the distribution of funds for
2 broadband deployment under—

3 (A) the high-cost programs;

4 (B) the programs administered by the
5 Rural Utilities Service of the Department of Ag-
6 riculture and the Department of Agriculture;
7 and

8 (C) the programs administered by or co-
9 ordinated through the National Telecommuni-
10 cations and Information Administration.

11 (3) *REQUIREMENTS.*—In entering into an inter-
12 agency agreement with respect to the programs de-
13 scribed in paragraph (2), the heads of the covered
14 agencies shall—

15 (A) require that the covered agencies share
16 information with each other about existing or
17 planned projects that have received or will re-
18 ceive funds under the programs described in
19 paragraph (2) for new broadband deployment;

20 (B) provide that—

21 (i) subject to clause (ii), upon request
22 from another covered agency with authority
23 to award or authorize any funds for new
24 broadband deployment in a project area, a
25 covered agency shall provide the other cov-

1 *ered agency with any information the cov-*
2 *ered agency possesses regarding, with re-*
3 *spect to the project area—*

4 *(I) each entity that provides*
5 *broadband service in the area;*

6 *(II) levels of broadband service*
7 *provided in the area, including the*
8 *speed of broadband service and the*
9 *technology provided;*

10 *(III) the geographic scope of*
11 *broadband service coverage in the area;*
12 *and*

13 *(IV) each entity that has received*
14 *or will receive funds under the pro-*
15 *grams described in paragraph (2) to*
16 *provide broadband service in the area;*
17 *and*

18 *(ii) if a covered agency designates any*
19 *information provided to another covered*
20 *agency under clause (i) as confidential, the*
21 *other covered agency shall protect the con-*
22 *fidentiality of that information;*

23 *(C) consider basing the distribution of funds*
24 *for broadband deployment under the programs*

1 *described in paragraph (2) on standardized data*
2 *regarding broadband coverage; and*

3 *(D) provide that the interagency agreement*
4 *shall be updated periodically, except that the*
5 *scope of the agreement with respect to the Fed-*
6 *eral Communications Commission may not ex-*
7 *pand beyond the high-cost programs.*

8 *(4) ASSESSMENT OF AGREEMENT.—*

9 *(A) PUBLIC COMMENT.—Not later than 1*
10 *year after entering into the interagency agree-*
11 *ment required under paragraph (2), the Federal*
12 *Communications Commission shall seek public*
13 *comment on—*

14 *(i) the effectiveness of the interagency*
15 *agreement in facilitating efficient use of*
16 *funds for broadband deployment;*

17 *(ii) the availability of Tribal, State,*
18 *and local data regarding broadband deploy-*
19 *ment and the inclusion of that data in*
20 *interagency coordination; and*

21 *(iii) modifications to the interagency*
22 *agreement that would improve the efficacy*
23 *of interagency coordination.*

24 *(B) ASSESSMENT; REPORT.—Not later than*
25 *18 months after the date of enactment of this*

1 *Act, the Federal Communications Commission*
2 *shall—*

3 *(i) review and assess the comments re-*
4 *ceived under subparagraph (A); and*

5 *(ii) submit to the Committee on Com-*
6 *merce, Science, and Transportation of the*
7 *Senate and the Committee on Energy and*
8 *Commerce of the House of Representatives a*
9 *report detailing any findings and rec-*
10 *ommendations from the assessment con-*
11 *ducted under clause (i).*

12 **SEC. 905. REALLOCATION AND AUCTION OF 3450–3550 MHZ**
13 **SPECTRUM BAND.**

14 *(a) SHORT TITLE.—This section may be cited as the*
15 *“Beat China by Harnessing Important, National Airwaves*
16 *for 5G Act of 2020” or the “Beat CHINA for 5G Act of*
17 *2020”.*

18 *(b) DEFINITIONS.—In this Act—*

19 *(1) the term “Commission” means the Federal*
20 *Communications Commission; and*

21 *(2) the term “covered band” means the band of*
22 *electromagnetic spectrum between the frequencies of*
23 *3450 megahertz and 3550 megahertz, inclusive.*

24 *(c) WITHDRAWAL OR MODIFICATION OF FEDERAL*
25 *GOVERNMENT ASSIGNMENTS.—The President, acting*

1 *through the Assistant Secretary of Commerce for Commu-*
2 *nications and Information, shall—*

3 (1) *not later than 180 days after the date of en-*
4 *actment of this Act, in coordination with relevant*
5 *Federal users, begin the process of withdrawing or*
6 *modifying the assignments to Federal Government*
7 *stations of the covered band as necessary for the Com-*
8 *mission to comply with subsection (d); and*

9 (2) *not later than 30 days after completing any*
10 *necessary withdrawal or modification under para-*
11 *graph (1), notify the Commission that the withdrawal*
12 *or modification is complete.*

13 *(d) REALLOCATION AND AUCTION.—*

14 (1) *IN GENERAL.—The Commission shall—*

15 (A) *revise the non-Federal allocation for the*
16 *covered band to permit flexible-use services; and*

17 (B) *notwithstanding paragraph (15)(A) of*
18 *section 309(j) of the Communications Act of*
19 *1934 (47 U.S.C. 309(j)), not later than December*
20 *31, 2021, begin a system of competitive bidding*
21 *under that section to grant new initial licenses*
22 *for the use of a portion or all of the covered*
23 *band, subject to flexible-use service rules.*

24 (2) *EXEMPTION FROM NOTIFICATION REQUIRE-*
25 *MENT.—The first sentence of section 113(g)(4)(A) of*

1 *the National Telecommunications and Information*
2 *Administration Organization Act (47 U.S.C.*
3 *923(g)(4)(A)) shall not apply with respect to the sys-*
4 *tem of competitive bidding required under paragraph*
5 *(1)(B) of this subsection.*

6 (3) *PROCEEDS TO COVER 110 PERCENT OF FED-*
7 *ERAL RELOCATION OR SHARING COSTS.—Nothing in*
8 *paragraph (1) shall be construed to relieve the Com-*
9 *mission from the requirements of section*
10 *309(j)(16)(B) of the Communications Act of 1934 (47*
11 *U.S.C. 309(j)(16)(B)).*

12 **TITLE X—BANKRUPTCY RELIEF**

13 **SEC. 1001. BANKRUPTCY RELIEF.**

14 (a) *PROPERTY OF THE ESTATE.—*

15 (1) *IN GENERAL.—Section 541(b) of title 11,*
16 *United States Code, is amended—*

17 (A) *in paragraph (9), in the matter fol-*
18 *lowing subparagraph (B), by striking “or”;*

19 (B) *in paragraph (10)(C), by striking the*
20 *period at the end and inserting “; or”; and*

21 (C) *by inserting after paragraph (10) the*
22 *following:*

23 “(11) *recovery rebates made under section 6428*
24 *of the Internal Revenue Code of 1986.”.*

1 (2) *SUNSET.*—*Effective on the date that is 1*
2 *year after the date of enactment of this Act, section*
3 *541(b) of title 11, United States Code, is amended—*

4 (A) *in paragraph (9), in the matter fol-*
5 *lowing subparagraph (B), by adding “or” at the*
6 *end;*

7 (B) *in paragraph (10)(C), by striking “;*
8 *or” and inserting a period; and*

9 (C) *by striking paragraph (11).*

10 (b) *DISCHARGE.*—

11 (1) *IN GENERAL.*—*Section 1328 of title 11,*
12 *United States Code, is amended by adding at the end*
13 *the following:*

14 “*(i) Subject to subsection (d), after notice and a hear-*
15 *ing, the court may grant a discharge of debts dischargeable*
16 *under subsection (a) to a debtor who has not completed pay-*
17 *ments to the trustee or a creditor holding a security interest*
18 *in the principal residence of the debtor if—*

19 “*(1) the debtor defaults on not more than 3*
20 *monthly payments due on a residential mortgage*
21 *under section 1322(b)(5) on or after March 13, 2020,*
22 *to the trustee or creditor caused by a material finan-*
23 *cial hardship due, directly or indirectly, by the*
24 *coronavirus disease 2019 (COVID–19) pandemic; or*

1 “(2)(A) *the plan provides for the curing of a de-*
2 *fault and maintenance of payments on a residential*
3 *mortgage under section 1322(b)(5); and*

4 “(B) *the debtor has entered into a forbearance*
5 *agreement or loan modification agreement with the*
6 *holder or servicer (as defined in section 6(i) of the*
7 *Real Estate Settlement Procedures Act of 1974 (12*
8 *U.S.C. 2605(i)) of the mortgage described in subpara-*
9 *graph (A).”.*

10 (2) *SUNSET.—Effective on the date that is 1*
11 *year after the date of enactment of this Act, section*
12 *1328 of title 11, United States Code, is amended by*
13 *striking subsection (i).*

14 (c) *PROTECTION AGAINST DISCRIMINATORY TREAT-*
15 *MENT.—*

16 (1) *IN GENERAL.—Section 525 of title 11,*
17 *United States Code, is amended by adding at the end*
18 *the following:*

19 “(d) *A person may not be denied relief under sections*
20 *4022 through 4024 of the CARES Act (15 U.S.C. 9056,*
21 *9057, 9058) because the person is or has been a debtor under*
22 *this title.”.*

23 (2) *SUNSET.—Effective on the date that is 1*
24 *year after the date of enactment of this Act, section*

1 525 of title 11, United States Code, is amended by
2 striking subsection (d).

3 (d) CARES FORBEARANCE CLAIMS.—

4 (1) FILING OF PROOFS OF CLAIMS OR INTER-
5 ESTS.—Section 501 of title 11, United States Code, is
6 amended by adding at the end the following:

7 “(f)(1) In this subsection—

8 “(A) the term ‘CARES forbearance claim’ means
9 a supplemental claim for the amount of a Federally
10 backed mortgage loan or a Federally backed multi-
11 family mortgage loan that was not received by an eli-
12 gible creditor during the forbearance period of a loan
13 granted forbearance under section 4022 or 4023 of the
14 CARES Act (15 U.S.C. 9056, 9057);

15 “(B) the term ‘eligible creditor’ means a servicer
16 (as defined in section 6(i) of the Real Estate Settle-
17 ment Procedures Act of 1974 (12 U.S.C. 2605(i)) with
18 a claim for a Federally backed mortgage loan or a
19 Federally backed multifamily mortgage loan of the
20 debtor that is provided for by a plan under section
21 1322(b)(5);

22 “(C) the term ‘Federally backed mortgage loan’
23 has the meaning given the term in section 4022(a) of
24 the CARES Act (15 U.S.C. 9056(a)); and

1 “(D) the term ‘Federally backed multifamily
2 mortgage loan’ has the meaning given the term in sec-
3 tion 4023(f) of the CARES Act (15 U.S.C. 9057(f)).

4 “(2)(A) Only an eligible creditor may file a supple-
5 mental proof of claim for a CARES forbearance claim.

6 “(B) If an underlying mortgage loan obligation has
7 been modified or deferred by an agreement of the debtor and
8 an eligible creditor of the mortgage loan in connection with
9 a mortgage forbearance granted under section 4022 or 4023
10 of the CARES Act (15 U.S.C. 9056, 9057) in order to cure
11 mortgage payments forborne under the forbearance, the
12 proof of claim filed under subparagraph (A) shall include—

13 “(i) the relevant terms of the modification or de-
14 ferral;

15 “(ii) for a modification or deferral that is in
16 writing, a copy of the modification or deferral; and

17 “(iii) a description of the payments to be de-
18 ferred until the date on which the mortgage loan ma-
19 tures.”.

20 (2) ALLOWANCE OF CLAIMS OR INTERESTS.—
21 Section 502(b)(9) of title 11, United States Code, is
22 amended to read as follows:

23 “(9) proof of such claim is not timely filed, ex-
24 cept to the extent tardily filed as permitted under
25 paragraph (1), (2), or (3) of section 726(a) or under

1 *the Federal Rules of Bankruptcy Procedure, except*
2 *that—*

3 “(A) a claim of a governmental unit shall
4 be timely filed if it is filed before 180 days after
5 the date of the order for relief or such later time
6 as the Federal Rules of Bankruptcy Procedure
7 may provide;

8 “(B) in a case under chapter 13, a claim of
9 a governmental unit for a tax with respect to a
10 return filed under section 1308 shall be timely if
11 the claim is filed on or before the date that is 60
12 days after the date on which such return was
13 filed as required; and

14 “(C) a CARES forbearance claim (as de-
15 fined in section 501(f)(1)) shall be timely filed if
16 the claim is filed before the date that is 120 days
17 after the expiration of the forbearance period of
18 a loan granted forbearance under section 4022 or
19 4023 of the CARES Act (15 U.S.C. 9056,
20 9057).”.

21 (3) SUNSET.—Effective on the date that is 1
22 year after the date of enactment of this Act—

23 (A) section 501 of title 11, United States
24 Code, is amended by striking subsection (f); and

1 (B) section 502(b)(9) of title 11, United
2 States Code, is amended—

3 (i) in subparagraph (A), by adding
4 “and” at the end;

5 (ii) in subparagraph (B), by striking
6 “; and” and inserting a period; and

7 (iii) by striking subparagraph (C).

8 (e) *MODIFICATION OF PLAN AFTER CONFIRMATION.*—

9 (1) *IN GENERAL.*—Section 1329 of title 11,
10 United States Code, is amended by adding at the end
11 the following:

12 “(e)(1) A debtor of a case for which a creditor files
13 a proof of claim under section 501(f) may file a request
14 for a modification of the plan to provide for the proof of
15 claim.

16 “(2) If the debtor does not file a request for a modifica-
17 tion of the plan under paragraph (1) on or before the date
18 that is 30 days after the date on which a creditor files a
19 claim under section 501(f), after notice, the court, on a mo-
20 tion of the court or on a motion of the United States trustee,
21 the trustee, a bankruptcy administrator, or any party in
22 interest, may request a modification of the plan to provide
23 for the proof of claim.”.

24 (2) *SUNSET.*—Effective on the date that is 1
25 year after the date of enactment of this Act, section

1 1329 of title 11, United States Code, is amended by
2 striking subsection (e).

3 (f) *EXECUTORY CONTRACTS AND UNEXPIRED*
4 *LEASES.*—

5 (1) *IN GENERAL.*—Section 365(d) of title 11,
6 *United States Code, is amended—*

7 (A) *in paragraph (3)—*

8 (i) *by inserting “(A)” after “(3)”;*

9 (ii) *by inserting “, except as provided*
10 *in subparagraph (B)” after “such 60-day*
11 *period”; and*

12 (iii) *by adding at the end the fol-*
13 *lowing:*

14 “(B) *In a case under subchapter V of chapter 11, the*
15 *time for performance of an obligation described in subpara-*
16 *graph (A) arising under any unexpired lease of nonresiden-*
17 *tial real property may be extended by the court if the debtor*
18 *is experiencing or has experienced a material financial*
19 *hardship due, directly or indirectly, to the coronavirus dis-*
20 *ease 2019 (COVID–19) pandemic until the earlier of—*

21 “(i) *the date that is 60 days after the date of the*
22 *order for relief, which may be extended by the court*
23 *for an additional period of 60 days if the court deter-*
24 *mines that the debtor is continuing to experience a*
25 *material financial hardship due, directly or indi-*

1 *rectly, to the coronavirus disease 2019 (COVID–19)*
2 *pandemic; or*

3 *“(i) the date on which the lease is assumed or*
4 *rejected under this section.*

5 *“(C) An obligation described in subparagraph (A) for*
6 *which an extension is granted under subparagraph (B)*
7 *shall be treated as an administrative expense described in*
8 *section 507(a)(2) for the purpose of section 1191(e).”;* and

9 *(B) in paragraph (4), by striking “120”*
10 *each place it appears and inserting “210”.*

11 *(2) SUNSET.—*

12 *(A) IN GENERAL.—Effective on the date*
13 *that is 2 years after the date of enactment of this*
14 *Act, section 365(d) of title 11, United States*
15 *Code, is amended—*

16 *(i) in paragraph (3)—*

17 *(I) by striking “(A)” after “(3)”;*

18 *(II) by striking “, except as pro-*
19 *vided in subparagraph (B)” after*
20 *“such 60-day period”; and*

21 *(III) by striking subparagraphs*
22 *(B) and (C); and*

23 *(ii) in paragraph (4), by striking*
24 *“210” each place it appears and inserting*
25 *“120”.*

1 (B) *SUBCHAPTER V CASES FILED BEFORE*
2 *SUNSET.—Notwithstanding the amendments*
3 *made by subparagraph (A), the amendments*
4 *made by paragraph (1) shall apply in any case*
5 *commenced under subchapter V of chapter 11 of*
6 *title 11, United States Code, before the date that*
7 *is 2 years after the date of enactment of this Act.*

8 (g) *PREFERENCES.—*

9 (1) *IN GENERAL.—Section 547 of title 11,*
10 *United States Code, is amended—*

11 (A) *in subsection (b), in the matter pre-*
12 *ceding paragraph (1), by striking “and (i)” and*
13 *inserting “, (i), and (j)”;* and

14 (B) *by adding at the end the following:*

15 “(j)(1) *In this subsection:*

16 “(A) *The term ‘covered payment of rental ar-*
17 *rearages’ means a payment of arrearages that—*

18 “(i) *is made in connection with an agree-*
19 *ment or arrangement—*

20 “(I) *between the debtor and a lessor to*
21 *defer or postpone the payment of rent and*
22 *other periodic charges under a lease of non-*
23 *residential real property; and*

24 “(II) *made or entered into on or after*
25 *March 13, 2020;*

1 “(i) does not exceed the amount of rental
2 and other periodic charges agreed to under the
3 lease of nonresidential real property described in
4 clause (i)(I) before March 13, 2020; and

5 “(iii) does not include fees, penalties, or in-
6 terest in an amount greater than the amount of
7 fees, penalties, or interest—

8 “(I) scheduled to be paid under the
9 lease of nonresidential real property de-
10 scribed in clause (i)(I); or

11 “(II) that the debtor would owe if the
12 debtor had made every payment due under
13 the lease of nonresidential real property de-
14 scribed in clause (i)(I) on time and in full
15 before March 13, 2020.

16 “(B) The term ‘covered payment of supplier ar-
17 rearages’ means a payment of arrearages that—

18 “(i) is made in connection with an agree-
19 ment or arrangement—

20 “(I) between the debtor and a supplier
21 of goods or services to defer or postpone the
22 payment of amounts due under an execu-
23 tory contract for goods or services; and

24 “(II) made or entered into on or after
25 March 13, 2020;

1 “(ii) does not exceed the amount due under
2 the executory contract described in clause (i)(I)
3 before March 13, 2020; and

4 “(iii) does not include fees, penalties, or in-
5 terest in an amount greater than the amount of
6 fees, penalties, or interest—

7 “(I) scheduled to be paid under the ex-
8 ecutory contract described in clause (i)(I);
9 or

10 “(II) that the debtor would owe if the
11 debtor had made every payment due under
12 the executory contract described in clause
13 (i)(I) on time and in full before March 13,
14 2020.

15 “(2) The trustee may not avoid a transfer under this
16 section for—

17 “(A) a covered payment of rental arrearages; or

18 “(B) a covered payment of supplier arrearages.”.

19 (2) *SUNSET*.—

20 (A) *IN GENERAL*.—Effective on the date
21 that is 2 years after the date of enactment of this
22 Act, section 547 of title 11, United States Code,
23 is amended—

1 (i) in subsection (b), in the matter pre-
2 ceding paragraph (1), by striking “, (i),
3 and (j)” and inserting “and (i)”; and
4 (ii) by striking subsection (j).

5 (B) *CASES FILED BEFORE SUNSET.*—Not-
6 withstanding the amendments made by subpara-
7 graph (A), the amendments made by paragraph
8 (1) shall apply in any case commenced under
9 title 11, United States Code, before the date that
10 is 2 years after the date of enactment of this Act.

11 (h) *TERMINATION OF UTILITY SERVICES.*—

12 (1) *IN GENERAL.*—Section 366 of title 11,
13 United States Code, is amended by adding at the end
14 the following:

15 “(d) Notwithstanding any other provision of this sec-
16 tion, a utility may not alter, refuse, or discontinue service
17 to a debtor who does not furnish adequate assurance of pay-
18 ment under this section if the debtor—

19 “(1) is an individual;

20 “(2) makes a payment to the utility for any debt
21 owed to the utility for service provided during the 20-
22 day period beginning on the date of the order for re-
23 lief; and

24 “(3) after the date on which the 20-day period
25 beginning on the date of the order for relief ends,

1 *makes a payment to the utility for services provided*
2 *during the pendency of case when such a payment be-*
3 *comes due.”.*

4 (2) *SUNSET.—Effective on the date that is 1*
5 *year after the date of enactment of this Act, section*
6 *366 of title 11, United States Code, is amended by*
7 *striking subsection (d).*

8 (i) *CUSTOMS DUTIES.—*

9 (1) *IN GENERAL.—Section 507(d) of title 11,*
10 *United States Code, is amended—*

11 (A) *by striking “, (a)(8)”;*

12 (B) *by inserting “or subparagraphs (A)*
13 *through (E) and (G) of subsection (a)(8)” after*
14 *“(a)(9)”;* and

15 (C) *inserting “or subparagraph” after “such*
16 *subsection”.*

17 (2) *SUNSET.—Effective on the date that is 1*
18 *year after the date of enactment of this Act, section*
19 *507(d) of title 11, United States Code, is amended—*

20 (A) *by inserting “, (a)(8)” before “, or*
21 *(a)(9)”;*

22 (B) *by striking “or subparagraphs (A)*
23 *through (E) and (G) of subsection (a)(8)”;* and

24 (C) *by striking “or subparagraph” after*
25 *“such subsection”.*

1 **TITLE XI—WESTERN WATER AND**
2 **INDIAN AFFAIRS**

3 **SEC. 1101. AGING INFRASTRUCTURE ACCOUNT.**

4 *Section 9603 of the Omnibus Public Land Manage-*
5 *ment Act of 2009 (43 U.S.C. 510b) is amended by adding*
6 *at the end the following:*

7 *“(d) AGING INFRASTRUCTURE ACCOUNT.—*

8 *“(1) ESTABLISHMENT.—There is established in*
9 *the general fund of the Treasury a special account, to*
10 *be known as the ‘Aging Infrastructure Account’ (re-*
11 *ferred to in this subsection as the ‘Account’), to pro-*
12 *vide funds to, and provide for the extended repayment*
13 *of the funds by, a transferred works operating entity*
14 *or project beneficiary responsible for repayment of re-*
15 *imbursable costs for the conduct of extraordinary op-*
16 *eration and maintenance work at a project facility,*
17 *which shall consist of—*

18 *“(A) any amounts that are specifically ap-*
19 *propriated to the Account under section 9605;*
20 *and*

21 *“(B) any amounts deposited in the Account*
22 *under paragraph (3)(B).*

23 *“(2) EXPENDITURES.—Subject to paragraphs (3)*
24 *and (6), the Secretary may expend amounts in the*
25 *Account to fund and provide for extended repayment*

1 *of the funds for eligible projects identified in a report*
2 *submitted under paragraph (5)(B).*

3 *“(3) REPAYMENT CONTRACT.—*

4 *“(A) IN GENERAL.—The Secretary may not*
5 *expend amounts under paragraph (2) with re-*
6 *spect to an eligible project described in that*
7 *paragraph unless the transferred works operating*
8 *entity or project beneficiary responsible for re-*
9 *payment of reimbursable costs has entered into a*
10 *contract to repay the amounts under subsection*
11 *(b)(2).*

12 *“(B) DEPOSIT OF REPAID FUNDS.—*

13 *Amounts repaid by a transferred works oper-*
14 *ating entity or project beneficiary responsible for*
15 *repayment of reimbursable costs receiving funds*
16 *under a repayment contract entered into under*
17 *this subsection shall be deposited in the Account*
18 *and shall be available to the Secretary for ex-*
19 *penditure, subject to paragraph (6), in accord-*
20 *ance with this subsection, and without further*
21 *appropriation.*

22 *“(4) APPLICATION FOR FUNDING.—*

23 *“(A) IN GENERAL.—Beginning with fiscal*
24 *year 2022, not less than once per fiscal year, the*
25 *Secretary shall accept, during an application pe-*

1 *riod established by the Secretary, applications*
2 *from transferred works operating entities or*
3 *project beneficiaries responsible for payment of*
4 *reimbursable costs for funds and extended repay-*
5 *ment for eligible projects.*

6 “(B) *ELIGIBLE PROJECT.*—*A project eligible*
7 *for funding and extended repayment under this*
8 *subsection is a project that—*

9 *“(i) qualifies as an extraordinary op-*
10 *eration and maintenance work under this*
11 *section;*

12 *“(ii) is for the major, non-recurring*
13 *maintenance of a mission-critical asset; and*

14 *“(iii) is not eligible to be carried out*
15 *or funded under the repayment provisions*
16 *of section 4(c) of the Reclamation Safety of*
17 *Dams Act of 1978 (43 U.S.C. 508(c)).*

18 “(C) *GUIDELINES FOR APPLICATIONS.*—*Not*
19 *later than 60 days after the date of enactment of*
20 *this subsection, the Secretary shall issue guide-*
21 *lines describing the information required to be*
22 *provided in an application for funds and ex-*
23 *tended repayment under this subsection that re-*
24 *quire, at a minimum—*

1 “(i) a description of the project for
2 which the funds are requested;

3 “(ii) the amount of funds requested;

4 “(iii) the repayment period requested
5 by the transferred works operating entity or
6 project beneficiary responsible for repay-
7 ment of reimbursable costs;

8 “(iv) alternative non-Federal funding
9 options that have been evaluated;

10 “(v) the financial justification for re-
11 questing an extended repayment period; and

12 “(vi) the financial records of the trans-
13 ferred works operating entity or project ben-
14 eficiary responsible for repayment of reim-
15 bursable costs.

16 “(D) REVIEW BY THE SECRETARY.—The
17 Secretary shall review each application sub-
18 mitted under subparagraph (A)—

19 “(i) to determine whether the project is
20 eligible for funds and an extended repay-
21 ment period under this subsection;

22 “(ii) to determine if the project has
23 been identified by the Bureau of Reclama-
24 tion as part of the major rehabilitation and
25 replacement of a project facility; and

1 “(iii) to conduct a financial analysis
2 of—

3 “(I) the project; and

4 “(II) repayment capability of the
5 transferred works operating entity or
6 project beneficiary responsible for re-
7 payment of reimbursable costs.

8 “(5) REPORT.—Not later than 90 days after the
9 date on which an application period closes under
10 paragraph (4)(A), the Secretary shall submit to the
11 Committees on Energy and Natural Resources and
12 Appropriations of the Senate and the Committees on
13 Natural Resources and Appropriations of the House
14 of Representatives a report that—

15 “(A) describes the results of the Secretary’s
16 review of each application under paragraph
17 (4)(D), including a determination of whether the
18 project is eligible;

19 “(B) identifies each project eligible for funds
20 and extended repayment under this subsection;

21 “(C) with respect to each eligible project
22 identified under subparagraph (B), includes—

23 “(i) a description of—

24 “(I) the eligible project;

1 “(II) *the anticipated cost and du-*
2 *ration of the eligible project;*

3 “(III) *any remaining engineering*
4 *or environmental compliance that is*
5 *required before the eligible project com-*
6 *mences;*

7 “(IV) *any recommendations the*
8 *Secretary may have concerning the*
9 *plan or design of the project; and*

10 “(V) *any conditions the Secretary*
11 *may require for construction of the*
12 *project;*

13 “(ii) *an analysis of—*

14 “(I) *the repayment period pro-*
15 *posed in the application; and*

16 “(II) *if the Secretary recommends*
17 *a minimum necessary repayment pe-*
18 *riod that is different than the repay-*
19 *ment period proposed in the applica-*
20 *tion, the minimum necessary repay-*
21 *ment period recommended by the Sec-*
22 *retary; and*

23 “(iii) *an analysis of alternative non-*
24 *Federal funding options;*

1 “(D) describes the allocation of funds from
2 deposits into the Account under paragraph
3 (3)(B); and

4 “(E) describes the balance of funds in the
5 Account as of the date of the report.

6 “(6) ALTERNATIVE ALLOCATION.—

7 “(A) IN GENERAL.—Appropriations Acts
8 may provide for alternate allocation of amounts
9 reported pursuant to paragraph (5)(D) that are
10 made available under this subsection.

11 “(B) ALLOCATION BY SECRETARY.—

12 “(i) NO ALTERNATE ALLOCATIONS.—If
13 Congress has not enacted legislation estab-
14 lishing alternate allocations by the date on
15 which the Act making full-year appropri-
16 ations for energy and water development and
17 related agencies for the applicable fiscal
18 year is enacted into law, amounts made
19 available under paragraph (1) shall be allo-
20 cated by the Secretary.

21 “(ii) INSUFFICIENT ALTERNATE ALLO-
22 CATIONS.—If Congress enacts legislation es-
23 tablishing alternate allocations for amounts
24 made available under paragraph (1) that
25 are less than the full amount appropriated

1 *under that paragraph, the difference be-*
2 *tween the amount appropriated and the al-*
3 *ternate allocation shall be allocated by the*
4 *Secretary.*

5 “(7) *EFFECT OF SUBSECTION.*—*Nothing in this*
6 *subsection affects—*

7 “(A) *any funding provided, or contracts en-*
8 *tered into, under subsection (a) before the date of*
9 *enactment of this subsection; or*

10 “(B) *the use of funds otherwise made avail-*
11 *able to the Secretary to carry out subsection*
12 *(a).”.*

13 **SEC. 1102. NAVAJO-UTAH WATER RIGHTS SETTLEMENT.**

14 (a) *PURPOSES.*—*The purposes of this section are—*

15 (1) *to achieve a fair, equitable, and final settle-*
16 *ment of all claims to water rights in the State of*
17 *Utah for—*

18 (A) *the Navajo Nation; and*

19 (B) *the United States, for the benefit of the*
20 *Nation;*

21 (2) *to authorize, ratify, and confirm the agree-*
22 *ment entered into by the Nation and the State, to the*
23 *extent that the agreement is consistent with this sec-*
24 *tion;*

25 (3) *to authorize and direct the Secretary—*

1 (A) to execute the agreement; and

2 (B) to take any actions necessary to carry
3 out the agreement in accordance with this sec-
4 tion; and

5 (4) to authorize funds necessary for the imple-
6 mentation of the agreement and this section.

7 (b) DEFINITIONS.—In this section:

8 (1) AGREEMENT.—The term “agreement”
9 means—

10 (A) the document entitled “Navajo Utah
11 Water Rights Settlement Agreement” dated De-
12 cember 14, 2015, and the exhibits attached there-
13 to; and

14 (B) any amendment or exhibit to the docu-
15 ment or exhibits referenced in subparagraph (A)
16 to make the document or exhibits consistent with
17 this section.

18 (2) ALLOTMENT.—The term “allotment” means a
19 parcel of land—

20 (A) granted out of the public domain that
21 is—

22 (i) located within the exterior bound-
23 aries of the Reservation; or

24 (ii) Bureau of Indian Affairs parcel
25 number 792 634511 in San Juan County,

1 *Utah, consisting of 160 acres located in*
2 *Township 41S, Range 20E, sections 11, 12,*
3 *and 14, originally set aside by the United*
4 *States for the benefit of an individual iden-*
5 *tified in the allotting document as a Navajo*
6 *Indian; and*

7 *(B) held in trust by the United States—*

8 *(i) for the benefit of an individual, in-*
9 *dividuals, or an Indian Tribe other than*
10 *the Navajo Nation; or*

11 *(ii) in part for the benefit of the Nav-*
12 *ajo Nation as of the enforceability date.*

13 (3) *ALLOTTEE.*—*The term “allottee” means an*
14 *individual or Indian Tribe with a beneficial interest*
15 *in an allotment held in trust by the United States.*

16 (4) *ENFORCEABILITY DATE.*—*The term “enforce-*
17 *ability date” means the date on which the Secretary*
18 *publishes in the Federal Register the statement of*
19 *findings described in subsection (g)(1).*

20 (5) *GENERAL STREAM ADJUDICATION.*—*The term*
21 *“general stream adjudication” means the adjudica-*
22 *tion pending, as of the date of enactment of this Act,*
23 *in the Seventh Judicial District in and for Grand*
24 *County, State of Utah, commonly known as the*
25 *“Southeastern Colorado River General Adjudication”,*

1 *Civil No. 810704477, conducted pursuant to State*
2 *law.*

3 (6) *INJURY TO WATER RIGHTS.—The term “in-*
4 *jury to water rights” means an interference with,*
5 *diminution of, or deprivation of water rights under*
6 *Federal or State law, excluding injuries to water*
7 *quality.*

8 (7) *MEMBER.—The term “member” means any*
9 *person who is a duly enrolled member of the Navajo*
10 *Nation.*

11 (8) *NAVAJO NATION OR NATION.—The term*
12 *“Navajo Nation” or “Nation” means a body politic*
13 *and federally recognized Indian nation, as published*
14 *on the list established under section 104(a) of the Fed-*
15 *erally Recognized Indian Tribe List Act of 1994 (25*
16 *U.S.C. 5131(a)), also known variously as the “Navajo*
17 *Nation”, the “Navajo Nation of Arizona, New Mexico,*
18 *& Utah”, and the “Navajo Nation of Indians” and*
19 *other similar names, and includes all bands of Navajo*
20 *Indians and chapters of the Navajo Nation and all*
21 *divisions, agencies, officers, and agents thereof.*

22 (9) *NAVAJO WATER DEVELOPMENT PROJECTS.—*
23 *The term “Navajo water development projects” means*
24 *projects for domestic municipal water supply, includ-*
25 *ing distribution infrastructure, and agricultural*

1 *water conservation, to be constructed, in whole or in*
2 *part, using monies from the Navajo Water Develop-*
3 *ment Projects Account.*

4 (10) *NAVAJO WATER RIGHTS.*—*The term “Navajo*
5 *water rights” means the Nation’s water rights in*
6 *Utah described in the agreement and this section.*

7 (11) *OM&R.*—*The term “OM&R” means oper-*
8 *ation, maintenance, and replacement.*

9 (12) *PARTIES.*—*The term “parties” means the*
10 *Navajo Nation, the State, and the United States.*

11 (13) *RESERVATION.*—*The term “Reservation”*
12 *means, for purposes of the agreement and this section,*
13 *the Reservation of the Navajo Nation in Utah as in*
14 *existence on the date of enactment of this Act and de-*
15 *scribed on the map attached to the agreement as Ex-*
16 *hibit A, including any parcel of land granted out of*
17 *the public domain and held in trust by the United*
18 *States entirely for the benefit of the Navajo Nation as*
19 *of the enforceability date.*

20 (14) *SECRETARY.*—*The term “Secretary” means*
21 *the Secretary of the Interior or a duly authorized rep-*
22 *resentative thereof.*

23 (15) *STATE.*—*The term “State” means the State*
24 *of Utah and all officers, agents, departments, and po-*
25 *litical subdivisions thereof.*

1 (16) *UNITED STATES.*—*The term “United*
2 *States” means the United States of America and all*
3 *departments, agencies, bureaus, officers, and agents*
4 *thereof.*

5 (17) *UNITED STATES ACTING IN ITS TRUST CA-*
6 *PACITY.*—*The term “United States acting in its trust*
7 *capacity” means the United States acting for the ben-*
8 *efit of the Navajo Nation or for the benefit of allottees.*

9 (c) *RATIFICATION OF AGREEMENT.*—

10 (1) *APPROVAL BY CONGRESS.*—*Except to the ex-*
11 *tent that any provision of the agreement conflicts*
12 *with this section, Congress approves, ratifies, and*
13 *confirms the agreement (including any amendments*
14 *to the agreement that are executed to make the agree-*
15 *ment consistent with this section).*

16 (2) *EXECUTION BY SECRETARY.*—*The Secretary*
17 *is authorized and directed to promptly execute the*
18 *agreement to the extent that the agreement does not*
19 *conflict with this section, including—*

20 (A) *any exhibits to the agreement requiring*
21 *the signature of the Secretary; and*

22 (B) *any amendments to the agreement nec-*
23 *essary to make the agreement consistent with this*
24 *section.*

25 (3) *ENVIRONMENTAL COMPLIANCE.*—

1 (A) *IN GENERAL.*—*In implementing the*
2 *agreement and this section, the Secretary shall*
3 *comply with all applicable provisions of—*

4 (i) *the Endangered Species Act of 1973*
5 *(16 U.S.C. 1531 et seq.);*

6 (ii) *the National Environmental Policy*
7 *Act of 1969 (42 U.S.C. 4321 et seq.); and*

8 (iii) *all other applicable environmental*
9 *laws and regulations.*

10 (B) *EXECUTION OF THE AGREEMENT.*—
11 *Execution of the agreement by the Secretary as*
12 *provided for in this section shall not constitute*
13 *a major Federal action under the National Envi-*
14 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et*
15 *seq.).*

16 (d) *NAVAJO WATER RIGHTS.*—

17 (1) *CONFIRMATION OF NAVAJO WATER RIGHTS.*—

18 (A) *QUANTIFICATION.*—*The Navajo Nation*
19 *shall have the right to use water from water*
20 *sources located within Utah and adjacent to or*
21 *encompassed within the boundaries of the Res-*
22 *ervation resulting in depletions not to exceed*
23 *81,500 acre-feet annually as described in the*
24 *agreement and as confirmed in the decree entered*
25 *by the general stream adjudication court.*

1 (B) *SATISFACTION OF ALLOTTEE RIGHTS.*—
2 *Depletions resulting from the use of water on an*
3 *allotment shall be accounted for as a depletion*
4 *by the Navajo Nation for purposes of depletion*
5 *accounting under the agreement, including rec-*
6 *ognition of—*

7 (i) *any water use existing on an allot-*
8 *ment as of the date of enactment of this Act*
9 *and as subsequently reflected in the hydro-*
10 *graphic survey report referenced in sub-*
11 *section (f)(2);*

12 (ii) *reasonable domestic and stock*
13 *water uses put into use on an allotment;*
14 *and*

15 (iii) *any allotment water rights that*
16 *may be decreed in the general stream adju-*
17 *dications or other appropriate forum.*

18 (C) *SATISFACTION OF ON-RESERVATION*
19 *STATE LAW-BASED WATER RIGHTS.*—*Depletions*
20 *resulting from the use of water on the Reserva-*
21 *tion pursuant to State law-based water rights ex-*
22 *isting as of the date of enactment of this Act*
23 *shall be accounted for as depletions by the Nav-*
24 *ajo Nation for purposes of depletion accounting*
25 *under the agreement.*

1 (D) *IN GENERAL.*—*The Navajo water rights*
2 *are ratified, confirmed, and declared to be valid.*

3 (E) *USE.*—*Any use of the Navajo water*
4 *rights shall be subject to the terms and condi-*
5 *tions of the agreement and this section.*

6 (F) *CONFLICT.*—*In the event of a conflict*
7 *between the agreement and this section, the pro-*
8 *visions of this section shall control.*

9 (2) *TRUST STATUS OF NAVAJO WATER RIGHTS.*—
10 *The Navajo water rights—*

11 (A) *shall be held in trust by the United*
12 *States for the use and benefit of the Nation in*
13 *accordance with the agreement and this section;*
14 *and*

15 (B) *shall not be subject to forfeiture or*
16 *abandonment.*

17 (3) *AUTHORITY OF THE NATION.*—

18 (A) *IN GENERAL.*—*The Nation shall have*
19 *the authority to allocate, distribute, and lease the*
20 *Navajo water rights for any use on the Reserva-*
21 *tion in accordance with the agreement, this sec-*
22 *tion, and applicable Tribal and Federal law.*

23 (B) *OFF-RESERVATION USE.*—*The Nation*
24 *may allocate, distribute, and lease the Navajo*
25 *water rights for off-Reservation use in accord-*

1 *ance with the agreement, subject to the approval*
2 *of the Secretary.*

3 (C) *ALLOTTEE WATER RIGHTS.*—*The Na-*
4 *tion shall not object in the general stream adju-*
5 *dications or other applicable forum to the quan-*
6 *tification of reasonable domestic and stock water*
7 *uses on an allotment, and shall administer any*
8 *water use on the Reservation in accordance with*
9 *applicable Federal law, including recognition*
10 *of—*

11 (i) *any water use existing on an allot-*
12 *ment as of the date of enactment of this Act*
13 *and as subsequently reflected in the hydro-*
14 *graphic survey report referenced in sub-*
15 *section (f)(2);*

16 (ii) *reasonable domestic and stock*
17 *water uses on an allotment; and*

18 (iii) *any allotment water rights de-*
19 *creed in the general stream adjudication or*
20 *other appropriate forum.*

21 (4) *EFFECT.*—*Except as otherwise expressly pro-*
22 *vided in this subsection, nothing in this section—*

23 (A) *authorizes any action by the Nation*
24 *against the United States under Federal, State,*
25 *Tribal, or local law; or*

1 (B) alters or affects the status of any action
2 brought pursuant to section 1491(a) of title 28,
3 United States Code.

4 (e) NAVAJO TRUST ACCOUNTS.—

5 (1) ESTABLISHMENT.—The Secretary shall estab-
6 lish a trust fund, to be known as the “Navajo Utah
7 Settlement Trust Fund” (referred to in this section as
8 the “Trust Fund”), to be managed, invested, and dis-
9 tributed by the Secretary and to remain available
10 until expended, consisting of the amounts deposited in
11 the Trust Fund under paragraph (3), together with
12 any interest earned on those amounts, for the purpose
13 of carrying out this section.

14 (2) ACCOUNTS.—The Secretary shall establish in
15 the Trust Fund the following Accounts (referred to in
16 this subsection as the “Trust Fund Accounts”):

17 (A) The Navajo Water Development Projects
18 Account.

19 (B) The Navajo OM&R Account.

20 (3) DEPOSITS.—The Secretary shall deposit in
21 the Trust Fund Accounts—

22 (A) in the Navajo Water Development
23 Projects Account, the amounts made available
24 pursuant to subsection (f)(1)(A); and

1 (B) *in the Navajo OM&R Account, the*
2 *amount made available pursuant to subsection*
3 *(f)(1)(B).*

4 (4) *MANAGEMENT AND INTEREST.—*

5 (A) *MANAGEMENT.—Upon receipt and de-*
6 *posit of the funds into the Trust Fund Accounts,*
7 *the Secretary shall manage, invest, and dis-*
8 *tribute all amounts in the Trust Fund in a man-*
9 *ner that is consistent with the investment au-*
10 *thority of the Secretary under—*

11 (i) *the first section of the Act of June*
12 *24, 1938 (25 U.S.C. 162a);*

13 (ii) *the American Indian Trust Fund*
14 *Management Reform Act of 1994 (25 U.S.C.*
15 *4001 et seq.); and*

16 (iii) *this subsection.*

17 (B) *INVESTMENT EARNINGS.—In addition*
18 *to the deposits under paragraph (3), any invest-*
19 *ment earnings, including interest, credited to*
20 *amounts held in the Trust Fund are authorized*
21 *to be appropriated to be used in accordance with*
22 *the uses described in paragraph (8).*

23 (5) *AVAILABILITY OF AMOUNTS.—Amounts ap-*
24 *propriated to, and deposited in, the Trust Fund, in-*
25 *cluding any investment earnings, shall be made avail-*

1 *able to the Nation by the Secretary beginning on the*
2 *enforceability date and subject to the uses and restric-*
3 *tions set forth in this subsection.*

4 (6) *WITHDRAWALS.*—

5 (A) *WITHDRAWALS UNDER THE AMERICAN*
6 *INDIAN TRUST FUND MANAGEMENT REFORM ACT*
7 *OF 1994.*—*The Nation may withdraw any por-*
8 *tion of the funds in the Trust Fund on approval*
9 *by the Secretary of a tribal management plan*
10 *submitted by the Nation in accordance with the*
11 *American Indian Trust Fund Management Re-*
12 *form Act of 1994 (25 U.S.C. 4001 et seq.).*

13 (i) *REQUIREMENTS.*—*In addition to*
14 *the requirements under the American In-*
15 *Indian Trust Fund Management Reform Act*
16 *of 1994 (25 U.S.C. 4001 et seq.), the tribal*
17 *management plan under this subparagraph*
18 *shall require that the Nation shall spend all*
19 *amounts withdrawn from the Trust Fund*
20 *and any investment earnings accrued*
21 *through the investments under the Tribal*
22 *management plan in accordance with this*
23 *section.*

24 (ii) *ENFORCEMENT.*—*The Secretary*
25 *may carry out such judicial and adminis-*

1 *trative actions as the Secretary determines*
2 *to be necessary to enforce the Tribal man-*
3 *agement plan to ensure that amounts with-*
4 *drawn by the Nation from the Trust Fund*
5 *under this subparagraph are used in ac-*
6 *cordance with this section.*

7 *(B) WITHDRAWALS UNDER EXPENDITURE*
8 *PLAN.—The Nation may submit to the Secretary*
9 *a request to withdraw funds from the Trust*
10 *Fund pursuant to an approved expenditure*
11 *plan.*

12 *(i) REQUIREMENTS.—To be eligible to*
13 *withdraw funds under an expenditure plan*
14 *under this subparagraph, the Nation shall*
15 *submit to the Secretary for approval an ex-*
16 *penditure plan for any portion of the Trust*
17 *Fund that the Nation elects to withdraw*
18 *pursuant to this subparagraph, subject to*
19 *the condition that the funds shall be used*
20 *for the purposes described in this section.*

21 *(ii) INCLUSIONS.—An expenditure*
22 *plan under this subparagraph shall include*
23 *a description of the manner and purpose for*
24 *which the amounts proposed to be with-*
25 *drawn from the Trust Fund will be used by*

1 *the Nation, in accordance with paragraphs*
2 *(3) and (8).*

3 *(iii) APPROVAL.—On receipt of an ex-*
4 *penditure plan under this subparagraph,*
5 *the Secretary shall approve the plan, if the*
6 *Secretary determines that the plan—*

7 *(I) is reasonable;*

8 *(II) is consistent with, and will be*
9 *used for, the purposes of this section;*
10 *and*

11 *(III) contains a schedule which*
12 *describes that tasks will be completed*
13 *within 18 months of receipt of with-*
14 *drawn amounts.*

15 *(iv) ENFORCEMENT.—The Secretary*
16 *may carry out such judicial and adminis-*
17 *trative actions as the Secretary determines*
18 *to be necessary to enforce an expenditure*
19 *plan to ensure that amounts disbursed*
20 *under this subparagraph are used in ac-*
21 *cordance with this section.*

22 *(7) EFFECT OF TITLE.—Nothing in this section*
23 *gives the Nation the right to judicial review of a de-*
24 *termination of the Secretary regarding whether to ap-*
25 *prove a Tribal management plan or an expenditure*

1 *plan except under subchapter II of chapter 5, and*
2 *chapter 7, of title 5, United States Code (commonly*
3 *known as the “Administrative Procedure Act”).*

4 (8) *USES.—Amounts from the Trust Fund shall*
5 *be used by the Nation for the following purposes:*

6 (A) *The Navajo Water Development Projects*
7 *Account shall be used to plan, design, and con-*
8 *struct the Navajo water development projects and*
9 *for the conduct of related activities, including to*
10 *comply with Federal environmental laws.*

11 (B) *The Navajo OM&R Account shall be*
12 *used for the operation, maintenance, and re-*
13 *placement of the Navajo water development*
14 *projects.*

15 (9) *LIABILITY.—The Secretary and the Secretary*
16 *of the Treasury shall not be liable for the expenditure*
17 *or investment of any amounts withdrawn from the*
18 *Trust Fund by the Nation under paragraph (6).*

19 (10) *NO PER CAPITA DISTRIBUTIONS.—No por-*
20 *tion of the Trust Fund shall be distributed on a per*
21 *capita basis to any member of the Nation.*

22 (11) *EXPENDITURE REPORTS.—The Navajo Na-*
23 *tion shall submit to the Secretary annually an ex-*
24 *penditure report describing accomplishments and*
25 *amounts spent from use of withdrawals under a Trib-*

1 *al management plan or an expenditure plan as de-*
2 *scribed in this section.*

3 *(f) AUTHORIZATION OF APPROPRIATIONS.—*

4 *(1) AUTHORIZATION.—There are authorized to be*
5 *appropriated to the Secretary—*

6 *(A) for deposit in the Navajo Water Devel-*
7 *opment Projects Account of the Trust Fund es-*
8 *tablished under subsection (e)(2)(A),*
9 *\$198,300,000, which funds shall be retained until*
10 *expended, withdrawn, or reverted to the general*
11 *fund of the Treasury; and*

12 *(B) for deposit in the Navajo OM&R Ac-*
13 *count of the Trust Fund established under sub-*
14 *section (e)(2)(B), \$11,100,000, which funds shall*
15 *be retained until expended, withdrawn, or re-*
16 *verted to the general fund of the Treasury.*

17 *(2) IMPLEMENTATION COSTS.—There is author-*
18 *ized to be appropriated non-trust funds in the*
19 *amount of \$1,000,000 to assist the United States with*
20 *costs associated with the implementation of this sec-*
21 *tion, including the preparation of a hydrographic*
22 *survey of historic and existing water uses on the Res-*
23 *ervation and on allotments.*

24 *(3) STATE COST SHARE.—The State shall con-*
25 *tribute \$8,000,000 payable to the Secretary for de-*

1 *posit into the Navajo Water Development Projects Ac-*
2 *count of the Trust Fund established under subsection*
3 *(e)(2)(A) in installments in each of the 3 years fol-*
4 *lowing the execution of the agreement by the Sec-*
5 *retary as provided for in subsection (c)(2).*

6 (4) *FLUCTUATION IN COSTS.*—*The amount au-*
7 *thorized to be appropriated under paragraph (1) shall*
8 *be increased or decreased, as appropriate, by such*
9 *amounts as may be justified by reason of ordinary*
10 *fluctuations in costs occurring after the date of enact-*
11 *ment of this Act as indicated by the Bureau of Rec-*
12 *lamation Construction Cost Index—Composite Trend.*

13 (A) *REPETITION.*—*The adjustment process*
14 *under this paragraph shall be repeated for each*
15 *subsequent amount appropriated until the*
16 *amount authorized, as adjusted, has been appro-*
17 *priated.*

18 (B) *PERIOD OF INDEXING.*—*The period of*
19 *indexing adjustment for any increment of fund-*
20 *ing shall end on the date on which funds are de-*
21 *posited into the Trust Fund.*

22 (g) *CONDITIONS PRECEDENT.*—

23 (1) *IN GENERAL.*—*The waivers and releases con-*
24 *tained in subsection (h) shall become effective as of*

1 *the date the Secretary causes to be published in the*
2 *Federal Register a statement of findings that—*

3 *(A) to the extent that the agreement con-*
4 *flicts with this section, the agreement has been*
5 *revised to conform with this section;*

6 *(B) the agreement, so revised, including*
7 *waivers and releases of claims set forth in sub-*
8 *section (h), has been executed by the parties, in-*
9 *cluding the United States;*

10 *(C) Congress has fully appropriated, or the*
11 *Secretary has provided from other authorized*
12 *sources, all funds authorized under subsection*
13 *(f)(1);*

14 *(D) the State has enacted any necessary leg-*
15 *islation and provided the funding required under*
16 *the agreement and subsection (f)(3); and*

17 *(E) the court has entered a final or inter-*
18 *locutory decree that—*

19 *(i) confirms the Navajo water rights*
20 *consistent with the agreement and this sec-*
21 *tion; and*

22 *(ii) with respect to the Navajo water*
23 *rights, is final and nonappealable.*

24 *(2) EXPIRATION DATE.—If all the conditions*
25 *precedent described in paragraph (1) have not been*

1 *fulfilled to allow the Secretary's statement of findings*
2 *to be published in the Federal Register by October 31,*
3 *2030—*

4 *(A) the agreement and this section, includ-*
5 *ing waivers and releases of claims described in*
6 *those documents, shall no longer be effective;*

7 *(B) any funds that have been appropriated*
8 *pursuant to subsection (f) but not expended, in-*
9 *cluding any investment earnings on funds that*
10 *have been appropriated pursuant to such sub-*
11 *section, shall immediately revert to the general*
12 *fund of the Treasury; and*

13 *(C) any funds contributed by the State pur-*
14 *suant to subsection (f)(3) but not expended shall*
15 *be returned immediately to the State.*

16 *(3) EXTENSION.—The expiration date set forth*
17 *in paragraph (2) may be extended if the Navajo Na-*
18 *tion, the State, and the United States (acting through*
19 *the Secretary) agree that an extension is reasonably*
20 *necessary.*

21 *(h) WAIVERS AND RELEASES.—*

22 *(1) IN GENERAL.—*

23 *(A) WAIVER AND RELEASE OF CLAIMS BY*
24 *THE NATION AND THE UNITED STATES ACTING IN*
25 *ITS CAPACITY AS TRUSTEE FOR THE NATION.—*

1 *Subject to the retention of rights set forth in*
2 *paragraph (3), in return for confirmation of the*
3 *Navajo water rights and other benefits set forth*
4 *in the agreement and this section, the Nation, on*
5 *behalf of itself and the members of the Nation*
6 *(other than members in their capacity as*
7 *allottees), and the United States, acting as trust-*
8 *ee for the Nation and members of the Nation*
9 *(other than members in their capacity as*
10 *allottees), are authorized and directed to execute*
11 *a waiver and release of—*

12 *(i) all claims for water rights within*
13 *Utah based on any and all legal theories*
14 *that the Navajo Nation or the United States*
15 *acting in its trust capacity for the Nation,*
16 *asserted, or could have asserted, at any time*
17 *in any proceeding, including to the general*
18 *stream adjudication, up to and including*
19 *the enforceability date, except to the extent*
20 *that such rights are recognized in the agree-*
21 *ment and this section; and*

22 *(ii) all claims for damages, losses, or*
23 *injuries to water rights or claims of inter-*
24 *ference with, diversion, or taking of water*
25 *rights (including claims for injury to lands*

1 *resulting from such damages, losses, inju-*
2 *ries, interference with, diversion, or taking*
3 *of water rights) within Utah against the*
4 *State, or any person, entity, corporation, or*
5 *municipality, that accrued at any time up*
6 *to and including the enforceability date.*

7 (2) *CLAIMS BY THE NAVAJO NATION AGAINST*
8 *THE UNITED STATES.—The Navajo Nation, on behalf*
9 *of itself (including in its capacity as allottee) and its*
10 *members (other than members in their capacity as*
11 *allottees), shall execute a waiver and release of—*

12 (A) *all claims the Navajo Nation may have*
13 *against the United States relating in any man-*
14 *ner to claims for water rights in, or water of,*
15 *Utah that the United States acting in its trust*
16 *capacity for the Nation asserted, or could have*
17 *asserted, in any proceeding, including the gen-*
18 *eral stream adjudication;*

19 (B) *all claims the Navajo Nation may have*
20 *against the United States relating in any man-*
21 *ner to damages, losses, or injuries to water,*
22 *water rights, land, or other resources due to loss*
23 *of water or water rights (including damages,*
24 *losses, or injuries to hunting, fishing, gathering,*
25 *or cultural rights due to loss of water or water*

1 *rights; claims relating to interference with, di-*
2 *version, or taking of water; or claims relating to*
3 *failure to protect, acquire, replace, or develop*
4 *water or water rights) within Utah that first ac-*
5 *rued at any time up to and including the en-*
6 *forceability date;*

7 *(C) all claims the Nation may have against*
8 *the United States relating in any manner to the*
9 *litigation of claims relating to the Nation's*
10 *water rights in proceedings in Utah; and*

11 *(D) all claims the Nation may have against*
12 *the United States relating in any manner to the*
13 *negotiation, execution, or adoption of the agree-*
14 *ment or this section.*

15 (3) *RESERVATION OF RIGHTS AND RETENTION*
16 *OF CLAIMS BY THE NAVAJO NATION AND THE UNITED*
17 *STATES.—Notwithstanding the waivers and releases*
18 *authorized in this section, the Navajo Nation, and the*
19 *United States acting in its trust capacity for the Na-*
20 *tion, retain—*

21 *(A) all claims for injuries to and the en-*
22 *forcement of the agreement and the final or in-*
23 *terlocutory decree entered in the general stream*
24 *adjudication, through such legal and equitable*
25 *remedies as may be available in the decree court*

1 *or the Federal District Court for the District of*
2 *Utah;*

3 *(B) all rights to use and protect water*
4 *rights acquired after the enforceability date;*

5 *(C) all claims relating to activities affecting*
6 *the quality of water, including any claims under*
7 *the Comprehensive Environmental Response,*
8 *Compensation, and Liability Act of 1980 (42*
9 *U.S.C. 9601 et seq.) (including claims for dam-*
10 *ages to natural resources), the Safe Drinking*
11 *Water Act (42 U.S.C. 300f et seq.), and the Fed-*
12 *eral Water Pollution Control Act (33 U.S.C.*
13 *1251 et seq.), the regulations implementing those*
14 *Acts, and the common law;*

15 *(D) all claims for water rights, and claims*
16 *for injury to water rights, in States other than*
17 *the State of Utah;*

18 *(E) all claims, including environmental*
19 *claims, under any laws (including regulations*
20 *and common law) relating to human health,*
21 *safety, or the environment; and*

22 *(F) all rights, remedies, privileges, immuni-*
23 *ties, and powers not specifically waived and re-*
24 *leased pursuant to the agreement and this sec-*
25 *tion.*

1 (4) *EFFECT.*—*Nothing in the agreement or this*
2 *section—*

3 (A) *affects the ability of the United States*
4 *acting in its sovereign capacity to take actions*
5 *authorized by law, including any laws relating*
6 *to health, safety, or the environment, including*
7 *the Comprehensive Environmental Response,*
8 *Compensation, and Liability Act of 1980 (42*
9 *U.S.C. 9601 et seq.), the Safe Drinking Water*
10 *Act (42 U.S.C. 300f et seq.), the Federal Water*
11 *Pollution Control Act (33 U.S.C. 1251 et seq.),*
12 *the Solid Waste Disposal Act (42 U.S.C. 6901 et*
13 *seq.), and the regulations implementing those*
14 *laws;*

15 (B) *affects the ability of the United States*
16 *to take actions in its capacity as trustee for any*
17 *other Indian Tribe or allottee;*

18 (C) *confers jurisdiction on any State court*
19 *to—*

20 (i) *interpret Federal law regarding*
21 *health, safety, or the environment or deter-*
22 *mine the duties of the United States or*
23 *other parties pursuant to such Federal law;*
24 *and*

1 (ii) conduct judicial review of Federal
2 agency action; or

3 (D) modifies, conflicts with, preempts, or
4 otherwise affects—

5 (i) the Boulder Canyon Project Act (43
6 U.S.C. 617 et seq.);

7 (ii) the Boulder Canyon Project Ad-
8 justment Act (43 U.S.C. 618 et seq.);

9 (iii) the Act of April 11, 1956 (com-
10 monly known as the “Colorado River Stor-
11 age Project Act”) (43 U.S.C. 620 et seq.);

12 (iv) the Colorado River Basin Project
13 Act (43 U.S.C. 1501 et seq.);

14 (v) the Treaty between the United
15 States of America and Mexico respecting
16 utilization of waters of the Colorado and
17 Tijuana Rivers and of the Rio Grande,
18 signed at Washington February 3, 1944 (59
19 Stat. 1219);

20 (vi) the Colorado River Compact of
21 1922, as approved by the Presidential Proc-
22 lamation of June 25, 1929 (46 Stat. 3000);
23 and

1 (vii) the Upper Colorado River Basin
2 Compact as consented to by the Act of April
3 6, 1949 (63 Stat. 31, chapter 48).

4 (5) TOLLING OF CLAIMS.—

5 (A) IN GENERAL.—Each applicable period
6 of limitation and time-based equitable defense re-
7 lating to a claim waived by the Navajo Nation
8 described in this subsection shall be tolled for the
9 period beginning on the date of enactment of this
10 Act and ending on the enforceability date.

11 (B) EFFECT OF PARAGRAPH.—Nothing in
12 this paragraph revives any claim or tolls any
13 period of limitation or time-based equitable de-
14 fense that expired before the date of enactment of
15 this Act.

16 (C) LIMITATION.—Nothing in this sub-
17 section precludes the tolling of any period of lim-
18 itations or any time-based equitable defense
19 under any other applicable law.

20 (i) MISCELLANEOUS PROVISIONS.—

21 (1) PRECEDENT.—Nothing in this section estab-
22 lishes any standard for the quantification or litiga-
23 tion of Federal reserved water rights or any other In-
24 dian water claims of any other Indian Tribe in any
25 other judicial or administrative proceeding.

1 (2) *OTHER INDIAN TRIBES.*—*Nothing in the*
2 *agreement or this section shall be construed in any*
3 *way to quantify or otherwise adversely affect the*
4 *water rights, claims, or entitlements to water of any*
5 *Indian Tribe, band, or community, other than the*
6 *Navajo Nation.*

7 (j) *RELATION TO ALLOTTEES.*—

8 (1) *NO EFFECT ON CLAIMS OF ALLOTTEES.*—
9 *Nothing in this section or the agreement shall affect*
10 *the rights or claims of allottees, or the United States,*
11 *acting in its capacity as trustee for or on behalf of*
12 *allottees, for water rights or damages related to lands*
13 *allotted by the United States to allottees, except as*
14 *provided in subsection (d)(1)(B).*

15 (2) *RELATIONSHIP OF DECREE TO ALLOTTEES.*—
16 *Allottees, or the United States, acting in its capacity*
17 *as trustee for allottees, are not bound by any decree*
18 *entered in the general stream adjudication confirming*
19 *the Navajo water rights and shall not be precluded*
20 *from making claims to water rights in the general*
21 *stream adjudication. Allottees, or the United States,*
22 *acting in its capacity as trustee for allottees, may*
23 *make claims and such claims may be adjudicated as*
24 *individual water rights in the general stream adju-*
25 *dication.*

1 (k) *ANTIDEFICIENCY.*—*The United States shall not be*
2 *liable for any failure to carry out any obligation or activity*
3 *authorized by this section (including any obligation or ac-*
4 *tivity under the agreement) if adequate appropriations are*
5 *not provided expressly by Congress to carry out the pur-*
6 *poses of this section.*

7 **SEC. 1103. AAMODT LITIGATION SETTLEMENT COMPLE-**
8 **TION.**

9 (a) *DEFINITION OF 611(g) AGREEMENT.*—*Section 602*
10 *of the Aamodt Litigation Settlement Act (Public Law 111–*
11 *291; 124 Stat. 3134) is amended—*

12 (1) *by redesignating paragraphs (1) through (23)*
13 *as paragraphs (2) through (24), respectively; and*

14 (2) *by inserting before paragraph (2) (as so re-*
15 *designated) the following:*

16 “(1) *611(g) AGREEMENT.*—*The term ‘611(g)*
17 *Agreement’ means the agreement dated September 17,*
18 *2019, executed by the United States, the State, the*
19 *Pueblos, the County, and the City pursuant to section*
20 *611(g).”.*

21 (b) *FINAL PROJECT DESIGN.*—*Section 611(b) of the*
22 *Aamodt Litigation Settlement Act (Public Law 111–291;*
23 *124 Stat. 3137) is amended, in the matter preceding para-*
24 *graph (1), by striking “within 90 days of” and inserting*
25 *“as soon as feasible after”.*

1 (c) *CONSTRUCTION COSTS FOR PUEBLO WATER FA-*
2 *CILITIES.*—Section 611(f) of the *Aamodt Litigation Settle-*
3 *ment Act (Public Law 111–291; 124 Stat. 3138)* is amend-
4 *ed—*

5 (1) *in paragraph (1)—*

6 (A) *in subparagraph (A), by striking “*
7 *\$106,400,000” and inserting “ \$243,400,000”;*
8 *and*

9 (B) *by striking subparagraph (B) and in-*
10 *serting the following:*

11 “(B) *EXCEPTION.*—*Of the amount described*
12 *in subparagraph (A)—*

13 “(i) *the initial \$106,400,000 shall be*
14 *increased or decreased, as appropriate,*
15 *based on ordinary fluctuations in construc-*
16 *tion costs since October 1, 2006, as deter-*
17 *mined using applicable engineering cost in-*
18 *dices; and*

19 “(ii) *any amounts made available in*
20 *excess of the amount described in clause (i)*
21 *shall be increased or decreased, as appro-*
22 *priate, based on ordinary fluctuations in*
23 *construction costs since October 1, 2018, as*
24 *determined using applicable engineering*
25 *cost indices.”; and*

1 (2) in paragraph (3), by inserting “and the
2 611(g) Agreement” after “the Cost-Sharing and Sys-
3 tem Integration Agreement”.

4 (d) *FUNDING FOR REGIONAL WATER SYSTEM*.—Sec-
5 tion 617(a)(1)(B) of the Aamodt Litigation Settlement Act
6 (Public Law 111–291; 124 Stat. 3147) is amended—

7 (1) by striking the period at the end and insert-
8 ing “; and”;

9 (2) by striking “section 616 \$50,000,000” and
10 inserting the following: “section 616—

11 “(i) \$50,000,000”; and

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

13 “(ii) subject to the availability of ap-
14 propriations and in addition to the
15 amounts made available under clause (i),
16 \$137,000,000, as adjusted under paragraph
17 (4), for the period of fiscal years 2021
18 through 2028.”.

19 (e) *ADJUSTMENT*.—Section 617(a)(4) of the Aamodt
20 Litigation Settlement Act (Public Law 111–291; 124 Stat.
21 3147) is amended by striking “since October 1, 2006, as
22 determined using applicable engineering cost indices” and
23 inserting “pursuant to section 611(f)(1)(B)”.

24 (f) *EXECUTION OF AGREEMENT UNDER SECTION*
25 611(g).—Section 621 of the Aamodt Litigation Settlement

1 *Act (Public Law 111–291; 124 Stat. 3149) is amended by*
2 *striking subsections (a) and (b) and inserting the following:*

3 “(a) *APPROVAL.—To the extent the Settlement Agree-*
4 *ment, the Cost-Sharing and System Integration Agreement,*
5 *and the 611(g) Agreement do not conflict with this title,*
6 *the Settlement Agreement, the Cost-Sharing and System In-*
7 *tegration Agreement, and the 611(g) Agreement (including*
8 *any amendments to the Settlement Agreement, the Cost-*
9 *Sharing and System Integration Agreement, and the 611(g)*
10 *Agreement that are executed to make the Settlement Agree-*
11 *ment, the Cost-Sharing and System Integration Agreement,*
12 *or the 611(g) Agreement consistent with this title) are au-*
13 *thorized, ratified, and confirmed.*”

14 “(b) *EXECUTION.—To the extent the Settlement Agree-*
15 *ment, the Cost-Sharing and System Integration Agreement,*
16 *and the 611(g) Agreement do not conflict with this title,*
17 *the Secretary shall execute the Settlement Agreement, the*
18 *Cost-Sharing and System Integration Agreement, and the*
19 *611(g) Agreement (including any amendments that are nec-*
20 *essary to make the Settlement Agreement, the Cost-Sharing*
21 *and System Integration Agreement, or the 611(g) Agree-*
22 *ment consistent with this title).”.*”

23 (g) *REQUIREMENTS FOR DETERMINATION OF SUB-*
24 *STANTIAL COMPLETION OF THE REGIONAL WATER SYS-*

1 *TEM.—Section 623(e) of the Aamodt Litigation Settlement*
2 *Act (Public Law 111–291; 124 Stat. 3151) is amended—*

3 *(1) by striking paragraph (1) and inserting the*
4 *following:*

5 *“(1) CRITERIA FOR SUBSTANTIAL COMPLETION*
6 *OF REGIONAL WATER SYSTEM.—Subject to the provi-*
7 *sions of section 611(d) concerning the extent, size, and*
8 *capacity of the County Distribution System, the Re-*
9 *gional Water System shall be determined to be sub-*
10 *stantially completed if—*

11 *“(A) the infrastructure has been constructed*
12 *capable of—*

13 *“(i) diverting, treating, transmitting,*
14 *and distributing a supply of 2,500 acre-feet*
15 *of water to the Pueblos consistent with the*
16 *Engineering Report (as amended by the*
17 *611(g) Agreement and the Operating Agree-*
18 *ment); and*

19 *“(ii) diverting, treating, and transmit-*
20 *ting the quantity of water specified in the*
21 *Engineering Report to the County Distribu-*
22 *tion System and consistent with the Engi-*
23 *neering Report (as amended by the 611(g)*
24 *Agreement and the Operating Agreement);*
25 *or*

1 “(B) the Secretary—

2 “(i) issues a notice to proceed author-
3 izing the commencement of Phase I con-
4 struction of the Regional Water System by
5 December 31, 2019, and subsequently com-
6 mences construction of the Regional Water
7 System;

8 “(ii) diligently proceeds to construct
9 the Regional Water System in accordance
10 with the Engineering Report (as amended
11 by the 611(g) Agreement), on a schedule for
12 completion by June 30, 2028;

13 “(iii) expends all of the available fund-
14 ing provided to construct the Regional
15 Water System under section 611(f)(1)(A), in
16 the Cost-Sharing and System Integration
17 Agreement, and in the 611(g) Agreement;

18 “(iv) complies with the terms of the
19 611(g) Agreement; and

20 “(v) despite diligent efforts cannot
21 complete construction of the Regional Water
22 System as described in the final Engineer-
23 ing Report (as amended by the 611(g)
24 Agreement), due solely to the lack of addi-
25 tional authorized funding.”;

1 (2) *in paragraph (2)—*

2 (A) *by striking “2021” and inserting*
3 *“2025”; and*

4 (B) *by striking “2024” and inserting*
5 *“2028”;*

6 (3) *in paragraph (3), in the matter preceding*
7 *subparagraph (A), by striking “2021” and inserting*
8 *“2025”;*

9 (4) *in paragraph (4)(B)(ii)(II), by striking*
10 *“2023” and inserting “2027”; and*

11 (5) *in paragraph (5)(A), by striking “2024” and*
12 *inserting “2028”.*

13 **SEC. 1104. KICKAPOO TRIBE.**

14 (a) *DEFINITION OF UPPER DELAWARE AND TRIBU-*
15 *TARIES WATERSHED PLAN.—In this section, the term*
16 *“Upper Delaware and Tributaries Watershed Plan” means*
17 *the plan described in the document entitled “Watershed*
18 *Plan and Environmental Impact Statement Upper Dela-*
19 *ware and Tributaries Watershed Atchison, Brown, Jackson,*
20 *and Nemaha Counties, Kansas”, dated January 1994, and*
21 *supplemented in June 1994—*

22 (1) *developed, pursuant to the Watershed Protec-*
23 *tion and Flood Prevention Act (16 U.S.C. 1001 et*
24 *seq.)—*

1 (A) *by the Kickapoo Tribe, certain water-*
2 *shed and conservation districts in the State of*
3 *Kansas, and the Department of Wildlife and*
4 *Parks of the State of Kansas; and*

5 (B) *with the cooperation and technical as-*
6 *sistance of the Natural Resources Conservation*
7 *Service; and*

8 (2) *described in the report of the Committee on*
9 *Environment and Public Works of the Senate (Senate*
10 *Report 105–13; April 22, 1997).*

11 (b) *STUDY; RECOMMENDATIONS.—To support the pur-*
12 *poses of achieving a fair, equitable, and final settlement of*
13 *claims to water rights for the Kickapoo Tribe in the State*
14 *of Kansas, the Secretary of Agriculture (acting through the*
15 *Chief of the Natural Resources Conservation Service), in*
16 *consultation with the Secretary of the Interior (acting*
17 *through the Director of the Secretary’s Indian Water Rights*
18 *Office), shall—*

19 (1) *commence a study of the multipurpose dam*
20 *described in the Upper Delaware and Tributaries Wa-*
21 *tershed Plan; and*

22 (2) *not later than 2 years after the date of enact-*
23 *ment of this Act, make recommendations to Congress*
24 *with respect to the material alterations or changes to*
25 *the Upper Delaware and Tributaries Watershed Plan*

1 *that are necessary to effectuate, in part, the Tribal*
2 *water rights agreed to by the Kickapoo Tribe and the*
3 *State of Kansas on September 9, 2016, in the Kick-*
4 *apoo Tribe Water Rights Settlement Agreement, which*
5 *otherwise remains subject to approval and authoriza-*
6 *tion by Congress.*

7 **SEC. 1105. AQUIFER RECHARGE FLEXIBILITY.**

8 (a) *SHORT TITLE.*—*This section may be cited as the*
9 *“Aquifer Recharge Flexibility Act”.*

10 (b) *DEFINITIONS.*—*In this Act:*

11 (1) *BUREAU.*—*The term “Bureau” means the*
12 *Bureau of Reclamation.*

13 (2) *COMMISSIONER.*—*The term “Commissioner”*
14 *means the Commissioner of Reclamation.*

15 (3) *ELIGIBLE LAND.*—*The term “eligible land”,*
16 *with respect to a Reclamation project, means land*
17 *that—*

18 (A) *is authorized to receive water under*
19 *State law; and*

20 (B) *shares an aquifer with land located in*
21 *the service area of the Reclamation project.*

22 (4) *NET WATER STORAGE BENEFIT.*—*The term*
23 *“net water storage benefit” means an increase in the*
24 *volume of water that is—*

25 (A) *stored in 1 or more aquifers; and*

1 (B)(i) available for use within the author-
2 ized service area of a Reclamation project; or

3 (ii) stored on a long-term basis to avoid or
4 reduce groundwater overdraft.

5 (5) *RECLAMATION FACILITY.*—The term “Rec-
6 lamation facility” means each of the infrastructure
7 assets that are owned by the Bureau at a Reclama-
8 tion project.

9 (6) *RECLAMATION PROJECT.*—The term “Rec-
10 lamation project” means any reclamation or irriga-
11 tion project, including incidental features thereof, au-
12 thorized by Federal reclamation law or the Act of Au-
13 gust 11, 1939 (commonly known as the “Water Con-
14 servation and Utilization Act”) (53 Stat. 1418, chap-
15 ter 717; 16 U.S.C. 590y et seq.), or constructed by the
16 United States pursuant to such law, or in connection
17 with which there is a repayment or water service con-
18 tract executed by the United States pursuant to such
19 law, or any project constructed by the Secretary
20 through the Bureau for the reclamation of land.

21 (c) *FLEXIBILITY TO ALLOW GREATER AQUIFER RE-*
22 *CHARGE IN WESTERN STATES.*—

23 (1) *USE OF RECLAMATION FACILITIES.*—

24 (A) *IN GENERAL.*—The Commissioner may
25 allow the use of excess capacity in Reclamation

1 *facilities for aquifer recharge of non-Reclamation*
2 *project water, subject to applicable rates, charges,*
3 *and public participation requirements, on the*
4 *condition that—*

5 *(i) the use—*

6 *(I) shall not be implemented in a*
7 *manner that is detrimental to—*

8 *(aa) any power service or*
9 *water contract for the Reclama-*
10 *tion project; or*

11 *(bb) any obligations for fish,*
12 *wildlife, or water quality protec-*
13 *tion applicable to the Reclamation*
14 *project;*

15 *(II) shall be consistent with water*
16 *quality guidelines for the Reclamation*
17 *project;*

18 *(III) shall comply with all appli-*
19 *cable—*

20 *(aa) Federal laws; and*

21 *(bb) policies of the Bureau;*

22 *and*

23 *(IV) shall comply with all appli-*
24 *cable State laws and policies; and*

1 (ii) the non-Federal party to an exist-
2 ing contract for water or water capacity in
3 a Reclamation facility consents to the use of
4 the Reclamation facility under this sub-
5 section.

6 (B) *EFFECT ON EXISTING CONTRACTS.*—

7 Nothing in this subsection affects a contract—

8 (i) in effect on the date of enactment of
9 this Act; and

10 (ii) under which the use of excess ca-
11 pacity in a Bureau conveyance facility for
12 carriage of non-Reclamation project water
13 for aquifer recharge is allowed.

14 (2) *AQUIFER RECHARGE ON ELIGIBLE LAND.*—

15 (A) *IN GENERAL.*—Subject to subpara-
16 graphs (C) and (D), the Secretary may contract
17 with a holder of a water service or repayment
18 contract for a Reclamation project to allow the
19 contractor, in accordance with applicable State
20 laws and policies—

21 (i) to directly use water available
22 under the contract for aquifer recharge on
23 eligible land; or

24 (ii) to enter into an agreement with an
25 individual or entity to transfer water avail-

1 *able under the contract for aquifer recharge*
2 *on eligible land.*

3 *(B) AUTHORIZED PROJECT USE.—The use*
4 *of a Reclamation facility for aquifer recharge*
5 *under subparagraph (A) shall be considered an*
6 *authorized use for the Reclamation project if re-*
7 *quested by a holder of a water service or repay-*
8 *ment contract for the Reclamation facility.*

9 *(C) MODIFICATIONS TO CONTRACTS.—The*
10 *Secretary may contract with a holder of a water*
11 *service or repayment contract for a Reclamation*
12 *project under subparagraph (A) if the Secretary*
13 *determines that a new contract or contract*
14 *amendment described in that subparagraph is—*

15 *(i) necessary to allow for the use of*
16 *water available under the contract for aquifer*
17 *recharge under this subsection;*

18 *(ii) in the best interest of the Reclama-*
19 *tion project and the United States; and*

20 *(iii) approved by the contractor that is*
21 *responsible for repaying the cost of construc-*
22 *tion, operations, and maintenance of the fa-*
23 *ility that delivers the water under the con-*
24 *tract.*

1 (D) *REQUIREMENTS.*—*The use of Reclama-*
2 *tion facilities for the use or transfer of water for*
3 *aquifer recharge under this subsection shall be*
4 *subject to the requirements that—*

5 (i) *the use or transfer shall not be im-*
6 *plemented in a manner that materially im-*
7 *pacts any power service or water contract*
8 *for the Reclamation project; and*

9 (ii) *before the use or transfer, the Sec-*
10 *retary shall determine that the use or trans-*
11 *fer—*

12 (I) *results in a net water storage*
13 *benefit for the Reclamation project; or*

14 (II) *contributes to the recharge of*
15 *an aquifer on eligible land; and*

16 (iii) *the use or transfer complies with*
17 *all applicable—*

18 (I) *Federal laws and policies; and*

19 (II) *interstate water compacts.*

20 (3) *CONVEYANCE FOR AQUIFER RECHARGE PUR-*
21 *POSES.*—*The holder of a right-of-way, easement, per-*
22 *mit, or other authorization to transport water across*
23 *public land administered by the Bureau of Land*
24 *Management may transport water for aquifer re-*
25 *charge purposes without requiring additional author-*

1 *ization from the Secretary where the use does not ex-*
2 *pend or modify the operation of the right-of-way,*
3 *easement, permit, or other authorization across public*
4 *land.*

5 (4) *EFFECT.*—*Nothing in this Act creates, im-*
6 *pairs, alters, or supersedes a Federal or State water*
7 *right.*

8 (5) *EXEMPTION.*—*This Act shall not apply to the*
9 *State of California.*

10 (6) *ADVISORY GROUP.*—*The Secretary may par-*
11 *ticipate in any State-led collaborative, multi-stake-*
12 *holder advisory group created in any watershed the*
13 *purpose of which is to monitor, review, and assess aqu-*
14 *ifer recharge activities.*

15 **SEC. 1106. WATERSMART EXTENSION AND EXPANSION.**

16 (a) *DEFINITION OF ELIGIBLE APPLICANT.*—*Section*
17 *9502 of the Omnibus Public Land Management Act of 2009*
18 *(42 U.S.C. 10362) is amended—*

19 (1) *in the matter preceding paragraph (1), by*
20 *striking “section” and inserting “subtitle”;*

21 (2) *by striking paragraph (7) and inserting the*
22 *following:*

23 “(7) *ELIGIBLE APPLICANT.*—*The term ‘eligible*
24 *applicant’ means—*

1 “(A) any State, Indian tribe, irrigation dis-
2 trict, or water district;

3 “(B) any State, regional, or local authority,
4 the members of which include 1 or more organi-
5 zations with water or power delivery authority;

6 “(C) any other organization with water or
7 power delivery authority; and

8 “(D) any nonprofit conservation organiza-
9 tion, if—

10 “(i) the nonprofit conservation organi-
11 zation is acting in partnership with and
12 with the agreement of an entity described in
13 subparagraph (A), (B), or (C); or

14 “(ii) in the case of an application for
15 a project to improve the condition of a nat-
16 ural feature or nature-based feature on Fed-
17 eral land, the entities described in subpara-
18 graph (A), (B), or (C) from the applicable
19 service area have been notified of the project
20 application and there is no written objec-
21 tion to the project.”;

22 (3) in paragraph (10), by striking “450b” and
23 inserting “5304”;

1 (4) *by redesignating paragraphs (13) through*
2 *(17) as paragraphs (15) through (19), respectively;*
3 *and*

4 (5) *by inserting after paragraph (12) the fol-*
5 *lowing:*

6 “(13) *NATURAL FEATURE.—The term ‘natural*
7 *feature’ means a feature that is created through the*
8 *action of physical, geological, biological, and chemical*
9 *processes over time.*

10 “(14) *NATURE-BASED FEATURE.—The term ‘na-*
11 *ture-based feature’ means a feature that is created by*
12 *human design, engineering, and construction to pro-*
13 *vide a means to reduce water supply and demand im-*
14 *balances or drought or flood risk by acting in concert*
15 *with natural processes.”.*

16 (b) *GRANTS AND COOPERATIVE AGREEMENTS.—Sec-*
17 *tion 9504(a) of the Omnibus Public Land Management Act*
18 *of 2009 (42 U.S.C. 10364(a)) is amended—*

19 (1) *in paragraph (1)—*

20 (A) *in the matter preceding subparagraph*
21 (A), *by inserting “or carrying out any activity”*
22 *after “any improvement”;*

23 (B) *by redesignating subparagraphs (F),*
24 *(G), and (H) as subparagraphs (G), (H), and*
25 *(J), respectively;*

1 (C) by inserting after subparagraph (E) the
2 following:

3 “(F) to assist States and water users in
4 complying with interstate compacts or reducing
5 basin water supply-demand imbalances;”;

6 (D) in subparagraph (G) (as so redesign-
7 ated), by striking “to prevent” and inserting
8 “to achieve the prevention of”;

9 (E) in subparagraph (H) (as so redesign-
10 ated)—

11 (i) by striking “to accelerate” and in-
12 serting “to achieve the acceleration of”; and

13 (ii) by striking “or” at the end;

14 (F) by inserting after subparagraph (H) (as
15 so redesignated) the following:

16 “(I) to improve the condition of a natural
17 feature; or”; and

18 (G) in subparagraph (J) (as so redesign-
19 ated)—

20 (i) in clause (i), by striking “or” at
21 the end;

22 (ii) in clause (ii), by striking the pe-
23 riod at the end and inserting “; or”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(iii) to plan for or address the im-
2 pacts of drought.”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (A)—

5 (i) in clause (ii), by striking “or”;

6 (ii) in clause (iii), by striking “and”
7 and inserting “or”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(iv) the Commonwealth of Puerto
11 Rico; and”; and

12 (B) by striking subparagraph (B) and in-
13 serting the following:

14 “(B) submit to the Secretary an application
15 that includes—

16 “(i) a proposal of the improvement or
17 activity to be planned, designed, con-
18 structed, or implemented by the eligible ap-
19 plicant; and

20 “(ii) for a project that is intended to
21 have a quantifiable water savings and
22 would receive a grant of \$500,000 or
23 more—

24 “(I) a proposal for a monitoring
25 plan of at least 5 years that would

1 *demonstrate ways in which the pro-*
2 *posed improvement or activity would*
3 *result in improved streamflows or*
4 *aquatic habitat; or*

5 *“(II) for a project that does not*
6 *anticipate improved streamflows or*
7 *aquatic habitat, an analysis of ways*
8 *in which the proposed improvement or*
9 *activity would contribute to 1 or more*
10 *of the other objectives described in*
11 *paragraph (1).”;*

12 *(3) in paragraph (3)(E), by striking clause (i)*
13 *and inserting the following:*

14 *“(i) FEDERAL SHARE.—*

15 *“(I) IN GENERAL.—Except as pro-*
16 *vided in subclause (II), the Federal*
17 *share of the cost of any infrastructure*
18 *improvement or activity that is the*
19 *subject of a grant or other agreement*
20 *entered into between the Secretary and*
21 *an eligible applicant under paragraph*
22 *(1) shall not exceed 50 percent of the*
23 *cost of the infrastructure improvement*
24 *or activity.*

1 “(II) *INCREASED FEDERAL SHARE*
2 *FOR CERTAIN INFRASTRUCTURE IM-*
3 *PROVEMENTS AND ACTIVITIES.*—*The*
4 *Federal share of the cost of an infra-*
5 *structure improvement or activity shall*
6 *not exceed 75 percent of the cost of the*
7 *infrastructure improvement or activ-*
8 *ity, if—*

9 “(aa) *the infrastructure im-*
10 *provement or activity was devel-*
11 *oped as part of a collaborative*
12 *process by—*

13 “(AA) *a watershed*
14 *group (as defined in section*
15 *6001); or*

16 “(BB) *a water user and*
17 *1 or more stakeholders with*
18 *diverse interests; and*

19 “(bb) *the majority of the ben-*
20 *efits of the infrastructure improve-*
21 *ment or activity, as determined*
22 *by the Secretary, are for the pur-*
23 *pose of advancing 1 or more com-*
24 *ponents of an established strategy*
25 *or plan to increase the reliability*

1 of water supply for consumptive
2 and nonconsumptive ecological
3 values.”; and

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

5 “(4) *PRIORITY*.—In providing grants to, and en-
6 tering into agreements for, projects intended to have
7 a quantifiable water savings under this subsection,
8 the Secretary shall give priority to projects that en-
9 hance drought resilience by benefitting the water sup-
10 ply and ecosystem.”.

11 (c) *RESEARCH AGREEMENTS*.—Section 9504(b)(1) of
12 the Omnibus Public Land Management Act of 2009 (42
13 U.S.C. 10364(b)(1)) is amended—

14 (1) in the matter preceding subparagraph (A),
15 by striking “or organization with water or power de-
16 livery authority” and inserting “or eligible appli-
17 cant”;

18 (2) in subparagraph (B), by striking “or” at the
19 end;

20 (3) by redesignating subparagraph (C) as sub-
21 paragraph (D); and

22 (4) by inserting after subparagraph (B) the fol-
23 lowing:

24 “(C) to restore a natural feature or use a
25 nature-based feature to reduce water supply and

1 *demand imbalances or the risk of drought or*
2 *flood; or”.*

3 (d) *AUTHORIZATION OF APPROPRIATIONS.—Section*
4 *9504(e) of the Omnibus Public Land Management Act of*
5 *2009 (42 U.S.C. 10364(e)) is amended by striking “*
6 *\$530,000,000” and inserting “ \$700,000,000, subject to the*
7 *condition that \$50,000,000 of that amount shall be used to*
8 *carry out section 206 of the Energy and Water Development*
9 *and Related Agencies Appropriations Act, 2015 (43 U.S.C.*
10 *620 note; Public Law 113–235)”.*

11 (e) *CONFORMING AMENDMENT.—Section 4009(d) of*
12 *Public Law 114–322 (42 U.S.C. 10364 note) is amended*
13 *by striking “on the condition that of that amount,*
14 *\$50,000,000 of it is used to carry out section 206 of the*
15 *Energy and Water Development and Related Agencies Ap-*
16 *propriations Act, 2015 (43 U.S.C. 620 note; Public Law*
17 *113–235)”.*

18 **SEC. 1107. COOPERATIVE WATERSHED MANAGEMENT PRO-**
19 **GRAM.**

20 (a) *DEFINITIONS.—Section 6001 of the Omnibus Pub-*
21 *lic Land Management Act of 2009 (16 U.S.C. 1015) is*
22 *amended—*

23 (1) *by redesignating paragraphs (2) through (6)*
24 *as paragraphs (3) through (7), respectively;*

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) *DISADVANTAGED COMMUNITY*.—*The term*
4 *‘disadvantaged community’ means a community (in-*
5 *cluding a city, town, county, or reasonably isolated*
6 *and divisible segment of a larger municipality) with*
7 *an annual median household income that is less than*
8 *100 percent of the statewide annual median household*
9 *income for the State in which the community is lo-*
10 *cated, according to the most recent decennial census.”;*

11 (3) in paragraph (6)(B)(i) (as so redesign-
12 ated)—

13 (A) in subclause (VIII), by striking “and”
14 at the end;

15 (B) in subclause (IX), by adding “and”
16 after the semicolon at the end; and

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

18 “(X) *disadvantaged communities;*”; and

19 (4) in paragraph (7)(C) (as so redesignated), by
20 inserting “, including benefits to fisheries, wildlife, or
21 habitat” after “river or stream”.

22 (b) *APPLICATION*.—*Section 6002 of the Omnibus Pub-*
23 *lic Lands Management Act (16 U.S.C. 1015a) is amend-*
24 *ed—*

1 (1) by striking subsection (b) and inserting the
2 following:

3 “(b) *ESTABLISHMENT OF APPLICATION PROCESS; CRI-*
4 *TERIA.*—Not later than September 30, 2021, the Secretary
5 shall update—

6 “(1) the application process for the program;
7 and

8 “(2) in consultation with the States, the
9 prioritization and eligibility criteria for considering
10 applications submitted in accordance with the appli-
11 cation process.”; and

12 (2) in subsection (g), by striking “2020” and in-
13 serting “2026”.

14 **SEC. 1108. MODIFICATION OF JACKSON GULCH REHABILI-**
15 **TATION PROJECT, COLORADO.**

16 Section 9105(b) of the Omnibus Public Land Manage-
17 ment Act of 2009 (Public Law 111–11; 123 Stat. 1303) is
18 amended—

19 (1) in paragraph (1)—

20 (A) by striking “requirement” and inserting
21 “and cost-sharing requirements”; and

22 (B) by inserting “, which shall be not more
23 than 65 percent of that total cost” before the pe-
24 riod at the end;

25 (2) in paragraph (3)—

1 (A) in the paragraph heading, by striking
2 “REQUIREMENT” and inserting “AND COST-
3 SHARING REQUIREMENTS”;

4 (B) in subparagraph (A), in the matter pre-
5 ceding clause (i), by striking “The Secretary
6 shall recover from the District as reimbursable
7 expenses” and inserting “Subject to subpara-
8 graph (C), the District shall be liable under this
9 subsection for an amount equal to”;

10 (C) in subparagraph (B), in the matter pre-
11 ceding clause (i), by striking “Secretary shall re-
12 cover reimbursable expenses” and inserting “Dis-
13 trict shall pay the Project costs for which the
14 District is liable”; and

15 (D) by striking subparagraph (C) and in-
16 serting the following:

17 “(C) CREDIT.—In determining the exact
18 amount for which the District is liable under
19 this paragraph, the Secretary shall—

20 “(i) review and approve all final costs
21 associated with the completion of the
22 Project; and

23 “(ii) credit the district for all amounts
24 paid by the District for engineering work
25 and improvements directly associated with

1 *the Project, whether before, on, or after the*
2 *date of enactment of this Act.”; and*

3 (3) *in paragraph (7), by striking “ \$8,250,000.”*
4 *and inserting the following: “the lesser of—*

5 *“(A) not more than 65 percent of the total*
6 *cost of carrying out the Project; and*

7 *“(B) \$5,350,000.”.*

8 **SEC. 1109. AQUATIC ECOSYSTEM RESTORATION.**

9 (a) *DEFINITION OF ELIGIBLE ENTITY.—In this sec-*
10 *tion, the term “eligible entity” means—*

11 (1) *any State, Indian Tribe, irrigation district,*
12 *or water district;*

13 (2) *any State, regional, or local authority, the*
14 *members of which include 1 or more organizations*
15 *with water or power delivery authority;*

16 (3) *any other entity or organization that owns*
17 *a facility that is eligible for upgrade, modification or*
18 *removal under this section;*

19 (4) *any nonprofit conservation organization, act-*
20 *ing in partnership with any entity listed in para-*
21 *graphs (1) through (3), with respect to a project in-*
22 *volving land or infrastructure owned by the entity;*
23 *and*

1 (5) *an agency established under State law for the*
2 *joint exercise of powers or a combination of entities*
3 *described in paragraphs (1) through (4).*

4 **(b) GENERAL AUTHORITY.—**

5 **(1) IN GENERAL.—***Subject to the requirements of*
6 *this section and paragraph (2), on request of any eli-*
7 *gible entity the Secretary may negotiate and enter*
8 *into an agreement on behalf of the United States to*
9 *fund the design, study, and construction of an aquatic*
10 *ecosystem restoration and protection project in a Rec-*
11 *lamation State if the Secretary determines that the*
12 *project is likely to improve the health of fisheries,*
13 *wildlife or aquatic habitat, including through habitat*
14 *restoration and improved fish passage via the removal*
15 *or bypass of barriers to fish passage.*

16 **(2) EXCEPTION.—***With respect to an aquatic eco-*
17 *system restoration and protection project under this*
18 *section that removes a dam or modifies a dam in a*
19 *manner that reduces storage or diversion capacity,*
20 *the Secretary may only negotiate and enter into an*
21 *agreement to fund—*

22 **(A)** *the design or study of such project if the*
23 *Secretary has received consent from the owner of*
24 *the applicable dam; or*

1 (B) *the construction of such project if the*
2 *Secretary—*

3 (i) *identifies any eligible entity that*
4 *receives water or power from the facility*
5 *that is under consideration for removal or*
6 *modification at the time of the request;*

7 (ii) *notifies each eligible entity identi-*
8 *fied in clause (i) that the dam removal or*
9 *modification project has been requested; and*

10 (iii) *does not receive, by the date that*
11 *is 120 days after the date on which all eligi-*
12 *ble entities have been notified under clause*
13 *(ii), written objection from 1 or more eligi-*
14 *ble entities that collectively receive $\frac{1}{3}$ or*
15 *more of the water or power delivered from*
16 *the facility that is under consideration for*
17 *removal or modification at the time of the*
18 *request.*

19 (c) *REQUIREMENTS.—*

20 (1) *IN GENERAL.—The Secretary shall accept*
21 *and consider public comment prior to initiating de-*
22 *sign, study or development of a project under this sec-*
23 *tion.*

1 (2) *PRECONDITIONS.*—*Construction of a project*
2 *under this section shall be a voluntary project initi-*
3 *ated only after—*

4 (A) *an eligible entity has entered into an*
5 *agreement with the Secretary to pay no less than*
6 *35 percent of the costs of project construction;*

7 (B) *an eligible entity has entered an agree-*
8 *ment to pay 100 percent of any operation, main-*
9 *tenance, and replacement and rehabilitation*
10 *costs with respect to the project;*

11 (C) *the Secretary determines the proposed*
12 *project—*

13 (i) *will not result in an unmitigated*
14 *adverse impact on fulfillment of existing*
15 *water delivery obligations consistent with*
16 *historical operations and applicable con-*
17 *tracts;*

18 (ii) *will not result in an unmitigated*
19 *adverse effect on the environment;*

20 (iii) *is consistent with the responsibil-*
21 *ities of the Secretary—*

22 (I) *in the role as trustee for feder-*
23 *ally recognized Indian Tribes; and*

24 (II) *to ensure compliance with*
25 *any applicable international and Trib-*

1 *al treaties and agreements and inter-*
2 *state compacts and agreements;*

3 *(iv) is in the financial interest of the*
4 *United States based on a determination*
5 *that the project advances Federal objectives*
6 *including environmental enhancement objec-*
7 *tives in a Reclamation State; and*

8 *(v) complies with all applicable Fed-*
9 *eral and State law, including environ-*
10 *mental laws; and*

11 *(D) the Secretary has complied with all ap-*
12 *plicable environmental laws, including—*

13 *(i) the National Environmental Policy*
14 *Act of 1969 (42 U.S.C. 4321 et seq.);*

15 *(ii) the Endangered Species Act of*
16 *1973 (16 U.S.C. 1531 et seq.); and*

17 *(iii) subtitle III of title 54, United*
18 *States Code.*

19 *(d) FUNDING.—There is authorized to be appropriated*
20 *to carry out this section \$15,000,000 for each of fiscal years*
21 *2022 through 2026, to remain available until expended.*

22 *(e) EFFECTS.—*

23 *(1) IN GENERAL.—Nothing in this section super-*
24 *sedes or limits any existing authority provided, or re-*
25 *sponsibility conferred, by any provision of law.*

1 (2) *EFFECT ON STATE WATER LAW.*—*Nothing in*
2 *this section preempts or affects any—*

3 (A) *State water law; or*

4 (B) *interstate compact governing water.*

5 (f) *COMPLIANCE REQUIRED.*—*The Secretary shall*
6 *comply with applicable State water laws in carrying out*
7 *this section.*

8 (g) *PRIORITY FOR PROJECTS PROVIDING REGIONAL*
9 *BENEFITS AND ASSISTANCE FOR AGING ASSETS.*—*When*
10 *funding projects under this section, the Secretary shall*
11 *prioritize projects that—*

12 (1) *are jointly developed and supported by a di-*
13 *verse array of stakeholders including representatives*
14 *of irrigated agricultural production, hydroelectric*
15 *production, potable water purveyors and industrial*
16 *water users, Indian Tribes, commercial fishing inter-*
17 *ests, and nonprofit conservation organizations;*

18 (2) *affect water resources management in 2 or*
19 *more river basins while providing regional benefits*
20 *not limited to fisheries restoration;*

21 (3) *are a component of a broader strategy or*
22 *plan to replace aging facilities with 1 or more alter-*
23 *nate facilities providing similar benefits; and*

1 (4) *contribute to the restoration of anadromous*
2 *fish species listed under the Endangered Species Act*
3 *of 1973 (16 U.S.C. 1531 et seq.).*

4 **SEC. 1110. CLEAN WATER FOR RURAL COMMUNITIES.**

5 (a) *SHORT TITLE.*—*This section may be cited as the*
6 *“Clean Water for Rural Communities Act”.*

7 (b) *PURPOSE.*—*The purpose of this Act is to ensure*
8 *a safe and adequate municipal, rural, and industrial water*
9 *supply for the citizens of—*

10 (1) *Dawson, Garfield, McCone, Prairie, Rich-*
11 *land, Judith Basin, Wheatland, Golden Valley, Fer-*
12 *gus, Yellowstone, and Musselshell Counties in the*
13 *State of Montana; and*

14 (2) *McKenzie County, North Dakota.*

15 (c) *DEFINITIONS.*—*In this Act:*

16 (1) *AUTHORITY.*—*The term “Authority”*
17 *means—*

18 (A) *the Central Montana Regional Water*
19 *Authority, a publicly owned nonprofit water au-*
20 *thority formed in accordance with Mont. Code*
21 *Ann. Sec. 75–6–302 (2007); and*

22 (B) *any nonprofit successor entity to the*
23 *Authority described in subparagraph (A).*

24 (2) *MUSSELSHELL-JUDITH RURAL WATER SYS-*
25 *TEM.*—*The term “Musselshell-Judith Rural Water*

1 *System” means the Musselshell-Judith Rural Water*
2 *System authorized under subsection (d)(1), with a*
3 *project service area that includes—*

4 (A) *Judith Basin, Wheatland, Golden Val-*
5 *ley, and Musselshell Counties in the State;*

6 (B) *the portion of Yellowstone County in*
7 *the State within 2 miles of State Highway 3 and*
8 *within 4 miles of the county line between Golden*
9 *Valley and Yellowstone Counties in the State, in-*
10 *clusive of the Town of Broadview, Montana; and*

11 (C) *the portion of Fergus County in the*
12 *State within 2 miles of U.S. Highway 87 and*
13 *within 4 miles of the county line between Fergus*
14 *and Judith Basin Counties in the State, inclu-*
15 *sive of the Town of Moore, Montana.*

16 (3) *STATE.—The term “State” means the State*
17 *of Montana.*

18 (d) *MUSSELSHELL-JUDITH RURAL WATER SYSTEM.—*

19 (1) *AUTHORIZATION.—The Secretary may carry*
20 *out the planning, design, and construction of the*
21 *Musselshell-Judith Rural Water System in a manner*
22 *that is substantially in accordance with the feasibility*
23 *report entitled “Musselshell-Judith Rural Water Sys-*
24 *tem Feasibility Report” (including any and all revi-*
25 *sions of the report).*

1 (2) *COOPERATIVE AGREEMENT.*—*The Secretary*
2 *shall enter into a cooperative agreement with the Au-*
3 *thority to provide Federal assistance for the planning,*
4 *design, and construction of the Musselshell-Judith*
5 *Rural Water System.*

6 (3) *COST-SHARING REQUIREMENT.*—

7 (A) *FEDERAL SHARE.*—

8 (i) *IN GENERAL.*—*The Federal share of*
9 *the costs relating to the planning, design,*
10 *and construction of the Musselshell-Judith*
11 *Rural Water System shall not exceed 65*
12 *percent of the total cost of the Musselshell-*
13 *Judith Rural Water System.*

14 (ii) *LIMITATION.*—*Amounts made*
15 *available under clause (i) shall not be re-*
16 *turnable or reimbursable under the reclama-*
17 *tion laws.*

18 (B) *USE OF FEDERAL FUNDS.*—

19 (i) *GENERAL USES.*—*Subject to clause*
20 *(ii), the Musselshell-Judith Rural Water*
21 *System may use Federal funds made avail-*
22 *able to carry out this subsection for—*

23 (I) *facilities relating to—*

24 (aa) *water pumping;*

25 (bb) *water treatment;*

- 1 (cc) water storage;
- 2 (dd) water supply wells;
- 3 (ee) distribution pipelines;
- 4 and
- 5 (ff) control systems;
- 6 (II) transmission pipelines;
- 7 (III) pumping stations;
- 8 (IV) appurtenant buildings,
- 9 maintenance equipment, and access
- 10 roads;
- 11 (V) any interconnection facility
- 12 that connects a pipeline of the
- 13 Musselshell-Judith Rural Water Sys-
- 14 tem to a pipeline of a public water sys-
- 15 tem;
- 16 (VI) electrical power transmission
- 17 and distribution facilities required for
- 18 the operation and maintenance of the
- 19 Musselshell-Judith Rural Water Sys-
- 20 tem;
- 21 (VII) any other facility or service
- 22 required for the development of a rural
- 23 water distribution system, as deter-
- 24 mined by the Secretary; and

1 (VIII) any property or property
2 right required for the construction or
3 operation of a facility described in this
4 subsection.

5 (ii) *LIMITATION.*—Federal funds made
6 available to carry out this subsection shall
7 not be used for the operation, maintenance,
8 or replacement of the Musselshell-Judith
9 Rural Water System.

10 (iii) *TITLE.*—Title to the Musselshell-
11 Judith Rural Water System shall be held by
12 the Authority.

13 (e) *DRY-REDWATER FEASIBILITY STUDY.*—

14 (1) *DEFINITIONS.*—In this subsection:

15 (A) *DRY-REDWATER REGIONAL WATER AU-*
16 *THORITY.*—The term “Dry-Redwater Regional
17 Water Authority” means—

18 (i) the Dry-Redwater Regional Water
19 Authority, a publicly owned nonprofit
20 water authority formed in accordance with
21 Mont. Code Ann. § 75–6–302 (2007); and

22 (ii) any nonprofit successor entity to
23 the Authority described in clause (i).

24 (B) *DRY-REDWATER REGIONAL WATER AU-*
25 *THORITY SYSTEM.*—The term “Dry-Redwater

1 *Regional Water Authority System*” means the
2 project entitled the “*Dry-Redwater Regional*
3 *Water Authority System*”, with a project service
4 area that includes—

5 (i) *Garfield and McCone Counties in*
6 *the State;*

7 (ii) *the area west of the Yellowstone*
8 *River in Dawson and Richland Counties in*
9 *the State;*

10 (iii) *T. 15 N. (including the area north*
11 *of the Township) in Prairie County in the*
12 *State; and*

13 (iv) *the portion of McKenzie County,*
14 *North Dakota, that includes all land that is*
15 *located west of the Yellowstone River in the*
16 *State of North Dakota.*

17 (C) *RECLAMATION FEASIBILITY STAND-*
18 *ARDS.—The term “reclamation feasibility stand-*
19 *ards” means the eligibility criteria and feasi-*
20 *bility study requirements described in section*
21 *106 of the Reclamation Rural Water Supply Act*
22 *of 2006 (43 U.S.C. 2405) (as in effect on Sep-*
23 *tember 29, 2016).*

24 (D) *SUBMITTED FEASIBILITY STUDY.—The*
25 *term “submitted feasibility study” means the*

1 *feasibility study entitled “Dry-Redwater Re-*
2 *gional Water System Feasibility Study” (includ-*
3 *ing revisions of the study), which received fund-*
4 *ing from the Bureau of Reclamation on Sep-*
5 *tember 1, 2010.*

6 (2) *STUDY.*—

7 (A) *IN GENERAL.*—*The Secretary, in con-*
8 *sultation with the Dry-Redwater Regional Water*
9 *Authority, may undertake a study, including a*
10 *review of the submitted feasibility study, to de-*
11 *termine the feasibility of constructing the Dry-*
12 *Redwater Regional Water System.*

13 (B) *REQUIREMENT.*—*The study under sub-*
14 *paragraph (A) shall comply with the reclama-*
15 *tion feasibility standards.*

16 (3) *COOPERATIVE AGREEMENT.*—*If the Secretary*
17 *determines that the study under paragraph (2) does*
18 *not comply with the reclamation feasibility stand-*
19 *ards, the Secretary may enter into a cooperative*
20 *agreement with the Dry-Redwater Regional Water*
21 *Authority to complete additional work to ensure that*
22 *the study complies with the reclamation feasibility*
23 *standards.*

1 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
2 *There is authorized to be appropriated to the Sec-*
3 *retary \$5,000,000 to carry out this subsection.*

4 (5) *TERMINATION.*—*The authority provided by*
5 *this subsection shall expire on the date that is 5 years*
6 *after the date of enactment of this Act.*

7 (f) *WATER RIGHTS.*—*Nothing in this Act—*

8 (1) *preempts or affects any State water law; or*

9 (2) *affects any authority of a State, as in effect*
10 *on the date of enactment of this Act, to manage water*
11 *resources within that State.*

12 (g) *AUTHORIZATION OF APPROPRIATIONS.*—

13 (1) *AUTHORIZATION.*—*There is authorized to be*
14 *appropriated to carry out the planning, design, and*
15 *construction of the Musselshell-Judith Rural Water*
16 *System, substantially in accordance with the cost esti-*
17 *mate set forth in the feasibility report described in*
18 *subsection (d)(1), \$56,650,000.*

19 (2) *COST INDEXING.*—*The amount authorized to*
20 *be appropriated under paragraph (1) may be in-*
21 *creased or decreased in accordance with ordinary*
22 *fluctuations in development costs incurred after No-*
23 *vember 1, 2014, as indicated by any available engi-*
24 *neering cost indices applicable to construction activi-*

1 *ties that are similar to the construction of the*
2 *Musselshell-Judith Rural Water System.*

3 **SEC. 1111. SNOW WATER SUPPLY FORECASTING.**

4 (a) *SHORT TITLE.*—*This section may be cited as the*
5 *“Snow Water Supply Forecasting Program Authorization*
6 *Act”.*

7 (b) *DEFINITION OF PROGRAM.*—*In this Act, the term*
8 *“program” means the Snow Water Supply Forecasting Pro-*
9 *gram established by subsection (c).*

10 (c) *SNOW WATER SUPPLY FORECASTING PROGRAM.*—

11 (1) *PROGRAM ESTABLISHMENT.*—*The Snow*
12 *Water Supply Forecasting Program is hereby estab-*
13 *lished within the Department of the Interior.*

14 (2) *PROGRAM IMPLEMENTATION.*—*To implement*
15 *the program, the Secretary shall—*

16 (A) *develop the program framework in co-*
17 *ordination with other Federal agencies pursuant*
18 *to subsection (d), culminating in the report re-*
19 *quired under subsection (d)(3); and*

20 (B) *after submitting the report required by*
21 *subsection (d)(3), implement activities to im-*
22 *prove snowpack measurement in particular wa-*
23 *tersheds pursuant to subsection (e).*

24 (d) *DEVELOPMENT OF PROGRAM FRAMEWORK IN CO-*
25 *ORDINATION WITH OTHER FEDERAL AGENCIES.*—

1 (1) *SNOWPACK MEASUREMENT DATA.*—When de-
2 termining water supply forecasts or allocations to
3 Federal water contractors, the Secretary, acting
4 through the Commissioner of the Bureau of Reclama-
5 tion, shall incorporate, to the greatest extent prac-
6 ticable, information from emerging technologies for
7 snowpack measurement, such as—

8 (A) *synthetic aperture radar;*

9 (B) *laser altimetry; and*

10 (C) *other emerging technologies that the*
11 *Secretary determines are likely to provide more*
12 *accurate or timely snowpack measurement data.*

13 (2) *COORDINATION.*—In carrying out paragraph
14 (1), the Secretary shall coordinate data use and col-
15 lection efforts with other Federal agencies that use or
16 may benefit from the use of emerging technologies for
17 snowpack measurement.

18 (3) *EMERGING TECHNOLOGIES REPORT.*—Not
19 later than October 1, 2021, the Secretary shall submit
20 to Congress a report that—

21 (A) *summarizes the use of emerging tech-*
22 *nologies pursuant to this Act;*

23 (B) *describes benefits derived from the use of*
24 *technologies summarized under subparagraph*

1 (A) *related to the environment and increased*
2 *water supply reliability; and*

3 (C) *describes how Federal agencies will co-*
4 *ordinate to implement emerging technologies.*

5 (e) *PROGRAM IMPLEMENTATION.—*

6 (1) *ACTIVITIES IMPLEMENTING FRAMEWORK.—*

7 *After submitting the report required under subsection*
8 *(d)(3), the Secretary shall participate with program*
9 *partners in implementing activities to improve*
10 *snowpack measurement in particular watersheds.*

11 (2) *FOCUS.—The program shall focus on activi-*
12 *ties that will maintain, establish, expand, or advance*
13 *snowpack measurement consistent with the report re-*
14 *quired by subsection (d)(3), with an emphasis on—*

15 (A) *enhancing activities in river basins to*
16 *achieve improved snow and water supply fore-*
17 *casting results;*

18 (B) *activities in river basins where snow*
19 *water supply forecasting related activities de-*
20 *scribed in this Act are not occurring on the date*
21 *of the enactment of this Act; and*

22 (C) *demonstrating or testing new, or im-*
23 *proving existing, snow and water supply fore-*
24 *casting technology.*

1 (3) *INFORMATION SHARING.*—*The Secretary may*
2 *provide information collected and analyzed under this*
3 *Act to program partners through appropriate mecha-*
4 *nisms, including interagency agreements with Federal*
5 *agencies, States, State agencies, or a combination*
6 *thereof, leases, contracts, cooperative agreements,*
7 *grants, loans, and memoranda of understanding.*

8 (4) *PROGRAM PARTNERS.*—*Program partners*
9 *with whom the Secretary enters into cooperative*
10 *agreements pursuant to paragraph (5) may include*
11 *water districts, irrigation districts, water associa-*
12 *tions, universities, State agencies, other Federal agen-*
13 *cies, private sector entities, non-governmental organi-*
14 *zations, and other entities, as determined by the Sec-*
15 *retary.*

16 (5) *COOPERATIVE AGREEMENTS.*—*The Secretary*
17 *may—*

18 (A) *enter into cooperative agreements with*
19 *program partners to allow the program to be ad-*
20 *ministered efficiently and cost effectively through*
21 *cost-sharing or by providing additional in-kind*
22 *resources necessary for program implementation;*
23 *and*

24 (B) *provide nonreimbursable matching*
25 *funding for programmatic and operational ac-*

1 *tivities under this Act in consultation with pro-*
2 *gram partners.*

3 (6) *ENVIRONMENTAL LAWS.*—*Nothing in this Act*
4 *shall modify any obligation of the Secretary to com-*
5 *ply with applicable Federal and State environmental*
6 *laws in carrying out this Act.*

7 (f) *PROGRAM IMPLEMENTATION REPORT.*—*Not later*
8 *than 4 years after the date of the enactment of this Act,*
9 *the Secretary shall submit a report to the Committee on*
10 *Natural Resources and the Committee on Appropriations*
11 *of the House of Representatives and the Committee on En-*
12 *ergy and Natural Resources and the Committee on Appro-*
13 *priations of the Senate, that includes—*

14 (1) *a list of basins and sub-basins for which*
15 *snowpack measurement technologies are being used*
16 *under the program, including a description of each*
17 *technology used; and*

18 (2) *a list of Federal agencies and program part-*
19 *ners participating in each basin or sub-basin listed*
20 *in paragraph (1).*

21 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
22 *authorized to be appropriated to the Secretary to carry out*
23 *this Act \$15,000,000, in the aggregate, for fiscal years 2022*
24 *through 2026.*

1 **SEC. 1112. WATER TECHNOLOGY INVESTMENT.**

2 *The Water Desalination Act of 1996 (Public Law 104–*
3 *298; 42 U.S.C. 10301 note) is amended—*

4 *(1) in section 4(a)(1), by inserting “, including*
5 *modules specifically designed for brine management”*
6 *after “and concepts”; and*

7 *(2) in section 8(b)—*

8 *(A) by striking “3,000,000” and inserting*
9 *“20,000,000”; and*

10 *(B) by striking “2017 through 2021” and*
11 *inserting “2022 through 2026, in addition to the*
12 *authorization of appropriations for projects in*
13 *section 4(a)(2)(F)”.*

14 **SEC. 1113. SHARING ARRANGEMENTS WITH FEDERAL AGEN-**
15 **CIES.**

16 *Section 405 of the Indian Health Care Improvement*
17 *Act (25 U.S.C. 1645) is amended—*

18 *(1) in subsection (a)(1), by inserting “urban In-*
19 *Indian organizations,” before “and tribal organiza-*
20 *tions”; and*

21 *(2) in subsection (c)—*

22 *(A) by inserting “urban Indian organiza-*
23 *tion,” before “or tribal organization”; and*

24 *(B) by inserting “an urban Indian organi-*
25 *zation,” before “or a tribal organization”.*

1 **SEC. 1114. AMENDMENT TO THE INDIAN HEALTH CARE IM-**
2 **PROVEMENT ACT.**

3 *Section 409 of the Indian Health Care Improvement*
4 *Act (25 U.S.C. 1647b) is amended by striking “(25 U.S.C.*
5 *450 et seq.)” and inserting “(25 U.S.C. 5301 et seq.) or*
6 *the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501*
7 *et seq.)”.*

8 **SEC. 1115. DEFINITIONS.**

9 *In this title:*

10 (1) *INDIAN TRIBE.*—*The term “Indian Tribe”*
11 *has the meaning given the term in section 4 of the In-*
12 *dian Self-Determination and Education Assistance*
13 *Act (25 U.S.C. 5304).*

14 (2) *RECLAMATION STATE.*—*The term “Reclama-*
15 *tion State” means a State or territory described in*
16 *the first section of the Act of June 17, 1902 (32 Stat.*
17 *388, chapter 1093; 43 U.S.C. 391).*

18 (3) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of the Interior.*

20 **TITLE XII—HORSERACING**
21 **INTEGRITY AND SAFETY**

22 **SEC. 1201. SHORT TITLE.**

23 *This title may be cited as the “Horseracing Integrity*
24 *and Safety Act of 2020”.*

25 **SEC. 1202. DEFINITIONS.**

26 *In this Act the following definitions apply:*

1 (1) *AUTHORITY.*—*The term “Authority” means*
2 *the Horseracing Integrity and Safety Authority des-*
3 *ignated by section 1203(a).*

4 (2) *BREEDER.*—*The term “breeder” means a*
5 *person who is in the business of breeding covered*
6 *horses.*

7 (3) *COMMISSION.*—*The term “Commission”*
8 *means the Federal Trade Commission.*

9 (4) *COVERED HORSE.*—*The term “covered horse”*
10 *means any Thoroughbred horse, or any other horse*
11 *made subject to this Act by election of the applicable*
12 *State racing commission or the breed governing orga-*
13 *nization for such horse under section 1205(k), during*
14 *the period—*

15 (A) *beginning on the date of the horse’s first*
16 *timed and reported workout at a racetrack that*
17 *participates in covered horseraces or at a train-*
18 *ing facility; and*

19 (B) *ending on the date on which the Au-*
20 *thority receives written notice that the horse has*
21 *been retired.*

22 (5) *COVERED HORSERACE.*—*The term “covered*
23 *horserace” means any horserace involving covered*
24 *horses that has a substantial relation to interstate*
25 *commerce, including any Thoroughbred horserace that*

1 *is the subject of interstate off-track or advance deposit*
2 *wagers.*

3 (6) *COVERED PERSONS.*—*The term “covered per-*
4 *sons” means all trainers, owners, breeders, jockeys,*
5 *racetracks, veterinarians, persons (legal and natural)*
6 *licensed by a State racing commission and the agents,*
7 *assigns, and employees of such persons and other*
8 *horse support personnel who are engaged in the care,*
9 *training, or racing of covered horses.*

10 (7) *EQUINE CONSTITUENCIES.*—*The term*
11 *“equine constituencies” means, collectively, owners,*
12 *breeders, trainers, racetracks, veterinarians, State*
13 *racing commissions, and jockeys who are engaged in*
14 *the care, training, or racing of covered horses.*

15 (8) *EQUINE INDUSTRY REPRESENTATIVE.*—*The*
16 *term “equine industry representative” means an or-*
17 *ganization regularly and significantly engaged in the*
18 *equine industry, including organizations that rep-*
19 *resent the interests of, and whose membership consists*
20 *of, owners, breeders, trainers, racetracks, veterinar-*
21 *ians, State racing commissions, and jockeys.*

22 (9) *HORSERACING ANTI-DOPING AND MEDICA-*
23 *TION CONTROL PROGRAM.*—*The term “horseracing*
24 *anti-doping and medication control program” means*

1 *the anti-doping and medication program established*
2 *under section 1206(a).*

3 (10) *IMMEDIATE FAMILY MEMBER.*—*The term*
4 *“immediate family member” shall include a spouse,*
5 *domestic partner, mother, father, aunt, uncle, sibling,*
6 *or child.*

7 (11) *INTERSTATE OFF-TRACK WAGER.*—*The term*
8 *“interstate off-track wager” has the meaning given*
9 *such term in section 3 of the Interstate Horseracing*
10 *Act of 1978 (15 U.S.C. 3002).*

11 (12) *JOCKEY.*—*The term “jockey” means a rider*
12 *or driver of a covered horse in covered horseraces.*

13 (13) *OWNER.*—*The term “owner” means a per-*
14 *son who holds an ownership interest in one or more*
15 *covered horses.*

16 (14) *PROGRAM EFFECTIVE DATE.*—*The term*
17 *“program effective date” means July 1, 2022.*

18 (15) *RACETRACK.*—*The term “racetrack” means*
19 *an organization licensed by a State racing commis-*
20 *sion to conduct covered horseraces.*

21 (16) *RACETRACK SAFETY PROGRAM.*—*The term*
22 *“racetrack safety program” means the program estab-*
23 *lished under section 1207(a).*

24 (17) *STAKES RACE.*—*The term “stakes race”*
25 *means any race so designated by the racetrack at*

1 *which such race is run, including, without limitation,*
2 *the races comprising the Breeders' Cup World Cham-*
3 *ionships and the races designated as graded stakes*
4 *by the American Graded Stakes Committee of the*
5 *Thoroughbred Owners and Breeders Association.*

6 (18) *STATE RACING COMMISSION.*—*The term*
7 *“State racing commission” means an entity des-*
8 *ignated by State law or regulation that has jurisdic-*
9 *tion over the conduct of horseracing within the appli-*
10 *cable State.*

11 (19) *TRAINER.*—*The term “trainer” means an*
12 *individual engaged in the training of covered horses.*

13 (20) *TRAINING FACILITY.*—*The term “training*
14 *facility” means a location that is not a racetrack li-*
15 *censed by a State racing commission that operates*
16 *primarily to house covered horses and conduct official*
17 *timed workouts.*

18 (21) *VETERINARIAN.*—*The term “veterinarian”*
19 *means a licensed veterinarian who provides veteri-*
20 *nary services to covered horses.*

21 (22) *WORKOUT.*—*The term “workout” means a*
22 *timed running of a horse over a predetermined dis-*
23 *tance not associated with a race or its first qualifying*
24 *race, if such race is made subject to this Act by elec-*
25 *tion under section 1205(k) of the horse’s breed gov-*

1 (ii) *REPRESENTATION OF EQUINE CON-*
2 *STITUENCIES.—The industry members shall*
3 *be representative of the various equine con-*
4 *stituencies, and shall include not more than*
5 *one industry member from any one equine*
6 *constituency.*

7 (2) *CHAIR.—The chair of the Board shall be an*
8 *independent member described in paragraph (1)(A).*

9 (3) *BYLAWS.—The Board of the Authority shall*
10 *be governed by bylaws for the operation of the Author-*
11 *ity with respect to—*

12 (A) *the administrative structure and em-*
13 *ployees of the Authority;*

14 (B) *the establishment of standing commit-*
15 *tees;*

16 (C) *the procedures for filling vacancies on*
17 *the Board and the standing committees;*

18 (D) *term limits for members and termi-*
19 *nation of membership; and*

20 (E) *any other matter the Board considers*
21 *necessary.*

22 (c) *STANDING COMMITTEES.—*

23 (1) *ANTI-DOPING AND MEDICATION CONTROL*
24 *STANDING COMMITTEE.—*

1 (A) *IN GENERAL.*—*The Authority shall es-*
2 *tablish an anti-doping and medication control*
3 *standing committee, which shall provide advice*
4 *and guidance to the Board on the development*
5 *and maintenance of the horseracing anti-doping*
6 *and medication control program.*

7 (B) *MEMBERSHIP.*—*The anti-doping and*
8 *medication control standing committee shall be*
9 *comprised of seven members as follows:*

10 (i) *INDEPENDENT MEMBERS.*—*A ma-*
11 *jority of the members shall be independent*
12 *members selected from outside the equine in-*
13 *dustry.*

14 (ii) *INDUSTRY MEMBERS.*—*A minority*
15 *of the members shall be industry members*
16 *selected to represent the various equine con-*
17 *stituencies, and shall include not more than*
18 *one industry member from any one equine*
19 *constituency.*

20 (iii) *QUALIFICATION.*—*A majority of*
21 *individuals selected to serve on the anti-*
22 *doping and medication control standing*
23 *committee shall have significant, recent ex-*
24 *perience in anti-doping and medication*
25 *control rules.*

1 (C) *CHAIR.*—*The chair of the anti-doping*
2 *and medication control standing committee shall*
3 *be an independent member of the Board de-*
4 *scribed in subsection (b)(1)(A).*

5 (2) *RACETRACK SAFETY STANDING COM-*
6 *MITTEE.*—

7 (A) *IN GENERAL.*—*The Authority shall es-*
8 *tablish a racetrack safety standing committee,*
9 *which shall provide advice and guidance to the*
10 *Board on the development and maintenance of*
11 *the racetrack safety program.*

12 (B) *MEMBERSHIP.*—*The racetrack safety*
13 *standing committee shall be comprised of seven*
14 *members as follows:*

15 (i) *INDEPENDENT MEMBERS.*—*A ma-*
16 *jority of the members shall be independent*
17 *members selected from outside the equine in-*
18 *dustry.*

19 (ii) *INDUSTRY MEMBERS.*—*A minority*
20 *of the members shall be industry members*
21 *selected to represent the various equine con-*
22 *stituencies.*

23 (C) *CHAIR.*—*The chair of the racetrack*
24 *safety standing committee shall be an industry*

1 *member of the Board described in subsection*
2 *(b)(1)(B).*

3 *(d) NOMINATING COMMITTEE.—*

4 *(1) MEMBERSHIP.—*

5 *(A) IN GENERAL.—The nominating com-*
6 *mittee of the Authority shall be comprised of*
7 *seven independent members selected from busi-*
8 *ness, sports, and academia.*

9 *(B) INITIAL MEMBERSHIP.—The initial*
10 *nominating committee members shall be set forth*
11 *in the governing corporate documents of the Au-*
12 *thority.*

13 *(C) VACANCIES.—After the initial com-*
14 *mittee members are appointed in accordance*
15 *with subparagraph (B), vacancies shall be filled*
16 *by the Board pursuant to rules established by the*
17 *Authority.*

18 *(2) CHAIR.—The chair of the nominating com-*
19 *mittee shall be selected by the nominating committee*
20 *from among the members of the nominating com-*
21 *mittee.*

22 *(3) SELECTION OF MEMBERS OF THE BOARD AND*
23 *STANDING COMMITTEES.—*

24 *(A) INITIAL MEMBERS.—The nominating*
25 *committee shall select the initial members of the*

1 *Board and the standing committees described in*
2 *subsection (c).*

3 *(B) SUBSEQUENT MEMBERS.— The nomi-*
4 *nating committee shall recommend individuals*
5 *to fill any vacancy on the Board or on such*
6 *standing committees.*

7 *(e) CONFLICTS OF INTEREST.—To avoid conflicts of*
8 *interest, the following individuals may not be selected as*
9 *a member of the Board or as an independent member of*
10 *a nominating or standing committee under this section:*

11 *(1) An individual who has a financial interest*
12 *in, or provides goods or services to, covered horses.*

13 *(2) An official or officer—*

14 *(A) of an equine industry representative; or*

15 *(B) who serves in a governance or policy-*
16 *making capacity for an equine industry rep-*
17 *resentative.*

18 *(3) An employee of, or an individual who has a*
19 *business or commercial relationship with, an indi-*
20 *vidual described in paragraph (1) or (2).*

21 *(4) An immediate family member of an indi-*
22 *vidual described in paragraph (1) or (2).*

23 *(f) FUNDING.—*

24 *(1) INITIAL FUNDING.—*

1 (A) *IN GENERAL.*—*Initial funding to estab-*
2 *lish the Authority and underwrite its operations*
3 *before the program effective date shall be pro-*
4 *vided by loans obtained by the Authority.*

5 (B) *BORROWING.*—*The Authority may bor-*
6 *row funds toward the funding of its operations.*

7 (C) *ANNUAL CALCULATION OF AMOUNTS RE-*
8 *QUIRED.*—

9 (i) *IN GENERAL.*—*Not later than the*
10 *date that is 90 days before the program ef-*
11 *fective date, and not later than November 1*
12 *each year thereafter, the Authority shall de-*
13 *termine and provide to each State racing*
14 *commission the estimated amount required*
15 *from the State—*

16 (I) *to fund the State’s propor-*
17 *tionate share of the horseracing anti-*
18 *doping and medication control pro-*
19 *gram and the racetrack safety program*
20 *for the next calendar year; and*

21 (II) *to liquidate the State’s pro-*
22 *portionate share of any loan or fund-*
23 *ing shortfall in the current calendar*
24 *year and any previous calendar year.*

1 (ii) *BASIS OF CALCULATION.*—*The*
2 *amounts calculated under clause (i) shall—*

3 (I) *be based on—*

4 (aa) *the annual budget of the*
5 *Authority for the following cal-*
6 *endar year, as approved by the*
7 *Board; and*

8 (bb) *the projected amount of*
9 *covered racing starts for the year*
10 *in each State; and*

11 (II) *take into account other*
12 *sources of Authority revenue.*

13 (iii) *REQUIREMENTS REGARDING*
14 *BUDGETS OF AUTHORITY.*—

15 (I) *INITIAL BUDGET.*—*The initial*
16 *budget of the Authority shall require*
17 *the approval of $\frac{2}{3}$ of the Board.*

18 (II) *SUBSEQUENT BUDGETS.*—
19 *Any subsequent budget that exceeds the*
20 *budget of the preceding calendar year*
21 *by more than 5 percent shall require*
22 *the approval of $\frac{2}{3}$ of the Board.*

23 (iv) *RATE INCREASES.*—

24 (I) *IN GENERAL.*—*A proposed in-*
25 *crease in the amount required under*

1 *this subparagraph shall be reported to*
2 *the Commission.*

3 (II) *NOTICE AND COMMENT.*—*The*
4 *Commission shall publish in the Fed-*
5 *eral Register such a proposed increase*
6 *and provide an opportunity for public*
7 *comment.*

8 (2) *ASSESSMENT AND COLLECTION OF FEES BY*
9 *STATES.*—

10 (A) *NOTICE OF ELECTION.*—*Any State rac-*
11 *ing commission that elects to remit fees pursuant*
12 *to this subsection shall notify the Authority of*
13 *such election not later than 60 days before the*
14 *program effective date.*

15 (B) *REQUIREMENT TO REMIT FEES.*—*After*
16 *a State racing commission makes a notification*
17 *under subparagraph (A), the election shall re-*
18 *main in effect and the State racing commission*
19 *shall be required to remit fees pursuant to this*
20 *subsection according to a schedule established in*
21 *rule developed by the Authority and approved by*
22 *the Commission.*

23 (C) *WITHDRAWAL OF ELECTION.*—*A State*
24 *racing commission may cease remitting fees*
25 *under this subsection not earlier than one year*

1 *after notifying the Authority of the intent of the*
2 *State racing commission to do so.*

3 (D) *DETERMINATION OF METHODS.—Each*
4 *State racing commission shall determine, subject*
5 *to the applicable laws, regulations, and contracts*
6 *of the State, the method by which the requisite*
7 *amount of fees, such as foal registration fees,*
8 *sales contributions, starter fees, and track fees,*
9 *and other fees on covered persons, shall be allo-*
10 *cated, assessed, and collected.*

11 (3) *ASSESSMENT AND COLLECTION OF FEES BY*
12 *THE AUTHORITY.—*

13 (A) *CALCULATION.—If a State racing com-*
14 *mission does not elect to remit fees pursuant to*
15 *paragraph (2) or withdraws its election under*
16 *such paragraph, the Authority shall, not less fre-*
17 *quently than monthly, calculate the applicable*
18 *fee per racing start multiplied by the number of*
19 *racing starts in the State during the preceding*
20 *month.*

21 (B) *ALLOCATION.—The Authority shall allo-*
22 *cate equitably the amount calculated under sub-*
23 *paragraph (A) collected among covered persons*
24 *involved with covered horseraces pursuant to*
25 *such rules as the Authority may promulgate.*

1 (C) *ASSESSMENT AND COLLECTION.*—

2 (i) *IN GENERAL.*—*The Authority shall*
3 *assess a fee equal to the allocation made*
4 *under subparagraph (B) and shall collect*
5 *such fee according to such rules as the Au-*
6 *thority may promulgate.*

7 (ii) *REMITTANCE OF FEES.*—*Covered*
8 *persons described in subparagraph (B) shall*
9 *be required to remit such fees to the Author-*
10 *ity.*

11 (D) *LIMITATION.*—*A State racing commis-*
12 *sion that does not elect to remit fees pursuant to*
13 *paragraph (2) or that withdraws its election*
14 *under such paragraph shall not impose or collect*
15 *from any person a fee or tax relating to anti-*
16 *doping and medication control or racetrack safe-*
17 *ty matters for covered horseraces.*

18 (4) *FEES AND FINES.*—*Fees and fines imposed*
19 *by the Authority shall be allocated toward funding of*
20 *the Authority and its activities.*

21 (5) *RULE OF CONSTRUCTION.*—*Nothing in this*
22 *Act shall be construed to require—*

23 (A) *the appropriation of any amount to the*
24 *Authority; or*

1 (B) *the Federal Government to guarantee*
2 *the debts of the Authority.*

3 (g) *QUORUM.—For all items where Board approval is*
4 *required, the Authority shall have present a majority of*
5 *independent members.*

6 **SEC. 1204. FEDERAL TRADE COMMISSION OVERSIGHT.**

7 (a) *IN GENERAL.—The Authority shall submit to the*
8 *Commission, in accordance with such rules as the Commis-*
9 *sion may prescribe under section 553 of title 5, United*
10 *States Code, any proposed rule, or proposed modification*
11 *to a rule, of the Authority relating to—*

12 (1) *the bylaws of the Authority;*

13 (2) *a list of permitted and prohibited medica-*
14 *tions, substances, and methods, including allowable*
15 *limits of permitted medications, substances, and*
16 *methods;*

17 (3) *laboratory standards for accreditation and*
18 *protocols;*

19 (4) *standards for racing surface quality mainte-*
20 *nance;*

21 (5) *racetrack safety standards and protocols;*

22 (6) *a program for injury and fatality data anal-*
23 *ysis;*

1 (7) *a program of research and education on safe-*
2 *ty, performance, and anti-doping and medication*
3 *control;*

4 (8) *a description of safety, performance, and*
5 *anti-doping and medication control rule violations*
6 *applicable to covered horses and covered persons;*

7 (9) *a schedule of civil sanctions for violations;*

8 (10) *a process or procedures for disciplinary*
9 *hearings; and*

10 (11) *a formula or methodology for determining*
11 *assessments described in section 1203(f).*

12 **(b) PUBLICATION AND COMMENT.—**

13 **(1) IN GENERAL.—***The Commission shall—*

14 **(A)** *publish in the Federal Register each*
15 *proposed rule or modification submitted under*
16 *subsection (a); and*

17 **(B)** *provide an opportunity for public com-*
18 *ment.*

19 **(2) APPROVAL REQUIRED.—***A proposed rule, or*
20 *a proposed modification to a rule, of the Authority*
21 *shall not take effect unless the proposed rule or modi-*
22 *fication has been approved by the Commission.*

23 **(c) DECISION ON PROPOSED RULE OR MODIFICATION**
24 **TO A RULE.—**

1 (1) *IN GENERAL.*—Not later than 60 days after
2 the date on which a proposed rule or modification is
3 published in the *Federal Register*, the Commission
4 shall approve or disapprove the proposed rule or
5 modification.

6 (2) *CONDITIONS.*—The Commission shall ap-
7 prove a proposed rule or modification if the Commis-
8 sion finds that the proposed rule or modification is
9 consistent with—

10 (A) *this Act; and*

11 (B) *applicable rules approved by the Com-*
12 *mission.*

13 (3) *REVISION OF PROPOSED RULE OR MODIFICA-*
14 *TION.*—

15 (A) *IN GENERAL.*—In the case of dis-
16 approval of a proposed rule or modification
17 under this subsection, not later than 30 days
18 after the issuance of the disapproval, the Com-
19 mission shall make recommendations to the Au-
20 thority to modify the proposed rule or modifica-
21 tion.

22 (B) *RESUBMISSION.*—The Authority may
23 resubmit for approval by the Commission a pro-
24 posed rule or modification that incorporates the

1 *and medication control enforcement agency, each within the*
2 *scope of their powers and responsibilities under this Act,*
3 *as limited by subsection (j), shall—*

4 (1) *implement and enforce the horseracing anti-*
5 *doping and medication control program and the race-*
6 *track safety program;*

7 (2) *exercise independent and exclusive national*
8 *authority over—*

9 (A) *the safety, welfare, and integrity of cov-*
10 *ered horses, covered persons, and covered*
11 *horseraces; and*

12 (B) *all horseracing safety, performance, and*
13 *anti-doping and medication control matters for*
14 *covered horses, covered persons, and covered*
15 *horseraces; and*

16 (3) *have safety, performance, and anti-doping*
17 *and medication control authority over covered persons*
18 *similar to such authority of the State racing commis-*
19 *sions before the program effective date.*

20 (b) *PREEMPTION.—The rules of the Authority promul-*
21 *gated in accordance with this Act shall preempt any provi-*
22 *sion of State law or regulation with respect to matters with-*
23 *in the jurisdiction of the Authority under this Act, as lim-*
24 *ited by subsection (j). Nothing contained in this Act shall*

1 *be construed to limit the authority of the Commission under*
2 *any other provision of law.*

3 (c) *DUTIES.—*

4 (1) *IN GENERAL.—The Authority—*

5 (A) *shall develop uniform procedures and*
6 *rules authorizing—*

7 (i) *access to offices, racetrack facilities,*
8 *other places of business, books, records, and*
9 *personal property of covered persons that*
10 *are used in the care, treatment, training,*
11 *and racing of covered horses;*

12 (ii) *issuance and enforcement of sub-*
13 *poenas and subpoenas duces tecum; and*

14 (iii) *other investigatory powers of the*
15 *nature and scope exercised by State racing*
16 *commissions before the program effective*
17 *date; and*

18 (B) *with respect to an unfair or deceptive*
19 *act or practice described in section 1210, may*
20 *recommend that the Commission commence an*
21 *enforcement action.*

22 (2) *APPROVAL OF COMMISSION.—The procedures*
23 *and rules developed under paragraph (1)(A) shall be*
24 *subject to approval by the Commission in accordance*
25 *with section 1204.*

1 (d) *REGISTRATION OF COVERED PERSONS WITH AU-*
2 *THORITY.—*

3 (1) *IN GENERAL.—As a condition of partici-*
4 *parting in covered races and in the care, ownership,*
5 *treatment, and training of covered horses, a covered*
6 *person shall register with the Authority in accordance*
7 *with rules promulgated by the Authority and ap-*
8 *proved by the Commission in accordance with section*
9 *1204.*

10 (2) *AGREEMENT WITH RESPECT TO AUTHORITY*
11 *RULES, STANDARDS, AND PROCEDURES.—Registration*
12 *under this subsection shall include an agreement by*
13 *the covered person to be subject to and comply with*
14 *the rules, standards, and procedures developed and*
15 *approved under subsection (c).*

16 (3) *COOPERATION.—A covered person registered*
17 *under this subsection shall, at all times—*

18 (A) *cooperate with the Commission, the Au-*
19 *thority, the anti-doping and medication control*
20 *enforcement agency, and any respective designee,*
21 *during any civil investigation; and*

22 (B) *respond truthfully and completely to the*
23 *best of the knowledge of the covered person if*
24 *questioned by the Commission, the Authority, the*

1 *anti-doping and medication control enforcement*
2 *agency, or any respective designee.*

3 (4) *FAILURE TO COMPLY.*—*Any failure of a cov-*
4 *ered person to comply with this subsection shall be a*
5 *violation of section 1208(a)(2)(G).*

6 (e) *ENFORCEMENT OF PROGRAMS.*—

7 (1) *ANTI-DOPING AND MEDICATION CONTROL EN-*
8 *FORCEMENT AGENCY.*—

9 (A) *AGREEMENT WITH USADA.*—*The Au-*
10 *thority shall seek to enter into an agreement*
11 *with the United States Anti-Doping Agency*
12 *under which the Agency acts as the anti-doping*
13 *and medication control enforcement agency*
14 *under this Act for services consistent with the*
15 *horseracing anti-doping and medication control*
16 *program.*

17 (B) *AGREEMENT WITH OTHER ENTITY.*—*If*
18 *the Authority and the United States Anti-*
19 *Doping Agency are unable to enter into the*
20 *agreement described in subparagraph (A), the*
21 *Authority shall enter into an agreement with an*
22 *entity that is nationally recognized as being a*
23 *medication regulation agency equal in qualifica-*
24 *tion to the United States Anti-Doping Agency to*
25 *act as the anti-doping and medication control*

1 *enforcement agency under this Act for services*
2 *consistent with the horseracing anti-doping and*
3 *medication control program.*

4 (C) *NEGOTIATIONS.—Any negotiations*
5 *under this paragraph shall be conducted in good*
6 *faith and designed to achieve efficient, effective*
7 *best practices for anti-doping and medication*
8 *control and enforcement on commercially reason-*
9 *able terms.*

10 (D) *ELEMENTS OF AGREEMENT.—Any*
11 *agreement under this paragraph shall include a*
12 *description of the scope of work, performance*
13 *metrics, reporting obligations, and budgets of the*
14 *United States Anti-Doping Agency while acting*
15 *as the anti-doping and medication control en-*
16 *forcement agency under this Act, as well as a*
17 *provision for the revision of the agreement to in-*
18 *crease in the scope of work as provided for in*
19 *subsection (k), and any other matter the Author-*
20 *ity considers appropriate.*

21 (E) *DUTIES AND POWERS OF ENFORCEMENT*
22 *AGENCY.—The anti-doping and medication con-*
23 *trol enforcement agency under an agreement*
24 *under this paragraph shall—*

1 (i) serve as the independent anti-
2 doping and medication control enforcement
3 organization for covered horses, covered per-
4 sons, and covered horseraces, implementing
5 the anti-doping and medication control pro-
6 gram on behalf of the Authority;

7 (ii) ensure that covered horses and cov-
8 ered persons are deterred from using or ad-
9 ministering medications, substances, and
10 methods in violation of the rules established
11 in accordance with this Act;

12 (iii) implement anti-doping education,
13 research, testing, compliance and adjudica-
14 tion programs designed to prevent covered
15 persons and covered horses from using or
16 administering medications, substances, and
17 methods in violation of the rules established
18 in accordance with this Act;

19 (iv) exercise the powers specified in
20 section 1206(c)(4) in accordance with that
21 section; and

22 (v) implement and undertake any
23 other responsibilities specified in the agree-
24 ment.

25 (F) *TERM AND EXTENSION.*—

1 (i) *TERM OF INITIAL AGREEMENT.*—
2 *The initial agreement entered into by the*
3 *Authority under this paragraph shall be in*
4 *effect for the 5-year period beginning on the*
5 *program effective date.*

6 (ii) *EXTENSION.*—*At the end of the 5-*
7 *year period described in clause (i), the Au-*
8 *thority may—*

9 (I) *extend the term of the initial*
10 *agreement under this paragraph for*
11 *such additional term as is provided by*
12 *the rules of the Authority and con-*
13 *sistent with this Act; or*

14 (II) *enter into an agreement meet-*
15 *ing the requirements of this paragraph*
16 *with an entity described by subpara-*
17 *graph (B) for such term as is provided*
18 *by such rules and consistent with this*
19 *Act.*

20 (2) *AGREEMENTS FOR ENFORCEMENT BY STATE*
21 *RACING COMMISSIONS.*—

22 (A) *STATE RACING COMMISSIONS.*—

23 (i) *RACETRACK SAFETY PROGRAM.*—
24 *The Authority may enter into agreements*
25 *with State racing commissions for services*

1 *consistent with the enforcement of the race-*
2 *track safety program.*

3 (ii) *ANTI-DOPING AND MEDICATION*
4 *CONTROL PROGRAM.—The anti-doping and*
5 *medication control enforcement agency may*
6 *enter into agreements with State racing*
7 *commissions for services consistent with the*
8 *enforcement of the anti-doping and medica-*
9 *tion control program.*

10 (B) *ELEMENTS OF AGREEMENTS.—Any*
11 *agreement under this paragraph shall include a*
12 *description of the scope of work, performance*
13 *metrics, reporting obligations, budgets, and any*
14 *other matter the Authority considers appro-*
15 *priate.*

16 (3) *ENFORCEMENT OF STANDARDS.—The Au-*
17 *thority may coordinate with State racing commis-*
18 *sions and other State regulatory agencies to monitor*
19 *and enforce racetrack compliance with the standards*
20 *developed under paragraphs (1) and (2) of section*
21 *1207(c).*

22 (f) *PROCEDURES WITH RESPECT TO RULES OF AU-*
23 *THORITY.—*

24 (1) *ANTI-DOPING AND MEDICATION CONTROL.—*

1 (A) *IN GENERAL.*—*Recommendations for*
2 *rules regarding anti-doping and medication con-*
3 *trol shall be developed in accordance with section*
4 *1206.*

5 (B) *CONSULTATION.*—*The anti-doping and*
6 *medication control enforcement agency shall con-*
7 *sult with the anti-doping and medication control*
8 *standing committee and the Board of the Author-*
9 *ity on all anti-doping and medication control*
10 *rules of the Authority.*

11 (2) *RACETRACK SAFETY.*—*Recommendations for*
12 *rules regarding racetrack safety shall be developed by*
13 *the racetrack safety standing committee of the Author-*
14 *ity.*

15 (g) *ISSUANCE OF GUIDANCE.*—

16 (1) *The Authority may issue guidance that—*

17 (A) *sets forth—*

18 (i) *an interpretation of an existing*
19 *rule, standard, or procedure of the Author-*
20 *ity; or*

21 (ii) *a policy or practice with respect to*
22 *the administration or enforcement of such*
23 *an existing rule, standard, or procedure;*
24 *and*

25 (B) *relates solely to—*

1 (i) *the administration of the Authority;*
2 *or*
3 (ii) *any other matter, as specified by*
4 *the Commission, by rule, consistent with the*
5 *public interest and the purposes of this sub-*
6 *section.*

7 (2) *SUBMITTAL TO COMMISSION.—The Authority*
8 *shall submit to the Commission any guidance issued*
9 *under paragraph (1).*

10 (3) *IMMEDIATE EFFECT.—Guidance issued under*
11 *paragraph (1) shall take effect on the date on which*
12 *the guidance is submitted to the Commission under*
13 *paragraph (2).*

14 (h) *SUBPOENA AND INVESTIGATORY AUTHORITY.—The*
15 *Authority shall have subpoena and investigatory authority*
16 *with respect to civil violations committed under its jurisdic-*
17 *tion.*

18 (i) *CIVIL PENALTIES.—The Authority shall develop a*
19 *list of civil penalties with respect to the enforcement of rules*
20 *for covered persons and covered horseraces under its jurisdic-*
21 *tion.*

22 (j) *CIVIL ACTIONS.—*

23 (1) *IN GENERAL.—In addition to civil sanctions*
24 *imposed under section 1208, the Authority may com-*
25 *mence a civil action against a covered person or race-*

1 *track that has engaged, is engaged, or is about to en-*
2 *gage, in acts or practices constituting a violation of*
3 *this Act or any rule established under this Act in the*
4 *proper district court of the United States, the United*
5 *States District Court for the District of Columbia, or*
6 *the United States courts of any territory or other*
7 *place subject to the jurisdiction of the United States,*
8 *to enjoin such acts or practices, to enforce any civil*
9 *sanctions imposed under that section, and for all*
10 *other relief to which the Authority may be entitled.*

11 (2) *INJUNCTIONS AND RESTRAINING ORDERS.—*

12 *With respect to a civil action commenced under para-*
13 *graph (1), upon a proper showing, a permanent or*
14 *temporary injunction or restraining order shall be*
15 *granted without bond.*

16 (k) *LIMITATIONS ON AUTHORITY.—*

17 (1) *PROSPECTIVE APPLICATION.—The jurisdic-*
18 *tion and authority of the Authority and the Commis-*
19 *sion with respect to the horseracing anti-doping and*
20 *medication control program and the racetrack safety*
21 *program shall be prospective only.*

22 (2) *PREVIOUS MATTERS.—*

23 (A) *IN GENERAL.—The Authority and the*
24 *Commission may not investigate, prosecute, ad-*
25 *judicate, or penalize conduct in violation of the*

1 *horseracing anti-doping and medication control*
2 *program and the racetrack safety program that*
3 *occurs before the program effective date.*

4 *(B) STATE RACING COMMISSION.—With re-*
5 *spect to conduct described in subparagraph (A),*
6 *the applicable State racing commission shall re-*
7 *tain authority until the final resolution of the*
8 *matter.*

9 *(3) OTHER LAWS UNAFFECTED.—This Act shall*
10 *not be construed to modify, impair or restrict the op-*
11 *eration of the general laws or regulations, as may be*
12 *amended from time to time, of the United States, the*
13 *States and their political subdivisions relating to*
14 *criminal conduct, cruelty to animals, matters unre-*
15 *lated to antidoping, medication control and racetrack*
16 *and racing safety of covered horses and covered races,*
17 *and the use of medication in human participants in*
18 *covered races.*

19 *(l) ELECTION FOR OTHER BREED COVERAGE UNDER*
20 *ACT.—*

21 *(1) IN GENERAL.—A State racing commission or*
22 *a breed governing organization for a breed of horses*
23 *other than Thoroughbred horses may elect to have*
24 *such breed be covered by this Act by the filing of a*
25 *designated election form and subsequent approval by*

1 *the Authority. A State racing commission may elect*
2 *to have a breed covered by this Act for the applicable*
3 *State only.*

4 (2) *ELECTION CONDITIONAL ON FUNDING MECHA-*
5 *NISM.—A commission or organization may not make*
6 *an election under paragraph (1) unless the commis-*
7 *sion or organization has in place a mechanism to*
8 *provide sufficient funds to cover the costs of the ad-*
9 *ministration of this Act with respect to the horses that*
10 *will be covered by this Act as a result of the election.*

11 (3) *APPORTIONMENT.—The Authority shall ap-*
12 *portion costs described in paragraph (2) in connec-*
13 *tion with an election under paragraph (1) fairly*
14 *among all impacted segments of the horseracing in-*
15 *dustry, subject to approval by the Commission in ac-*
16 *cordance with section 1204. Such apportionment may*
17 *not provide for the allocation of costs or funds among*
18 *breeds of horses.*

19 **SEC. 1206. HORSERACING ANTI-DOPING AND MEDICATION**

20 **CONTROL PROGRAM.**

21 (a) *PROGRAM REQUIRED.—*

22 (1) *IN GENERAL.—Not later than the program*
23 *effective date, and after notice and an opportunity for*
24 *public comment in accordance with section 1204, the*
25 *Authority shall establish a horseracing anti-doping*

1 *and medication control program applicable to all cov-*
2 *ered horses, covered persons, and covered horseraces in*
3 *accordance with the registration of covered persons*
4 *under section 1205(d).*

5 (2) *CONSIDERATION OF OTHER BREEDS.—In de-*
6 *veloping the horseracing anti-doping and medication*
7 *control program with respect to a breed of horse that*
8 *is made subject to this Act by election of a State rac-*
9 *ing commission or the breed governing organization*
10 *for such horse under section 1205(k), the Authority*
11 *shall consider the unique characteristics of such breed.*

12 (b) *CONSIDERATIONS IN DEVELOPMENT OF PRO-*
13 *GRAM.—In developing the horseracing anti-doping and*
14 *medication control program, the Authority shall take into*
15 *consideration the following:*

16 (1) *Covered horses should compete only when*
17 *they are free from the influence of medications, other*
18 *foreign substances, and methods that affect their per-*
19 *formance.*

20 (2) *Covered horses that are injured or unsound*
21 *should not train or participate in covered races, and*
22 *the use of medications, other foreign substances, and*
23 *treatment methods that mask or deaden pain in order*
24 *to allow injured or unsound horses to train or race*
25 *should be prohibited.*

1 (3) *Rules, standards, procedures, and protocols*
2 *regulating medication and treatment methods for cov-*
3 *ered horses and covered races should be uniform and*
4 *uniformly administered nationally.*

5 (4) *To the extent consistent with this Act, consid-*
6 *eration should be given to international anti-doping*
7 *and medication control standards of the International*
8 *Federation of Horseracing Authorities and the Prin-*
9 *ciples of Veterinary Medical Ethics of the American*
10 *Veterinary Medical Association.*

11 (5) *The administration of medications and treat-*
12 *ment methods to covered horses should be based upon*
13 *an examination and diagnosis that identifies an issue*
14 *requiring treatment for which the medication or*
15 *method represents an appropriate component of treat-*
16 *ment.*

17 (6) *The amount of therapeutic medication that a*
18 *covered horse receives should be the minimum nec-*
19 *essary to address the diagnosed health concerns iden-*
20 *tified during the examination and diagnostic process.*

21 (7) *The welfare of covered horses, the integrity of*
22 *the sport, and the confidence of the betting public re-*
23 *quire full disclosure to regulatory authorities regard-*
24 *ing the administration of medications and treatments*
25 *to covered horses.*

1 (c) *ACTIVITIES.*—*The following activities shall be car-*
2 *ried out under the horseracing anti-doping and medication*
3 *control program:*

4 (1) *STANDARDS FOR ANTI-DOPING AND MEDICA-*
5 *TION CONTROL.*—*Not later than 120 days before the*
6 *program effective date, the Authority shall issue, by*
7 *rule—*

8 (A) *uniform standards for—*

9 (i) *the administration of medication to*
10 *covered horses by covered persons; and*

11 (ii) *laboratory testing accreditation*
12 *and protocols; and*

13 (B) *a list of permitted and prohibited medi-*
14 *cations, substances, and methods, including al-*
15 *lowable limits of permitted medications, sub-*
16 *stances, and methods.*

17 (2) *REVIEW PROCESS FOR ADMINISTRATION OF*
18 *MEDICATION.*—*The development of a review process*
19 *for the administration of any medication to a covered*
20 *horse during the 48-hour period preceding the next*
21 *racing start of the covered horse.*

22 (3) *AGREEMENT REQUIREMENTS.*—*The develop-*
23 *ment of requirements with respect to agreements*
24 *under section 1205(e).*

1 (4) *ANTI-DOPING AND MEDICATION CONTROL EN-*
2 *FORCEMENT AGENCY.*—

3 (A) *CONTROL RULES, PROTOCOLS, ETC.*—

4 *Except as provided in paragraph (5), the anti-*
5 *doping and medication control program enforce-*
6 *ment agency under section 1205(e) shall, in con-*
7 *sultation with the anti-doping and medication*
8 *control standing committee of the Authority and*
9 *consistent with international best practices, de-*
10 *velop and recommend anti-doping and medica-*
11 *tion control rules, protocols, policies, and guide-*
12 *lines for approval by the Authority.*

13 (B) *RESULTS MANAGEMENT.*—*The anti-*

14 *doping and medication control enforcement*
15 *agency shall conduct and oversee anti-doping*
16 *and medication control results management, in-*
17 *cluding independent investigations, charging and*
18 *adjudication of potential medication control rule*
19 *violations, and the enforcement of any civil sanc-*
20 *tions for such violations. Any final decision or*
21 *civil sanction of the anti-doping and medication*
22 *control enforcement agency under this subpara-*
23 *graph shall be the final decision or civil sanction*
24 *of the Authority, subject to review in accordance*
25 *with section 1209.*

1 (C) *TESTING.*—*The anti-doping enforcement*
2 *agency shall perform and manage test distribu-*
3 *tion planning (including intelligence-based test-*
4 *ing), the sample collection process, and in-com-*
5 *petition and out-of-competition testing (includ-*
6 *ing no-advance-notice testing).*

7 (D) *TESTING LABORATORIES.*—*The anti-*
8 *doping and medication control enforcement*
9 *agency shall accredit testing laboratories based*
10 *upon the standards established under this Act,*
11 *and shall monitor, test, and audit accredited lab-*
12 *oratories to ensure continuing compliance with*
13 *accreditation standards.*

14 (5) *ANTI-DOPING AND MEDICATION CONTROL*
15 *STANDING COMMITTEE.*—*The anti-doping and medi-*
16 *cation control standing committee shall, in consulta-*
17 *tion with the anti-doping and medication control en-*
18 *forcement agency, develop lists of permitted and pro-*
19 *hibited medications, methods, and substances for rec-*
20 *ommendation to, and approval by, the Authority.*
21 *Any such list may prohibit the administration of any*
22 *substance or method to a horse at any time after such*
23 *horse becomes a covered horse if the Authority deter-*
24 *mines such substance or method has a long-term de-*
25 *grading effect on the soundness of a horse.*

1 (d) *PROHIBITION.*—*Except as provided in subsections*
2 *(e) and (f), the horseracing anti-doping and medication*
3 *control program shall prohibit the administration of any*
4 *prohibited or otherwise permitted substance to a covered*
5 *horse within 48 hours of its next racing start, effective as*
6 *of the program effective date.*

7 (e) *ADVISORY COMMITTEE STUDY AND REPORT.*—

8 (1) *IN GENERAL.*—*Not later than the program*
9 *effective date, the Authority shall convene an advisory*
10 *committee comprised of horseracing anti-doping and*
11 *medication control industry experts, including a*
12 *member designated by the anti-doping and medica-*
13 *tion control enforcement agency, to conduct a study*
14 *on the use of furosemide on horses during the 48-hour*
15 *period before the start of a race, including the effect*
16 *of furosemide on equine health and the integrity of*
17 *competition and any other matter the Authority con-*
18 *siders appropriate.*

19 (2) *REPORT.*—*Not later than three years after*
20 *the program effective date, the Authority shall direct*
21 *the advisory committee convened under paragraph (1)*
22 *to submit to the Authority a written report on the*
23 *study conducted under that paragraph that includes*
24 *recommended changes, if any, to the prohibition in*
25 *subsection (d).*

1 (3) *MODIFICATION OF PROHIBITION.*—

2 (A) *IN GENERAL.*—After receipt of the re-
3 port required by paragraph (2), the Authority
4 may, by unanimous vote of the Board of the Au-
5 thority, modify the prohibition in subsection (d)
6 and, notwithstanding subsection (f), any such
7 modification shall apply to all States beginning
8 on the date that is three years after the program
9 effective date.

10 (B) *CONDITION.*—In order for a unanimous
11 vote described in subparagraph (A) to effect a
12 modification of the prohibition in subsection (d),
13 the vote must include unanimous adoption of
14 each of the following findings:

15 (i) *That the modification is warranted.*

16 (ii) *That the modification is in the best*
17 *interests of horse racing.*

18 (iii) *That furosemide has no perform-*
19 *ance enhancing effect on individual horses.*

20 (iv) *That public confidence in the in-*
21 *tegrity and safety of racing would not be*
22 *adversely affected by the modification.*

23 (f) *EXEMPTION.*—

24 (1) *IN GENERAL.*—Except as provided in para-
25 graph (2), only during the three-year period begin-

1 *ning on the program effective date, a State racing*
2 *commission may submit to the Authority, at such*
3 *time and in such manner as the Authority may re-*
4 *quire, a request for an exemption from the prohibition*
5 *in subsection (d) with respect to the use of furosemide*
6 *on covered horses during such period.*

7 (2) *EXCEPTIONS.—An exemption under para-*
8 *graph (1) may not be requested for—*

9 (A) *two-year-old covered horses; or*

10 (B) *covered horses competing in stakes*
11 *races.*

12 (3) *CONTENTS OF REQUEST.—A request under*
13 *paragraph (1) shall specify the applicable State rac-*
14 *ing commission’s requested limitations on the use of*
15 *furosemide that would apply to the State under the*
16 *horseracing anti-doping and medication control pro-*
17 *gram during such period. Such limitations shall be*
18 *no less restrictive on the use and administration of*
19 *furosemide than the restrictions set forth in State’s*
20 *laws and regulations in effect as of September 1,*
21 *2020.*

22 (4) *GRANT OF EXEMPTION.—Subject to sub-*
23 *section (e)(3), the Authority shall grant an exemption*
24 *requested under paragraph (1) for the remainder of*
25 *such period and shall allow the use of furosemide on*

1 covered horses in the applicable State, in accordance
2 with the requested limitations.

3 (g) *BASELINE ANTI-DOPING AND MEDICATION CON-*
4 *TROL RULES.—*

5 (1) *IN GENERAL.—Subject to paragraph (3), the*
6 *baseline anti-doping and medication control rules de-*
7 *scribed in paragraph (2) shall—*

8 (A) *constitute the initial rules of the horse-*
9 *racing anti-doping and medication control pro-*
10 *gram; and*

11 (B) *except as exempted pursuant to sub-*
12 *sections (e) and (f), remain in effect at all times*
13 *after the program effective date.*

14 (2) *BASELINE ANTI-DOPING MEDICATION CON-*
15 *TROL RULES DESCRIBED.—*

16 (A) *IN GENERAL.—The baseline anti-doping*
17 *and medication control rules described in this*
18 *paragraph are the following:*

19 (i) *The lists of permitted and prohib-*
20 *ited substances (including drugs, medica-*
21 *tions, and naturally occurring substances*
22 *and synthetically occurring substances) in*
23 *effect for the International Federation of*
24 *Horseracing Authorities, including the*
25 *International Federation of Horseracing*

1 *Authorities International Screening Limits*
2 *for urine, dated May 2019, and the Inter-*
3 *national Federation of Horseracing Au-*
4 *thorities International Screening Limits for*
5 *plasma, dated May 2019.*

6 (ii) *The World Anti-Doping Agency*
7 *International Standard for Laboratories*
8 *(version 10.0), dated November 12, 2019.*

9 (iii) *The Association of Racing Com-*
10 *missioners International out-of-competition*
11 *testing standards, Model Rules of Racing*
12 *(version 9.2).*

13 (iv) *The Association of Racing Com-*
14 *missioners International penalty and mul-*
15 *tiple medication violation rules, Model*
16 *Rules of Racing (version 6.2).*

17 (B) *CONFLICT OF RULES.—In the case of a*
18 *conflict among the rules described in subpara-*
19 *graph (A), the most stringent rule shall apply.*

20 (3) *MODIFICATIONS TO BASELINE RULES.—*

21 (A) *DEVELOPMENT BY ANTI-DOPING AND*
22 *MEDICATION CONTROL STANDING COMMITTEE.—*
23 *The anti-doping and medication control stand-*
24 *ing committee, in consultation with the anti-*
25 *doping and medication control enforcement*

1 agency, may develop and submit to the Author-
2 ity for approval by the Authority proposed modi-
3 fications to the baseline anti-doping and medica-
4 tion control rules.

5 (B) *AUTHORITY APPROVAL.*—If the Author-
6 ity approves a proposed modification under this
7 paragraph, the proposed modification shall be
8 submitted to and considered by the Commission
9 in accordance with section 1204.

10 (C) *ANTI-DOPING AND MEDICATION CON-*
11 *TROL ENFORCEMENT AGENCY VETO AUTHOR-*
12 *ITY.*—The Authority shall not approve any pro-
13 posed modification that renders an anti-doping
14 and medication control rule less stringent than
15 the baseline anti-doping and medication control
16 rules described in paragraph (2) (including by
17 increasing permitted medication thresholds, add-
18 ing permitted medications, removing prohibited
19 medications, or weakening enforcement mecha-
20 nisms) without the approval of the anti-doping
21 and medication control enforcement agency.

22 **SEC. 1207. RACETRACK SAFETY PROGRAM.**

23 (a) *ESTABLISHMENT AND CONSIDERATIONS.*—

24 (1) *IN GENERAL.*—Not later than the program
25 effective date, and after notice and an opportunity for

1 *public comment in accordance with section 1204, the*
2 *Authority shall establish a racetrack safety program*
3 *applicable to all covered horses, covered persons, and*
4 *covered horseraces in accordance with the registration*
5 *of covered persons under section 1205(d).*

6 (2) *CONSIDERATIONS IN DEVELOPMENT OF SAFE-*
7 *TY PROGRAM.—In the development of the horseracing*
8 *safety program for covered horses, covered persons,*
9 *and covered horseraces, the Authority and the Com-*
10 *mission shall take into consideration existing safety*
11 *standards including the National Thoroughbred Rac-*
12 *ing Association Safety and Integrity Alliance Code of*
13 *Standards, the International Federation of Horse-*
14 *racing Authority’s International Agreement on Breed-*
15 *ing, Racing, and Wagering, and the British Horse-*
16 *racing Authority’s Equine Health and Welfare pro-*
17 *gram.*

18 (b) *ELEMENTS OF HORSERACING SAFETY PRO-*
19 *GRAM.—The horseracing safety program shall include the*
20 *following:*

21 (1) *A set of training and racing safety standards*
22 *and protocols taking into account regional differences*
23 *and the character of differing racing facilities.*

24 (2) *A uniform set of training and racing safety*
25 *standards and protocols consistent with the humane*

1 *treatment of covered horses, which may include lists*
2 *of permitted and prohibited practices or methods*
3 *(such as crop use).*

4 (3) *A racing surface quality maintenance system*
5 *that—*

6 (A) *takes into account regional differences*
7 *and the character of differing racing facilities;*
8 *and*

9 (B) *may include requirements for track sur-*
10 *face design and consistency and established*
11 *standard operating procedures related to track*
12 *surface, monitoring, and maintenance (such as*
13 *standardized seasonal assessment, daily tracking,*
14 *and measurement).*

15 (4) *A uniform set of track safety standards and*
16 *protocols, that may include rules governing oversight*
17 *and movement of covered horses and human and*
18 *equine injury reporting and prevention.*

19 (5) *Programs for injury and fatality data anal-*
20 *ysis, that may include pre- and post-training and*
21 *race inspections, use of a veterinarian's list, and con-*
22 *cussion protocols.*

23 (6) *The undertaking of investigations at race-*
24 *track and non-racetrack facilities related to safety*
25 *violations.*

1 (7) *Procedures for investigating, charging, and*
2 *adjudicating violations and for the enforcement of*
3 *civil sanctions for violations.*

4 (8) *A schedule of civil sanctions for violations.*

5 (9) *Disciplinary hearings, which may include*
6 *binding arbitration, civil sanctions, and research.*

7 (10) *Management of violation results.*

8 (11) *Programs relating to safety and perform-*
9 *ance research and education.*

10 (12) *An evaluation and accreditation program*
11 *that ensures that racetracks in the United States meet*
12 *the standards described in the elements of the Horse-*
13 *racing Safety Program.*

14 (c) *ACTIVITIES.—The following activities shall be car-*
15 *ried out under the racetrack safety program:*

16 (1) *STANDARDS FOR RACETRACK SAFETY.—The*
17 *development, by the racetrack safety standing com-*
18 *mittee of the Authority in section 1203(c)(2) of uni-*
19 *form standards for racetrack and horseracing safety.*

20 (2) *STANDARDS FOR SAFETY AND PERFORMANCE*
21 *ACCREDITATION.—*

22 (A) *IN GENERAL.—Not later than 120 days*
23 *before the program effective date, the Authority,*
24 *in consultation with the racetrack safety stand-*

1 *ing committee, shall issue, by rule in accordance*
2 *with section 1204—*

3 *(i) safety and performance standards*
4 *of accreditation for racetracks; and*

5 *(ii) the process by which a racetrack*
6 *may achieve and maintain accreditation by*
7 *the Authority.*

8 *(B) MODIFICATIONS.—*

9 *(i) IN GENERAL.—The Authority may*
10 *modify rules establishing the standards*
11 *issued under subparagraph (A), as the Au-*
12 *thority considers appropriate.*

13 *(ii) NOTICE AND COMMENT.—The*
14 *Commission shall publish in the Federal*
15 *Register any proposed rule of the Authority,*
16 *and provide an opportunity for public com-*
17 *ment with respect to, any modification*
18 *under clause (i) in accordance with section*
19 *1204.*

20 *(C) EXTENSION OF PROVISIONAL OR IN-*
21 *TERIM ACCREDITATION.—The Authority may, by*
22 *rule in accordance with section 1204, extend pro-*
23 *visional or interim accreditation to a racetrack*
24 *accredited by the National Thoroughbred Racing*

1 *Association Safety and Integrity Alliance on a*
2 *date before the program effective date.*

3 (3) *NATIONWIDE SAFETY AND PERFORMANCE*
4 *DATABASE.—*

5 (A) *IN GENERAL.—Not later than one year*
6 *after the program effective date, and after notice*
7 *and an opportunity for public comment in ac-*
8 *cordance with section 1204, the Authority, in*
9 *consultation with the Commission, shall develop*
10 *and maintain a nationwide database of race-*
11 *horse safety, performance, health, and injury in-*
12 *formation for the purpose of conducting an epi-*
13 *demiological study.*

14 (B) *COLLECTION OF INFORMATION.—In ac-*
15 *cordance with the registration of covered persons*
16 *under section 1205(d), the Authority may re-*
17 *quire covered persons to collect and submit to the*
18 *database described in subparagraph (A) such in-*
19 *formation as the Authority may require to fur-*
20 *ther the goal of increased racehorse welfare.*

21 **SEC. 1208. RULE VIOLATIONS AND CIVIL SANCTIONS.**

22 (a) *DESCRIPTION OF RULE VIOLATIONS.—*

23 (1) *IN GENERAL.—The Authority shall issue, by*
24 *rule in accordance with section 1204, a description of*
25 *safety, performance, and anti-doping and medication*

1 *control rule violations applicable to covered horses*
2 *and covered persons.*

3 (2) *ELEMENTS.—The description of rule viola-*
4 *tions established under paragraph (1) may include*
5 *the following:*

6 (A) *With respect to a covered horse, strict li-*
7 *ability for covered trainers for—*

8 (i) *the presence of a prohibited sub-*
9 *stance or method in a sample or the use of*
10 *a prohibited substance or method;*

11 (ii) *the presence of a permitted sub-*
12 *stance in a sample in excess of the amount*
13 *allowed by the horseracing anti-doping and*
14 *medication control program; and*

15 (iii) *the use of a permitted method in*
16 *violation of the applicable limitations estab-*
17 *lished under the horseracing anti-doping*
18 *and medication control program.*

19 (B) *Attempted use of a prohibited substance*
20 *or method on a covered horse.*

21 (C) *Possession of any prohibited substance*
22 *or method.*

23 (D) *Attempted possession of any prohibited*
24 *substance or method.*

1 (E) *Administration or attempted adminis-*
2 *tration of any prohibited substance or method on*
3 *a covered horse.*

4 (F) *Refusal or failure, without compelling*
5 *justification, to submit a covered horse for sam-*
6 *ple collection.*

7 (G) *Failure to cooperate with the Authority*
8 *or an agent of the Authority during any inves-*
9 *tigation.*

10 (H) *Failure to respond truthfully, to the*
11 *best of a covered person's knowledge, to a ques-*
12 *tion of the Authority or an agent of the Author-*
13 *ity with respect to any matter under the juris-*
14 *isdiction of the Authority.*

15 (I) *Tampering or attempted tampering with*
16 *the application of the safety, performance, or*
17 *anti-doping and medication control rules or*
18 *process adopted by the Authority, including—*

19 (i) *the intentional interference, or an*
20 *attempt to interfere, with an official or*
21 *agent of the Authority;*

22 (ii) *the procurement or the provision of*
23 *fraudulent information to the Authority or*
24 *agent; and*

1 (iii) the intimidation of, or an attempt
2 to intimidate, a potential witness.

3 (J) Trafficking or attempted trafficking in
4 any prohibited substance or method.

5 (K) Assisting, encouraging, aiding, abet-
6 ting, conspiring, covering up, or any other type
7 of intentional complicity involving a safety, per-
8 formance, or anti-doping and medication control
9 rule violation or the violation of a period of sus-
10 pension or eligibility.

11 (L) Threatening or seeking to intimidate a
12 person with the intent of discouraging the person
13 from the good faith reporting to the Authority,
14 an agent of the Authority or the Commission, or
15 the anti-doping and medication control enforce-
16 ment agency under section 1205(e), of informa-
17 tion that relates to—

18 (i) an alleged safety, performance, or
19 anti-doping and medication control rule
20 violation; or

21 (ii) alleged noncompliance with a safe-
22 ty, performance, or anti-doping and medi-
23 cation control rule.

24 (b) TESTING LABORATORIES.—

1 (1) *ACCREDITATION AND STANDARDS.*—*Not later*
2 *than 120 days before the program effective date, the*
3 *Authority shall, in consultation with the anti-doping*
4 *and medication control enforcement agency, establish,*
5 *by rule in accordance with section 1204—*

6 (A) *standards of accreditation for labora-*
7 *tories involved in testing samples from covered*
8 *horses;*

9 (B) *the process for achieving and maintain-*
10 *ing accreditation; and*

11 (C) *the standards and protocols for testing*
12 *such samples.*

13 (2) *ADMINISTRATION.*—*The accreditation of lab-*
14 *oratories and the conduct of audits of accredited lab-*
15 *oratories to ensure compliance with Authority rules*
16 *shall be administered by the anti-doping and medica-*
17 *tion control enforcement agency. The anti-doping and*
18 *medication control enforcement agency shall have the*
19 *authority to require specific test samples to be di-*
20 *rected to and tested by laboratories having special ex-*
21 *pertise in the required tests.*

22 (3) *EXTENSION OF PROVISIONAL OR INTERIM AC-*
23 *CREDITATION.*—*The Authority may, by rule in ac-*
24 *cordance with section 1204, extend provisional or in-*
25 *terim accreditation to a laboratory accredited by the*

1 *Racing Medication and Testing Consortium, Inc., on*
2 *a date before the program effective date.*

3 (4) *SELECTION OF LABORATORIES.—*

4 (A) *IN GENERAL.—Except as provided in*
5 *paragraph (2), a State racing commission may*
6 *select a laboratory accredited in accordance with*
7 *the standards established under paragraph (1) to*
8 *test samples taken in the applicable State.*

9 (B) *SELECTION BY THE AUTHORITY.—If a*
10 *State racing commission does not select an ac-*
11 *credited laboratory under subparagraph (A), the*
12 *Authority shall select such a laboratory to test*
13 *samples taken in the State concerned.*

14 (c) *RESULTS MANAGEMENT AND DISCIPLINARY PROC-*
15 *ESS.—*

16 (1) *IN GENERAL.—Not later than 120 days be-*
17 *fore the program effective date, the Authority shall es-*
18 *tablish in accordance with section 1204—*

19 (A) *rules for safety, performance, and anti-*
20 *doping and medication control results manage-*
21 *ment; and*

22 (B) *the disciplinary process for safety, per-*
23 *formance, and anti-doping and medication con-*
24 *trol rule violations.*

1 (2) *ELEMENTS.*—*The rules and process estab-*
2 *lished under paragraph (1) shall include the fol-*
3 *lowing:*

4 (A) *Provisions for notification of safety,*
5 *performance, and anti-doping and medication*
6 *control rule violations.*

7 (B) *Hearing procedures.*

8 (C) *Standards for burden of proof.*

9 (D) *Presumptions.*

10 (E) *Evidentiary rules.*

11 (F) *Appeals.*

12 (G) *Guidelines for confidentiality and pub-*
13 *lic reporting of decisions.*

14 (3) *DUE PROCESS.*—*The rules established under*
15 *paragraph (1) shall provide for adequate due process,*
16 *including impartial hearing officers or tribunals com-*
17 *mensurate with the seriousness of the alleged safety,*
18 *performance, or anti-doping and medication control*
19 *rule violation and the possible civil sanctions for such*
20 *violation.*

21 (d) *CIVIL SANCTIONS.*—

22 (1) *IN GENERAL.*—*The Authority shall establish*
23 *uniform rules, in accordance with section 1204, im-*
24 *posing civil sanctions against covered persons or cov-*

1 *ered horses for safety, performance, and anti-doping*
2 *and medication control rule violations.*

3 (2) *REQUIREMENTS.—The rules established*
4 *under paragraph (1) shall—*

5 (A) *take into account the unique aspects of*
6 *horseracing;*

7 (B) *be designed to ensure fair and trans-*
8 *parent horseraces; and*

9 (C) *deter safety, performance, and anti-*
10 *doping and medication control rule violations.*

11 (3) *SEVERITY.—The civil sanctions under para-*
12 *graph (1) may include—*

13 (A) *lifetime bans from horseracing,*
14 *disgorgement of purses, monetary fines and pen-*
15 *alties, and changes to the order of finish in cov-*
16 *ered races; and*

17 (B) *with respect to anti-doping and medica-*
18 *tion control rule violators, an opportunity to re-*
19 *duce the applicable civil sanctions that is com-*
20 *parable to the opportunity provided by the Pro-*
21 *tocol for Olympic Movement Testing of the*
22 *United States Anti-Doping Agency.*

23 (e) *MODIFICATIONS.—The Authority may propose a*
24 *modification to any rule established under this section as*
25 *the Authority considers appropriate, and the proposed*

1 *modification shall be submitted to and considered by the*
2 *Commission in accordance with section 1204.*

3 **SEC. 1209. REVIEW OF FINAL DECISIONS OF THE AUTHOR-**
4 **ITY.**

5 (a) *NOTICE OF CIVIL SANCTIONS.— If the Authority*
6 *imposes a final civil sanction for a violation committed by*
7 *a covered person pursuant to the rules or standards of the*
8 *Authority, the Authority shall promptly submit to the Com-*
9 *mission notice of the civil sanction in such form as the*
10 *Commission may require.*

11 (b) *REVIEW BY ADMINISTRATIVE LAW JUDGE.—*

12 (1) *IN GENERAL.—With respect to a final civil*
13 *sanction imposed by the Authority, on application by*
14 *the Commission or a person aggrieved by the civil*
15 *sanction filed not later than 30 days after the date*
16 *on which notice under subsection (a) is submitted, the*
17 *civil sanction shall be subject to de novo review by an*
18 *administrative law judge.*

19 (2) *NATURE OF REVIEW.—*

20 (A) *IN GENERAL.—In matters reviewed*
21 *under this subsection, the administrative law*
22 *judge shall determine whether—*

23 (i) *a person has engaged in such acts*
24 *or practices, or has omitted such acts or*

1 *practices, as the Authority has found the*
2 *person to have engaged in or omitted;*

3 *(ii) such acts, practices, or omissions*
4 *are in violation of this Act or the anti-*
5 *doping and medication control or racetrack*
6 *safety rules approved by the Commission; or*

7 *(iii) the final civil sanction of the Au-*
8 *thority was arbitrary, capricious, an abuse*
9 *of discretion, or otherwise not in accordance*
10 *with law.*

11 *(B) CONDUCT OF HEARING.—An adminis-*
12 *trative law judge shall conduct a hearing under*
13 *this subsection in such a manner as the Commis-*
14 *sion may specify by rule, which shall conform to*
15 *section 556 of title 5, United States Code.*

16 (3) *DECISION BY ADMINISTRATIVE LAW*
17 *JUDGE.—*

18 *(A) IN GENERAL.—With respect to a matter*
19 *reviewed under this subsection, an administra-*
20 *tive law judge—*

21 *(i) shall render a decision not later*
22 *than 60 days after the conclusion of the*
23 *hearing;*

24 *(ii) may affirm, reverse, modify, set*
25 *aside, or remand for further proceedings, in*

1 *whole or in part, the final civil sanction of*
2 *the Authority; and*

3 *(iii) may make any finding or conclu-*
4 *sion that, in the judgment of the adminis-*
5 *trative law judge, is proper and based on*
6 *the record.*

7 *(B) FINAL DECISION.—A decision under*
8 *this paragraph shall constitute the decision of*
9 *the Commission without further proceedings un-*
10 *less a notice or an application for review is*
11 *timely filed under subsection (c).*

12 *(c) REVIEW BY COMMISSION.—*

13 *(1) NOTICE OF REVIEW BY COMMISSION.—The*
14 *Commission may, on its own motion, review any de-*
15 *cision of an administrative law judge issued under*
16 *subsection (b)(3) by providing written notice to the*
17 *Authority and any interested party not later than 30*
18 *days after the date on which the administrative law*
19 *judge issues the decision.*

20 *(2) APPLICATION FOR REVIEW.—*

21 *(A) IN GENERAL.—The Authority or a per-*
22 *son aggrieved by a decision issued under sub-*
23 *section (b)(3) may petition the Commission for*
24 *review of such decision by filing an application*
25 *for review not later than 30 days after the date*

1 *on which the administrative law judge issues the*
2 *decision.*

3 *(B) EFFECT OF DENIAL OF APPLICATION*
4 *FOR REVIEW.—If an application for review*
5 *under subparagraph (A) is denied, the decision*
6 *of the administrative law judge shall constitute*
7 *the decision of the Commission without further*
8 *proceedings.*

9 *(C) DISCRETION OF COMMISSION.—*

10 *(i) IN GENERAL.—A decision with re-*
11 *spect to whether to grant an application for*
12 *review under subparagraph (A) is subject to*
13 *the discretion of the Commission.*

14 *(ii) MATTERS TO BE CONSIDERED.—In*
15 *determining whether to grant such an ap-*
16 *plication for review, the Commission shall*
17 *consider whether the application makes a*
18 *reasonable showing that—*

19 *(I) a prejudicial error was com-*
20 *mitted in the conduct of the pro-*
21 *ceeding; or*

22 *(II) the decision involved—*

23 *(aa) an erroneous applica-*
24 *tion of the anti-doping and medi-*
25 *cation control or racetrack safety*

1 *rules approved by the Commis-*
2 *sion; or*

3 *(bb) an exercise of discretion*
4 *or a decision of law or policy that*
5 *warrants review by the Commis-*
6 *sion.*

7 *(3) NATURE OF REVIEW.—*

8 *(A) IN GENERAL.—In matters reviewed*
9 *under this subsection, the Commission may—*

10 *(i) affirm, reverse, modify, set aside, or*
11 *remand for further proceedings, in whole or*
12 *in part, the decision of the administrative*
13 *law judge; and*

14 *(ii) make any finding or conclusion*
15 *that, in the judgement of the Commission, is*
16 *proper and based on the record.*

17 *(B) DE NOVO REVIEW.—The Commission*
18 *shall review de novo the factual findings and*
19 *conclusions of law made by the administrative*
20 *law judge.*

21 *(C) CONSIDERATION OF ADDITIONAL EVI-*
22 *DENCE.—*

23 *(i) MOTION BY COMMISSION.—The*
24 *Commission may, on its own motion, allow*
25 *the consideration of additional evidence.*

1 (ii) *MOTION BY A PARTY.*—

2 (I) *IN GENERAL.*—A party may
3 file a motion to consider additional
4 evidence at any time before the
5 issuance of a decision by the Commis-
6 sion, which shall show, with particu-
7 larity, that—

8 (aa) such additional evidence
9 is material; and

10 (bb) there were reasonable
11 grounds for failure to submit the
12 evidence previously.

13 (II) *PROCEDURE.*—The Commis-
14 sion may—

15 (aa) accept or hear addi-
16 tional evidence; or

17 (bb) remand the proceeding
18 to the administrative law judge
19 for the consideration of additional
20 evidence.

21 (d) *STAY OF PROCEEDINGS.*—Review by an adminis-
22 trative law judge or the Commission under this section shall
23 not operate as a stay of a final civil sanction of the Author-
24 ity unless the administrative law judge or Commission or-
25 ders such a stay.

1 **SEC. 1210. UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**

2 *The sale of a covered horse, or of any other horse in*
3 *anticipation of its future participation in a covered race,*
4 *shall be considered an unfair or deceptive act or practice*
5 *in or affecting commerce under section 5(a) of the Federal*
6 *Trade Commission Act (15 U.S.C. 45(a)) if the seller—*

7 (1) *knows or has reason to know the horse has*
8 *been administered—*

9 (A) *a bisphosphonate prior to the horse's*
10 *fourth birthday; or*

11 (B) *any other substance or method the Au-*
12 *thority determines has a long-term degrading ef-*
13 *fect on the soundness of the covered horse; and*

14 (2) *fails to disclose to the buyer the administra-*
15 *tion of the bisphosphonate or other substance or meth-*
16 *od described in paragraph (1)(B).*

17 **SEC. 1211. STATE DELEGATION; COOPERATION.**

18 (a) *STATE DELEGATION.—*

19 (1) *IN GENERAL.—The Authority may enter into*
20 *an agreement with a State racing commission to im-*
21 *plement, within the jurisdiction of the State racing*
22 *commission, a component of the racetrack safety pro-*
23 *gram or, with the concurrence of the anti-doping and*
24 *medication control enforcement agency under section*
25 *1205(e), a component of the horseracing anti-doping*
26 *and medication control program, if the Authority de-*

1 *termines that the State racing commission has the*
2 *ability to implement such component in accordance*
3 *with the rules, standards, and requirements estab-*
4 *lished by the Authority.*

5 (2) *IMPLEMENTATION BY STATE RACING COMMIS-*
6 *SION.—A State racing commission or other appro-*
7 *priate regulatory body of a State may not implement*
8 *such a component in a manner less restrictive than*
9 *the rule, standard, or requirement established by the*
10 *Authority.*

11 (b) *COOPERATION.—To avoid duplication of functions,*
12 *facilities, and personnel, and to attain closer coordination*
13 *and greater effectiveness and economy in administration of*
14 *Federal and State law, where conduct by any person subject*
15 *to the horseracing medication control program or the race-*
16 *track safety program may involve both a medication control*
17 *or racetrack safety rule violation and violation of Federal*
18 *or State law, the Authority and Federal or State law en-*
19 *forcement authorities shall cooperate and share informa-*
20 *tion.*

21 **SEC. 1212. DETERMINATION OF BUDGETARY EFFECTS.**

22 *The budgetary effects of this Act, for the purpose of*
23 *complying with the Statutory Pay-As-You-Go Act of 2010,*
24 *shall be determined by reference to the latest statement titled*
25 *“Budgetary Effects of PAYGO Legislation” for this Act,*

1 *submitted for printing in the Congressional Record by the*
2 *Chairman of the House Budget Committee, provided that*
3 *such statement has been submitted prior to the vote on pas-*
4 *sage.*

5 **TITLE XIII—COMMUNITY**
6 **DEVELOPMENT BLOCK GRANTS**

7 **SEC. 1301. COMMUNITY DEVELOPMENT BLOCK GRANTS.**

8 *(a) IN GENERAL.—Funds previously made available*
9 *in chapter 9 of title X of the Disaster Relief Appropriations*
10 *Act, 2013 (Public Law 113–2, division A; 127 Stat. 36)*
11 *under the heading “DEPARTMENT OF HOUSING AND*
12 *URBAN DEVELOPMENT—Community Planning and*
13 *Development—Community Development Fund” that were*
14 *available for obligation through fiscal year 2017 are to re-*
15 *main available through fiscal year 2023 for the liquidation*
16 *of valid obligations incurred in fiscal years 2013 through*
17 *2017.*

18 *(b) EMERGENCY.—Amounts repurposed pursuant to*
19 *this section that were previously designated by the Congress*
20 *as an emergency requirement pursuant to the Balanced*
21 *Budget and Emergency Deficit Control Act of 1985 are des-*
22 *ignated by the Congress as an emergency requirement pur-*
23 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 **TITLE XIV—COVID-19 CONSUMER**
2 **PROTECTION ACT**

3 **SEC. 1401. PROHIBITING DECEPTIVE ACTS OR PRACTICES**
4 **IN CONNECTION WITH THE NOVEL**
5 **CORONAVIRUS.**

6 (a) *SHORT TITLE.*—This section may be cited as the
7 “COVID-19 Consumer Protection Act”.

8 (b) *IN GENERAL.*—For the duration of a public health
9 emergency declared pursuant to section 319 of the Public
10 Health Service Act (42 U.S.C. 247d) as a result of con-
11 firmed cases of the 2019 novel coronavirus (COVID-19), in-
12 cluding any renewal thereof, it shall be unlawful for any
13 person, partnership, or corporation to engage in a deceptive
14 act or practice in or affecting commerce in violation of sec-
15 tion 5(a) of the Federal Trade Commission Act (15 U.S.C.
16 45(a)) that is associated with—

17 (1) the treatment, cure, prevention, mitigation,
18 or diagnosis of COVID-19; or

19 (2) a government benefit related to COVID-19.

20 (c) *ENFORCEMENT BY THE FEDERAL TRADE COMMIS-*
21 *SION.*—

22 (1) *VIOLATION.*—A violation of subsection (b)
23 shall be treated as a violation of a rule defining an
24 unfair or deceptive act or practice prescribed under

1 *section 18(a)(1)(B) of the Federal Trade Commission*
2 *Act (15 U.S.C. 57a(a)(1)(B)).*

3 (2) *POWERS OF THE FEDERAL TRADE COMMIS-*
4 *SION.—*

5 (A) *IN GENERAL.—The Federal Trade Com-*
6 *mission shall enforce subsection (b) in the same*
7 *manner, by the same means, and with the same*
8 *jurisdiction, powers, and duties as though all ap-*
9 *plicable terms and provisions of the Federal*
10 *Trade Commission Act (15 U.S.C. 41 et seq.)*
11 *were incorporated into and made a part of this*
12 *Act.*

13 (B) *PRIVILEGES AND IMMUNITIES.—Any*
14 *person who violates this Act shall be subject to*
15 *the penalties and entitled to the privileges and*
16 *immunities provided in the Federal Trade Com-*
17 *mission Act.*

18 (3) *EFFECT ON OTHER LAWS.—Nothing in this*
19 *Act shall be construed to limit the authority of the*
20 *Federal Trade Commission under any other provision*
21 *of law.*

22 (d) *SEVERABILITY.—If any provision of this Act, or*
23 *the application thereof to any person or circumstance, is*
24 *held invalid, the remainder of this Act and the application*
25 *of such provision to other persons not similarly situated or*

1 *to other circumstances shall not be affected by the invalida-*
2 *tion.*

3 **TITLE XV—AMERICAN COMPETE**
4 **ACT**

5 **SEC. 1501. AMERICAN COMPETITIVENESS OF A MORE PRO-**
6 **DUCTIVE EMERGING TECH ECONOMY.**

7 (a) *SHORT TITLE.*—*This title may be cited as the*
8 *“American Competitiveness Of a More Productive Emerg-*
9 *ing Tech Economy Act” or the “American COMPETE Act”.*

10 (b) *STUDY TO ADVANCE ARTIFICIAL INTELLIGENCE.*—

11 (1) *IN GENERAL.*—

12 (A) *STUDY REQUIRED.*—*Not later than 1*
13 *year after the date of enactment of this Act, the*
14 *Secretary of Commerce and the Federal Trade*
15 *Commission shall complete a study on the state*
16 *of the artificial intelligence industry and the im-*
17 *port of such industry on the United States econ-*
18 *omy.*

19 (B) *REQUIREMENTS FOR STUDY.*—*In con-*
20 *ducting the study, the Secretary and the Com-*
21 *mission shall—*

22 (i) *develop and conduct a survey of the*
23 *artificial intelligence industry through out-*
24 *reach to participating entities as appro-*
25 *prate to—*

1 (I) establish a list of industry sec-
2 tors that implement and promote the
3 use of artificial intelligence;

4 (II) establish a list of public-pri-
5 vate partnerships focused on promoting
6 the adoption and use of artificial intel-
7 ligence, as well as industry-based bod-
8 ies, including international bodies,
9 which have developed, or are devel-
10 oping, mandatory or voluntary stand-
11 ards for artificial intelligence;

12 (III) the status of such industry-
13 based mandatory or voluntary stand-
14 ards; and

15 (IV) provide a description of the
16 ways entities or industry sectors imple-
17 ment and promote the use of artificial
18 intelligence;

19 (ii) develop a comprehensive list of
20 Federal agencies with jurisdiction over the
21 entities and industry sectors identified
22 under clause (i);

23 (iii) identify which Federal agency or
24 agencies listed under clause (ii) each entity
25 or industry sector interacts with;

1 (iv) identify all interagency activities
2 that are taking place among the Federal
3 agencies listed under clause (ii), such as
4 working groups or other coordinated efforts;

5 (v) develop a brief description of the
6 jurisdiction and expertise of the Federal
7 agencies listed under clause (ii) with regard
8 to such entities and industry sectors;

9 (vi) identify all regulations, guidelines,
10 mandatory standards, voluntary standards,
11 and other policies implemented by each of
12 the Federal agencies identified under clause
13 (ii), as well as all guidelines, mandatory
14 standards, voluntary standards, and other
15 policies implemented by industry-based bod-
16 ies;

17 (vii) identify Federal Government re-
18 sources that exist for consumers and small
19 businesses to evaluate the use of artificial
20 intelligence; and

21 (viii) consult with the Office of Science
22 and Technology Policy and interagency ef-
23 forts on artificial intelligence to minimize
24 duplication of activities among the Federal
25 agencies identified under clause (ii).

1 (2) *MARKETPLACE AND SUPPLY CHAIN SUR-*
2 *VEY.—The Secretary and Commission shall conduct a*
3 *survey of the marketplace and supply chain of artifi-*
4 *cial intelligence to—*

5 (A) *identify and assess risks posed to such*
6 *marketplace and supply chain;*

7 (B) *review the ability of foreign govern-*
8 *ments or third parties to exploit the supply*
9 *chain in a manner that raises risks to the eco-*
10 *nomics and national security of the United*
11 *States; and*

12 (C) *identify emerging risks and long-term*
13 *trends in such marketplace and supply chain.*

14 (3) *REPORT TO CONGRESS.—Not later than 6*
15 *months after the completion of the study required*
16 *under paragraph (1), the Secretary and the Commis-*
17 *sion shall submit to the Committee on Energy and*
18 *Commerce and the Committee on Science, Space, and*
19 *Technology of the House of Representatives, and the*
20 *Committee on Commerce, Science, and Transpor-*
21 *tation of the Senate, and make publicly available on*
22 *their respective websites, a report that contains—*

23 (A) *the results of the study conducted pursu-*
24 *ant to paragraph (1) and the survey conducted*
25 *pursuant to paragraph (2); and*

1 (B) recommendations to—

2 (i) grow the United States economy
3 through the secure advancement of artificial
4 intelligence;

5 (ii) develop a national strategy to ad-
6 vance the United States business sectors' po-
7 sition in the world on the adoption of arti-
8 ficial intelligence;

9 (iii) develop strategies to mitigate cur-
10 rent and emerging risks to the marketplace
11 and supply chain of artificial intelligence;
12 and

13 (iv) develop legislation that—

14 (I) advances the expeditious adop-
15 tion of artificial intelligence applica-
16 tions in interstate commerce that takes
17 into account findings from available
18 Federal advisory committees that
19 produce recommendations on artificial
20 intelligence to the extent possible; and

21 (II) addresses societal priorities
22 related to the expeditious adoption of
23 artificial intelligence applications in
24 interstate commerce, including but not
25 limited to maintaining ethics, reducing

1 *bias, and protecting privacy and secu-*
2 *rity.*

3 (c) *STUDY TO ADVANCE INTERNET OF THINGS IN MAN-*
4 *UFACTURING.*—

5 (1) *IN GENERAL.*—

6 (A) *STUDY REQUIRED.*—*Not later than 1*
7 *year after the date of enactment of this Act, the*
8 *Secretary of Commerce, in coordination with the*
9 *head of any other appropriate Federal agency,*
10 *shall complete a study on the use of internet-con-*
11 *ected devices and internet-connected solutions*
12 *in manufacturing in the United States.*

13 (B) *REQUIREMENTS FOR STUDY.*—*In con-*
14 *ducting the study, the Secretary shall—*

15 (i) *develop and conduct a survey of the*
16 *manufacturing industry through outreach to*
17 *participating entities as appropriate to—*

18 (I) *establish a list of the industry*
19 *sectors that implement and promote*
20 *the use of internet-connected devices*
21 *and internet-connected solutions in*
22 *manufacturing;*

23 (II) *establish a list of public-pri-*
24 *vate partnerships focused on promoting*
25 *the adoption and use of internet-con-*

1 *nected devices and internet-connected*
2 *solutions in manufacturing, as well as*
3 *industry-based bodies, including inter-*
4 *national bodies, that have developed, or*
5 *are developing, mandatory or vol-*
6 *untary standards for such uses;*

7 *(III) the status of such industry-*
8 *based mandatory or voluntary stand-*
9 *ards;*

10 *(IV) provide a description of the*
11 *ways entities or industry sectors imple-*
12 *ment and promote the use of internet-*
13 *connected devices and internet-con-*
14 *nected solutions in manufacturing;*

15 *(ii) develop a comprehensive list of*
16 *Federal agencies with jurisdiction over the*
17 *entities and industry sectors identified*
18 *under clause (i);*

19 *(iii) identify which Federal agency or*
20 *agencies listed under clause (ii) each entity*
21 *or industry sector interacts with;*

22 *(iv) identify all interagency activities*
23 *that are taking place among the Federal*
24 *agencies listed under clause (ii), such as*
25 *working groups or other coordinated efforts;*

1 (v) develop a brief description of the
2 jurisdiction and expertise of the Federal
3 agencies listed under clause (ii) with regard
4 to such entities and industry sectors;

5 (vi) identify all regulations, guidelines,
6 mandatory standards, voluntary standards,
7 and other policies implemented by each of
8 the Federal agencies identified under clause
9 (ii), as well as all guidelines, mandatory
10 standards, voluntary standards, and other
11 policies implemented by industry-based bod-
12 ies; and

13 (vii) identify Federal Government re-
14 sources that exist for consumers and small
15 businesses to evaluate the use of internet-
16 connected devices and internet-connected so-
17 lutions in manufacturing.

18 (2) *MARKETPLACE AND SUPPLY CHAIN SUR-*
19 *VEY.*—The Secretary shall conduct a survey of the
20 marketplace and supply chain of internet-connected
21 devices and internet-connected solutions used in man-
22 ufacturing to—

23 (A) assess the severity of risks posed to such
24 marketplace and supply chain;

1 (B) review the ability of foreign govern-
2 ments or third parties to exploit the supply
3 chain in a manner that raises risks to the eco-
4 nomic and national security of the United
5 States; and

6 (C) identify emerging risks and long-term
7 trends in such marketplace and supply chain.

8 (3) *REPORT TO CONGRESS.*—Not later than 6
9 months after the completion of the study required
10 pursuant to paragraph (1), the Secretary shall submit
11 to the Committee on Energy and Commerce and the
12 Committee on Science, Space, and Technology of the
13 House of Representatives, and the Committee on Com-
14 merce, Science, and Transportation of the Senate,
15 and make publicly available on the website of the De-
16 partment of Commerce, a report that contains—

17 (A) the results of the study conducted pursu-
18 ant to paragraph (1) and the surveys conducted
19 pursuant to paragraph (2); and

20 (B) recommendations to—

21 (i) grow the United States economy
22 through the secure advancement of the use of
23 internet-connected devices and internet-con-
24 nected solutions in manufacturing;

1 (ii) develop a national strategy to ad-
2 vance the United States business sectors' po-
3 sition in the world on the adoption of inter-
4 net-connected devices and internet-connected
5 solutions used in manufacturing;

6 (iii) develop strategies to mitigate cur-
7 rent and emerging risks to the marketplace
8 and supply chain of internet-connected de-
9 vices and internet-connected solutions used
10 in manufacturing;

11 (iv) develop policies that States can
12 adopt to encourage the growth of manufac-
13 turing, including the use of internet-con-
14 nected devices and internet-connected solu-
15 tions in manufacturing; and

16 (v) develop legislation that may ad-
17 vance the expeditious adoption of the use of
18 internet-connected devices and internet-con-
19 nected solutions in manufacturing.

20 (d) *STUDY TO ADVANCE QUANTUM COMPUTING.*—

21 (1) *IN GENERAL.*—

22 (A) *STUDY REQUIRED.*—Not later than 1
23 year after the date of enactment of this Act, the
24 Secretary of Commerce and the Federal Trade
25 Commission shall complete a study on the state

1 *of the quantum computing industry and the im-*
2 *act of such industry on the United States econ-*
3 *omy.*

4 *(B) REQUIREMENTS FOR STUDY.—In con-*
5 *ducting the study, the Secretary and the Com-*
6 *mission shall—*

7 *(i) develop and conduct a survey of the*
8 *quantum computing industry through out-*
9 *reach to participating entities as appro-*
10 *priate to—*

11 *(I) establish a list of industry sec-*
12 *tors that implement and promote the*
13 *use of quantum computing;*

14 *(II) establish a list of public-pri-*
15 *vate partnerships focused on promoting*
16 *the adoption and use of quantum com-*
17 *puting, as well as industry-based bod-*
18 *ies, including international bodies,*
19 *which have developed, or are devel-*
20 *oping, mandatory or voluntary stand-*
21 *ards for quantum computing;*

22 *(III) the status of such industry-*
23 *based mandatory or voluntary stand-*
24 *ards; and*

1 (IV) provide a description of the
2 ways entities or industry sectors imple-
3 ment and promote the use of quantum
4 computing;

5 (ii) develop a comprehensive list of
6 Federal agencies with jurisdiction over the
7 entities and industry sectors identified
8 under clause (i);

9 (iii) identify which Federal agency or
10 agencies listed under clause (ii) each entity
11 or industry sector interacts with;

12 (iv) identify all interagency activities
13 that are taking place among the Federal
14 agencies listed under clause (ii), such as
15 working groups or other coordinated efforts;

16 (v) develop a brief description of the
17 jurisdiction and expertise of the Federal
18 agencies listed under clause (ii) with regard
19 to such entities and industry sectors;

20 (vi) identify all regulations, guidelines,
21 mandatory standards, voluntary standards,
22 and other policies implemented by each of
23 the Federal agencies identified under clause
24 (ii), as well as all guidelines, mandatory
25 standards, voluntary standards, and other

1 *policies implemented by industry-based bod-*
2 *ies;*

3 *(vii) identify Federal Government re-*
4 *sources that exist for consumers and small*
5 *businesses to evaluate the use of quantum*
6 *computing; and*

7 *(viii) consult with the Office of Science*
8 *and Technology Policy and interagency ef-*
9 *forts on quantum authorized by sections 102*
10 *and 103 of the National Quantum Initia-*
11 *tive Act (Public Law 115–368) to minimize*
12 *duplication of activities in this subpara-*
13 *graph among the Federal agencies listed*
14 *under clause (ii).*

15 *(2) MARKETPLACE AND SUPPLY CHAIN SUR-*
16 *VEY.—The Secretary and Commission shall conduct a*
17 *survey of the marketplace and supply chain of quan-*
18 *tum computing to—*

19 *(A) assess the severity of risks posed to such*
20 *marketplace and supply chain;*

21 *(B) review the ability of foreign govern-*
22 *ments or third parties to exploit the supply*
23 *chain in a manner that raises risks to the eco-*
24 *nomics and national security of the United*
25 *States; and*

1 (C) *identify emerging risks and long-term*
2 *trends in such marketplace and supply chain.*

3 (3) *REPORT TO CONGRESS.—Not later than 6*
4 *months after the completion of the study required*
5 *pursuant to paragraph (1), the Secretary and the*
6 *Commission shall submit to the Committee on Energy*
7 *and Commerce and the Committee on Science, Space,*
8 *and Technology of the House of Representatives, and*
9 *the Committee on Commerce, Science, and Transpor-*
10 *tation of the Senate, and make publicly available on*
11 *their respective websites, a report that contains—*

12 (A) *the results of the study conducted pursu-*
13 *ant to paragraph (1) and the survey conducted*
14 *pursuant to paragraph (2); and*

15 (B) *recommendations to—*

16 (i) *grow the United States economy*
17 *through the secure advancement of quantum*
18 *computing;*

19 (ii) *develop a national strategy to ad-*
20 *vance the United States business sectors' po-*
21 *sition in the world on the adoption of quan-*
22 *tum computing;*

23 (iii) *develop strategies to mitigate cur-*
24 *rent and emerging risks to the marketplace*

1 *and supply chain of quantum computing;*
2 *and*
3 (iiv) *develop legislation that may ad-*
4 *vance the expeditious adoption of quantum*
5 *computing.*

6 (e) *STUDY TO ADVANCE BLOCKCHAIN TECHNOLOGY.—*

7 (1) *IN GENERAL.—*

8 (A) *STUDY REQUIRED.—Not later than 1*
9 *year after the date of enactment of this Act, the*
10 *Secretary of Commerce and the Federal Trade*
11 *Commission shall complete a study on the state*
12 *of the blockchain technology industry and the*
13 *impact of such industry on the United States*
14 *economy.*

15 (B) *REQUIREMENTS FOR STUDY.—In con-*
16 *ducting the study, the Secretary and the Com-*
17 *mission shall—*

18 (i) *develop and conduct a survey of the*
19 *blockchain technology industry through out-*
20 *reach to participating entities as appro-*
21 *priate to—*

22 (I) *establish a list of industry sec-*
23 *tors that implement and promote the*
24 *use of blockchain technology;*

1 (II) establish a list of public-pri-
2 vate partnerships focused on promoting
3 the adoption and use of blockchain
4 technology, as well as industry-based
5 bodies, including international bodies,
6 which have developed, or are devel-
7 oping, mandatory or voluntary stand-
8 ards for blockchain technology;

9 (III) the status of such industry-
10 based mandatory or voluntary stand-
11 ards; and

12 (IV) provide a description of the
13 ways entities or industry sectors imple-
14 ment and promote the use of
15 blockchain technology;

16 (ii) develop a comprehensive list of
17 Federal agencies with jurisdiction over the
18 entities and industry sectors identified
19 under clause (i);

20 (iii) identify which Federal agency or
21 agencies listed under clause (ii) each entity
22 or industry sector interacts with;

23 (iv) identify all interagency activities
24 that are taking place among the Federal

1 *agencies listed under clause (ii), such as*
2 *working groups or other coordinated efforts;*

3 *(v) develop a brief description of the*
4 *jurisdiction and expertise of the Federal*
5 *agencies listed under clause (ii) with regard*
6 *to such entities and industry sectors;*

7 *(vi) identify all regulations, guidelines,*
8 *mandatory standards, voluntary standards,*
9 *and other policies implemented by each of*
10 *the Federal agencies identified under clause*
11 *(ii), as well as all guidelines, mandatory*
12 *standards, voluntary standards, and other*
13 *policies implemented by industry-based bod-*
14 *ies; and*

15 *(vii) identify Federal Government re-*
16 *sources that exist for consumers and small*
17 *businesses to evaluate the use of blockchain*
18 *technology.*

19 *(2) MARKETPLACE AND SUPPLY CHAIN SUR-*
20 *VEY.—The Secretary and Commission shall conduct a*
21 *survey of the marketplace and supply chain of*
22 *blockchain technology to—*

23 *(A) assess the severity of risks posed to such*
24 *marketplace and supply chain;*

1 (B) review the ability of foreign govern-
2 ments or third parties to exploit the supply
3 chain in a manner that raises risks to the eco-
4 nomic and national security of the United
5 States; and

6 (C) identify emerging risks and long-term
7 trends in such marketplace and supply chain.

8 (3) *REPORT TO CONGRESS.*—Not later than 6
9 months after the completion of the study required
10 pursuant to paragraph (1), the Secretary and the
11 Commission shall submit to the Committee on Energy
12 and Commerce and the Committee on Science, Space,
13 and Technology of the House of Representatives, and
14 the Committee on Commerce, Science, and Transpor-
15 tation of the Senate, and make publicly available on
16 their respective websites, a report that contains—

17 (A) the results of the study conducted pursu-
18 ant to paragraph (1) and the survey conducted
19 pursuant to paragraph (2); and

20 (B) recommendations to—

21 (i) grow the United States economy
22 through the secure advancement of
23 blockchain technology;

24 (ii) develop a national strategy to ad-
25 vance the United States business sectors' po-

1 *sition in the world on the adoption of*
2 *blockchain technology;*

3 *(iii) develop strategies to mitigate cur-*
4 *rent and emerging risks to the marketplace*
5 *and supply chain of blockchain technology;*
6 *and*

7 *(iv) develop legislation that may ad-*
8 *vance the expeditious adoption of blockchain*
9 *technology.*

10 *(f) STUDY TO ADVANCE NEW AND ADVANCED MATE-*
11 *RIALS.—*

12 *(1) IN GENERAL.—*

13 *(A) STUDY REQUIRED.—Not later than 1*
14 *year after the date of enactment of this Act, the*
15 *Secretary of Commerce and the Federal Trade*
16 *Commission, in coordination with the head of*
17 *any other appropriate Federal agency, shall*
18 *complete a study on the state of new and ad-*
19 *vanced materials industry, including syn-*
20 *thetically derived or enhanced natural prop-*
21 *erties, and the impact of such industry on the*
22 *United States economy.*

23 *(B) REQUIREMENTS FOR STUDY.—In con-*
24 *ducting the study, the Secretary and the Com-*
25 *mission shall—*

1 *(i) develop and conduct a survey of the*
2 *new and advanced materials industry*
3 *through outreach to participating entities*
4 *as appropriate to—*

5 *(I) establish a list of industry sec-*
6 *tors that implement and promote the*
7 *use of new and advanced materials;*

8 *(II) establish a list of public-pri-*
9 *vate partnerships focused on promoting*
10 *the adoption and use of new and ad-*
11 *vanced materials, as well as industry-*
12 *based bodies, including international*
13 *bodies, which have developed, or are de-*
14 *veloping, mandatory or voluntary*
15 *standards for new and advanced mate-*
16 *rials;*

17 *(III) the status of such industry-*
18 *based mandatory or voluntary stand-*
19 *ards; and*

20 *(IV) provide a description of the*
21 *ways entities or industry sectors imple-*
22 *ment and promote the use of new and*
23 *advanced materials;*

24 *(ii) develop a comprehensive list of*
25 *Federal agencies with jurisdiction over the*

1 *entities and industry sectors identified*
2 *under clause (i);*

3 *(iii) identify which Federal agency or*
4 *agencies listed under clause (ii) each entity*
5 *or industry sector interacts with;*

6 *(iv) identify all interagency activities*
7 *that are taking place among the Federal*
8 *agencies listed under clause (ii), such as*
9 *working groups or other coordinated efforts;*

10 *(v) develop a brief description of the*
11 *jurisdiction and expertise of the Federal*
12 *agencies listed under clause (ii) with regard*
13 *to such entities and industry sectors;*

14 *(vi) identify all regulations, guidelines,*
15 *mandatory standards, voluntary standards,*
16 *and other policies implemented by each of*
17 *the Federal agencies identified under clause*
18 *(ii), as well as all guidelines, mandatory*
19 *standards, voluntary standards, and other*
20 *policies implemented by industry-based bod-*
21 *ies; and*

22 *(vii) identify Federal Government re-*
23 *sources that exist for consumers and small*
24 *businesses to evaluate the use of new and*
25 *advanced materials.*

1 (2) *MARKETPLACE AND SUPPLY CHAIN SUR-*
2 *VEY.—The Secretary and Commission shall conduct a*
3 *survey of the marketplace and supply chain of new*
4 *and advanced materials to—*

5 (A) *assess the severity of risks posed to such*
6 *marketplace and supply chain;*

7 (B) *review the ability of foreign govern-*
8 *ments or third parties to exploit the supply*
9 *chain in a manner that raises risks to the eco-*
10 *nomical and national security of the United*
11 *States; and*

12 (C) *identify emerging risks and long-term*
13 *trends in such marketplace and supply chain.*

14 (3) *REPORT TO CONGRESS.—Not later than 6*
15 *months after the completion of the study required*
16 *pursuant to paragraph (1), the Secretary and the*
17 *Commission shall submit to the Committee on Energy*
18 *and Commerce and the Committee on Science, Space,*
19 *and Technology of the House of Representatives, and*
20 *the Committee on Commerce, Science, and Transpor-*
21 *tation of the Senate, and make publicly available on*
22 *their respective websites, a report that contains—*

23 (A) *the results of the study conducted pursu-*
24 *ant to paragraph (1) and the survey conducted*
25 *pursuant to paragraph (2); and*

1 (B) recommendations to—

2 (i) grow the United States economy
3 through the secure advancement of new and
4 advanced materials;

5 (ii) develop a national strategy to ad-
6 vance the United States business sectors' po-
7 sition in the world on the adoption of new
8 and advanced materials;

9 (iii) develop strategies to mitigate cur-
10 rent and emerging risks to the marketplace
11 and supply chain of new and advanced ma-
12 terials; and

13 (iv) develop legislation that may ad-
14 vance the expeditious adoption of new and
15 advanced materials.

16 (g) *STUDY TO ADVANCE UNMANNED DELIVERY SERV-*
17 *ICES.*—

18 (1) *IN GENERAL.*—

19 (A) *STUDY REQUIRED.*—Not later than 1
20 year after the date of enactment of this Act, the
21 Secretary of Commerce, in coordination with the
22 head of any other appropriate Federal agency,
23 shall complete a study on the impact of un-
24 manned delivery services on United States busi-
25 nesses conducting interstate commerce.

1 (B) *REQUIREMENTS FOR STUDY.*—*In con-*
2 *ducting the study, the Secretary shall do the fol-*
3 *lowing:*

4 (i) *Conduct a survey through outreach*
5 *to participating entities to—*

6 (I) *establish a list of the industry*
7 *sectors that develop and use unmanned*
8 *delivery services, including the use of*
9 *autonomous vehicles, drones, and ro-*
10 *bots;*

11 (II) *review how unmanned deliv-*
12 *ery services are currently being used*
13 *and any potential future applications*
14 *of such services;*

15 (III) *identify any challenges to*
16 *the development and adoption of un-*
17 *manned delivery services;*

18 (IV) *review how such services may*
19 *be used to—*

20 (aa) *deliver groceries, meals,*
21 *medications, and other necessities*
22 *to senior citizens, people with dis-*
23 *abilities, and people without ac-*
24 *cess to traditional public trans-*
25 *portation;*

1 *(bb) address challenges public*
2 *health emergencies present, in-*
3 *cluding delivering groceries,*
4 *meals, medications, medical sup-*
5 *plies, and other necessities during*
6 *such emergencies; and*

7 *(cc) any other potential use*
8 *of such services;*

9 *(V) identify any safety risks asso-*
10 *ciated with the adoption of unmanned*
11 *delivery services on roads, in the air,*
12 *or other environments, including any*
13 *dangers posed to pedestrians, bicyclists,*
14 *motorcyclists, motorists, or property;*

15 *(VI) identify the effect of un-*
16 *manned delivery services on traffic*
17 *safety and congestion;*

18 *(VII) evaluate the extent to which*
19 *software, technology, and infrastruc-*
20 *ture behind unmanned delivery services*
21 *are developed and manufactured in the*
22 *United States;*

23 *(VIII) identify the number and*
24 *types of jobs that may be lost or sub-*
25 *stantially changed due to the develop-*

1 *ment and adoption of unmanned deliv-*
2 *ery services;*

3 *(IX) identify the number and*
4 *types of jobs that may be created due*
5 *to the development and adoption of un-*
6 *manned delivery services; and*

7 *(X) evaluate the effect of the adop-*
8 *tion unmanned delivery services on job*
9 *quality for low, middle, and high-*
10 *skilled workers.*

11 *(ii) Develop and conduct a survey of*
12 *Federal activity related to unmanned deliv-*
13 *ery services to—*

14 *(I) establish a list of Federal*
15 *agencies asserting jurisdiction over in-*
16 *dustry sectors identified under clause*
17 *(i)(II);*

18 *(II) develop a brief description of*
19 *the jurisdiction and expertise of the*
20 *Federal agencies regarding unmanned*
21 *delivery services; and*

22 *(III) identify all interagency ac-*
23 *tivities regarding unmanned delivery*
24 *services.*

1 (iii) *Conduct a survey of the market-*
2 *place and supply chain of unmanned deliv-*
3 *ery services to—*

4 (I) *assess the severity of risks*
5 *posed to such marketplace and supply*
6 *chain;*

7 (II) *review the ability of foreign*
8 *governments or third parties to exploit*
9 *such supply chain in a manner that*
10 *raises risks to the economic and na-*
11 *tional security of the United States;*
12 *and*

13 (III) *identify emerging risks and*
14 *long-term trends in such marketplace*
15 *and supply chain.*

16 (C) *REPORT TO CONGRESS.—Not later than*
17 *6 months after the completion of the study re-*
18 *quired pursuant to paragraph (1), the Secretary,*
19 *in coordination with the head of any other ap-*
20 *propriate Federal agency, shall submit to the*
21 *Committee on Energy and Commerce and the*
22 *Committee on Science, Space, and Technology of*
23 *the House of Representatives, and the Committee*
24 *on Commerce, Science, and Transportation of*
25 *the Senate, and make publicly available on the*

1 *website of the Department of Commerce, a report*
2 *that contains—*

3 *(i) the results of the study conducted*
4 *under paragraph (1); and*

5 *(ii) recommendations to—*

6 *(I) develop and implement a com-*
7 *prehensive plan to promote the develop-*
8 *ment and adoption of unmanned deliv-*
9 *ery services in the United States;*

10 *(II) develop policies that States*
11 *can adopt to encourage the develop-*
12 *ment and adoption of unmanned deliv-*
13 *ery services;*

14 *(III) develop a national strategy*
15 *to advance the United States position*
16 *in the world on the development and*
17 *adoption of unmanned delivery serv-*
18 *ices, and manufacture of technology be-*
19 *hind unmanned delivery services;*

20 *(IV) develop strategies to mitigate*
21 *current and emerging risks to the mar-*
22 *ketplace and supply chain of un-*
23 *manned delivery services; and*

24 *(V) develop legislation to accom-*
25 *plish such recommendations.*

1 (h) *STUDY TO ADVANCE INTERNET OF THINGS.*—

2 (1) *STUDY.*—*The Secretary of Commerce shall*
3 *conduct a study on the state of the internet-connected*
4 *devices industry (commonly known as the “Internet of*
5 *Things”)* *in the United States. In conducting the*
6 *study, the Secretary shall—*

7 (A) *develop and conduct a survey of the*
8 *internet-connected devices industry through out-*
9 *reach to participating entities as appropriate,*
10 *including—*

11 (i) *a list of the industry sectors that*
12 *develop internet-connected devices;*

13 (ii) *a list of public-private partner-*
14 *ships focused on promoting the adoption*
15 *and use of internet-connected devices, as*
16 *well as industry-based bodies, including*
17 *international bodies, which have developed,*
18 *or are developing, mandatory or voluntary*
19 *standards for internet-connected devices;*

20 (iii) *the status of the industry-based*
21 *mandatory or voluntary standards identi-*
22 *fied in clause (ii); and*

23 (iv) *a description of the ways entities*
24 *or industry sectors develop, use, or promote*
25 *the use of internet-connected devices;*

1 (B) develop a comprehensive list of Federal
2 agencies with jurisdiction over the entities and
3 industry sectors identified under subparagraph
4 (A);

5 (C) identify which Federal agency or agen-
6 cies listed under subparagraph (B) each entity
7 or industry sector interacts with;

8 (D) identify all interagency activities that
9 are taking place among the Federal agencies list-
10 ed under subparagraph (B), such as working
11 groups or other coordinated efforts;

12 (E) develop a brief description of the juris-
13 diction and expertise of the Federal agencies list-
14 ed under subparagraph (B) with regard to such
15 entities and industry sectors;

16 (F) identify all regulations, guidelines,
17 mandatory standards, voluntary standards, and
18 other policies implemented by each of the Federal
19 agencies identified under subparagraph (B), as
20 well as all guidelines, mandatory standards, vol-
21 untary standards, and other policies imple-
22 mented by industry-based bodies; and

23 (G) identify Federal Government resources
24 that exist for consumers and small businesses to
25 evaluate internet-connected devices.

1 (2) *REPORT TO CONGRESS.*—Not later than 1
2 year after the date of enactment of this Act, the Sec-
3 retary shall submit to the Committee on Energy and
4 Commerce and the Committee on Science, Space, and
5 Technology of the House of Representatives, and the
6 Committee on Commerce, Science, and Transpor-
7 tation of the Senate, and make publicly available on
8 the website of the Department of Commerce, a report
9 that contains—

10 (A) the results of the study conducted under
11 paragraph (1); and

12 (B) recommendations of the Secretary for
13 growth of the United States economy through the
14 secure advancement of internet-connected devices.

15 (3) *DEFINITIONS.*—In this subsection—

16 (A) the term “Federal agency” means an
17 agency, as defined in section 551 of title 5,
18 United States Code; and

19 (B) the term “internet-connected device”
20 means a physical object that—

21 (i) is capable of connecting to the
22 internet, either directly or indirectly
23 through a network, to communicate infor-
24 mation at the direction of an individual;
25 and

1 (ii) has computer processing capabili-
2 ties for collecting, sending, receiving, or
3 analyzing data.

4 (i) *STUDY TO ADVANCE THREE-DIMENSIONAL PRINT-*
5 *ING.—*

6 (1) *IN GENERAL.—*

7 (A) *STUDY REQUIRED.—Not later than 1*
8 *year after the date of enactment of this Act, the*
9 *Secretary of Commerce, in coordination with the*
10 *head of any other appropriate Federal agency,*
11 *shall complete a study on the state of the three-*
12 *dimensional printing industry and the impact of*
13 *such industry on the United States economy.*

14 (B) *REQUIREMENTS FOR STUDY.—In con-*
15 *ducting the study, the Secretary shall—*

16 (i) *develop and conduct a survey of the*
17 *three-dimensional printing industry*
18 *through outreach to participating entities*
19 *as appropriate to—*

20 (I) *establish a list of industry sec-*
21 *tors that implement and promote the*
22 *use of three-dimensional printing;*

23 (II) *establish a list of public-pri-*
24 *vate partnerships focused on promoting*
25 *the adoption and use of three-dimen-*

1 *sional printing, as well as industry-*
2 *based bodies, including international*
3 *bodies, which have developed, or are de-*
4 *veloping, mandatory or voluntary*
5 *standards for three-dimensional print-*
6 *ing;*

7 *(III) the status of such industry-*
8 *based mandatory or voluntary stand-*
9 *ards; and*

10 *(IV) provide a description of the*
11 *ways entities or industry sectors imple-*
12 *ment and promote the use of three-di-*
13 *mensional printing;*

14 *(ii) develop a comprehensive list of*
15 *Federal agencies with jurisdiction over the*
16 *entities and industry sectors identified*
17 *under clause (i);*

18 *(iii) identify which Federal agency or*
19 *agencies listed under clause (ii) each entity*
20 *or industry sector interacts with;*

21 *(iv) identify all interagency activities*
22 *that are taking place among the Federal*
23 *agencies listed under clause (ii), such as*
24 *working groups or other coordinated efforts;*

1 (v) develop a brief description of the
2 jurisdiction and expertise of the Federal
3 agencies listed under clause (ii) with regard
4 to such entities and industry sectors;

5 (vi) identify all regulations, guidelines,
6 mandatory standards, voluntary standards,
7 and other policies implemented by each of
8 the Federal agencies identified under clause
9 (ii), as well as all guidelines, mandatory
10 standards, voluntary standards, and other
11 policies implemented by industry-based bod-
12 ies; and

13 (vii) identify Federal Government re-
14 sources that exist for consumers and small
15 businesses to evaluate the use of three-di-
16 mensional printing.

17 (2) *MARKETPLACE AND SUPPLY CHAIN SUR-*
18 *VEY.*—The Secretary shall conduct a survey of the
19 marketplace and supply chain of three-dimensional
20 printing to—

21 (A) assess the severity of risks posed to such
22 marketplace and supply chain;

23 (B) review the ability of foreign govern-
24 ments or third parties to exploit the supply
25 chain in a manner that raises risks to the eco-

1 *nomie and national security of the United*
2 *States; and*

3 *(C) identify emerging risks and long-term*
4 *trends in such marketplace and supply chain.*

5 *(3) REPORT TO CONGRESS.—Not later than 6*
6 *months after the completion of the study required*
7 *pursuant to paragraph (1), the Secretary shall submit*
8 *to the Committee on Energy and Commerce and the*
9 *Committee on Science, Space, and Technology of the*
10 *House of Representatives, and the Committee on Com-*
11 *merce, Science, and Transportation of the Senate,*
12 *and make publicly available on the website of the De-*
13 *partment of Commerce, a report that contains—*

14 *(A) the results of the study conducted pursu-*
15 *ant to paragraph (1) and the survey conducted*
16 *pursuant to paragraph (2); and*

17 *(B) recommendations to—*

18 *(i) grow the United States economy*
19 *through the secure advancement of three-di-*
20 *mensional printing;*

21 *(ii) develop a national strategy to ad-*
22 *vance the United States business sectors' po-*
23 *sition in the world on the adoption of three-*
24 *dimensional printing;*

1 (iii) develop strategies to mitigate cur-
2 rent and emerging risks to the marketplace
3 and supply chain of three-dimensional
4 printing; and

5 (iv) develop legislation that may ad-
6 vance the expeditious adoption of three-di-
7 mensional printing.

8 (j) *STUDY TO COMBAT ONLINE HARMS THROUGH IN-*
9 *NOVATION.*—

10 (1) *IN GENERAL.*—

11 (A) *STUDY REQUIRED.*—Not later than 1
12 year after the date of enactment of this Act, the
13 Federal Trade Commission shall conduct and
14 complete a study on how artificial intelligence
15 may be used to address the online harms de-
16 scribed in subparagraph (B).

17 (B) *REQUIREMENTS FOR STUDY.*—In con-
18 ducting the study, the Commission shall consider
19 whether and how artificial intelligence may be
20 used to identify, remove, or take any other ap-
21 propriate action necessary to address the fol-
22 lowing online harms:

23 (i) *Deceptive and fraudulent content*
24 intended to scam or otherwise harm indi-

1 *viduals, including such practices directed at*
2 *senior citizens.*

3 *(ii) Manipulated content intended to*
4 *mislead individuals, including deepfake vid-*
5 *eos and fake individual reviews.*

6 *(iii) Website or mobile application*
7 *interfaces designed to intentionally mislead*
8 *or exploit individuals.*

9 *(iv) Illegal content online, including*
10 *the illegal sale of opioids, child sexual ex-*
11 *ploitation and abuse, revenge pornography,*
12 *harassment, cyberstalking, hate crimes, the*
13 *glorification of violence or gore, and incite-*
14 *ment of violence.*

15 *(v) Terrorist and violent extremists’*
16 *abuse of digital platforms, including the use*
17 *of such platforms to promote themselves,*
18 *share propaganda, and glorify real-world*
19 *acts of violence.*

20 *(vi) Disinformation campaigns coordi-*
21 *nated by inauthentic accounts or individ-*
22 *uals to influence United States elections.*

23 *(vii) The sale of counterfeit products.*

24 *(2) REPORT TO CONGRESS.—Not later than 6*
25 *months after the completion of the study required*

1 *pursuant to paragraph (1), the Commission shall sub-*
2 *mit to the Committee on Energy and Commerce and*
3 *the Committee on Science, Space, and Technology of*
4 *the House of Representatives, and the Committee on*
5 *Commerce, Science, and Transportation of the Senate,*
6 *and make publicly available on its website, a report*
7 *that contains—*

8 *(A) the results of the study conducted under*
9 *paragraph (1);*

10 *(B) recommendations on how artificial in-*
11 *telligence may be used to address the online*
12 *harms described in paragraph (1)(B);*

13 *(C) recommendations on what reasonable*
14 *policies, practices, and procedures may be imple-*
15 *mented to utilize artificial intelligence to address*
16 *such online harms; and*

17 *(D) recommendations for any legislation*
18 *that may advance the adoption and use of artifi-*
19 *cial intelligence to address such online harms.*

20 *(k) COMBINATION OF STUDIES AUTHORIZED.—The*
21 *Secretary of Commerce and the Federal Trade Commission,*
22 *after notifying the Committee on Energy and Commerce of*
23 *the House of Representatives and the Committee on Com-*
24 *merce, Science, and Transportation of the Senate, may*
25 *combine any of the studies required pursuant to this Act.*

1 *(l) PROTECTION OF NATIONAL SECURITY.—*

2 *(1) INFORMATION EXEMPT FROM PUBLIC DISCLO-*
3 *SURE.—Nothing in this Act shall be construed to re-*
4 *quire the disclosure of information, records, or reports*
5 *that are exempt from public disclosure under section*
6 *552 of title 5, United States Code, or that may be*
7 *withheld under section 552a of title 5, United States*
8 *Code.*

9 *(2) CLASSIFIED AND CERTAIN OTHER INFORMA-*
10 *TION.—Nothing in this Act shall be construed to re-*
11 *quire the publication, on a website or otherwise, of*
12 *any report containing information that is classified,*
13 *or the public release of which could have a harmful*
14 *effect on national security.*

15 *(3) FORM OF REPORTS TO CONGRESS.—In the*
16 *case of each report that is required by this Act to be*
17 *submitted to a committee of Congress, such report*
18 *shall be submitted in unclassified form, but may in-*
19 *clude a classified annex.*

20 *(4) SUBMISSION OF REPORTS TO CONGRES-*
21 *SIONAL INTELLIGENCE COMMITTEES.—In the case of*
22 *each report that is required by this Act to be sub-*
23 *mitted to a committee of Congress, such report shall*
24 *also be submitted to the Permanent Select Committee*

1 *on Intelligence of the House of Representatives and*
2 *the Select Committee on Intelligence of the Senate.*

3 *(m) APPROPRIATIONS REQUIRED.—This Act is subject*
4 *to appropriations that may be available for the Department*
5 *of Commerce or the Federal Trade Commission, as applica-*
6 *ble.*

7 ***TITLE XVI—RECORDING OF CER-***
8 ***TAIN OBLIGATIONS BY THE***
9 ***DEPARTMENT OF VETERANS***
10 ***AFFAIRS***

11 ***SEC. 1601. RECORDING OF OBLIGATIONS.***

12 *Hereafter, subject to the availability of appropriations,*
13 *the Secretary of Veterans Affairs shall record as an obliga-*
14 *tion of the United States Government amounts owed for*
15 *hospital care or medical services furnished at non-Depart-*
16 *ment facilities under title 38, United States Code, or Acts*
17 *making appropriations for the Department of Veterans Af-*
18 *fairs, on the date on which the Secretary approves: (i) a*
19 *claim by a health care provider for payment or (ii) a vouch-*
20 *er, invoice, or request for payment from a vendor for serv-*
21 *ices rendered under a contract: Provided, That for any fis-*
22 *cal year in which an appropriation for the payment of hos-*
23 *pital care or medical services furnished at non-Department*
24 *facilities has been exhausted or has yet to be enacted, this*
25 *title shall not provide the Secretary of Veterans Affairs with*

1 *the authority to issue any new authorizations or orders for*
2 *such care or such services in advance of such appropriation:*
3 *Provided further, That this title shall take effect as if en-*
4 *acted on October 1, 2018: Provided further, That not later*
5 *than 30 days after the date of enactment of this Act, the*
6 *Department of Veterans Affairs, in consultation with the*
7 *Office of Management and Budget, shall submit a report*
8 *to the President and the Congress, similar to the report re-*
9 *quired pursuant to 31 U.S.C. 1351, detailing how, in the*
10 *absence of the enactment of this title, the expenditures or*
11 *obligations would have exceeded the amount available in fis-*
12 *cal year 2019 and fiscal year 2020 in the Medical Commu-*
13 *nity Care appropriation: Provided further, That the report*
14 *required in the preceding proviso shall also include an ex-*
15 *planation as to how the Department plans to avoid incur-*
16 *ring obligations for the Medical Community Care appro-*
17 *priation in excess of its available budgetary resources in*
18 *fiscal year 2021 and future fiscal years pursuant to the re-*
19 *CORDING OF OBLIGATIONS REQUIRED BY THIS TITLE.*

20 **TITLE XVII—SUDAN CLAIMS**
21 **RESOLUTION**

22 **SEC. 1701. SHORT TITLE.**

23 *This title may be cited as the “Sudan Claims Resolu-*
24 *tion Act”.*

1 **SEC. 1702. SENSE OF CONGRESS.**

2 *It is the sense of Congress that—*

3 *(1) the United States should support Sudan’s*
4 *democratic transition, particularly in light of the*
5 *country’s dire economic situation, and this is a crit-*
6 *ical moment to address longstanding issues in the re-*
7 *lationship between the United States and Sudan;*

8 *(2) as part of the process of restoring normal re-*
9 *lations between Sudan and the United States, Con-*
10 *gress supports efforts to provide meaningful com-*
11 *ensation to individuals employed by or serving as*
12 *contractors for the United States Government, as well*
13 *as their family members, who personally have been*
14 *awarded by a United States District Court a judg-*
15 *ment for compensatory damages against Sudan; and*

16 *(3) the terrorism-related claims of victims and*
17 *family members of the September 11, 2001, terrorist*
18 *attacks must be preserved and protected.*

19 **SEC. 1703. DEFINITIONS.**

20 *In this Act:*

21 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
22 *TEES.—The term “appropriate congressional commit-*
23 *tees” means—*

24 *(A) the Committee on Foreign Relations*
25 *and the Committee on the Judiciary of the Sen-*
26 *ate; and*

1 (B) *the Committee on Foreign Affairs and*
2 *the Committee on the Judiciary of the House of*
3 *Representatives.*

4 (2) *CLAIMS AGREEMENT.*—*The term “claims*
5 *agreement” means the Claims Settlement Agreement*
6 *Between the Government of the United States of*
7 *America and the Government of the Republic of the*
8 *Sudan, done at Washington, D.C., on October 30,*
9 *2020, including all annexes, appendices, side letters,*
10 *related agreements, and instruments for implementa-*
11 *tion, including the escrow agreement among the Cen-*
12 *tral Bank of Sudan, the Federal Reserve Bank of New*
13 *York, and the escrow agent appointed thereby, as well*
14 *as the escrow conditions release agreement, set out in*
15 *an exchange of diplomatic notes between the United*
16 *States and Sudan on October 21, 2020, and subse-*
17 *quently amended on December 19, 2020.*

18 (3) *FOREIGN NATIONAL.*—*The term “foreign na-*
19 *tional” means an individual who is not a citizen of*
20 *the United States.*

21 (4) *SECRETARY.*—*The term “Secretary” means*
22 *the Secretary of State.*

23 (5) *STATE SPONSOR OF TERRORISM.*—*The term*
24 *“state sponsor of terrorism” means a country the gov-*
25 *ernment of which the Secretary has determined is a*

1 *government that has repeatedly provided support for*
2 *acts of international terrorism, for purposes of—*

3 *(A) section 1754(c)(1)(A)(i) of the Export*
4 *Control Reform Act of 2018 (50 U.S.C.*
5 *4813(c)(1)(A)(i));*

6 *(B) section 620A of the Foreign Assistance*
7 *Act of 1961 (22 U.S.C. 2371);*

8 *(C) section 40(d) of the Arms Export Con-*
9 *trol Act (22 U.S.C. 2780(d)); or*

10 *(D) any other provision of law.*

11 *(6) SUDAN.—The term “Sudan” means the Gov-*
12 *ernment of the Republic of the Sudan.*

13 **SEC. 1704. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF**
14 **SUDAN.**

15 *(a) IMMUNITY.—*

16 *(1) IN GENERAL.—Subject to section 1706, and*
17 *notwithstanding any other provision of law, upon*
18 *submission of a certification described in paragraph*
19 *(2)—*

20 *(A) Sudan, an agency or instrumentality of*
21 *Sudan, and the property of Sudan or an agency*
22 *or instrumentality of Sudan, shall not be subject*
23 *to the exceptions to immunity from jurisdiction,*
24 *liens, attachment, and execution under section*
25 *1605(a)(7) (as such section was in effect on Jan-*

1 uary 27, 2008) or section 1605A or 1610 (insofar
2 as section 1610 relates to a judgment under such
3 section 1605(a)(7) or 1605A) of title 28, United
4 States Code;

5 (B) section 1605A(c) of title 28, United
6 States Code, section 1083(c) of the National De-
7 fense Authorization Act for Fiscal Year 2008
8 (Public Law 110–181; 28 U.S.C. 1605A note),
9 section 589 of the Foreign Operations, Export
10 Financing, and Related Programs Appropria-
11 tions Act, 1997 (Public Law 104–208; 28 U.S.C.
12 1605 note), and any other private right of action
13 relating to acts by a state sponsor of terrorism
14 arising under Federal, State, or foreign law shall
15 not apply with respect to claims against Sudan,
16 or any of its agencies, instrumentalities, offi-
17 cial, employees, or agents in any action in a
18 Federal or State court; and

19 (C) any attachment, decree, lien, execution,
20 garnishment, or other judicial process brought
21 against property of Sudan, or property of any
22 agency, instrumentality, official, employee, or
23 agent of Sudan, in connection with an action
24 that is precluded by subparagraph (A) or (B)
25 shall be void.

1 (2) *CERTIFICATION.*—*A certification described in*
2 *this paragraph is a certification by the Secretary to*
3 *the appropriate congressional committees stating*
4 *that—*

5 (A) *the August 12, 1993, designation of*
6 *Sudan as a state sponsor of terrorism has been*
7 *formally rescinded;*

8 (B) *Sudan has made final payments with*
9 *respect to the private settlement of the claims of*
10 *victims of the U.S.S. Cole attack; and*

11 (C) *the United States Government has re-*
12 *ceived funds pursuant to the claims agreement*
13 *that are sufficient to ensure—*

14 (i) *payment of the agreed private set-*
15 *tlement amount for the death of a citizen of*
16 *the United States who was an employee of*
17 *the United States Agency for International*
18 *Development in Sudan on January 1, 2008;*

19 (ii) *meaningful compensation for*
20 *claims of citizens of the United States (other*
21 *than individuals described in section*
22 *1707(a)(1)) for wrongful death or physical*
23 *injury in cases arising out of the August 7,*
24 *1998, bombings of the United States embas-*

1 *sies located in Nairobi, Kenya, and Dar es*
2 *Salaam, Tanzania; and*

3 *(iii) funds for compensation through a*
4 *fair process to address compensation for ter-*
5 *rorism-related claims of foreign nationals*
6 *for wrongful death or physical injury aris-*
7 *ing out of the events referred to in clause*
8 *(ii).*

9 *(b) SCOPE.—Subject to section 1706, subsection (a) of*
10 *this section shall apply to all conduct and any event occur-*
11 *ring before the date of the certification described in sub-*
12 *section (a)(2), regardless of whether, or the extent to which,*
13 *application of that subsection affects any action filed before,*
14 *on, or after that date.*

15 *(c) AUTHORITY OF THE SECRETARY.—The certifi-*
16 *cation by the Secretary referred to in subsection (a)(2) may*
17 *not be delegated and may not be subject to judicial review.*

18 **SEC. 1705. REAUTHORIZATION OF AND MODIFICATIONS TO**
19 **UNITED STATES VICTIMS OF STATE SPON-**
20 **SORED TERRORISM FUND.**

21 *(a) IN GENERAL.—The Justice for United States Vic-*
22 *tims of State Sponsored Terrorism Act (34 U.S.C. 20144)*
23 *is amended—*

24 *(1) in subsection (c)(2)(A)(i), by striking “state*
25 *sponsor of terrorism” and inserting “foreign state*

1 *that was designated as a state sponsor of terrorism at*
2 *the time the acts described in clause (ii) occurred or*
3 *was so designated as a result of such acts”;*

4 (2) *in subsection (e)(6), by striking “January 2,*
5 *2030” each place it appears and inserting “January*
6 *2, 2039”;* and

7 (3) *in subsection (j)(6), in the first sentence, by*
8 *inserting after “final judgment” the following: “, ex-*
9 *cept that the term does not include payments received*
10 *in connection with an international claims agreement*
11 *to which the United States is a state party or any*
12 *other settlement of terrorism-related claims against*
13 *Sudan”.*

14 (b) *LUMP SUM CATCH-UP PAYMENTS FOR 9/11 VIC-*
15 *TIMS, 9/11 SPOUSES, AND 9/11 DEPENDENTS.—Subsection*
16 *(d)(4) of the Justice for United States Victims of State*
17 *Sponsored Terrorism Act (34 U.S.C. 20144) is amended—*

18 (1) *in subparagraph (A), by striking “subpara-*
19 *graph (B)” and inserting “subparagraphs (B) and*
20 *(C)”;* and

21 (2) *by adding at the end the following:*

22 “(C) *LUMP SUM CATCH-UP PAYMENTS FOR*
23 *9/11 VICTIMS, 9/11 SPOUSES, AND 9/11 DEPEND-*
24 *ENTS.—*

1 “(i) *IN GENERAL.*—Not later than 90
2 days after the date of enactment of this sub-
3 paragraph, and in accordance with clauses
4 (i) and (ii) of subsection (d)(3)(A), the
5 Comptroller General of the United States
6 shall conduct an audit and publish in the
7 Federal Register a notice of proposed lump
8 sum catch-up payments to 9/11 victims, 9/
9 11 spouses, and 9/11 dependents who have
10 submitted applications in accordance with
11 subparagraph (B) in amounts that, after re-
12 ceiving the lump sum catch-up payments,
13 would result in the percentage of the claims
14 of 9/11 victims, 9/11 spouses, and 9/11 de-
15 pendents received from the Fund being
16 equal to the percentage of the claims of 9/
17 11 family members received from the Fund,
18 as of the date of enactment of this subpara-
19 graph.

20 “(ii) *PUBLIC COMMENT.*—The Comp-
21 troller General shall provide an opportunity
22 for public comment for a 30-day period be-
23 ginning on the date on which the notice is
24 published under clause (i).

1 “(iii) *REPORT.*—Not later than 30
2 *days after the expiration comment period in*
3 *clause (ii), the Comptroller General of the*
4 *United States shall submit to the Committee*
5 *on the Judiciary and the Committee on Ap-*
6 *propriations of the Senate, the Committee*
7 *on the Judiciary and the Committee on Ap-*
8 *propriations of the House of Representa-*
9 *tives, and the Special Master a report that*
10 *includes the determination of the Comp-*
11 *troller General on—*

12 “(I) *the amount of the lump sum*
13 *catch-up payment for each 9/11 victim;*

14 “(II) *the amount of the lump sum*
15 *catch-up payment for each 9/11 spouse;*

16 “(III) *the amount of the lump*
17 *sum catch-up payment for each 9/11*
18 *dependent; and*

19 “(IV) *the total amount of lump*
20 *sum catch-up payments described in*
21 *subclauses (I) through (III).”.*

22 **SEC. 1706. PRESERVATION OF CERTAIN PENDING INTER-**
23 **NATIONAL TERRORISM CLAIMS AGAINST**
24 **SUDAN.**

25 (a) *FINDINGS.*—Congress makes the following findings:

1 (1) *It is the long-standing policy of the United*
2 *States that civil lawsuits against those who support,*
3 *aid and abet, and provide material support for inter-*
4 *national terrorism serve the national security inter-*
5 *ests of the United States by deterring the sponsorship*
6 *of terrorism and by advancing interests of justice,*
7 *transparency, and accountability.*

8 (2) *Neither the claims agreement, nor any other*
9 *aspect of the effort to normalize relations with*
10 *Sudan—*

11 (A) *resolved claims against Sudan involv-*
12 *ing victims and family members of the Sep-*
13 *tember 11, 2001, terrorist attacks; or*

14 (B) *otherwise advanced the interests of the*
15 *victims and family members of the September*
16 *11, 2001, terrorist attacks.*

17 (3) *The claims referenced in paragraph (2)(A)*
18 *remain pending in the multidistrict proceeding 03–*
19 *MDL–1570 in the United States District Court for*
20 *the Southern District of New York, and subsection (c)*
21 *preserves and protects those claims.*

22 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
23 *that the executive branch should not file a Statement of In-*
24 *terest or any other submission, or intervene in any other*
25 *way, in the multidistrict proceeding 03–MDL–1570, in con-*

1 *nection to the rescission of the designation of Sudan as a*
2 *state sponsor of terrorism or the restoration of Sudan’s im-*
3 *munities from jurisdiction and execution in conformity*
4 *with this Act, if such action would disadvantage terrorism*
5 *victims.*

6 (c) *IN GENERAL.*—*Nothing in this Act shall apply to,*
7 *be construed to apply to, or otherwise affect—*

8 (1) *any claim in any of the proceedings com-*
9 *prising the multidistrict proceeding 03-MDL-1570 in*
10 *the United States District Court for the Southern*
11 *District of New York brought by any person who, as*
12 *of the date of the enactment of this Act, has a claim*
13 *pending against Sudan (including as a member of a*
14 *class certified under Rule 23 of the Federal Rules of*
15 *Civil Procedure or as a putative member of such a*
16 *class pending certification); or*

17 (2) *the enforcement of any judgment in favor of*
18 *such person entered in such proceeding.*

19 (d) *APPLICABLE LAW.*—*Proceedings described in sub-*
20 *section (c) shall be governed by applicable law in effect be-*
21 *fore the date of the enactment of this Act, including—*

22 (1) *chapter 97 of title 28, United States Code*
23 *(commonly known as the “Foreign Sovereign Immu-*
24 *nities Act of 1976”), including 28 U.S.C. 1605A note;*

1 (2) *section 201 of the Terrorism Risk Insurance*
2 *Act of 2002 (Public Law 107–297; 28 U.S.C. 1610*
3 *note), with respect to any asset that, on or after the*
4 *date of enactment of this Act, is designated as a*
5 *blocked asset (as defined in subsection (d)(2) of that*
6 *section);*

7 (3) *rules governing the rights of parties to amend*
8 *pleadings; and*

9 (4) *other relevant provisions of law.*

10 (e) *RULE OF CONSTRUCTION.—Nothing in this section*
11 *shall alter, impact the interpretation of, or otherwise af-*
12 *fect—*

13 (1) *any section of chapter 97 of title 28, United*
14 *States Code; or*

15 (2) *any other provision of law.*

16 **SEC. 1707. COMPENSATION FOR CERTAIN NATURALIZED**
17 **UNITED STATES CITIZENS AND FOREIGN NA-**
18 **TIONALS.**

19 (a) *COMPENSATION.—*

20 (1) *IN GENERAL.—There is authorized to be ap-*
21 *propriated \$150,000,000 for payment of compensa-*
22 *tion, notwithstanding any other provision of law, to*
23 *any individual who—*

1 (A) has been awarded a judgment in any of
2 the cases set forth in section (c) of the Annex to
3 the claims agreement; and

4 (B) is—

5 (i) a United States employee or con-
6 tractor injured in connection with the
7 bombings of the United States embassies lo-
8 cated in Nairobi, Kenya, and Dar es Sa-
9 laam, Tanzania, who became a United
10 States citizen after August 7, 1998, and be-
11 fore the date of the enactment of this Act;

12 (ii) a family member—

13 (I) of a United States employee or
14 contractor injured in connection with
15 the bombings of the United States em-
16 bassies located in Nairobi, Kenya, and
17 Dar es Salaam, Tanzania; and

18 (II) who is a United States cit-
19 izen as of the date of the enactment of
20 this Act; or

21 (iii) a family member—

22 (I) of a foreign national United
23 States employee or contractor killed
24 during those bombings; and

1 (II) who is a United States cit-
2 izen as of the date of the enactment of
3 this Act.

4 (2) *PAYMENTS.*—With the requirement of achiev-
5 ing parity in compensation between individuals who
6 became United States citizens after August 7, 1998,
7 and individuals who were United States citizens on
8 or before August 7, 1998, payment of compensation
9 under paragraph (1) to—

10 (A) an individual described in paragraph
11 (1)(B)(i) shall be based on the same standards
12 used to determine the compensation for an em-
13 ployee or contractor injured in connection with
14 the bombings described in that paragraph who
15 was a United States citizen on or before August
16 7, 1998;

17 (B) an individual described in paragraph
18 (1)(B)(ii) shall be on an equal basis to com-
19 pensation provided to a family member of an in-
20 dividual described in subparagraph (A); and

21 (C) an individual described in paragraph
22 (1)(B)(iii) shall be on an equal, or, where appli-
23 cable, a pro rata basis to compensation provided
24 to a family member of a United States employee

1 *or contractor who was a United States citizen*
2 *killed during such bombings.*

3 ***(b) DISTRIBUTION AND REQUIREMENTS.—***

4 ***(1) DISTRIBUTION.—****The Secretary shall dis-*
5 *tribute payments from funds made available to carry*
6 *out subsection (a)(1) to individuals described in that*
7 *subsection.*

8 ***(2) AUTHORIZATION LETTER.—****Not later than*
9 *December 31, 2021, the Secretary shall send a letter*
10 *to each individual who will receive payment under*
11 *paragraph (1) informing the individual of the*
12 *amount of compensation the individual will receive*
13 *pending the execution of any writings under para-*
14 *graph (3), and the standards used to determine com-*
15 *ensation under subsection (a)(2), taking into ac-*
16 *count the individual’s final judgment amount.*

17 ***(3) REQUIREMENT BEFORE DISTRIBUTION.—****Be-*
18 *fore making a payment to an individual under para-*
19 *graph (1), and after the delivery of the authorization*
20 *letter under paragraph (2), the Secretary shall re-*
21 *quire the individual to execute a writing that includes*
22 *a waiver and release of all the individual’s rights to*
23 *assert claims for compensatory or other relief in any*
24 *form or to enforce any judgment against Sudan in*
25 *connection with, and any claims against the United*

1 *States related to, any claim, suit, or action specified*
2 *in Article II of the claims agreement.*

3 *(c) FOREIGN NATIONALS.—Notwithstanding any other*
4 *provision of law or the claims agreement—*

5 *(1) individuals described in subsection (a)(1) are*
6 *not eligible to receive any compensation as provided*
7 *by Sudan pursuant to Article III of the claims agree-*
8 *ment; and*

9 *(2) the funds provided by Sudan for distribution*
10 *of compensation to such individuals pursuant to the*
11 *Annex of the claims agreement shall be redistrib-*
12 *uted—*

13 *(A) among all other individuals eligible for*
14 *compensation under section (c) of the Annex to*
15 *the claims agreement consistent with the prin-*
16 *ciples set out in that Annex; or*

17 *(B) if Sudan and the foreign nationals eli-*
18 *gible for compensation reach a private settle-*
19 *ment, then pursuant to the terms of that settle-*
20 *ment.*

21 *(d) DEPARTMENT OF STATE REPORTING REQUIRE-*
22 *MENTS.—*

23 *(1) INITIAL REPORT.—Not later than 90 days*
24 *after the date of the enactment of this Act, the Sec-*
25 *retary shall submit to the appropriate congressional*

1 *committees a report that includes a detailed descrip-*
2 *tion of the plan of the Department of State for the*
3 *distribution of payments to each category of indi-*
4 *vidual described in subsection (a)(1), including how*
5 *the Department is arriving at compensation levels for*
6 *each individual and the amount of compensation each*
7 *such individual will receive from funds made avail-*
8 *able to carry out that subsection.*

9 (2) *UPDATED REPORT.*—*Not later than Decem-*
10 *ber 31, 2021, the Secretary shall submit to the appro-*
11 *priate congressional committees a report describing—*

12 (A) *whether the distribution plan described*
13 *in paragraph (1) was carried out; and*

14 (B) *whether compensation levels were pro-*
15 *vided as described in the report required by*
16 *paragraph (1).*

17 (e) *COMPTROLLER GENERAL REPORT.*—*Not later than*
18 *December 31, 2022, the Comptroller General of the United*
19 *States shall submit to the appropriate congressional com-*
20 *mittees a report assessing the implementation of this section*
21 *by the Department of State, including whether—*

22 (1) *all distributions were made in accordance*
23 *with the requirements of subsections (a), (b), and (c);*
24 *and*

1 (2) *all individuals described in subsection (a)(1)*
2 *received compensation from amounts made available*
3 *to carry out that subsection in the manner described*
4 *in subsection (a)(2).*

5 **SEC. 1708. TREATY AND EXECUTIVE AGREEMENT PRACTICE.**

6 (a) *FINDINGS.—Congress makes the following findings:*

7 (1) *Congress and the executive branch share re-*
8 *sponsibility for the foreign relations of the United*
9 *States pursuant to Article I and Article II of the Con-*
10 *stitution of the United States.*

11 (2) *All legislative powers of the Federal Govern-*
12 *ment, including on matters of foreign relations, are*
13 *vested in the Congress of the United States pursuant*
14 *to section 1 of Article I of the Constitution.*

15 (3) *The executive branch may not direct Con-*
16 *gress to take any action, nor may it convey any legis-*
17 *lative or other power assigned to Congress under the*
18 *Constitution to any entity, domestic or foreign.*

19 (4) *The original escrow release conditions agree-*
20 *ment prescribed specific legislative text and purported*
21 *both to require enactment of such text and provide a*
22 *veto to Sudan over exceptions to that text.*

23 (5) *Congress rejected the approach described in*
24 *paragraph (4).*

1 (6) *The executive branch and Sudan subse-*
2 *quently amended the escrow release conditions agree-*
3 *ment to eliminate the specific legislative text as well*
4 *as the purported requirement for enactment and the*
5 *purported veto over exceptions to that text.*

6 (b) *AMENDMENT TO CASE-ZABLOCKI ACT.—Section*
7 *112b of title 1, United States Code, is amended by adding*
8 *at the end the following:*

9 “(g) *It is the sense of Congress that the executive*
10 *branch should not prescribe or otherwise commit to or in-*
11 *clude specific legislative text in a treaty or executive agree-*
12 *ment unless Congress has authorized such action.”.*

13 ***TITLE XVIII—THEODORE ROO-***
14 ***SEVELT PRESIDENTIAL LI-***
15 ***BRARY CONVEYANCE ACT OF***
16 ***2020***

17 ***SEC. 1801. SHORT TITLE.***

18 *This title may be cited as the “Theodore Roosevelt*
19 *Presidential Library Conveyance Act of 2020”.*

20 ***SEC. 1802. DEFINITIONS.***

21 *In this Act:*

22 (1) *MAP.—The term “map” means the map enti-*
23 *tled “Project Number P08122-2016-009”, depicting a*
24 *93 acre site in sections 21 and 28, T. 140 N., R. 102*

1 *W., Billings County, North Dakota, and dated Decem-*
2 *ber 8, 2020.*

3 (2) *PRESIDENTIAL LIBRARY.*—*The term “Presi-*
4 *dential Library” means the Theodore Roosevelt Presi-*
5 *dential Library Foundation, a North Dakota non-*
6 *profit corporation.*

7 (3) *SECRETARY.*—*The term “Secretary” means*
8 *the Secretary of Agriculture, acting through the Chief*
9 *of the Forest Service.*

10 **SEC. 1803. CONVEYANCE OF CERTAIN NATIONAL FOREST**
11 **SYSTEM LAND TO THE PRESIDENTIAL LI-**
12 **BRARY.**

13 (a) *CONVEYANCE.*—*Subject to this section, if the Presi-*
14 *dential Library submits to the Secretary not later than 1*
15 *year after the date of enactment of this Act a written request*
16 *for the conveyance of the approximately 93 acres of Na-*
17 *tional Forest System land, as generally depicted on the*
18 *map, the Secretary shall, on the earliest date practicable,*
19 *convey to the Presidential Library by quitclaim deed all*
20 *right, title, and interest of the United States in and to that*
21 *land.*

22 (b) *CONSIDERATION.*—*As consideration for the convey-*
23 *ance of land under subsection (a), the Presidential Library*
24 *shall pay to the Secretary an amount equal to the market*

1 *value of the land, as determined by the appraisal conducted*
2 *under subsection (d).*

3 (c) *TERMS AND CONDITIONS.*—*The conveyance under*
4 *subsection (a) shall be subject to—*

5 (1) *valid existing rights;*

6 (2) *the reservation of easements, as depicted on*
7 *the map, for public use on—*

8 (A) *the Maah Dah Hey National Trail; and*

9 (B) *Forest Service Road #7471 and the un-*
10 *numbered Forest Service road; and*

11 (3) *any other terms and conditions that the Sec-*
12 *retary considers appropriate to protect the interests of*
13 *the United States.*

14 (d) *APPRAISAL.*—*The Secretary shall conduct an ap-*
15 *praisal of the land to be conveyed under subsection (a) in*
16 *accordance with—*

17 (1) *the Uniform Appraisal Standards for Fed-*
18 *eral Land Acquisitions;*

19 (2) *the Uniform Standards of Professional Ap-*
20 *praisal Practice; and*

21 (3) *any other applicable law (including regula-*
22 *tions).*

23 (e) *COSTS OF CONVEYANCE.*—*As a condition for the*
24 *conveyance under subsection (a), and in addition to the*
25 *consideration paid under subsection (b), the Presidential*

1 *Library shall pay all costs associated with the conveyance,*
2 *including—*

3 (1) *the survey to Federal standards described in*
4 *subsection (f); and*

5 (2) *the appraisal conducted under subsection (d).*

6 (f) *SURVEY.—The exact acreage and legal description*
7 *of the land to be conveyed under subsection (a) shall be de-*
8 *termined by a survey satisfactory to the Secretary.*

9 (g) *DEPOSIT AND USE OF PROCEEDS.—All funds re-*
10 *ceived under subsection (b) shall be—*

11 (1) *deposited in the fund established by Public*
12 *Law 90–171 (commonly known as the Sisk Act) (16*
13 *U.S.C. 484a); and*

14 (2) *available to the Secretary, until expended, for*
15 *the acquisition of land or interests in land for inclu-*
16 *sion in the National Forest System in the State of*
17 *North Dakota.*

18 **TITLE XIX—UNITED STATES-**
19 **MEXICO ECONOMIC PARTNER-**
20 **SHIP ACT**

21 **SEC. 1901. SHORT TITLE.**

22 *This title may be cited as the “United States-Mexico*
23 *Economic Partnership Act”.*

24 **SEC. 1902. FINDINGS.**

25 *Congress finds the following:*

1 (1) *The United States and Mexico have bene-*
2 *fitted from a bilateral, mutually beneficial partner-*
3 *ship focused on advancing the economic interests of*
4 *both countries.*

5 (2) *In 2013, Mexico adopted major energy re-*
6 *forms that opened its energy sector to private invest-*
7 *ment, increasing energy cooperation between Mexico*
8 *and the United States and opening new opportunities*
9 *for United States energy engagement.*

10 (3) *On January 18, 2018, the Principal Deputy*
11 *Assistant Secretary for Educational and Cultural Af-*
12 *airs at the Department of State stated, “Our ex-*
13 *change programs build enduring relationships and*
14 *networks to advance U.S. national interests and for-*
15 *ign policy goals . . . The role of our exchanges . . .*
16 *in advancing U.S. national security and economic in-*
17 *terests enjoys broad bipartisan support from Congress*
18 *and other stakeholders, and provides a strong return*
19 *on investment.”.*

20 (4) *According to the Institute of International*
21 *Education, in the 2015–2016 academic year, more*
22 *than 56,000 United States students studied in other*
23 *countries in the Western Hemisphere region while*
24 *more than 84,000 non-United States students from*
25 *the region studied in the United States, but only*

1 5,000 of those United States students studied in Mex-
2 ico and only 16,000 of those non-United States stu-
3 dents were from Mexico.

4 **SEC. 1903. STATEMENT OF POLICY.**

5 *It is the policy of the United States—*

6 (1) *to continue deepening economic cooperation*
7 *between the United States and Mexico;*

8 (2) *to seek to prioritize and expand educational*
9 *and professional exchange programs with Mexico, in-*
10 *cluding through frameworks such as the 100,000*
11 *Strong in the Americas Initiative, the Young Leaders*
12 *of the Americas Initiative, Jóvenes en Acción (Youth*
13 *in Action), the Fulbright Foreign Student Program,*
14 *and the Fulbright Visiting Scholar Program; and*

15 (3) *to promote positive cross-border relations as*
16 *a priority for advancing United States foreign policy*
17 *and programs.*

18 **SEC. 1904. STRATEGY TO PRIORITIZE AND EXPAND EDU-**
19 **CATIONAL AND PROFESSIONAL EXCHANGE**
20 **PROGRAMS WITH MEXICO.**

21 (a) *IN GENERAL.—The Secretary of State shall develop*
22 *a strategy to carry out the policy described in section 1903,*
23 *to include prioritizing and expanding educational and pro-*
24 *fessional exchange programs with Mexico through frame-*
25 *works such as those referred to in section 1903(2).*

1 (b) *ELEMENTS.*—*The strategy required under sub-*
2 *section (a) shall—*

3 (1) *encourage more academic exchanges between*
4 *the United States and Mexico at the secondary, post-*
5 *secondary, and post-graduate levels;*

6 (2) *encourage United States and Mexican aca-*
7 *demie institutions and businesses to collaborate to as-*
8 *sist prospective and developing entrepreneurs in*
9 *strengthening their business skills and promoting co-*
10 *operation and joint business initiatives across the*
11 *United States and Mexico;*

12 (3) *promote energy infrastructure coordination*
13 *and cooperation through support of vocational-level*
14 *education, internships, and exchanges between the*
15 *United States and Mexico; and*

16 (4) *assess the feasibility of fostering partnerships*
17 *between universities in the United States and medical*
18 *school and nursing programs in Mexico to ensure that*
19 *medical school and nursing programs in Mexico have*
20 *comparable accreditation standards as medical school*
21 *and nursing programs in the United States by the*
22 *Accreditation and Standards in Foreign Medical*
23 *Education, in addition to the Accreditation Commis-*
24 *sion For Education in Nursing, so that medical stu-*
25 *dents can pass medical licensing board exams, and*

1 *nursing students can pass nursing licensing exams, in*
2 *the United States.*

3 (c) *BRIEFING.*—*Not later than 180 days after the date*
4 *of the enactment of this Act, the Secretary of State shall*
5 *brief the appropriate congressional committees regarding*
6 *the strategy required under subsection (a).*

7 **SEC. 1905. DEFINITIONS.**

8 *In this Act, the term “appropriate congressional com-*
9 *mittees” means—*

10 (1) *the Committee on Foreign Relations of the*
11 *Senate; and*

12 (2) *the Committee on Foreign Affairs of the*
13 *House of Representatives.*

14 **SEC. 1906. SUNSET PROVISION.**

15 *This Act shall remain in effect until December 31,*
16 *2023.*

17 **TITLE XX—PORT SURVEILLANCE**

18 **SEC. 2001. PORT SURVEILLANCE.**

19 (a) *CPSC SURVEILLANCE PERSONNEL DURING THE*
20 *COVID-19 PANDEMIC.*—*For the duration of a public health*
21 *emergency declared pursuant to section 319 of the Public*
22 *Health Service Act (42 U.S.C. 247d) as a result of con-*
23 *firmed cases of 2019 novel coronavirus (COVID–19), in-*
24 *cluding any renewal thereof, the Commission shall ensure,*
25 *to the maximum extent feasible, that investigators are sta-*

1 *tioned at ports of entry to protect the public against unrea-*
2 *sonable risk of injury from consumer products, with the goal*
3 *of covering no fewer than 90 percent of all consumer prod-*
4 *ucts entering the United States that are risk-scored in the*
5 *Risk Assessment Methodology system. The Commission shall*
6 *consult with United States Customs and Border Protection,*
7 *and other relevant agencies, including health and safety*
8 *agencies, on methods to safely staff ports during the pan-*
9 *demic.*

10 *(b) ADDITIONAL CPSC SURVEILLANCE PERSONNEL AT*
11 *KEY PORTS OF ENTRY.—The Commission shall hire, train,*
12 *and assign not fewer than 16 additional full-time equiva-*
13 *lent personnel to be stationed at or supporting efforts at*
14 *ports of entry, including ports of entry for de minimis ship-*
15 *ments, for the purpose of identifying, assessing, and ad-*
16 *ressing shipments of violative consumer products. Such*
17 *hiring shall continue during each fiscal year until the total*
18 *number of full-time equivalent personnel equals and sus-*
19 *tains the staffing requirements identified in the report to*
20 *Congress required under subsection (c)(2)(F).*

21 *(c) REPORT TO CONGRESS.—*

22 *(1) IN GENERAL.—Not later than 180 days after*
23 *the date of enactment of this section, the Commission*
24 *shall transmit to Congress, and make publicly avail-*
25 *able, a study and report assessing the risk to con-*

1 *sumers associated with the reduction in Commission*
2 *port inspection activity during the COVID-19 pan-*
3 *demic and the targeting and screening of de minimis*
4 *shipments.*

5 (2) *REPORT REQUIREMENTS.—In the study and*
6 *report, the Commission shall—*

7 (A) *identify—*

8 (i) *the risks associated with the reduc-*
9 *tion in Commission port inspection activity*
10 *during the COVID-19 pandemic;*

11 (ii) *the extent to which the reduction*
12 *in port inspection activity is linked to in-*
13 *adequate Commission resources or due to*
14 *shortages of trained Commission staff due to*
15 *the COVID-19 pandemic; and*

16 (iii) *the steps the Commission has*
17 *taken and plans to take to mitigate those*
18 *risks, such as recalls, inspections of product*
19 *inventory, consumer warnings, and other*
20 *appropriate measures;*

21 (B) *examine a sampling of de minimis*
22 *shipments at a sufficient and representative*
23 *sample of all types of ports of entry where de*
24 *minimis shipments are processed, including ex-*
25 *press consignment carrier facilities, inter-*

1 *national mail facilities, and air cargo facilities*
2 *to assess the extent to which such shipments in-*
3 *clude violative consumer products;*

4 *(C) examine a sampling of shipments com-*
5 *ing from countries identified as high-risk for ex-*
6 *porting violative consumer products to identify*
7 *trends associated with the shipment of products*
8 *containing both intellectual property rights in-*
9 *fringements and consumer product safety viola-*
10 *tions;*

11 *(D) detail plans and timelines to effectively*
12 *address targeting and screening of de minimis*
13 *shipments to prevent the entry of violative con-*
14 *sumer products entering into the commerce of the*
15 *United States taking into consideration projected*
16 *growth in e-commerce;*

17 *(E) establish metrics by which to evaluate*
18 *the effectiveness of the Commission efforts to re-*
19 *duce the number of de minimis shipments con-*
20 *taining violative consumer products from enter-*
21 *ing into the commerce of the United States; and*

22 *(F) assess projected technology and re-*
23 *sources, including staffing requirements nec-*
24 *essary to implement such plans based on avail-*
25 *able and needed Commission resources.*

1 (d) *DEFINITIONS.—In this section—*

2 (1) *the term “Commission” means the Consumer*
3 *Product Safety Commission;*

4 (2) *the term “de minimis shipments” means ar-*
5 *ticles containing consumer products entering the*
6 *United States under the de minimis value exemption*
7 *in 19 U.S.C. 1321(a)(2)(C);*

8 (3) *the term “ports of entry for de minimis ship-*
9 *ments” means environments where de minimis ship-*
10 *ments are processed, including express consignment*
11 *carrier facilities, international mail facilities, and*
12 *air cargo facilities; and*

13 (4) *the term “violative consumer products”*
14 *means consumer products in violation of an applica-*
15 *ble consumer product safety rule under the Consumer*
16 *Product Safety Act or any similar rule, regulation,*
17 *standard, or ban under any other Act enforced by the*
18 *Commission.*

19 (e) *SAVINGS CLAUSE.—Nothing in this section shall be*
20 *construed to limit, affect, or conflict with any other author-*
21 *ity of the Commission or any other statutory requirements*
22 *governing the Commission.*

1 **TITLE XXI—COVID-19 REGU-**
2 **LATORY RELIEF AND WORK**
3 **FROM HOME SAFETY ACT**

4 **SEC. 2101. COVID-19 REGULATORY RELIEF AND WORK FROM**
5 **HOME SAFETY ACT.**

6 (a) *SHORT TITLE.*—*This title may be cited as the*
7 *“COVID-19 Regulatory Relief and Work From Home Safe-*
8 *ty Act”.*

9 (b) *DEFINITIONS.*—*In this Act—*

10 (1) *the term “bedding product” means—*

11 (A) *an item that is used for sleeping or*
12 *sleep-related purposes; or*

13 (B) *any component or accessory with re-*
14 *spect to an item described in subparagraph (A),*
15 *without regard to whether the component or ac-*
16 *cessory, as applicable, is used—*

17 (i) *alone; or*

18 (ii) *along with, or contained within,*
19 *that item;*

20 (2) *the term “California standard” means the*
21 *standard set forth by the Bureau of Electronic and*
22 *Appliance Repair, Home Furnishings and Thermal*
23 *Insulation of the Department of Consumer Affairs of*
24 *the State of California in Technical Bulletin 117–*
25 *2013, entitled “Requirements, Test Procedure and Ap-*

1 *paratus for Testing the Smolder Resistance of Mate-*
2 *rials Used in Upholstered Furniture”, originally pub-*
3 *lished June 2013, as in effect on the date of enactment*
4 *of this Act;*

5 (3) *the terms “foundation” and “mattress” have*
6 *the meanings given those terms in section 1633.2 of*
7 *title 16, Code of Federal Regulations, as in effect on*
8 *the date of enactment of this Act; and*

9 (4) *the term “upholstered furniture”—*

10 (A) *means an article of seating furniture*
11 *that—*

12 (i) *is intended for indoor use;*

13 (ii) *is movable or stationary;*

14 (iii) *is constructed with an upholstered*
15 *seat, back, or arm;*

16 (iv) *is—*

17 (I) *made or sold with a cushion*
18 *or pillow, without regard to whether*
19 *that cushion or pillow, as applicable,*
20 *is attached or detached with respect to*
21 *the article of furniture; or*

22 (II) *stuffed or filled, or able to be*
23 *stuffed or filled, in whole or in part,*
24 *with any material, including a sub-*
25 *stance or material that is hidden or*

1 *concealed by fabric or another cov-*
2 *ering, including a cushion or pillow*
3 *belonging to, or forming a part of, the*
4 *article of furniture; and*

5 *(v) together with the structural units of*
6 *the article of furniture, any filling material,*
7 *and the container and covering with respect*
8 *to those structural units and that filling*
9 *material, can be used as a support for the*
10 *body of an individual, or the limbs and feet*
11 *of an individual, when the individual sits*
12 *in an upright or reclining position;*

13 *(B) includes an article of furniture that is*
14 *intended for use by a child; and*

15 *(C) does not include—*

16 *(i) a mattress;*

17 *(ii) a foundation;*

18 *(iii) any bedding product; or*

19 *(iv) furniture that is used exclusively*
20 *for the purpose of physical fitness and exer-*
21 *cise.*

22 *(c) ADOPTION OF STANDARD.—*

23 *(1) IN GENERAL.—Beginning on the date that is*
24 *180 days after the date of enactment of this Act, and*
25 *except as provided in paragraph (2), the California*

1 *standard shall be considered to be a flammability*
2 *standard promulgated by the Consumer Product Safe-*
3 *ty Commission under section 4 of the Flammable*
4 *Fabrics Act (15 U.S.C. 1193).*

5 (2) *TESTING AND CERTIFICATION.*—*A fabric, re-*
6 *lated material, or product to which the California*
7 *standard applies as a result of paragraph (1) shall*
8 *not be subject to section 14(a) of the Consumer Prod-*
9 *uct Safety Act (15 U.S.C. 2063(a)) with respect to*
10 *that standard.*

11 (3) *CERTIFICATION LABEL.*—*Each manufacturer*
12 *of a product that is subject to the California standard*
13 *as a result of paragraph (1) shall include the state-*
14 *ment “Complies with U.S. CPSC requirements for*
15 *upholstered furniture flammability” on a permanent*
16 *label located on the product, which shall be considered*
17 *to be a certification that the product complies with*
18 *that standard.*

19 (d) *PREEMPTION.*—

20 (1) *IN GENERAL.*—*Notwithstanding section 16 of*
21 *the Flammable Fabrics Act (15 U.S.C. 1203) and sec-*
22 *tion 231 of the Consumer Product Safety Improve-*
23 *ment Act of 2008 (15 U.S.C. 2051 note), and except*
24 *as provided in subparagraphs (B) and (C) of para-*
25 *graph (2), no State or any political subdivision of a*

1 *State may establish or continue in effect any provi-*
2 *sion of a flammability law, regulation, code, stand-*
3 *ard, or requirement that is designed to protect*
4 *against the risk of occurrence of fire, or to slow or*
5 *prevent the spread of fire, with respect to upholstered*
6 *furniture.*

7 (2) *PRESERVATION OF CERTAIN STATE LAW.—*

8 *Nothing in this Act or the Flammable Fabrics Act (15*
9 *U.S.C. 1191 et seq.) may be construed to preempt or*
10 *otherwise affect—*

11 (A) *any State or local law, regulation, code,*
12 *standard, or requirement that—*

13 (i) *concerns health risks associated*
14 *with upholstered furniture; and*

15 (ii) *is not designed to protect against*
16 *the risk of occurrence of fire, or to slow or*
17 *prevent the spread of fire, with respect to*
18 *upholstered furniture;*

19 (B) *sections 1374 through 1374.3 of title 4,*
20 *California Code of Regulations (except for sub-*
21 *sections (b) and (c) of section 1374 of that title),*
22 *as in effect on the date of enactment of this Act;*
23 *or*

1

(C) the California standard.

Attest:

Clerk.

116TH CONGRESS
2^D SESSION

H.R. 133

**HOUSE AMENDMENT TO
SENATE AMENDMENT**